DELHI HIGH COURT



Annual Digest

2024

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AKSHAY TANNA VS JOHN DOE & ORS. [CS(COMM)-92/2024]

Judges: Justice Amit Bansal

A permanent injunction was granted in favor of the plaintiff, a prominent figure in the investment and private equity sector, against defendants who impersonated him and misused his name, photograph, and reputation on social media and messaging platforms. The defendants' actions violated the plaintiff's personality rights and goodwill, aimed to defraud and mislead the public. Social media platforms Telegram and Meta were directed to remove or block the impersonating accounts. The second defendant's failure to respond resulted in the closure of his right to contest the suit.

AKTIEBOLAGET VOLVO & ORS. VS LAMINA SUSPENSION PRODUCTS LIMITED [CS(COMM)-152/2022]

Judges: Justice Amit Bansal

A summary judgment favored the plaintiffs (Volvo companies) in a trademark infringement case against Lamina Suspension Products Limited. The defendant is prohibited from using the 'VOLVO' or 'FMX' trademarks on its leaf spring products and must instead use alternative descriptive terms. For promotional materials, the defendant is required to include the phrases "adapted to be used in VOLVO FMX 400" and "We have no trade connection with Volvo." Additionally, the defendant must pay INR 500,000 for damages and costs.

ALKEM LABORATORIES LTD VS SCOTT EDIL PHARMACIA LTD & ANR. [CS(COMM)-345/2023]

Judges: Justice Amit Bansal

Alkem Laboratories Ltd. established a case of trademark and copyright infringement, and passing off against Scott Edil Pharmacia Ltd. and another due to their use of the nearly identical trademark "ZUMO" and similar trade dress. A permanent injunction was issued to restrain the defendants from using the impugned mark or any similar mark. Damages and costs of INR 5,00,000 were awarded to the plaintiff, as the defendants did not file a written statement or appear in response to the summons. Their failure to engage in the proceedings led to the imposition of costs and aggravated damages.

BOEHRINGER INGELHEIM VETMEDICA GMBH VS THE CONTROLLER OF PATENTS [C.A.(COMM.IPD-PAT)-225/2022]

Judges: Justice Amit Bansal

The Controller's order rejecting the patent application for "Containers for Compositions Comprising Meloxicam" due to lack of novelty and inventive step was set aside. The Controller did not sufficiently address the appellant's submissions that distinguished the prior art from the claimed invention. It was emphasized that there needs to be an analysis of existing knowledge and the perspective of a skilled person regarding the inventiveness of the claimed invention over prior art. The matter requires fresh consideration by the Patent Office, incorporating the appellant's submissions.

BOSTON IVY HEALTHCARE SOLUTIONS PRIVATE LIMITED VS M/S ACCORD MEDICAL PRODUCTS PRIVATE LIMITED [CS(COMM)-24/2019]

Judges: Justice Amit Bansal

The defendant's use of the 'MEDICALBAZZAR' mark infringed the plaintiff's registered 'MEDIKABAZAAR' trademarks due to phonetic, visual, and conceptual similarities. The defendant also copied the plaintiff's website design and color scheme, demonstrating malafide intent to mislead consumers and exploit the plaintiff's goodwill. A permanent injunction was granted in favor of the plaintiff.

CANDICO (I) LIMITED VS T.R. KOHLI, TRADING AS T.R. KOHLI AND SONS AND ANR. [C.A.(COMM.IPD-TM)-107/2022]

Judges: Justice Amit Bansal

The order of the Deputy Registrar of Trade Marks refusing registration of the trademark "JUMBO GUMBO" for confectionery products was set aside. The pending trademark application for "JUMBO" by the respondent was deemed abandoned, indicating a lack of interest. The appellant had used the "JUMBO GUMBO" mark extensively since 1996 with substantial sales, establishing rights over the mark. The Trade Marks Registry is directed to proceed with the registration of the "JUMBO GUMBO" trademark for the appellant.

CASTROL LIMITED VS VIVEK SEN, TRADING AS TRIDEV AUTO PARTS & ANR. [CS(COMM)-32/2024]

Judges: Justice Amit Bansal

UP Oil Traders infringed the plaintiff's registered trademarks 'CASTROL' and similar marks, as well as the plaintiff's copyrights over product packaging. The use of the marks 'CRISTOL' and 'CRISTOL ACTIV', along with a similar color scheme and layout, led to trademark and copyright infringement. A permanent injunction was granted in favor of the plaintiff, with damages and costs awarded totaling Rs. 7,00,000 against UP Oil Traders.

CITY GLASS AND GLAZING PVT LTD VS OZONE OVERSEAS PVT LTD [CS(COMM)-247/2024]

Judges: Justice Amit Bansal

The plaintiff's application to file additional documents, including original invoices and bank statements, was granted to address the defendant's objections regarding discrepancies in previously submitted invoices. These documents are relevant for the case and do not prejudice the defendant. The acceptance of the documents does not confirm their genuineness, allowing the defendant to object to their validity. Additionally, the delay in filing the replication was condoned, and the matter is scheduled for further hearing on the additional documents.

COMVIVA TECHNOLOGIES LIMITED VS ASSISTANT CONTROLLER OF PATENTS & DESIGN [C.A.(COMM.IPD-PAT)-492/2022]

Judges: Justice Amit Bansal

The order of the Assistant Controller of Patents and Designs was set aside, establishing that Comviva Technologies Limited's patent application is not classified as a 'business method' or 'computer programme per se' under Section 3(k) of the Patents Act, 1970. The invention pertains to a secure, token-based authentication system for electronic payment transactions that solves a technical problem, emphasizing a multi-component design that enhances security. The terms 'payment', 'transactions', and 'financial transaction' in the application do not qualify the invention as a 'business method'. The Patent Office is directed to proceed with the patent grant, subject to any other objections per the Patents Act.

CROSSFIT, LLC VS MOHAN LAL SIRVI [CS(COMM)-835/2022]

Judges: Justice Amit Bansal

The defendant had no real prospect of successfully defending the plaintiff's claims for damages and costs. The defendant applied for registration of the infringing mark "CROSS FIT" on a "proposed to be used" basis but had already started using it, indicating mala fide intention to capitalize on the plaintiff's well-known "CrossFit" trademark. Given the defendant's contradictory and infringing conduct, a cumulative sum of Rs. 5,00,000/- was awarded towards damages and costs.

DABUR INDIA LIMITED VS MS USHA PROPRIETOR OF RS INDUSTRIES & ANR. [C.O. (COMM.IPD-TM)-85/2024]

Judges: Justice Amit Bansal

The trademark 'GABUR' is confusingly similar to the well-known trademark 'DABUR,' which has been in use since 1884. The similarity is likely to cause market confusion and exploits the goodwill and reputation of the petitioner. The registration of the 'GABUR' trademark is ordered to be removed.

DIRECTORATE GENERAL OF GST INTELLIGENCE VS CHIRAG GOEL [CRL.M.C.-2792/2023]

Judges: Justice Amit Bansal

The provisions of Section 438 CrPC (anticipatory bail) are applicable due to the arrest of a co-accused, creating a genuine apprehension of arrest. Evidence indicated that Chirag Goel and Chaman Goel were involved in a serious economic offense concerning GST evasion of approximately Rs. 200 crores, with both being beneficiaries of fraudulent Input Tax Credit. Chaman Goel also violated bail conditions by attempting to flee the country. The nature and gravity of the offenses led to the conclusion that granting anticipatory bail was unjustified, resulting in the cancellation of the previously granted bail.

DIRECTORATE GENERAL OF GST INTELLIGENCE VS JITENDER KUMAR [CRL.M.C.-4528/2023]

Judges: Justice Amit Bansal

The anticipatory bail granted to Jitender Kumar was upheld, as the judgment in the Choodamani Parmeshwaran Iyer case does not apply retrospectively. Jitender Kumar was not the main accused and had cooperated in the investigation by reversing Input Tax Credit of over ₹18 crores. The conditions of the bail require strict compliance, with the possibility of cancellation if he fails to respond to summons.

DIRECTORATE GENERAL OF GST INTELLIGENCE VS MANISH GOYAL [CRL.M.C.-881/2023]

Judges: Justice Amit Bansal

Regular bail was granted to Manish Goyal, with recognition that he acted under the direction of a co-accused and was not directly responsible for the firm's daily operations. The order cancelling his bail was set aside, but he was warned that failure to comply with DGGI's summons in the future could result in bail cancellation. No comments were made regarding the case's merits, focusing solely on the bail issue.

DRAKA COMTEQ B.V VS THE CONTROLLER OF PATENTS ,DESIGNS AND TRADEMARKS [C.A.(COMM.IPD-PAT)-108/2022]

Judges: Justice Amit Bansal

The patent application for a "Multimode Fiber" invention was wrongly rejected by the patent office due to a lack of novelty and inventive step. The prior art document D3 did not disclose all features of the application, specifically the "depressed cladding" and the continuous variation in dopant concentration. The rejection order was set aside, and the matter was sent back for fresh consideration, as a more comprehensive analysis of the inventive step was needed.

DSC LIMITED VS UNION OF INDIA [O.M.P.(MISC.)(COMM.)-414/2024]

Judges: Justice Amit Bansal

A final three-month extension was granted to the sole arbitrator for rendering the arbitral award in the case between DSC Limited and the Union of India. The arbitration proceedings had been ongoing since 2018, with multiple extensions previously. The arbitrator sought an additional five-month extension due to health issues, but only a three-month extension was permitted, with a deadline set for July 22, 2024, after which no further extensions would be granted.

EVERGREEN SWEET HOUSE VS JV EVERGREEN SWEETS AND TREATS & ORS. [CS(COMM)-430/2024]
Judges: Justice Amit Bansal
The plaintiff established a prima facie case of passing off against the defendant regarding the "Evergreen" trademark, which the plaintiff has used since 1963. The defendant's similar mark, "JV Evergreen Sweets & Treats," is likely to confuse customers. The claim that "Evergreen" is a generic term was rejected, as the defendant had registered the same mark. An interim injunction was granted, preventing the defendant from using the "Evergreen" mark and requiring the removal of such listings from online food delivery platforms.

FEDERATED HERMES LTD VS JOHN DOE & ORS. [CS(COMM)-454/2024]
Judges: Justice Amit Bansal
Federated Hermes Ltd. established rights over the trademark "FEDERATED HERMES" and its logo through extensive use and reputation. Defendant John Doe misappropriated these trademarks by creating fraudulent WhatsApp groups, a website, and a mobile app that misled users. A permanent injunction was issued against John Doe, preventing unauthorized use of the plaintiff's name and marks. Decrees were also made against the Ministry of Electronics and Information Technology and the Department of Telecommunications as per the plaintiff's requests, while the case against other defendants was not pursued since they complied with prior directions. John Doe did not contest the case.

FENA PRIVATE LTD VS BALWINDER KUMAR & ANR. [C.O. (COMM.IPD-TM)-300/2023]
Judges: Justice Amit Bansal
Fena Private Ltd. successfully petitioned for the removal of the trademark 'NIPPU' (registration no. 3728776) from the Register of Trade Marks. The petitioner is the prior registered proprietor and user of the trademark 'NIP' since 1976. The similar use of 'NIPPU' is likely to cause confusion in the market, violating Section 11 of the Trade Marks Act, 1999. The respondent did not contest the petition, leading to the cancellation of the impugned registration under Section 57 of the Act.

G4S LIMITED & ANR. VS GRACE SECURITY AND SERVICES & ORS. [CS(COMM)-845/2023]
Judges: Justice Amit Bansal
G4S Limited and its Indian subsidiary experienced trademark infringement and passing off by the defendants, who used the 'GSS/జిజి' mark, which imitated the registered 'G4S' marks. This created confusion among consumers. The defendants did not contest the case and lacked a viable defense. A permanent injunction was issued against the use of the infringing marks, and the defendants were ordered to pay INR 500,000 in damages and costs.

GANESH GRAINS LTD. VS DHARMENDRA KUMAR GUPTA [C.O. (COMM.IPD-TM)-591/2022]
Judges: Justice Amit Bansal
Ganesh Grains Ltd. is recognized as the prior adopter and first user of the "GANESH" trademark since 1936 for various food products. The registration of the similar trademark "GANESH HARA MATAR" by Dharmendra Kumar Gupta is likely to cause market confusion and violates Section 11(1)(b) of the Trade Marks Act, 1999. The lack of evidence for the use of the impugned mark resulted in the order for its removal from the register based on non-use under Section 47(1)(b) of the Act.

GAUTAM BHATIA VS VINAYAK ENTERPRISES [CS(COMM)-255/2023]

Judges: Justice Amit Bansal

The plaintiff's application to amend the claims of its patent was allowed under Section 58 of the Patents Act, 1970. The proposed amendments narrowed the scope of both the process and product claims and aligned with the original specification, without introducing new material. A counterclaim from the defendant sought the revocation of the patent under Section 64. The amendments were deemed permissible under Sections 58 and 59 of the Patents Act. The case involves a patent infringement suit alongside the counterclaim for revocation, with no indication of disagreement among judges.

GEMINI EDIBLES AND FATS INDIA LIMITED VS DREAM FREEDOM HERBAL PVT. LTD. & ANR. [C.O. (COMM.IPD-TM)-47/2024]

Judges: Justice Amit Bansal

The registration of the 'DREAM FREEDOM' trademark (no. 3213226) in Class 29 was ordered to be removed from the Trade Marks Register. The 'DREAM FREEDOM' mark was found to be deceptively similar to the well-known 'FREEDOM' trademark, likely causing consumer confusion. It was established that the 'DREAM FREEDOM' mark was adopted dishonestly to exploit the goodwill of the 'FREEDOM' brand, violating Section 11 of the Trade Marks Act, 1999. The respondent company did not respond to the notice served.

GLAXO GROUP LIMITED VS GURMUKH KAPOOR, TRADING AS LEVOTIC PHARMA [CS(COMM)-783/2022]

Judges: Justice Amit Bansal

The defendant's use of the marks "BETNOTIC-N" and "BETATIC-N" with packaging similar to the plaintiff's "BETNOVATE" trademark constituted trademark infringement and passing off. The marks and packaging were found to be deceptively similar, likely causing consumer confusion. A permanent injunction was issued to the plaintiff, requiring the defendant to destroy all infringing products and packaging, along with an award of costs to the plaintiff.

GULSHAN VS STATE AND ORS [W.P.(CRL)-2574/2022]

Judges: Justice Amit Bansal

The police must register an FIR based on a complaint alleging that Monish and his accomplices murdered the petitioner's son due to a financial dispute, rather than he dying in a road accident. Existing FIRs in Madhya Pradesh and Uttar Pradesh do not address the murder allegation, making the precedent regarding multiple FIRs inapplicable. The Delhi Police is to investigate the murder allegation in accordance with the law.

ICONIC IP INTERESTS LLC & ANR. VS SARJU CONFECTIONERY LLP [CS(COMM)-656/2023]

Judges: Justice Amit Bansal

The defendant infringed the plaintiffs' registered 'JOLLY RANCHER' trademark and copyright regarding the packaging and was liable for passing off. A permanent injunction against the defendant's infringing activities was granted, along with damages and costs. The defendant did not file a written statement or appear in court, leading to a summary decree.

JAY SWITCHES INDIA PVT LTD VS SANDHAR TECHNOLOGIES LTD & ORS. [CS(COMM)-301/2023]

Judges: Justice Amit Bansal

The "length of the main circular plate (241)" in Claim 1 of the plaintiff's patent refers solely to the thickness of that plate, excluding the "engagement projections (242)." The prosecution history, including the plaintiff's admissions during pre-grant opposition, supports this interpretation. The defendants' product appears not to infringe the plaintiff's patent, leading to the dismissal of the application for an interim injunction. The claims exhibit ambiguity, necessitating further evidence and expert testimony for precise interpretation during the trial.

KHADI & VILLAGE INDUSTRIES COMMISSION VS MS. APARNA MALLICK AND ANR. [CS(COMM)-515/2024]
Judges: Justice Amit Bansal
Khadi & Village Industries Commission demonstrated trademark infringement and passing off against defendant no. 1, who used the unauthorized mark 'KHADISAREE' and related online accounts. The absence of a written statement from the defendant resulted in the acceptance of the plaintiff's claims. A permanent injunction was issued in favor of the plaintiff, the impugned domain was ordered to be transferred, and damages and costs were awarded against the defendant for willful infringement of the well-known 'KHADI' trademark.

KULDEEP VS STATE OF NCT OF DELHI [W.P.(CRL)-1981/2023]
Judges: Justice Amit Bansal
The Punishment Ticket awarded to Kuldeep was quashed due to non-compliance with the proper procedures outlined in the Delhi Prisons Act, 2000 and Delhi Prisons Rules, 2018. The stoppage of 'Mulakat' was deemed a major punishment, and there was no evidence that a prior show-cause notice was issued to the petitioner, which is required by the prescribed procedure.

LARGAN PRECISION CO LTD VS MOTOROLA MOBILITY INDIA PVT LTD & ORS. [CS(COMM)-795/2022]
Judges: Justice Amit Bansal
The plaintiff's application for interrogatories was deemed justified due to the relevance and necessity of the requested information for the patent infringement suit. The Commercial Courts Act, 2015, and the Patent Rules support the disclosure and discovery of documents to clarify and narrow down disputes. The defendants were directed to respond to the interrogatories in a sealed cover, and a confidentiality club was established to manage access to confidential information, following the Delhi High Court (Original Side) Rules, 2018.

LAVA INTERNATIONAL LIMITED VS TELEFONKTIEBOLAGET LM ERICSSON [CS(COMM)-65/2016]
Judges: Justice Amit Bansal
The Plaintiff, a telecommunications equipment provider, was awarded damages for patent infringement by the Defendant, a mobile phone company, due to the incorporation of technology essential to GSM, GPRS, and EDGE standards in the Defendant's mobile phones. The Defendant's challenges regarding the validity of the patents and the sufficiency of disclosures were rejected. The Plaintiff's offer of a global portfolio license on FRAND terms was deemed reasonable and non-discriminatory. The Defendant's actions, which included delaying negotiations and not engaging in good faith, resulted in their classification as an "unwilling licensee." Damages were calculated based on a royalty rate from the Plaintiff's portfolio of SEPs, applying the upper end of the range presented to the Defendant in November 2015. The Defendant was also ordered to pay the Plaintiff's taxed costs of litigation.

LOUIS VUITTON MALLETIER VS ABDULKHALIQ ABDULKADER CHAMADIA, & ORS. [CS(COMM)-700/2023]
Judges: Justice Amit Bansal
Louis Vuitton Malletier established a case of trademark infringement and passing off against Abdulkhaliq Abdulkader Chamadia, Abdurrub Abdulkader Chamadia, and Selloship Services LLP for selling counterfeit products bearing its registered 'LV' trademarks. A permanent injunction, decree of delivery up, and mandatory injunction were granted against the defendants, who are also required to pay the plaintiff's litigation costs.

M/S ABBOTT GMBH VS REGISTRAR OF TRADEMARKS & ANR. [C.A.(COMM.IPD-TM)-9/2023]

Judges: Justice Amit Bansal

The appeal by M/s Abbott GmbH against the registration of the trademark "MEBUFEN" by M/s Meridian Medicare Limited was dismissed. The marks "BRUFEN" and "MEBUFEN" were determined not to be structurally or phonetically similar, and no likelihood of confusion in the market was found. The assessment of deceptive similarity focused on the overall appearance of the marks, leading to the conclusion that there were no grounds for interference with the Registrar's order.

M/S AXALTA COATING SYSTEMS INDIA PVT. LTD. VS M/S RAJALAKSHMI CARS PVT. LTD. [ARB.P.-894/2023]

Judges: Justice Amit Bansal

Axalta Coating Systems India Pvt. Ltd. filed a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of a sole arbitrator. The notice period of 30 days in the supply agreement for resolving disputes amicably was not acted upon by Rajalakshmi Cars Pvt. Ltd. Mr. Gaurav Goyal, Advocate, was appointed as the sole arbitrator to resolve the disputes between the parties at the Delhi International Arbitration Centre.

M/S ILU A SOLE PROPRIETORSHIP CONCERN OF MRS VIDUSHI CHAWLA VS ASIAN HOBBY CRAFTS LLP AND ANR [C.O. (COMM.IPD-TM)-699/2022]

Judges: Justice Amit Bansal

The registration of the trademark "DREAMCATCHER" was deemed contrary to Section 9(1) of the Trade Marks Act, 1999, as it is a generic and descriptive term for a decorative product, preventing exclusive rights over such terms. Consequently, the trademark registration was ordered to be removed from the Register of Trade Marks.

M/S KLD CREATION INFRASTRUCTURE PVT.LTD. VS NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED [ARB.P.-321/2024]

Judges: Justice Amit Bansal

A valid arbitration agreement exists between the parties under the EPC contract, leading to the appointment of a sole arbitrator for dispute adjudication. The process emphasizes that the verification of the arbitration agreement is the only role in this context, while all other issues are reserved for the arbitral tribunal. The parties agreed to appoint Mr. Amiet Andlay, Advocate, as the sole arbitrator under the Delhi International Arbitration Centre.

MANISH CHADHA VS STATE GOVT OF NCT AND ORS [W.P.(CRL)-1796/2022]

Judges: Justice Amit Bansal

The police investigation was upheld with no grounds for transfer to the CBI. Key issues included gang rape allegations, the mother's death investigation, and theft and trespass claims. The trial court had thoroughly addressed these matters and issued appropriate directives based on detailed evidence review. The petitioner did not challenge the trial court's order. Transferring an investigation to the CBI requires exceptional circumstances, which were not present in this case.

MARRIOTT WORLDWIDE CORPORATION VS HOTEL MARRIOT PRIME & ANR. [CS(COMM)-408/2023]

Judges: Justice Amit Bansal

Marriott Worldwide Corporation established trademark infringement and passing off against Hotel Marriott Prime and Hospitality Minds Private Limited. The defendants lack a viable defense. A permanent injunction was issued against the use of "HOTEL MARRIOT PRIME" or similar marks. The "MARRIOTT" trademark was declared well-known, and damages of INR 5,00,000 along with costs were awarded to the plaintiff. Orders were issued against both the hotel and the marketing agency involved.

MILLENNIUM & COPTHORNE INTERNATIONAL LIMITED VS CS BOUTIQUE HOTEL PRIVATE LIMITED & ORS. [CS(COMM)-692/2023]

Judges: Justice Amit Bansal

Millennium & Copthorne International Limited is the registered proprietor of the "MILLENNIUM" trademark in India. Defendants no. 3 and 4 adopted and used the deceptively similar marks "MILENIUM BOUTIQUE HOTEL" and related logo, constituting trademark infringement and passing off. Defendants no. 3 and 4 have a history of infringing and acted against a prior court order. Due to their failure to appear and present a defense, a summary judgment was granted, resulting in a permanent injunction, costs, and aggravated damages against them.

NEPAL SINGH VS INDRAPRASTHA POWER GENERATION CO LTD [ARB.P.-237/2024]

Judges: Justice Amit Bansal

Nepal Singh's petitions under Section 11(6) of the Arbitration and Conciliation Act, 1996, led to the appointment of Mr. Mahesh Chander Gupta as the sole arbitrator for disputes with Indraprastha Power Generation Co Ltd. The arbitration clause in the agreements specified that the Managing Director or a representative of the respondent would serve as the arbitrator; however, the respondent did not agree to this. An independent arbitrator was appointed, and both parties were instructed to approach the arbitrator within two weeks.

NEXXBASE MARKETING PVT. LTD. VS PARMINDER SINGH (ALIAS P. SINGH) [CS(COMM)-901/2023]

Judges: Justice Amit Bansal

Nexxbase Marketing Pvt. Ltd. established a clear case of trademark infringement and passing off against Parminder Singh, who used marks identical or similar to Nexxbase's registered "NOISE" trademarks without authorization. Permanent injunctions were granted preventing Singh from infringing on the trademarks, passing off Nexxbase's goods, and filing similar trademark applications. Nexxbase was awarded damages and costs of INR 5,00,000 due to Singh's failure to respond or appear in the proceedings.

PFIZER INC. & ORS. VS EVEREST PHARMACEUTICALS LIMITED & ORS. [CS(COMM)-118/2020]

Judges: Justice Amit Bansal

The defendants, including Everest Pharmaceuticals, infringed the plaintiffs' Indian patents related to the drug Tofacitinib by manufacturing, selling, and exporting a generic version called "Tofaxen" during the patents' term. Their actions disregarded the plaintiffs' exclusive rights and threatened public health, despite prior injunctions. Although the patents have expired, a decree was granted for the plaintiffs to recover litigation costs.

PHILIP MORRIS BRANDS SARL VS M/S RAHUL PAN SHOP & ORS. [CS(COMM)-462/2023]

Judges: Justice Amit Bansal

Philip Morris Brands SARL established a case of trademark and copyright infringement against the defendants, who duplicated the registered 'MARLBORO' trademarks, 'ROOFTOP' device mark, and artistic works on counterfeit cigarette packaging, misleading consumers. The defendants did not contest the suit, leading to a decree of permanent injunction in favor of the plaintiff.

PRADEEP KUMAR VS STATE [CRL.A.-32/2022]

Judges: Justice Amit Bansal

The appellant's conviction under Section 6 of the POCSO Act was upheld based on the reliable testimony of the child victim, despite the absence of external injuries or a hostile eyewitness. The key factor for the offense of rape was identified as penetration rather than injury. The appellant's sentence was reduced from 20 years to 12 years due to good conduct in jail and the potential for reform and reintegration into society.

PRAKASH PIPES LIMITED VS JAI AMBAY INDUSTRIES AND ANR. [C.O. (COMM.IPD-TM)-680/2022]

Judges: Justice Amit Bansal

The registration of the trademark "KIRANPARKASH" by Jai Ambay Industries was obtained fraudulently and is subject to cancellation under the Trade Marks Act, 1999. Claims regarding the use and turnover of the mark were found to be false, and its usage is likely to cause confusion with the petitioner's previously registered "PRAKASH" trademark. Consequently, the "KIRANPARKASH" trademark registration is to be removed from the Register of Trade Marks.

PROMOSHIRT SM. PVT. LTD. VS THE REGISTRAR OF TRADE MARKS [W.P.(C)-IPD-29/2024]

Judges: Justice Amit Bansal

The Registrar of Trademarks is responsible for the delay in issuing the registration certificate for trademark application no. 1150198, which was granted in 2012 but issued only in 2016 after the validity period expired. The petitioner cannot be penalized for the Registrar's procedural failure. The Registrar is directed to issue the renewal certificate for the trademark from 2012 to 2022, and the petitioner is allowed to file a fresh renewal application for an additional 10-year period from 2022.

PROMOSHIRT SM. S.A. VS THE REGISTRAR OF TRADE MARKS [W.P.(C)-IPD-28/2024]

Judges: Justice Amit Bansal

The Registrar of Trade Marks did not comply with mandatory procedural requirements under the Trade Marks Act, 1999, resulting in a two-year delay in registering the petitioner's trademark application no. 1355453. This delay included failure to issue an O-3 notice as required under Section 25(3). The respondents are directed to issue the trademark renewal certificate and update their database accordingly.

PROMOSHIRT SM. S.A. VS THE REGISTRAR OF TRADE MARKS [W.P.(C)-IPD-31/2024]

Judges: Justice Amit Bansal

The Registrar of Trade Marks failed to issue an O-3 notice to Promoshirt SM. S.A. regarding the renewal of trademark application no. 1105799, violating the mandatory requirement under the Trade Marks Act, 1999. The trademark owner was not penalized for this lapse. The Registrar is directed to issue the certificate of renewal for the trademark from 2012 to 2022, allow the petitioner to file a fresh renewal application for an additional 10-year period, and make necessary corrections in the database concerning the renewal status and date of the trademark.

PROMOSHIRT SM. S.A. VS THE REGISTRAR OF TRADE MARKS [W.P.(C)-IPD-30/2024]

Judges: Justice Amit Bansal

Promoshirt SM. S.A. is entitled to the renewal of trademark application no. 1355451 due to the Trademark Registry's delay in issuing the registration certificate and the omission of the mandatory O-3 notice. Previous judgments indicate that trademark owners should not be penalized for Registry procedural lapses. The Trademark Registry is directed to issue the renewal certificate and correct its database accordingly.

PUMA SE VS SURENDER SINGH AND ANR. [C.O. (COMM.IPD-TM)-55/2024]

Judges: Justice Amit Bansal

PUMA SE's petition resulted in the cancellation of the trademark "P11MA," registered under Class 25, due to its deceptive similarity to the well-known "PUMA" trademark. PUMA SE, as the prior user and registered proprietor, demonstrated that the respondent's trademark usage could cause public confusion, violating Sections 9 and 11 of the Trade Marks Act, 1999. The impugned trademark was ordered to be removed from the Register of Trade Marks.

RADICO KHAITAN LTD VS M/S RAINA BEVERAGES & ORS [CS(COMM)-508/2016]

Judges: Justice Amit Bansal

Radico Khaitan Ltd. established a case of trademark infringement and passing off against the defendants, who copied the trade dress and packaging of the "Magic Moments Remix" trademark. The defendants intentionally imitated distinctive elements such as color schemes, logos, and artistic work to exploit the plaintiff's reputation and mislead consumers. Due to the defendants' history of infringement and non-appearance in the case, a permanent injunction was issued against them, requiring the delivery of infringing products, and awarding damages and costs of R.S. 10,00,000 to the plaintiff.

SAGA MUSIC PRIVATE LIMITED VS KARMA ENTERTAINMENT THROUGH ITS PROPRIETOR MR. UMESH KUMAR YADAV [CS(COMM)-174/2022]

Judges: Justice Amit Bansal

The defendant, Karma Entertainment, breached the Content Assignment Agreements with the plaintiff, Saga Music, by failing to deliver the content despite receiving significant advance payments. As a result, the plaintiff became the owner of the copyright for the sound recordings "Black Suit" and "Suit Lahore Da," leading to a finding of copyright infringement by the defendant. A permanent injunction was granted in favor of the plaintiff, the defendant was ordered to refund advance payments totaling Rs. 25,76,000 with 12% interest, and the plaintiff was awarded costs amounting to Rs. 3,00,000.

SAPNA PAUL VS ROHIN PAUL [CRL.REV.P.-224/2021]

Judges: Justice Amit Bansal

The revision petition filed by the wife challenging the Appellate Court's order to remand the matter back to the Trial Court is maintainable under the Code of Criminal Procedure. The order of remand is set aside, and the matter is remanded to the Appellate Court to decide the husband's appeal on its merits. The husband is directed to pay interim maintenance of Rs. 50,000 per month to the wife from the date of filing the complaint under the Domestic Violence Act until the date of the impugned Appellate Court order.

SOCIETE DES PRODUITS NESTLE S A VS THE REGISTRAR OF TRADE MARKS [C.A.(COMM.IPD-TM)-26/2024]

Judges: Justice Amit Bansal

Societe Des Produits Nestle S.A. had its appeal accepted regarding a trademark application for an artistic device mark, clarifying that it is not a word mark incorporating "EGG." Evidence of use since 2019 supported the application, and the mark was deemed non-descriptive of the goods. An amended application is to be submitted without the word "EGG," allowing for a fresh consideration of the trademark.

SPORTA TECHNOLOGIES PVT. LTD., AND ANR. VS HONG YI \U5F35 AND OTHERS [CS(COMM)-663/2023]

Judges: Justice Amit Bansal

Sporta Technologies Pvt. Ltd. and Dream Sports Inc. established a case of trademark and copyright infringement against Hong Yi F35, who replicated the "DREAM11" website and used the plaintiffs' registered trademarks, logos, and tagline without authorization. A permanent injunction was granted to prevent the defendant from using the plaintiffs' marks and copyrighted content, and the infringing domain name was ordered to be transferred to the plaintiffs. The defendant did not contest the suit, and the plaintiffs were awarded their actual litigation costs.

SPORTA TECHNOLOGIES PVT. LTD., AND ANR. VS JOHN DOE AND OTHERS [CS(COMM)-852/2023]

Judges: Justice Amit Bansal

Plaintiffs Sporta Technologies Pvt. Ltd. and Dream Sports Inc. established trademark infringement and passing off against the defendants for using marks like 'Dreams11', 'Dreams11exch', and 'Dreams11 Exchange'. A permanent injunction was granted against the defendants' use of these marks, and the plaintiffs were awarded their litigation costs, to be determined by the Joint Registrar. The defendants did not contest the suit, indicating a lack of defense.

SPV LABORATORIES PRIVATE LIMITED VS THE CONTROLLER GENERAL OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-42/2024]

Judges: Justice Amit Bansal

SPV Laboratories Private Limited successfully appealed the refusal to restore Patent No. 403793 for an "Improved Herbal Anti-Pollution Skin Care composition, and a method of preparation thereof." The delay in renewal fee payment was attributed to a family emergency of the patent attorney, and the appellant had consistently pursued the patent application, including necessary statements on its working. The restoration application was submitted within the required timeframe, demonstrating no intent to abandon the patent. The order was set aside, and the patent was to be restored with acceptance of renewal fees and any applicable penalty.

SPV LABORATORIES PRIVATE LIMITED VS THE CONTROLLER GENERAL OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-41/2024]

Judges: Justice Amit Bansal

The appeal by SPV Laboratories Private Limited regarding the restoration of lapsed Patent No. 404239 was successful. The appellant demonstrated diligence in pursuing the patent and timely filed the required Form 27 statements. The delay in renewal fee payment was attributed to a family issue of the patent attorney, considered a minor procedural lapse. As the restoration application was submitted within the prescribed period, it was decided that the patent should be restored upon payment of the renewal fees and any penalties. The previous refusal to restore the patent was overturned.

STAR INDIA PRIVATE LIMITED & ANR. VS JIOLIVE.TV & ORS. [CS(COMM)-688/2023]

Judges: Justice Amit Bansal

Star India Private Limited holds exclusive global media rights, including television and digital rights, for the ICC World Cup 2023. A permanent injunction was issued against several rogue websites to prevent unauthorized dissemination and broadcasting of ICC World Cup 2023 content. Domain name registrars, internet service providers, the Department of Telecommunications, and the Ministry of Electronics and Information Technology were directed to block access to these websites. The plaintiff received compensation for actual litigation costs.

SYNGENTA CROP PROTECTION AG VS ASSISTANT CONTROLLER OF PATENTS [C.A.(COMM.IPD-PAT)-63/2024]

Judges: Justice Amit Bansal

The method for controlling rice plant infestation by the microorganism Gibberella fujikuroi does not qualify as a "method of agriculture" exclusion under Section 3(h) of the Patents Act. Previous judgments indicate that methods to treat plants for fungal diseases are not included in this exclusion. Amendments to the patent claims are allowed, and the case is sent back for fresh examination.

TATA SONS PRIVATE LIMITED VS ANILBHAI M AMRUTIYA & ANR. [CS(COMM)-598/2023]

Judges: Justice Amit Bansal

Tata Sons Private Limited established cases of trademark infringement and passing off against Anilbhai M. Amrutiya and Mayur Kapuriya, who used the well-known "TATA" trademark on their products without justification. This usage took unfair advantage of Tata Sons' reputation and goodwill. A permanent injunction was granted against the defendants along with damages of INR 5,00,000 for their intentional infringement.

THE ARYAN EDUCATIONAL SOCIETY VS AARYAN INTERNATIONAL SCHOOL [CS(COMM)-46/2024]

Judges: Justice Amit Bansal

The defendant Aaryan International School infringed the registered trademarks and copyrights of The Aryan Educational Society. The use of the similar mark "Aaryan International School" likely caused confusion and diluted the plaintiff's brand in the education sector. A permanent injunction was granted against the defendant, along with damages and costs of 500,000 INR in favor of the plaintiff.

THIJS, ROELAND MICHEL MATHIEU VS ASSISTANT CONTROLLER OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-70/2024]

Judges: Justice Amit Bansal

The appeal by Thijs Roeland Michel Mathieu regarding the rejection of the application for restoration of Patent No. 408932 was allowed due to the Assistant Controller sending renewal fee communications to an incorrect email address. The appellant did not receive the communication in time to pay the renewal fee, leading to the patent's cessation. It was established that the appellant had no intention to abandon the patent and should not be held responsible for the lapse. The order was set aside, and restoration of the patent was directed upon the appellant filing the renewal fee within two weeks.

UNILIN BEHEER B.V. VS BALAJI ACTION BUILDWELL [CS(COMM)-1683/2016]

Judges: Justice Amit Bansal

Unilin Beheer B.V. demonstrated a reasonable cause for the late submission of confidential third-party license agreements, as these could only be filed after establishing a confidentiality club. A confidentiality club was constituted, allowing restricted access to the confidential documents for a limited number of lawyers and experts from each party. The sealed documents submitted by the plaintiff were recorded.

AAKASH @ SANJU VS STATE GNCT OF DELHI [BAIL APPLN.-3894/2023]

Judges: Justice Amit Mahajan

Bail was granted to Akash Kumar and Aakash @ Sanju, charged with murder and other serious offenses. Key evidence, including the FSL report and CCTV footage, is pending, and eye-witnesses did not identify the accused. A long custody period and delayed trial contributed to the decision for bail, contingent upon conditions to prevent evidence tampering or absconding.

RISHAB NAYYAR VS STATE GNCT OF DELHI [BAIL APPLN.-3178/2023]

Judges: Justice Amit Mahajan

Aarushi Gupta and Rishab Nayyar were granted pre-arrest bail in a case under Section 306 of the Indian Penal Code for abetment of suicide. The deceased had named them in a suicide note, but evidence did not indicate that they had actively instigated or abetted the act. The deceased was described as sensitive and had threatened Aarushi with suicide when she refused communication. Custodial interrogation was deemed unnecessary, and bail was granted with conditions, emphasizing that the observations were limited to the bail application and should not impact the trial outcome.

ABHAY @ KAKU VS STATE [BAIL APPLN.-2350/2023]

Judges: Justice Amit Mahajan

Bail was granted to Abhay @ Kaku in a case involving serious charges under the Indian Penal Code and POCSO Act. The allegations lacked credibility, as the prosecutrix had previously indicated a relationship with co-accused Aman and had a child with him. The complaint was filed after a delay of 3.5 years, and there was insufficient corroborative evidence. Abhay was not a repeat offender, and conditions for bail were imposed.

ABHISHEK BERI VS STATE & ANR [CRL.M.C.-495/2019]

Judges: Justice Amit Mahajan

The petitioner, previously involved in quashed criminal proceedings, possesses a fundamental right to privacy and the right to be forgotten. Online publication of case details can harm an individual's social and career prospects, even after being cleared of wrongdoing. The court ordered the masking of the petitioner's name and that of the other respondent in all related records and search results. The petitioner was also allowed to approach relevant portals and search engines to request the removal of any remaining materials linked to the case, affirming their rights.

ABHISHEK DEEP VS STATE NCT OF DELHI [CRL.M.C.-4691/2024]

Judges: Justice Amit Mahajan

The disallowance of certain questions during the cross-examination of the investigating officer was upheld, as the questions were deemed irrelevant or vexatious and did not aid in the accused's defense. The exercise of discretion under the Indian Evidence Act was confirmed as appropriate, with no violation of the accused's right to a fair trial. A transfer petition was dismissed due to a lack of substantive evidence indicating bias or prejudice on the part of the trial judge.

ABUL KALAM @ SULTAN VS THE STATE GOVT OF NCT OF DELHI & ANR. [BAIL APPLN.-1011/2023]

Judges: Justice Amit Mahajan

Abul Kalam @ Sultan was granted bail in a narcotics case. The sole basis for his implication was a co-accused's disclosure statement, deemed inadmissible without corroboration. No contraband was found with him, and the evidence linking him to the co-accused was circumstantial. Considering his long period of incarceration and the co-accused's prior bail, the conditions of the NDPS Act allowing for bail applied, leading to his entitlement to bail on parity grounds.

AJAY CHOPRA VS STATE & ORS. [CRL.M.C.-5671/2019]

Judges: Justice Amit Mahajan

No prima facie case existed against Respondent Nos. 2-3 under Sections 420, 468, and 120B of the Indian Penal Code. Evidence suggested they benefited from a forged document, but there was no proof of conspiracy to forge the document or intent to cheat the complainant. Allegations did not raise significant suspicion of conspiracy, as Respondent Nos. 2-3 had no prior knowledge or contact with the complainant.

AKASH JAIN THROUGH PARAKOR VS STATE OF NCT OF DELHI & ANR. [CRL.REV.P.-120/2023]
Judges: Justice Amit Mahajan
The petitioner was convicted under Section 138 of the Negotiable Instruments Act for issuing a dishonored cheque. His admission of signing the cheque raised a presumption against him, which he failed to rebut. Claims of the cheque being stolen and the complainant's lack of financial capacity were unsupported by evidence. Despite receiving ample opportunities to defend himself, the petitioner could not establish a probable defense. The findings of the lower courts were upheld, and the revision petition was dismissed.

AKASH TANWAR VS GNCT OF DELHI THORUGH SHO PS. FATEHPUR BERI & ORS. & ORS. [W.P.(CRL)-1350/2024]
Judges: Justice Amit Mahajan
The applicant received transit bail for two weeks to approach the appropriate court in Nagaland regarding an FIR. The allegations under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were not seen as prima facie established, as the applicant's social media post did not target individuals based on caste or tribal identity. The petitioner's request to quash the FIR was dismissed, with Nagaland courts identified as the suitable forum for the case.

AMAN VS THE STATE OF DELHI AND ANR [BAIL APPLN.-1524/2024]
Judges: Justice Amit Mahajan
Bail was granted to Aman based on insufficient confidence in the allegations at this stage. The presence of two children from the relationship and disputes over the conception date were noted. The delayed filing of the FIR and a previous complaint regarding a live-in relationship also factored into the decision. While acknowledging the presumption of guilt under the POCSO Act, a prima facie case for bail was established, with the chargesheet filed and no pending investigations. Observations were made strictly for the bail application, with no implications for the trial.

ANANT RAO VS STATE OF NCT OF DELHI AND ANR [CRL.REV.P.-541/2024]
Judges: Justice Amit Mahajan
The conviction of the petitioner under Section 138 of the Negotiable Instruments Act, 1881, was upheld based on the presumption in favor of the complainant, as the petitioner admitted his signature on the cheque. The burden was on the petitioner to provide evidence rebutting these presumptions, which he did not do. The concurrent findings of the lower courts were deemed reasonable and legally sound.

ANEES UR RAHMAN VS M/S SMAL FARMERS AGRIBUISNESS CONSORTIUM [CRL.M.C.-5464/2019]
Judges: Justice Amit Mahajan
The petitioner, a former director of the company, was not in charge or responsible for the company's business when the offenses under Section 138 of the Negotiable Instruments Act occurred, as he had resigned before the issuance and dishonor of the cheque. Consequently, proceedings against him were quashed.

ANITA VS STATE (NCT OF DELHI) AND ANR. [CRL.REV.P.-128/2023]
Judges: Justice Amit Mahajan
The revision petition was dismissed, affirming the trial and appellate court's convictions under Section 138 of the Negotiable Instruments Act. The petitioner did not rebut the legal presumptions under Sections 118 and 139 and failed to provide evidence of the complainant's inability to extend the loan. There was no manifest illegality in the decisions of the lower courts.

ANKIT SAGAR VS STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-3047/2023]
Judges: Justice Amit Mahajan
Bail was granted to the applicant in a case involving the Narcotic Drugs and Psychotropic Substances Act despite the recovery of a commercial quantity of drugs. Procedural irregularities, including the absence of independent witnesses and photography during the search, were noted but deemed insufficient to invalidate the recovery. The prolonged trial delay, with the applicant in custody for over two years, warranted bail despite stringent conditions under Section 37 of the Act. The applicant was directed to be released on bail upon furnishing a personal bond and meeting other specified conditions, with the understanding that these observations were solely for the bail decision and not to influence the trial's outcome.

ARMAN ALI VS STATE (NCT) OF DELHI THROUGH SHO WITH P.S. BURARI [BAIL APPLN.-1130/2024]
Judges: Justice Amit Mahajan
Arman Ali was granted bail after being charged with murder and firearms offenses. Eye-witnesses did not identify him, and CCTV footage did not show him involved in the shooting. The alleged mastermind of the crime had already received bail, and Ali's extended incarceration was noted, with the trial not expected to conclude soon. The decision was based on the lack of strong evidence against him.

ASANTE PINKET OWUSU VS NARCOTICS CONTROL BUREAU [BAIL APPLN.-1939/2021]
Judges: Justice Amit Mahajan
The rigors of Section 37 of the NDPS Act do not apply as Ephedrine Hydrochloride is not classified as a narcotic drug or psychotropic substance. The procedure for collecting the sample was improper due to the combination of samples from different packets, violating standard protocol. The applicant, in custody for over 5 years, was granted bail, subject to conditions, as this duration exceeds half the maximum punishment under Section 25A of the NDPS Act.

ASHISH @ VIJAY @ BHOLA VS THE STATE NCT OF DELHI [BAIL APPLN.-4133/2023]
Judges: Justice Amit Mahajan
Bail was granted to Ashish @ Vijay @ Bhola, charged under Sections 302/34 IPC and Sections 25/27 of the Arms Act. The prosecution did not identify him as the principal perpetrator, and his mere presence at the scene failed to establish a common intention to commit murder. Eye-witnesses became hostile, raising doubts about the prosecution's case. The accused had been incarcerated since March 2021, and the investigation was complete. Bail was granted with conditions to prevent tampering with evidence or evasion of trial.

ASHOK KUMAR @ VINEY VS STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-937/2023]
Judges: Justice Amit Mahajan
Ashok Kumar @ Viney was granted regular bail in a murder case under Sections 302/34 IPC and Sections 25/27 of the Arms Act. Serious allegations were noted, but the lack of strong evidence, such as failure of eyewitnesses to identify him, combined with over seven years in custody, influenced the decision. Family circumstances, including responsibilities for his ailing parents and minor daughter, were also considered. Bail conditions were set to ensure his trial appearance and to prevent evidence tampering.

ASHOK KUMAR VS STATE & ANR. [CRL.M.C.-2760/2019]
Judges: Justice Amit Mahajan
Criminal complaints under the Negotiable Instruments Act were quashed because the parties had settled their disputes through mediation and the complainant accepted the agreed payment. Continuing the proceedings would constitute an abuse of the judicial process, as the complainant sought to reopen a settled matter. Costs were ordered to be paid by the complainant to the petitioner.

ASHOK SHARMA VS STATE OF NCT OF DELHI [BAIL APPLN.-2073/2024]

Judges: Justice Amit Mahajan

Bail was granted to Ashok Sharma, charged under Sections 420, 406, 409, and 120B of the Indian Penal Code for defrauding over 600 members of a cooperative housing society. His advanced age of 73 years, the delay in the trial, and his wife's poor health were considered significant factors. Conditions were imposed to ensure his cooperation in the investigation and trial.

ASHWANI KHATRI VS STATE GNCT OF DELHI [CRL.REV.P.-191/2024]

Judges: Justice Amit Mahajan

Charges were upheld against the petitioner under Sections 120B/147/302/307/323/149 of the Indian Penal Code due to evidence including CCTV footage and witness statements indicating participation in an unlawful assembly that assaulted the complainant and resulted in the death of an inmate. A prima facie case was established, necessitating only a possibility of the offence being committed for charge framing. Arguments that the case fell under Exception 4 to Section 300 IPC or that only Section 323 IPC applied were rejected.

ATUL PUNDHIR VS M/S THE DELHI GROUP & ANR. [CRL.L.P.-648/2019]

Judges: Justice Amit Mahajan

The acquittal of respondents in a case under Section 138 of the Negotiable Instruments Act was upheld. Respondent No. 2 successfully rebutted presumptions by presenting a credible defense that he did not issue the dishonored cheques. This shifted the burden of proof to the complainant, who failed to demonstrate the existence of a debt. The presumption of innocence was reinforced by the acquittal, and no evidence showed a need to challenge the trial court's evaluation.

AVADH NARAYAN KUSHWAHA VS STATE [BAIL APPLN.-1659/2023]

Judges: Justice Amit Mahajan

Avadh Narayan Kushwaha received bail in a dowry death case under Sections 498A, 304B, and 34 of the Indian Penal Code. The prosecution did not establish specific allegations of cruelty or harassment related to dowry demands prior to the death of his wife, Chandavati. Given his custody since May 2020, the responsibility of caring for a young child, and the anticipated length of the trial, bail was granted with conditions to ensure cooperation and presence during the trial.

AVNI JAIN VS ABHISHEK GARG [CRL.REV.P.-94/2023]

Judges: Justice Amit Mahajan

The interim maintenance amount of ₹75,000 per month awarded to the wife was upheld as reasonable, taking into account the husband's employment in Singapore and the cost of living there. The husband's earnings in a foreign currency do not necessitate conversion to Indian rupees for maintenance calculations. The focus of Section 125 CrPC is to prevent destitution rather than equalizing financial capacities.

BABU LAL VS THE STATE NCT OF DELHI [BAIL APPLN.-633/2024]

Judges: Justice Amit Mahajan

Babu Lal, charged under Sections 420/34 IPC and Section 6(c) of the PCPNDT Act for involvement in an illegal sex determination racket, was granted bail. Evidence indicated he was an employee at an Ayurvedic store without direct involvement in conducting the sex test, with the primary allegation being the sale of a brown powder to a co-accused. The investigation was complete, he had no prior criminal record, and no further custodial interrogation was deemed necessary.

BABUL HUSSEN VS GOVT. OF NCT OF DELHI & ANR. [BAIL APPLN.-303/2023]

Judges: Justice Amit Mahajan

Babul Hussen, charged under Sections 363/366/376/506 of the Indian Penal Code and Section 6 of the POCSO Act, received bail based on prima facie evidence and overall circumstances. Contradictions in the victim's statements, the accused's age of 19 at the time of the incident, and delayed reporting by the victim's father were noted. The trial remains early, with only 15 witnesses examined. Given the severity of the allegations, it was determined that prolonged custody of the young accused would be counterproductive. Bail was granted with conditions to prevent contact with the victim and tampering with evidence.

BANTU VS STATE GOVT OF NCT OF DELHI [BAIL APPLN.-2287/2022]

Judges: Justice Amit Mahajan

Bantu was granted bail despite charges under Section 20 of the Narcotics Drugs and Psychotropic Substances Act, 1985 for possession of a commercial quantity of contraband. The lack of independent witnesses, absence of videography or photography, and a four-year delay in trial were significant factors in favor of bail. The omission of "nearest" in the notice under Section 50 of the NDPS Act did not invalidate the notice. Bantu was ordered to be released on bail upon furnishing a personal bond and sureties.

BHOODEV SINGH VS STATE [BAIL APPLN.-251/2022]

Judges: Justice Amit Mahajan

Bhoodev Singh was granted bail on allegations of rape under Section 376 of the Indian Penal Code due to doubts regarding the credibility of the accusations, including conflicting narratives and a lack of testimony from a child witness. Consideration was given to the lengthy period of Singh's incarceration and the unlikelihood of a prompt trial. Conditions were imposed to mitigate potential risks while upholding his right to liberty before trial.

BHUPENDER @ ROHIT VS STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-1519/2024]

Judges: Justice Amit Mahajan

Bhupender @ Rohit was granted bail in a case involving charges under Sections 365/34 and 364/302/201/34 of the Indian Penal Code. The prosecution's reliance on contradictory testimonies from the deceased's parents was noted, along with the absence of the applicant's name in the initial FIR and his arrest being based on statements from a co-accused. Considering the prolonged incarceration, lack of independent witnesses, and the contradictions in witness statements, a prima facie case for bail was established, leading to his release on certain conditions.

BHUSHAN @ VEERA VS STATE (NCT OF DELHI) [BAIL APPLN.-3605/2023]

Judges: Justice Amit Mahajan

The applicant is not entitled to default bail under Section 167(2) of the CrPC. The chargesheet filed is considered valid despite the absence of the FSL report. A chargesheet is complete if it includes the details specified in Section 173(2) of the CrPC, and missing documents do not render it incomplete. Non-filing of the FSL report does not affect the completeness of the chargesheet.

BSES RAJDHANI POWER LTD VS STATE GOVT OF NCT OF DELHI & ANR. [CRL.REV.P.-945/2023]

Judges: Justice Amit Mahajan

A batch of criminal revision petitions by BSES Rajdhani Power Ltd. was allowed regarding the dismissal of complaints under Section 135 of the Electricity Act, 2003. The trial court's dismissal was based on discrepancies in address details, non-seizure of illegal wires, and mismatched evidence, which should be evaluated at the trial stage. Amendments to provide better particulars of the premises were deemed acceptable as they were formal and did not alter the original complaints. The impugned orders were set aside, and the matters were remanded to the trial court for further proceedings with the amended complaints.

CHANDER BOSE VS MADHU BANSAL & ANR [CRL.M.C.-678/2019]

Judges: Justice Amit Mahajan

Registration of a second FIR (FIR No. 43/2019) by the respondents was deemed valid as it presented a separate cause of action from the first FIR (FIR No. 442/2014). The respondents' complaint indicated an independent issue requiring further investigation into alleged forgery and cheating. The petition against this decision was dismissed.

CHRIS AUSTIN GODIN VS STATE OF NCT OF DELHI [BAIL APPLN.-3243/2024]

Judges: Justice Amit Mahajan

The pre-arrest bail application of Chris Austin Godin, charged under Sections 110 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 for an alleged assault at a club, was dismissed. The decision emphasized that pre-arrest bail is an extraordinary remedy that should be exercised sparingly. The examination of facts and evidence, including medical reports and CCTV footage, revealed that the complainant's head injuries, requiring 15-20 stitches, indicated significant potential gravity of the offense. While a co-accused had been granted bail, the main allegations were primarily against Godin. The nascent stage of the investigation played a crucial role in the dismissal of the application, with observations made strictly in the context of pre-arrest bail and not affecting the trial's outcome.

DEEPAK & ANR. VS STATE NCT OF DELHI & ANR. [CRL.REV.P.-692/2023]

Judges: Justice Amit Mahajan

The order allowing the complainant to recall and further cross-examine a defense witness, along with the introduction of additional documents, was upheld. It was noted that the prosecutor had not addressed questions concerning the property dispute central to the incident. The additional evidence was deemed directly relevant to the case, and both parties would have the chance to respond. Delayed filing of applications was not considered to invalidate them.

DEEPAK @ TUTAN @ BHARAT SHARMA VS STATE OF NCT OF DELHI [BAIL APPLN.-2887/2024]

Judges: Justice Amit Mahajan

Deepak @ Tutan@ Bharat Sharma was denied bail due to serious allegations against him, which establish a prima facie case of involvement in offenses under Sections 302/307/201/34 of the Indian Penal Code. The lengthy period of incarceration was noted but deemed insufficient for granting bail, especially given the severity of the potential penalties. Provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 regarding maximum detention periods for undertrial prisoners were considered, but exceptions did not apply in this case. Thus, the bail application was dismissed.

DEEPAK GARG @ TANISHQ VS STATE OF NCT OF DELHI [BAIL APPLN.-2403/2023]

Judges: Justice Amit Mahajan

The applicant's pre-arrest bail application was dismissed due to serious allegations involving a financial entrapment scheme targeting innocent individuals through online platforms. Custodial interrogation was deemed necessary for further investigation, as pre-arrest bail could hinder the inquiry and erode public trust in digital financial systems. The difference in effectiveness between questioning in custody versus pre-arrest bail was noted, along with the possibility of multiple victims, leading to the conclusion that the case did not warrant the exercise of extraordinary discretion for anticipatory bail.

DEEPAK KUMAR SONY VS STATE (NCT OF DELHI) [BAIL APPLN.-3802/2022]

Judges: Justice Amit Mahajan

Deepak Kumar Sony was granted bail after being charged with multiple offenses, including cheating and forgery, related to the use of a forged identity card. The investigation is complete, and the complainants have settled their disputes. At 23 years old, he has spent over 19 months in custody, prompting the decision for his release, which includes conditions to prevent flight or evidence tampering.

DEEPAK MANDAL VS THE STATE NCT OF DELHI [BAIL APPLN.-1608/2024]

Judges: Justice Amit Mahajan

The pre-arrest bail application of Deepak Mandal was dismissed due to serious allegations of cyber fraud involving multiple potential victims. Custodial interrogation was deemed necessary for the investigation, and granting pre-arrest bail was considered likely to impede this process. The decision emphasized that pre-arrest bail should be granted sparingly and recognizes different considerations compared to regular bail. No grounds were identified to challenge the lower court's rejection of the bail application.

DEEPAK MANN@ MANN VS STATE (NCT OF DELHI) [BAIL APPLN.-3576/2023]

Judges: Justice Amit Mahajan

Bail was granted to Deepak Mann in a murder case under Sections 302/34 IPC and Section 27 of the Arms Act, despite contradictions in the testimonies of three alleged eyewitnesses. The long period of incarceration since 2017 and the expected lengthy duration of the trial were considered significant factors. The decision included conditions for bail, emphasizing the principles under Article 21 of the Constitution, while clarifying that the observations made would not affect the final outcome of the trial.

DEEPAK TIWARI VS THE STATE NCT OF DELHI [BAIL APPLN.-1628/2024]

Judges: Justice Amit Mahajan

Deepak Tiwari was granted bail on charges of murder and arms violations after spending over 5 years in custody. Evidence presented included eyewitness testimony and forensic reports. Concerns about a timely trial and prolonged incarceration violating his rights under Article 21 of the Constitution factored into the decision. Several bail conditions were imposed to prevent evidence tampering and ensure his presence at trial. Observations made were strictly related to the bail application, not the case's merits.

DEEPINDER SINGH BEDI & ANR. VS STATE & ANR. [CRL.M.C.-5965/2019]

Judges: Justice Amit Mahajan

Proceedings against the petitioners under Section 138 of the Negotiable Instruments Act were deemed not maintainable because the cheque was dishonored due to the drawer company's bank account being frozen by an Income Tax department order, which was outside the petitioners' control. The inability to operate the account as a result of the attachment order led to the quashing of the complaint and subsequent proceedings.

DHARMENDER KUMAR GARG VS STATE (GOVT OF NCT OF DELHI) & ANR. [CRL.M.C.-2000/2024]

Judges: Justice Amit Mahajan

The order granting regular bail to the respondent, the mother-in-law of the deceased, was based on her age, health issues, and the trial's stage. The principles from relevant Supreme Court judgments suggest that an appellate body should refrain from interfering with a lower court's bail decision unless it is deemed perverse, illegal, or unjustified. No issues were identified in the trial court's order, leading to the dismissal of the petition to revoke the bail.

DHARMENDER VS STATE OF NCT OF DELHI THROUGH SHO PS RAJOURI GARDEN [BAIL APPLN.-3086/2023]

Judges: Justice Amit Mahajan

Dharmender was granted bail in connection with an FIR for multiple offences under the Indian Penal Code, including kidnap and attempt to murder, related to allegations involving the dismemberment of the victim's genitals by family members of Maneka, whom the victim had married. The victim subsequently turned hostile, raising doubts about the credibility of his statements. The applicant, employed by one of the accused, has no prior criminal record, leading to the decision to grant bail, as the foundation of the allegations appears questionable at this stage.

DHRUV @ LADDU VS STATE (G N C T OF DELHI) [BAIL APPLN.-2467/2023]

Judges: Justice Amit Mahajan

Bail was granted to Dhruv @ Laddu and Shivam @ Jungli, accused of offenses under Sections 307/148/149/34 of the Indian Penal Code and Section 25 of the Arms Act. The grievous injuries to the victim were caused by a juvenile co-accused, not the applicants, who were approximately 18 years old and had no prior criminal records. Considering their period of incarceration and the anticipated lengthy trial, further custody was not deemed necessary. Bail was granted with conditions to address concerns regarding evidence tampering and trial evasion.

DILIP SONI VS STATE OF NCT OF DELHI [BAIL APPLN.-1548/2024]

Judges: Justice Amit Mahajan

The application for pre-arrest bail filed by Dilip Soni was dismissed due to concerns that such bail would hinder the investigation of alleged offenses under multiple sections of the Indian Penal Code. The considerations for granting pre-arrest bail differ significantly from those for regular bail, and it should be granted sparingly. Evidence indicated that Soni's bank account was implicated in receiving fraudulently obtained funds, necessitating custodial interrogation for further investigation. The prosecution established a prima facie case against Soni, leading to the conclusion that pre-arrest bail would negatively impact the ongoing investigation. The dismissal of the application specifically addressed the bail request and did not imply any judgment on the trial's merits.

DINESH SHARMA VS STATE NCT OF DELHI [BAIL APPLN.-3044/2022]

Judges: Justice Amit Mahajan

Dinesh Sharma, director of M/s Asian Developers Private Limited, received regular bail over accusations of cheating multiple complainants by promoting flats in "Bawal Residency" without selling authority. Charges have not yet been framed, and a lengthy trial is anticipated. Sharma has settled with most complainants and returned their funds, indicating good faith. Multiple FIRs were filed for the same allegations, potentially complicating bail options. Conditions of bail include depositing his passport, appearing in court as required, participating in the investigation, and not tampering with evidence or contacting witnesses.

DR NEH SRIVASTAVA VS STATE OF NCT OF DELHI [BAIL APPLN.-3320/2023]

Judges: Justice Amit Mahajan

Dr. Neh Srivastava, president of the Central Secretariat Services Officers Society, had his bail application dismissed following his arrest for offenses under Sections 420, 409, and 120B of the Indian Penal Code. The investigation indicated his involvement in a large-scale economic offense, where he allegedly misled over 500 government employees into investing in a fraudulent housing project, misrepresenting its status and misappropriating funds. The severity of the offenses, the significant amounts of money involved, and his influential position raised concerns about potential evidence tampering if released. Economic offenses were highlighted as requiring strict treatment due to their impact on the financial health of the country and public trust in the justice system.

DR. AZEEM VS STATE [W.P.(CRL)-1030/2023]

Judges: Justice Amit Mahajan

Dr. Azeem's petition was allowed and proceedings against him under Section 376 IPC and Section 6 of the POCSO Act were quashed. The ultrasound report suggested a possibility of sexual assault but did not demonstrate the requisite "knowledge" of the offence as defined in Section 19 of the POCSO Act. The existing material did not present sufficient grounds to establish suspicion about Dr. Azeem's awareness of the sexual assault necessary for framing charges.

DR. SANJAY GUPTA VS DR. RICHA CHANDRA [CRL.REV.P.-690/2023]

Judges: Justice Amit Mahajan

The issuance of summons to the petitioner under Section 12 of the Domestic Violence Act was upheld based on the respondent's complaint, which included allegations of physical, mental, and economic abuse. The trial and appellate courts properly assessed the complaint and established a prima facie case for summoning. The petitioner's previous unsuccessful attempts to seek relief indicated vexatious litigation, leading to the dismissal of the revision petition.

DURGESH PAUL SACHDEV VS THE STATE (GOVT. OF NCT OF DELHI) & ANR [CRL.M.C.-4948/2019]

Judges: Justice Amit Mahajan

The records from two civil proceedings, relating to State Bank of Patiala and Asiatic Overseas Pvt. Ltd., were deemed relevant for the just decision of a related criminal case. The application under Sections 91/302(2) and 311 of the Code of Criminal Procedure was approved, allowing the summoning of these documents, despite previous dismissal by the trial court on retrial grounds. The decision emphasized the importance of essential additional evidence for fair case resolution.

GANESH CHANDRA BAMRANA AND ORS VS RUKMANI GUPTA [CRL.M.C.-6170/2022]

Judges: Justice Amit Mahajan

A moratorium under Section 14 of the Insolvency and Bankruptcy Code prohibits proceedings under Section 138 of the Negotiable Instruments Act against a corporate debtor once it is in effect. The cheques in question were dishonored after the appointment of the Interim Resolution Professional and the imposition of the moratorium, thus the suspended director and authorized signatory of the accused company cannot be held vicariously responsible for their dishonor. The summoning order and any subsequent proceedings against these petitioners were quashed.

GARIMA VS STATE & ORS. [CRL.M.C.-3291/2019]

Judges: Justice Amit Mahajan

The trial court did not violate the mandatory procedure under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by granting bail to the accused without directly hearing the complainant, as the complainant was represented by counsel. The presence of counsel satisfied the requirement for a fair hearing. There were no compelling reasons to cancel the bail, as the accused had remained on bail throughout the proceedings. Bail should not be revoked without cogent reasons, and mere allegations of procedural irregularity were insufficient for cancellation.

KABIR SABLOK VS STATE OF NCT OF DELHI [BAIL APPLN.-3692/2023]

Judges: Justice Amit Mahajan

Pre-arrest bail was granted to Geetanjali Behl and Kabir Sablok following an assessment of the allegations against them, their cooperation in the investigation, and the risk of humiliation and disgrace from arrest. Conditions for bail include cooperation with the investigation, not leaving the country without permission, and avoiding contact with the complainant or witnesses. Observations made should not influence the trial's outcome or indicate any opinion on the merits of the case.

GILBERT APEH EMEKA VS NARCOTIC CONTROL BUREAU [BAIL APPLN.-3269/2023]

Judges: Justice Amit Mahajan

Gilbert Apeh Emeka was granted bail after being charged with drug trafficking offenses under the Narcotic Drugs and Psychotropic Substances Act, 1985. The main evidence against him, namely the disclosure statements of co-accused, lacked admissibility without corroboration. The requirements under Section 37 of the NDPS Act for denying bail were not satisfied, as there was a prima facie indication of the applicant's innocence. Conditions imposed on the bail included movement restrictions and regular police reporting.

GOPAL DANGI VS STATE NCT OF DELHI [BAIL APPLN.-3350/2023]

Judges: Justice Amit Mahajan

Bail was granted to Gopal Dangi and Mohd Munib, charged under Sections 20/25 of the Narcotics Drugs & Psychotropic Substances Act for possessing a commercial quantity of Ganja. Procedural irregularities included a delay in filing an application under Section 52A and a lack of independent witnesses. The long delay in trial proceedings, with only one of 22 witnesses partially examined, and the prolonged incarceration of the accused were significant factors. Consequently, it was decided that the stringent conditions of Section 37 of the NDPS Act could be set aside, allowing for their bail under specified conditions.

GOVIND SINGH VS STATE NCT DELHI [CRL.REV.P.-238/2023]

Judges: Justice Amit Mahajan

The order framing charges against the accused under Sections 376(2)(n) and 506 of the Indian Penal Code was set aside. A prima facie case for rape was not established, as there was no evidence to suggest that the promise to marry was false from the outset, and the relationship had continued for a considerable time. Additionally, the allegation of criminal intimidation lacked sufficient material for charges to be framed. The accused was discharged from the charges.

GUNJAN@GIRIJA KUMARI & ORS. VS STATE NCT OF DELHI & ANR. [CRL.REV.P.-114/2023]

Judges: Justice Amit Mahajan

The order to frame charges against the petitioners for offences under Section 506/34 IPC and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was upheld. The evaluation of evidence at the charge-framing stage does not require extensive detail, and strong suspicion based on presented material can justify the charges. Allegations, including caste-based remarks and criminal intimidation, created a prima facie case against the petitioners.

HDFC BANK LTD VS THE STATE & ANR [CRL.M.C.-3198/2019]

Judges: Justice Amit Mahajan

The allegations in the FIR against HDFC Bank do not constitute an offense under Section 3 of the Delhi Prevention of Defacement of Property Act, 2007. Putting up a sign board without municipal permission does not qualify as "defacement of property." The FIR was quashed to prevent abuse of the judicial process, and the respondents (State and NDMC) were ordered to pay a cost of Rs. 1,00,000 for filing a frivolous complaint that wasted judicial resources.

HEMANT JAIN VS STATE [BAIL APPLN.-286/2024]

Judges: Justice Amit Mahajan

Hemant Jain was granted bail despite facing murder charges under Section 302 IPC. While circumstantial evidence exists, it is not sufficient to eliminate reasonable doubt regarding his guilt. With nearly 3 years in custody and the case still in the prosecution evidence stage, continued detention risks violating his right to life and liberty under Article 21 of the Constitution. Given the delays in trial and significant pre-trial incarceration, bail was deemed necessary, with conditions imposed to prevent potential evidence tampering or evasion.

HIMANSHU VS STATE OF NCT OF DELHI [CRL.REV.P.-92/2024]

Judges: Justice Amit Mahajan

Charges were upheld against the petitioner under Sections 302/149 of the Indian Penal Code for involvement in an unlawful assembly that beat the deceased, leading to his death. Arguments regarding exceptions to Section 300 IPC were rejected, as the requirements of Section 149 IPC were considered satisfied. The scope of revisional jurisdiction was noted, and no mini-trial was conducted at this stage.

HIMMAT SINGH VS THE STATE (N.C.T OF DELHI) [BAIL APPLN.-2955/2022]

Judges: Justice Amit Mahajan

Himmat Singh was granted bail on charges of dowry death under Sections 498A, 304B, and 34 of the Indian Penal Code. There was no evidence of cruelty or dowry demands prior to his wife's death, and the post-mortem report showed no external injuries. Having spent over 700 days in custody, and with the investigation complete and trial expected to be lengthy, bail was granted subject to conditions for presence and cooperation.

ILIYAS KHAN VS NARCOTICS CONTROL BUREAU [BAIL APPLN.-840/2023]

Judges: Justice Amit Mahajan

Iliyas Khan was granted bail in a case under the NDPS Act after it was established that the evidence against him relied solely on disclosure statements from co-accused, which lack corroboration and cannot be considered substantive evidence. No recovery was made from him, and the case was based mainly on circumstantial evidence, leading to reasonable grounds to believe he was not guilty. Given the length of his incarceration and the anticipated duration of the trial, bail was granted with specific conditions.

ISLAM VS STATE OF NCT OF DELHI [BAIL APPLN.-3605/2024]

Judges: Justice Amit Mahajan

The petition for pre-arrest bail in an FIR under the Narcotic Drugs and Psychotropic Substances Act was dismissed. Considerations for pre-arrest bail differ from those for regular bail, with an emphasis on granting it sparingly in cases involving commercial quantities of narcotics. The need to balance individual liberty with societal interests was highlighted, as granting pre-arrest bail could impede investigations and affect justice. Denial of bail at this stage was deemed necessary to prevent hindrance to the investigation.

JASBIR SINGH VS NARCOTICS CONTROL BUREAU [BAIL APPLN.-117/2023]

Judges: Justice Amit Mahajan

Jasbir Singh was granted bail in a case under the Narcotic Drugs and Psychotropic Substances Act. The disclosure statements of the accused and co-accused were deemed inadmissible without corroboration. No contraband was recovered directly from the applicant, making Section 37 of the NDPS Act inapplicable. Although there was a delay in trial proceedings and the applicant's antecedents were considered, these factors alone did not justify denial of bail. Conditions were imposed to mitigate concerns about potential reoffending while on bail.

KANCHAMAN YONJAN VS STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-2845/2023]

Judges: Justice Amit Mahajan

Kanchaman Yonjan received bail after being charged under the NDPS Act for possessing 15 kg 155 grams of 'charas.' The prolonged trial delay of nearly two years and the absence of independent witnesses or proper documentation during the raid were considered sufficient grounds for bail, despite the strict conditions imposed by Section 37 of the NDPS Act. While procedural compliance concerning the search notice was not strictly followed, no prejudice to the applicant was established. Bail conditions included a personal bond, sureties, restrictions on leaving Delhi without permission, and cooperation with the investigation.

KESHAV DEV VS KAMLESH & ANR. [CRL.REV.P.-1310/2024]

Judges: Justice Amit Mahajan

The maintenance order in favor of Kamlesh and their child was upheld despite Keshav Dev's claim of never being married to Kamlesh. For maintenance under Section 125 CrPC, a prima facie domestic relationship suffices; stringent proof for marital status is not required. The Family Court relied on documentary evidence and witness testimony, establishing a presumption of a valid marriage that Keshav failed to counter. There was no substitution of findings regarding marital status unless proved grossly illegal or improper. The revision petition was dismissed as lacking merit.

KOMAL KUMARI VS THE STATE(NCT OF DELHI) & ANR. [CRL.M.C.-2405/2024]

Judges: Justice Amit Mahajan

Sufficient grounds exist to proceed against the petitioner for defamation based on allegations and evidence from the complainant. The petitioner's tweets and those of a co-accused included defamatory statements about the complainant and his wife, a judicial officer. Defenses presented by the petitioner, including claims of truthfulness and good faith, did not hold up under review. A petition to quash the summoning orders issued by the trial court was dismissed.

KRISHAN YAD GAUR VS THE STATE GOVT OF NCT OF DELHI [BAIL APPLN.-3084/2024]

Judges: Justice Amit Mahajan

Bail was denied to Krishan Yad Gaur, charged with murder (Sections 302, 506 IPC) and firearm offenses (Sections 25(1B), 27 Arms Act). Compelling prima facie evidence, including CCTV footage, forensic evidence, and eyewitness accounts, indicated the serious nature of the crime, making bail inappropriate at this stage. Observations made were only relevant to the bail application and should not be interpreted as opinions on the case's merits.

KUNAL ALIAS HARSH VS STATE (GOVT OF NCT OF DELHI) [CRL.REV.P.-582/2023]

Judges: Justice Amit Mahajan

The order framing charges against Kunal under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act was upheld. Evidence, including witness statements, CCTV footage, and medical reports, indicated a grave suspicion of Kunal's involvement in the alleged offences. The argument that the offence under Section 307 IPC was not applicable due to the absence of injury was rejected, emphasizing that the accused's intention is the key consideration. It was concluded that it is premature to assess guilt or innocence, validating the trial court's decision to frame the charges.

MANSHER VS THE STATE OF N.C.T. OF DELHI THROUGH ITS STATION HOUSE OFFICER POLICE STATION CRIME BRANCH DELHI [BAIL APPLN.-3953/2023]

Judges: Justice Amit Mahajan

Anticipatory bail applications of Mansher and Lokesh Dhingra were dismissed, as custodial interrogation was deemed necessary for the ongoing investigation. Specific allegations against the accused made by co-accused Mukul were noted, with some corroboration from the investigation. The alleged criminal operation involved importing a commercial quantity of drugs from the US via the dark web, necessitating further investigation. Proceedings under Section 82 of the CrPC have been initiated against the accused, influencing the decision against granting anticipatory bail. Observations made are strictly for the bail application and do not affect the final trial.

M VS STATE OF NCT OF DELHI & ANR. [CRL.REV.P.-1032/2024]

Judges: Justice Amit Mahajan

The trial court discharged the accused of charges under Sections 376, 328, and 506 of the Indian Penal Code due to significant deficiencies in the prosecution's case. The victim's statement lacked credibility, and there was no medical evidence or identification of the incident's location. Additionally, there was no record of prior communication between the parties involved. The conclusion was made that a long-ago unfulfilled promise to marry does not imply deceit, particularly when the victim was aware of the accused's marital status.

M/S KASAN VARNISHA AND PAINT INDUSTRIES VS SUJAY THAPA [CRL.REV.P.-116/2023]

Judges: Justice Amit Mahajan

The concurrent findings of the lower courts were upheld in the case involving M/s Kasan Varnisha and Paint Industries and its proprietor, Jeevan Kumar, who was convicted under Section 138 of the Negotiable Instruments Act, 1881. The execution and signature on the cheque were undisputed, raising presumptions against the petitioner. The petitioner failed to rebut these presumptions or provide a valid defense regarding the alleged loss of the cheques and a police complaint. The discrepancy between the dishonor reason in the complaint and the deposit slip was not deemed fatal, as dishonor due to "stop payment" instructions is covered under Section 138. Although there was a noted procedural error regarding summoning bank witnesses, it did not invalidate the trial without evidence of prejudice from the petitioner.

M/S S.A. YADAV ESTATE & CONSTRUCTION PVT. LTD. THROUGH ITS A/R VS STATE & ORS. [CRL.M.C.-4299/2019]

Judges: Justice Amit Mahajan

The petition under Section 482 CrPC was dismissed, affirming the rejection of the petitioner's request for police investigation under Section 156(3) CrPC. The case was assessed as a civil dispute, with the petitioner having adequate evidence to support the claims independently of police involvement. No miscarriage of justice or legal irregularity was identified in the lower courts' proceedings.

MADAN LAL SURYAWANSHI VS THE STATE (GOVT. OF NCT OF DELHI) AND OTHERS [CRL.REV.P.-810/2023]

Judges: Justice Amit Mahajan

The orders dismissing the petitioner's applications for FIR registration were upheld, as the complaints did not disclose any cognizable offence or allegations under the SC/ST (Prevention of Atrocities) Act. The existence of a cognizable offence and relevant allegations were necessary for jurisdiction under Section 156(3) CrPC, which were absent in this case. It was emphasized that a Magistrate must apply judicial reasoning to the complaints and cannot merely facilitate FIR registration. Complaints lacking incriminating material against the accused should not prompt FIR orders to avoid abuse of the criminal legal process.

MADHURI CHAUHAN VS STATE OF NCT OF DELHI [BAIL APPLN.-2848/2022]

Judges: Justice Amit Mahajan

Prolonged delay in the trial not attributable to the accused can justify bail even in cases involving commercial quantities of contraband under Section 37 of the NDPS Act. The absence of independent witnesses and lack of documentation during the search and seizure raise doubts about the credibility of the evidence, but irregularities in the sampling procedure do not invalidate it. Bail was granted to the accused with certain conditions.

MAHBOOB KHAN VS STATE THROUGH SHO CHHAWLA [BAIL APPLN.-318/2023]

Judges: Justice Amit Mahajan

Bail was granted to Mahboob Khan, charged under various sections of the Indian Penal Code and the Protection of Children from Sexual Offences Act. The co-accused had previously received bail, and the allegations against Khan were deemed not more serious than those of the co-accused. The victim and her father had been examined, eliminating concerns of witness tampering. Conditions for bail included maintaining distance from the victim's locality, providing his mobile number to the investigating officer, and attending trial proceedings regularly.

MAMTA SAPRA VS THE STATE GOVT OF NCT OF DELHI [CRL.REV.P.-294/2023]

Judges: Justice Amit Mahajan

The order framing charges against Mamta Sapra under the NDPS Act was set aside due to insufficient evidence. The evidence, comprising mainly disclosure statements from co-accused and call detail records, did not establish the grave suspicion necessary for charges at the prima facie stage. Allegations raised suspicion but lacked the additional material needed to connect Sapra to the recovery of contraband. Consequently, she was discharged from the case.

MANISH MAHTO VS SUMAN & ANR. [CRL.REV.P.-792/2023]

Judges: Justice Amit Mahajan

The maintenance awarded to the petitioner's wife and minor son was upheld. The wife justified her separation due to the petitioner's cruelty and harassment. The petitioner's income was reasonably assessed based on the minimum wage for unskilled workers. As an able-bodied man, he has a duty to financially support his wife and child. The maintenance amount of R.S. 5,000 for the wife and R.S. 2,000 for the child, with a 10% enhancement every two years, was determined to be appropriate.

MANISH VS STATE OF NCT OF DELHI & ANR. [CRL.REV.P.-498/2023]

Judges: Justice Amit Mahajan

The petition by the husband was dismissed, upholding the maintenance order for the wife. The wife's testimony regarding harassment, dowry demands, and the husband's failure to provide support was considered credible despite minor inconsistencies. She had justifiable reasons to refuse living with the husband and was entitled to maintenance under Section 125 of the Criminal Procedure Code. The husband's income was assessed at ₹16,000 per month based on Delhi's minimum wage, and arguments regarding parental dependency and the wife's employability were rejected. The obligation of a husband to financially support his wife was emphasized, with exceptions only on legally admissible grounds.

MANOJ PRASAD VS STATE & ANR. [CRL.REV.P.-331/2023]

Judges: Justice Amit Mahajan

The concurrent findings of the lower courts were upheld, dismissing the revision petition of the petitioner convicted under Section 138 of the Negotiable Instruments Act. Presumptions under Sections 118(a) and 139 were invoked due to the petitioner's admission of executing the dishonored cheque. The petitioner failed to provide evidence to support the claim that the cheque was a mere security cheque rather than a means to discharge a legally enforceable debt. It was concluded that the petitioner had a liability to pay ₹1,43,000 as per the car rental agreement, and the cheque for ₹1,40,000 was intended to fulfill this obligation.

MANORANJAN SINGH VS VED PRAKASH KAUSHIK & ANR. [CRL.REV.P.-1363/2023]

Judges: Justice Amit Mahajan

The criminal revision petition filed by Manoranjan Singh against his conviction under Section 138 of the Negotiable Instruments Act was dismissed. The petitioner failed to rebut the statutory presumptions of Sections 118 and 139, lacking documentary evidence to support his claim that the cheque was given as a security rather than to discharge a liability. The complainant proved the loan transaction with a signed cash receipt, and arguments regarding the complainant's financial capacity were not raised during the trial. Concurrent findings of the lower courts were upheld, and no manifest illegality was identified.

MANU WADHWA @ MOHIT VS THE STATE, GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI [BAIL APPLN.-2831/2022]

Judges: Justice Amit Mahajan

Manu Wadhwa received pre-arrest bail in an FIR for offenses under IPC Sections 420 and 406, filed by Dinesh Verma. The transactions between the parties were deemed commercial in nature, and questions of cheating would be addressed at trial. Wadhwa cooperated with the investigation, with no risk of fleeing or tampering with evidence, which could be mitigated by specific conditions. Bail was granted upon furnishing a bond and complying with certain conditions.

MANUJA SHARMA THRU SPA VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-2362/2024]

Judges: Justice Amit Mahajan

The petition challenging the pre-arrest bail granted to the accused in a forgery case was dismissed. Considerations for bail and cancellation differ, and no compelling circumstances justified the cancellation. The Additional Sessions Judge reviewed statements from the Sub-Registrar, indicating the relinquishment deed was executed after the petitioner visited the Registrar's office. Additionally, the petitioner had filed a pending civil suit regarding the deed. At the pre-conviction stage, a presumption of innocence applies, and detention should not be punitive or preventive. There was no reason to interfere with the bail order.

MARIO ANTHONY NAZARETH VS STATE & ANR. [CRL.M.C.-6436/2019]

Judges: Justice Amit Mahajan

FIR No. 176/2019 and all related proceedings against Mario Anthony Nazareth and Arun Nanda were quashed. The main allegations involved the petitioners inducing the complainant to settle a loan related to a trust. This matter was resolved through a civil suit settlement. Submitted documents were genuine, and the complainant was not pursuing the case actively. Continuing criminal proceedings would serve no purpose and constituted an abuse of the process of law.

MAYANK BANSAL VS THE STATE(NCT OF DELHI) [CRL.REV.P.-574/2023]

Judges: Justice Amit Mahajan

The revision petition was allowed, and the trial court's order to frame charges against Mayank Bansal under Sections 307/34 of the Indian Penal Code was set aside. The mere presence of Bansal at the incident scene, without any evidence of overt acts or common intention, was deemed insufficient to warrant charges under Section 34. Consequently, the absence of sufficient grounds led to his discharge from the alleged offences.

MD ADIL VS STATE GOVT OF NCT OF DELHI [BAIL APPLN.-3659/2023]

Judges: Justice Amit Mahajan

Bail was granted to MD. Adil in a case under Section 326A of the Indian Penal Code related to an acid attack. The prosecution relied primarily on the victim's testimony, which had inconsistencies. Factors considered included the nature of the accusation, punishment severity, evidence quality, risk of witness tampering, public interest, and the duration of the accused's incarceration since January 2021. The victim had already been examined and cross-examined, leading to the decision to grant bail with conditions to ensure cooperation and protect the victim.

MD. ADIL VS THE STATE GOVT. OF NCT FO DELHI [BAIL APPLN.-3616/2023]

Judges: Justice Amit Mahajan

MD. Adil was granted bail on charges under Sections 328/376/506 of the Indian Penal Code due to the improbability of the prosecutrix's allegations and a delay of over 21 months in filing the FIR, raising doubts about the claims. Frequent communication between the prosecutrix and the applicant, including her admitting to initiating contact, further influenced this decision. Bail was granted with specific conditions, without addressing the case merits.

MOHD ALTAF VS STATE GNCT OF DELHI [BAIL APPLN.-4104/2023]

Judges: Justice Amit Mahajan

Mohd Altaf was granted bail in a case under Sections 302/324/325 of the Indian Penal Code. The prosecution's claims of Altaf fatally stabbing a victim and injuring others during a tazia procession were not conclusively supported by evidence. Key eyewitnesses turned hostile and did not identify him, while injured witnesses' statements did not directly implicate him in the murder. Given his extended custody and the slow trial progress, bail was granted, subject to conditions, as his non-involvement in the murder charge remained a possibility.

MOHD AYUB VS STATE [BAIL APPLN.-2639/2023]

Judges: Justice Amit Mahajan

Mohd Ayub was granted bail in a murder case involving Sections 302/201/34 of the Indian Penal Code. The prosecution's case relied mainly on two witness statements, which did not definitively implicate him in the murder. Allegations suggested a greater likelihood of an offense under Section 201 (disappearance of evidence) rather than Section 302 (murder). Ayub's clean background and the fact that a co-accused received bail on similar grounds contributed to the decision, with bail granted under certain conditions.

MOHD RAFI VS STATE AND ANR [BAIL APPLN.-3419/2022]

Judges: Justice Amit Mahajan

Bail was granted to the accused in a case involving Sections 376 IPC and 4/6 POCSO Act due to the absence of corroborating evidence, such as CCTV footage, call records, or witness statements, relying solely on the prosecutrix's testimony. The circumstances surrounding the accused's arrest raised suspicions, as it was based on a statement suggesting the accused was avoiding confrontation. The presumption under Section 29 of the POCSO Act was not met at this point, and factors such as the victim's age, the nature of the relationship between the victim and accused, and considerations regarding threats to the victim supported the decision to grant bail, subject to conditions.

MOHD. MINTOO @ MINTOO VS THE STATE GNCT OF DELHI [BAIL APPLN.-1161/2023]

Judges: Justice Amit Mahajan

Mohd. Mintoo was granted bail despite the recovery of 26 kg of Ganja from his vehicle. Compliance with Section 50 of the NDPS Act regarding personal searches was deemed unnecessary since the recovery was from a vehicle. The absence of independent witnesses raised doubts, but this issue remains for the trial court to assess. A significant delay in the trial, with only 1 out of 14 witnesses examined since 2019, contributed to the bail decision, emphasizing that prolonged detention affects the right to life and liberty under Article 21 of the Constitution, warranting conditional liberty over statutory restrictions.

MOHD. RAFI VS STATE (NCT OF DELHI) [BAIL APPLN.-3017/2023]

Judges: Justice Amit Mahajan

Bail was granted to Mohd. Rafi in FIR No. 565/2021 for charges under IPC and the Arms Act. His role was identified as that of a conspirator without a proven money trail linking him to the weapons used. Co-accused Ajay had previously been granted bail. Rafi's lack of criminal history and the filing of the chargesheet contributed to the decision, with specific conditions imposed to address prosecution concerns.

MOHIT@PADDU VS THE STATE GNCT OF DELHI [BAIL APPLN.-1114/2023]

Judges: Justice Amit Mahajan

Bail was granted to Mohit @ Paddu in a murder and arms act case. Evidence regarding his presence at the crime scene was disputed due to CCTV footage. The victim's statement implicating him was recorded by police instead of a magistrate or doctor, raising admissibility concerns. Considering the trial stage and the lengthy duration expected, detention during the trial was deemed unnecessary. Bail was granted with specific conditions to address prosecution concerns.

MOIN KHAN VS THE STATE OF NCT O F DELHI THROUGH ANTF CRIME BRANCH [CRL.REV.P.-1241/2023]

Judges: Justice Amit Mahajan

Charges against Moin Khan under Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 lack sufficient basis. Allegations relying solely on co-accused's disclosure statements and CDR connectivity do not establish grave suspicion required for charge framing. The principles indicate that merely grave suspicion is necessary at this stage, without conducting a mini-trial. Consequently, Moin Khan is discharged from the case.

MONU @ VINESH VS 1.THE STATE OF NCT OF DELHI [BAIL APPLN.-1893/2024]

Judges: Justice Amit Mahajan

Monu @ Vinesh was granted bail despite charges under Sections 302/34 IPC and Sections 25/27 of the Arms Act. Doubts about his presence at the crime scene arose from cell tower data indicating he was in Uttar Pradesh during the incident. His lengthy incarceration of over 3 years and the unlikely prompt conclusion of the trial supported the decision to grant bail, highlighting the importance of his fundamental rights under Article 21 of the Constitution. The bail was subject to certain conditions, with clarifications that the observations were specific to the bail application and not an assessment of the case merits.

MR. ANIL KULSHRESTHA VS M/ S FIITJEE LTD. [CRL.M.C.-4294/2024]

Judges: Justice Amit Mahajan

The petition to quash criminal proceedings under Section 138 of the Negotiable Instruments Act was dismissed. The petitioner raised mixed questions of fact and law that are not suitable for examination at the pre-trial stage. Legal presumption under Section 139 establishes that the cheque was issued for a debt or liability. Issues regarding the validity of contract terms and the enforceability of the cheques were factual and required trial evidence for resolution.

MR. SANDIP VINODKUMAR PATEL & ORS. VS STCI FINANCE LTD., & ANR. [CRL.M.C.-3362/2024]

Judges: Justice Amit Mahajan

The complaint cases filed under Section 138 of the Negotiable Instruments Act against the independent, non-executive directors of the accused company were quashed. The complaints lacked necessary averments to establish the petitioners' active role and responsibility for the company's offence, rendering them not vicariously liable under Section 141 of the Act. Continuing proceedings against the petitioners would constitute an abuse of process.

MR. SUMIT VERMA @ SUMIT SONI VS THE STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-3247/2023]

Judges: Justice Amit Mahajan

Pre-arrest bail was granted to Mr. Sumit Verma in a case involving rape and criminal intimidation. The prosecutrix's statement showed inconsistencies and delays in filing the complaint, raising concerns about its reliability. Mr. Verma cooperated with the investigation, poses no flight risk, and is unlikely to tamper with evidence. Bail was granted with certain conditions, with no further commentary on the case's merits, recognizing that the trial may take significant time.

MS. X VS STATE & ANR. [CRL.M.C.-3383/2019]

Judges: Justice Amit Mahajan

Pre-arrest bail and interim bail granted to Respondent No. 2 remain in effect. Allegations under the SC/ST Act were not substantiated, and the statutory bar under Section 18 of the Act does not apply. Initial complaints lacked evidence of caste-based discrimination, with relevant allegations introduced later, raising credibility issues. Claims of bail misuse by the respondent lacked credible evidence. The petition was dismissed, with a directive for the respondent to follow bail conditions, allowing the petitioner to seek redress for any violations.

MS. XXXX VS THE STATE & ANR. [CRL.REV.P.-790/2022]

Judges: Justice Amit Mahajan

The order discharging Dharambir Singh from offences under the Scheduled Castes and Tribes (Prevention of Atrocities) Act was upheld due to insufficient evidence. Significant inconsistencies in the complainant's statements and witness testimonies undermined the credibility of the allegations. Additional factors included a delay in filing the complaint and FIR, along with a lack of independent public witnesses to the alleged casteist remarks. The material on record did not raise grave suspicion against the accused, justifying the discharge order.

MURLI MANOHAR SAHAY VS MEGHNA SAHAY [CRL.REV.P.-239/2023]

Judges: Justice Amit Mahajan

An interim maintenance of ₹10,000 per month was granted to the wife based on the husband's obligation to support her, as he is an able-bodied individual. Allegations of economic and physical abuse against the husband were sufficiently established to demonstrate a prima facie case of domestic violence. The wife's non-residence with the husband, despite a decree for restitution of conjugal rights, does not invalidate the claim for interim maintenance. The husband's revision petition was dismissed.

NARENDRA SURANA VS STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-7381/2024]

Judges: Justice Amit Mahajan

The order granting pre-arrest bail to the respondent under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) was set aside. The imposition of conditions by the Additional Sessions Judge, such as directing the investigating officer to verify the respondent's handwriting and providing a 3-day notice before any arrest, was deemed contrary to the provisions of Section 482. These directions were found to restrict the statutory powers of the investigating agency. The respondent may file a fresh pre-arrest bail application before the trial court without any comments on the merits of the case.

NARESH KUMAR VS BABITA & ORS. [CRL.REV.P.-702/2023]

Judges: Justice Amit Mahajan

The Family Court's order for the petitioner husband to pay R.S. 24,000 monthly for the maintenance of his wife and two minor children was upheld. The petitioner's monthly income was assessed at approximately R.S. 48,000 based on his tax returns and his auto business, despite his claim of closure. The assessment considered the tendency of individuals in matrimonial disputes to underestimate their income. The wife's qualifications or earning potential do not negate the husband's absolute maintenance obligation unless specific disqualifying grounds exist, which were not present in this case. The petitioner's revision was dismissed but he may seek a modification under Section 127 of the CrPC if his financial situation changes.

NARESH VS SEEMA [CRL.REV.P.-195/2024]

Judges: Justice Amit Mahajan

A monthly maintenance of R.S. 6,000 was granted to the wife under Section 125 of the Code of Criminal Procedure. The wife had valid reasons to live separately due to unchallenged cruelty from the husband. The husband, being able-bodied, has an obligation to support his wife financially, and his inability to pay was not considered a valid excuse. Irregularities in the husband's income affidavit did not negate the wife's entitlement to maintenance.

NASIR VS STATE GOVT. OF NCT OF DELHI AND ORS. [CRL.REV.P.-562/2024]

Judges: Justice Amit Mahajan

Nasir's criminal revision petition was dismissed, challenging the order granting interim maintenance to his wife and child. His claim of earning Rs. 10,000 per month was deemed unreliable, as it was below the minimum wage for unskilled labor. The interim maintenance of Rs. 9,000 per month (Rs. 4,500 each to the wife and child) was considered reasonable. Defenses and allegations raised by Nasir will be addressed during the trial, where a final maintenance order will be issued.

NEETU SINGH VS STATE NCT OF DELHI & ANR. [BAIL APPLN.-2385/2023]

Judges: Justice Amit Mahajan

Neetu Singh, a director of M/s Value Infracon India Private Limited, received bail in a case involving criminal breach of trust, cheating, and conspiracy. There were no specific allegations linking her to financial management or administration of the company. Directorship alone does not incur criminal liability without a defined role. Factors such as her status as a woman and a mother of two, alongside the absence of direct allegations, influenced the decision to grant bail, subject to a bond and conditions. This does not impact any other FIRs that may be filed against her, allowing her to pursue her rights in those matters.

NIKHIL RAI HANDA VS STATE OF DELHI [BAIL APPLN.-2499/2023]

Judges: Justice Amit Mahajan

Nikhil Rai Handa was granted bail in a murder case involving Ms. Shailja Dwivedi. The allegations against him were deemed serious, but the evidence was primarily circumstantial and lacked eyewitness accounts. With no conclusive chain of evidence to prove his guilt beyond reasonable doubt, and considering he had spent over four years in custody with a lengthy trial expected, it was decided that further detention was unnecessary. Conditions were imposed to address concerns about potential evidence tampering or witness influence.

NITIN JAISWAL & ANR. VS GOVT. OF NCT OF DELHI & ORS. [CRL.M.C.-1960/2021]

Judges: Justice Amit Mahajan

Petitions challenging the grant of pre-arrest bail to Ravi Talwar and Ajay Gupta in a cheating case were dismissed. The transaction occurred in 2014, but the FIR was registered in 2018, and the complainants had also pursued a civil suit for recovery. The principle that a criminal court does not function as a recovery agent was emphasized. The lower court's order granting bail was deemed valid, as the accused cooperated with the investigation and posed no flight risk. A condition was imposed requiring the accused to file an affidavit with their travel plans outside the country.

NITIN RATHORE VS STATE NCT OF DELHI [BAIL APPLN.-163/2024]

Judges: Justice Amit Mahajan

Nitin Rathore was granted bail after being arrested under the Narcotics Drugs & Psychotropic Substances Act. The substance recovered from him did not test positive for amphetamine according to an FSL report received over a year later. With the negative test results, continued detention was considered unlawful. Bail was granted with certain conditions, while clarifications noted that these observations should not affect the trial's outcome.

NITYA SHARMA VS THE STATE(NCT OF DELHI) [BAIL APPLN.-2837/2023]

Judges: Justice Amit Mahajan

Nitya Sharma was granted bail in an economic offenses case involving the alleged duping of over 600 members of the Skylark Multistate Co-operative Group Housing Society Ltd. The seriousness of the charges under Sections 420/406/409/120B of the Indian Penal Code was acknowledged, along with the delay in the trial and Sharma's clean antecedents. Bail was conditioned on the deposit of property documents and cooperation with the investigation and liquidation process, with a note that the observations made were specific to the bail application and would not affect the trial's outcome.

NUTAN GAUR VS STATE NCT OF DELHI & ANR. [CRL.M.C.-597/2024]

Judges: Justice Amit Mahajan

Criminal proceedings against Nutan Gaur were quashed due to insufficient evidence of cheating or criminal breach of trust. The allegations suggested negligence rather than fraudulent intent. The summoning order by the Magistrate was annulled for failing to adequately assess the evidence related to the alleged offences.

PANKAJ RAI VS STATE GOVT. OF NCT OF DELHI [BAIL APPLN.-324/2024]

Judges: Justice Amit Mahajan

Pankaj Rai was granted bail in a case under the Narcotic Drugs and Psychotropic Substances Act, 1985. The prosecution relied primarily on disclosure statements from co-accused, which lacked admissibility without corroboration. There was no direct evidence linking Rai to the contraband recovery from others. His status as a proclaimed offender was considered questionable due to notice delivery at an old address. The absence of direct evidence, Rai's clean antecedents, and his time in custody contributed to the decision to grant bail under certain conditions.

PARAS@KARAN VS THE STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-2443/2024]

Judges: Justice Amit Mahajan

Offenses under Sections 376, 376(2)(n) IPC and Section 6 POCSO Act can be quashed due to the parties having married and leading a happy life together. Continuing the proceedings would constitute an abuse of the process of law, warranting the exercise of discretionary jurisdiction to dismiss the FIR and all related proceedings.

PAWAN GUPTA VS STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-4175/2023]

Judges: Justice Amit Mahajan

Pawan Gupta was granted bail on charges of forgery related to acquiring his brother's property under various IPC sections. The evidence against him was mainly documentary and already with the investigation agency, minimizing tampering risks. His family circumstances and potential trial delays were also considered, leading to bail being granted with conditions to ensure his appearance and prevent evidence interference.

POOJA RATHORE VS STATE OF N.C.T. OF DELHI [CRL.M.C.-2423/2024]

Judges: Justice Amit Mahajan

The allegations in the FIR do not prima facie constitute an offence under Section 8 of the Immoral Traffic (Prevention) Act, 1956 against the petitioner, as the incident occurred in private premises, which are not considered a "public place" under the Act. The investigation was not conducted by the required Special Police Officer, and proceeding against the petitioner would constitute an abuse of the legal process. The FIR and all related proceedings against her have been quashed.

POONAM BATRA VS THE STATE [BAIL APPLN.-2871/2023]

Judges: Justice Amit Mahajan

Pre-arrest bail was granted to Poonam Batra and Pranjil Batra regarding an FIR for trespassing and illegally dispossessing the complainant from a rented property. The dispute is deemed civil, with the applicants claiming the complainant defaulted on rent and surrendered the lease, while the complainant accused the applicants of forceful possession. A previous court order had released the complainant's gym equipment, and the applicants had cooperated with the investigation under an interim protection order. Bail is conditional on cooperating with the investigation, not tampering with evidence, and avoiding contact with the complainant or witnesses.

PRASHANT LUTHRA VS STATE & ANR. [CRL.REV.P.-539/2022]

Judges: Justice Amit Mahajan

The FIR against the petitioner was quashed, and all charges under Sections 328/376/323/377/493/509/506(Part I) of the Indian Penal Code were dismissed due to significant inconsistencies and lack of evidence supporting the complainant's allegations. The complainant's ongoing relationship with the petitioner after learning of his marital status weakened her credibility. Additionally, the vagueness in the charge framing violated procedural requirements and affected the petitioner's right to a fair trial.

PREETI SINGH AND ANR VS GOPAL SINGH [CRL.REV.P.-522/2023]

Judges: Justice Amit Mahajan

The revision jurisdiction under Sections 397 and 482 of the CrPC is limited to assessing the correctness, legality, or propriety of an order, without detailed consideration of facts and evidence. The Family Court's assessment that the wife, earning over R.S. 25,000 per month, could maintain herself and was thus not entitled to interim maintenance was deemed reasonable. A monthly quantum of R.S. 10,000 for the minor child and R.S. 10,000 for a PPF account was also considered appropriate. The trial court was instructed to issue a final maintenance order independent of previous findings. The revision petition was dismissed.

PRINCE @ DAULAT VS STATE GNCT OF DELHI [BAIL APPLN.-6/2024]

Judges: Justice Amit Mahajan

Bail was granted to Prince @ Daulat in a case involving murder and the Arms Act. The only eyewitness, the deceased's father, turned hostile and denied implicating the applicant. The long duration of the applicant's incarceration was noted, and it was deemed unnecessary to continue custody as the trial would take time. Conditions were set to address concerns about evidence tampering and trial evasion. The observations made were intended solely for the bail decision and should not influence the trial's outcome.

PRITPAL SINGH VS STATE [CRL.M.C.-5732/2019]

Judges: Justice Amit Mahajan

The petitioner was deemed not to have 'conscious possession' of live cartridges found in his baggage, as evidence indicated he was unaware of their presence. The petitioner's explanation was considered plausible, leading to the quashing of the FIR and related proceedings, contingent upon the payment of R.S. 50,000.

PUNEET AGARAWAL VS THE STATE (NCT OF DELHI) [BAIL APPLN.-904/2024]

Judges: Justice Amit Mahajan

Bail was granted to Puneet Agarawal and Vinit Agarawal in a 2000 case under Sections 365A/341/324/323/506 of the Indian Penal Code. The victim had expired, and no statement was recorded under Section 299 of the CrPC. The sole public witness was untraceable. Given the significant delay since the FIR and low chances of conviction, the applicants were permitted to be released on bail after providing a personal bond of R.S. 50,000/- with one surety of the same amount, subject to specific conditions.

PUNIT KUMAR VS STATE (GNCT OF DELHI) [BAIL APPLN.-3332/2023]

Judges: Justice Amit Mahajan

Punit Kumar received bail after almost 3 years in custody without a completed trial in a robbery case. The case relied mainly on disclosure statements with limited corroborating evidence. His young age, lack of criminal history, and prolonged incarceration indicated that continued custody would serve as unjust punishment. Bail was granted with conditions to mitigate concerns about witness tampering and potential flight risk.

PUSHPENDER @ PUSHI VS STATE OF NCT OF DELHI [BAIL APPLN.-2474/2024]

Judges: Justice Amit Mahajan

Bail was granted to Pushpender @ Pushi, charged with the murder of his wife and mother-in-law under Section 302 of the Indian Penal Code. The case relied on circumstantial evidence, with discrepancies noted in the testimony of a key witness and another witness becoming hostile. Pushpender had spent over 4 years in custody, and a timely trial seemed unlikely. Conditions for bail were imposed to prevent evidence tampering or evasion of trial. Emphasis was placed on the principles of a speedy trial and the presumption of innocence, highlighting that deprivation of liberty should not serve as punishment in the absence of a timely judicial process.

PYARE LAL VS THE STATE NCT OF DELHI & ANR. [BAIL APPLN.-2617/2024]

Judges: Justice Amit Mahajan

Bail was granted to Pyare Lal in a case involving the alleged kidnapping and sexual assault of a minor. Conflicting evidence regarding the victim's age was noted, with her Aadhaar card indicating adulthood while school records suggested she was a minor. The serious nature of the offense was acknowledged, but Pyare Lal had already spent over two years in incarceration, and the trial was unlikely to conclude soon. Bail was granted under strict conditions to protect his fundamental right to liberty, with the court's observations intended only for the bail decision and not influencing the trial's outcome.

RAFIQUE KHAN VS NCB [BAIL APPLN.-3603/2023]

Judges: Justice Amit Mahajan

Rafique Khan was granted bail in a case involving 661 kg of Ganja under the Narcotics Drugs and Psychotropic Substances Act. The delay in trial and absence of independent witnesses influenced the decision. Prolonged incarceration raised concerns over his fundamental right to life and liberty, which took precedence over statutory restrictions. Procedural issues regarding compliance with the NDPS Act and sampling were deemed appropriate for trial rather than a barrier to bail. Bail was granted on conditions including cooperation with the investigation and avoiding interference with evidence or witnesses.

RAHUL KESARWANI VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-3341/2022]

Judges: Justice Amit Mahajan

The application to initiate perjury proceedings against the respondent was dismissed based on findings that alleged inconsistencies and contradictions in her trial submissions did not demonstrate intentional and material falsehoods necessary for prosecution. The discrepancies regarding forged jewelry bills, misrepresented financial information, and false statements about electricity bills were deemed insufficient to establish willful perjury. The power to invoke Section 340 of the Code of Criminal Procedure is discretionary and was not considered appropriate in this case.

RAHUL RAI VS STATE [CRL.REV.P.-805/2023]

Judges: Justice Amit Mahajan

The case involving the juvenile petitioner was transferred to the Children's Court based on assessments of his mental and physical capacity, understanding of the alleged offence, and the circumstances of the crime. It was concluded that he possessed the required understanding and capacity, and the brutal nature of the alleged offence justified not treating him as a child. The challenge to the lower court orders was dismissed.

RAHUL VS STATE GOVT OF NCT OF DELHI [BAIL APPLN.-720/2024]

Judges: Justice Amit Mahajan

Rahul, charged under Sections 302/147/149/307/323/120B IPC and the Arms Act for an assault in Tihar Jail, was granted bail. Although he was present in an unlawful assembly and was seen with a stick, CCTV footage did not show his active participation in the assault. Conviction under Section 149 IPC requires evidence that the act was done to achieve a common objective and that it was known to all members; mere presence is insufficient for liability under Section 302 IPC. Considering his lack of direct involvement and prior bail orders in other FIRs, bail was granted with specific conditions.

RAHUL VS THE STATE AND ANR. [BAIL APPLN.-120/2024]

Judges: Justice Amit Mahajan

Pre-arrest bail was granted in a rape case under Section 376 IPC due to a lack of corroborative evidence and inconsistencies in the allegations. There was a delay in filing the FIR, a prior statement from the victim indicated a consensual relationship, and details about the incident were vague. Although the offense is serious, concerns regarding evidence tampering or victim threats could be managed through specific bail conditions. The bail application was approved with conditions for the applicant.

RAJ KUMAR VS THE STATE NCT OF DELHI [BAIL APPLN.-22/2024]

Judges: Justice Amit Mahajan

Bail was granted as Section 37 of the NDPS Act does not apply due to lack of evidence linking the applicant to the contraband recovered from co-accused. The disclosure statements of co-accused lack admissibility without corroboration. Additionally, the lengthy trial delay and the applicant's extended incarceration warranted the granting of bail.

RAJA KHAN VS STATE [BAIL APPLN.-3/2024]

Judges: Justice Amit Mahajan

Raja Khan was granted bail despite serious charges under the IPC and POCSO Act due to significant contradictions regarding the victim's age and her hostile testimony, in which she claimed to have willingly accompanied the accused in a romantic relationship. Having been in custody since October 2019, the lengthy incarceration and the likelihood of a prolonged trial contributed to the decision to grant bail with specific conditions.

RAJNI BATRA & ORS. VS NAVEEN BATRA ALIAS YASHPAL BATRA [CRL.REV.P.-184/2023]

Judges: Justice Amit Mahajan

The husband must financially support his wife and children, with interim maintenance set at ₹22,000 per month, factoring in his medical expenses and potential earnings from the family business. The wife's request for increased maintenance was deemed unreasonable given the husband's financial needs, and the argument regarding the wife's earning capacity did not absolve the husband of his obligations. The husband carries the burden of proving the wife's financial independence. This ruling is for interim maintenance, with further issues to be addressed at trial.

RAJU GARG @ NAVEEN VS STATE & ANR. [CRL.M.C.-5381/2019]

Judges: Justice Amit Mahajan

Raju Garg @ Naveen was discharged from charges under Sections 420/467/468/471 read with Section 120B of the Indian Penal Code. No prima facie case was established, as evidence did not indicate his involvement in a conspiracy to cheat the bank. The co-accused linking him to the main accused had already been discharged, making it inappropriate to frame charges against Garg.

RAJU SINGH VS STATE OF NCT OF DELHI [CRL.A.-611/2024]

Judges: Justice Amit Mahajan

The conviction of the appellants under Sections 323/304(II)/308/34 of the Indian Penal Code was set aside due to the trial court's failure to re-examine the appellants under Section 313 of the Code of Criminal Procedure after key prosecution witnesses were re-examined years later. This oversight denied the appellants a fair opportunity to address new evidence, compromising their defense rights. The case was remanded for a fresh trial and expedited retrial within six months.

RAJU VS THE STATE OF NCT OF DELHI [BAIL APPLN.-2791/2023]

Judges: Justice Amit Mahajan

The bail application of Raju was dismissed due to charges under Sections 365/364A/323/34 of the Indian Penal Code for the abduction of a victim and a ransom demand of R.S. 50,000. Evidence, including the victim's statement and recorded phone calls, suggested the applicant's involvement. The serious nature of the offenses, alongside concerns about the applicant possibly influencing the trial or threatening the victim, contributed to the decision. The victim has not yet been examined. Observations made in this context are intended only for the bail decision and do not impact the trial's outcome.

RAKESH KUMAR VS STATE OF NCT OF DELHI THROUGH THE SHO CRIME BRANCH, PUSHP VIHAR, DELHI [BAIL APPLN.-3278/2023]

Judges: Justice Amit Mahajan

Bail was granted to the applicant charged under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, despite the serious nature of the offenses. The decision highlighted issues in the prosecution's case, including the absence of independent witnesses and lack of photographic evidence from the raid. The applicant had been in custody for over three years with only three of eighteen witnesses examined, raising concerns about trial delays. The prolonged incarceration was deemed a violation of the applicant's right to life and liberty under Article 21 of the Constitution, outweighing the restrictions of Section 37 of the NDPS Act. Bail was granted under specific conditions, with the assurance that the observations would not affect the ongoing trial.

RAKESH SAINI VS SANGEETA SAINI & ANR. & ORS. [CRL.REV.P.-1126/2023]

Judges: Justice Amit Mahajan

Rakesh Saini was ordered to pay ₹4,800 per month as interim maintenance to his wife Sangeeta Saini and their minor child. The petitioner's income was assessed as adequate for his obligation to support his family, despite his claims of low income. His argument against the maintenance amount was rejected, and the petition was dismissed.

RAM SINGH VS STATE [BAIL APPLN.-545/2024]

Judges: Justice Amit Mahajan

Ram Singh, a director of Alpine Realtech Private Limited, was granted bail despite serious allegations of criminal conspiracy and misappropriation of funds from home buyers. The chargesheet had been filed, and the company entered insolvency proceedings with an approved resolution plan. Multiple FIRs were registered on similar allegations, raising concerns about appropriateness. Singh had already spent over 300 days in custody, and consideration was given to his age and health. Bail was granted upon furnishing a personal bond and compliance with conditions to ensure cooperation in the trial.

RAMESH YADAV VS STATE (GOVT. OF NCT, DELHI) [BAIL APPLN.-3226/2023]

Judges: Justice Amit Mahajan

Pre-arrest bail was granted to Ramesh Yadav in an FIR under Sections 420/34 of the Indian Penal Code. Custodial interrogation was deemed unnecessary as the applicant cooperated with the investigation. Bail was conditioned to ensure continued cooperation and prevent evidence tampering, with observations made solely for the bail decision, not reflecting on the case's merits.

RAVEESH VATS VS STATE GOVT. OF NCT OF DELHI [BAIL APPLN.-3641/2023]

Judges: Justice Amit Mahajan

Raveesh Vats was granted regular bail under Section 439 CrPC in FIR No. 99/2017 for offenses involving fraud and conspiracy. Vats, an authorized signatory for Alpine Realtech Pvt Ltd, faced allegations of misappropriating funds from home buyers. Multiple FIRs existed against him, but he had previously obtained bail in those cases. The developer company entered insolvency proceedings, and a resolution plan was approved, addressing the home buyers' claims, with the project now managed by a new entity. The evidence was largely documentary, the investigation complete, and a chargesheet filed. Factors considered included the presumption of bail as the norm, the likelihood of a prolonged trial, and Vats' conduct while on interim bail. Regular bail was granted with specific conditions, with no opinion expressed on the merits of the case.

RAVI SHUKLA VS STATE NCT OF DELHI [BAIL APPLN.-3496/2024]

Judges: Justice Amit Mahajan

The application for pre-arrest bail filed by Ravi Shukla in an NDPS case was dismissed. Considerations for granting pre-arrest bail differ from those for regular bail and should be applied sparingly in cases involving serious offenses under the NDPS Act. The accused's involvement in a larger drug syndicate, the recovery of a commercial quantity of contraband, and the necessity for custodial interrogation to reveal the extent of the criminal conspiracy outweighed the right to liberty. Granting pre-arrest bail could obstruct the investigation and compromise the interests of justice.

RAVI VS STATE OF NCT OF DELHI [BAIL APPLN.-1731/2024]

Judges: Justice Amit Mahajan

Ravi was granted bail in a case involving serious charges under multiple sections of the Indian Penal Code. The lack of direct evidence linking him to the crime, alongside reliance on statements from a co-accused, led to the conclusion that his involvement could not be presumed. Consideration of his prolonged incarceration and delays in the trial indicated that further custody was unwarranted. Bail was granted with conditions, including cooperation with the investigation and adherence to directives regarding evidence and witness interaction.

RITAH KYOLABA VS CUSTOMS [BAIL APPLN.-786/2022]

Judges: Justice Amit Mahajan

Ritah Kyolaba's bail application was dismissed following her arrest for carrying a commercial quantity of heroin under the NDPS Act. The accused did not establish a prima facie case for bail, failing to meet the requirements of Section 37 of the Act. Arguments regarding improper sampling procedures and trial delays were acknowledged but deemed insufficient for granting bail at this time, as these matters will be addressed during the trial.

RIZWAN VS STATE NCT OF DELHI [BAIL APPLN.-2800/2023]

Judges: Justice Amit Mahajan

Bail was granted to the applicant in an NDPS case despite the recovery of a commercial quantity of drugs due to prolonged trial delays. The lack of independent witnesses and failure to document the raid were factors undermining the prosecution's case. The bail restrictions associated with the NDPS Act were relaxed based on the trial delay, which impacted the right to life and liberty. Bail was granted with specific conditions, with the observations aimed only at the bail application and not influencing the forthcoming trial.

ROSHAN VS THE STATE (GOVT OF NCT OF DELHI) [BAIL APPLN.-2478/2023]

Judges: Justice Amit Mahajan

Bail was granted to Roshan in the murder case of her 3-year-old niece. The case relies primarily on circumstantial evidence and an alleged extra-judicial confession, considered weak without corroboration. There is a lack of direct evidence and limited progress in the trial, with only 18 out of 30 witnesses examined. The significant delay in trial and Roshan's status as a woman entitled to special consideration contributed to the decision. Conditions were attached to the bail, which does not reflect any opinion on the case merits.

S.G. WINES A PARTNERSHIP FIRM THROUGH ITS PARTNER R. SELVAM & ANR. VS SAB MILLER INDIA LTD. [CRL.M.C.-3396/2022]

Judges: Justice Amit Mahajan

Petitions by the accused firm and its partner to quash criminal complaints under Section 138 of the Negotiable Instruments Act were dismissed. The change of the complainant's name from Sab Miller India Ltd. to Anheuser Busch Inbev India Ltd. was considered a formal issue, with no evidence of prejudice to the petitioners. The inherent jurisdiction under Section 482 CrPC should be exercised sparingly at the pre-trial stage, and the petitioners' arguments did not justify quashing the proceedings. The trial court was directed to expedite the pending complaints from 2018.

SAHNE ALAM @ SAHIL CAUDHARY VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-2791/2022]

Judges: Justice Amit Mahajan

The petitioner challenged the determination of not being a juvenile during the alleged incident. School records suggested the petitioner was a minor based on the reported date of birth, but an ossification test indicated an age between 21-22 years during examination. Discrepancies in identity documents were noted, and the ossification test was deemed a more reliable method for age assessment. The conclusion established that the petitioner was approximately 19 years old at the time of the alleged offense and could not be classified as a juvenile.

SAIFUL KHAN VS STATE & ANR. [BAIL APPLN.-4440/2024]

Judges: Justice Amit Mahajan

The pre-arrest bail application of Saiful Khan was dismissed due to allegations of sexual exploitation and abuse of a 15-year-old girl, comprising charges under Sections 354(D), 506 of the IPC, and Section 12 of the POCSO Act. The examination of the case materials indicated prima facie involvement, with concerns that granting bail could hinder the investigation and negatively impact efforts to protect children from such offenses.

SANDHYA VS STATE NCT OF DELHI & ANR. [BAIL APPLN.-2725/2023]

Judges: Justice Amit Mahajan

Sandhya was granted bail in a case involving charges of kidnapping, assault, and attempted murder. The victim's hostile and contradictory statements raised doubts about the allegations. Sandhya's status as a woman and uncertainty regarding her awareness of the victim's potential injuries were considered. Bail was granted upon furnishing a personal bond and adhering to specific conditions, with a clarification that the observations were not indicative of the trial's outcome.

SANJAY ADHANA VS THE STATE OF GOVT. NCT OF DELHI [BAIL APPLN.-3540/2023]

Judges: Justice Amit Mahajan

Sanjay Adhana was granted bail in connection with an FIR under Sections 420/406/34 of the Indian Penal Code for alleged cheating. The incriminating evidence against him is primarily documentary and in possession of the investigating agency, eliminating concerns of evidence tampering or witness influence. Co-accused Nand Kishore, with a more substantial role, has already received bail, which the state did not contest. Principles emphasizing bail as the norm and the need to avoid pre-conviction punishment also supported the decision to grant bail to Adhana under specified conditions.

SANJAY KHATRI VS STATE OF NCT OF DELHI [BAIL APPLN.-1281/2022]

Judges: Justice Amit Mahajan

Pre-arrest bail was granted to Sanjay Khatri, charged with attempting to commit rape on his minor daughter under IPC Sections 354/354B/506(II) and Section 10 of the POCSO Act. Factors influencing the decision included a history of marital discord, initial statements from the victim denying wrongdoing, and a delayed complaint. The victim's current statement did not inspire confidence. Bail was granted with conditions, as Khatri cooperated with the investigation and was not considered a flight risk or likely to tamper with evidence.

SANJAY KUMAR TIWARI VS GOVERNMENT OF NCT OF DELHI [W.P.(CRL)-2056/2024]

Judges: Justice Amit Mahajan

The judgment of conviction against the petitioner was set aside due to the absence of the actual judgment purportedly pronounced on September 24, 2019. The copy provided was later prepared and not properly pronounced in open court as required. Omissions in the procedure could not be justified under Section 353(7) of the Code of Criminal Procedure. The case will be remanded to the trial court for fresh final arguments and judgment in accordance with the law.

SANJAY MALIK ALIAS SANT SEVAK DAS VS THE STATE OF NCT OF DEHI AND ANR [BAIL APPLN.-1775/2024]

Judges: Justice Amit Mahajan

The bail application of the accused in a sexual assault case involving a foreign national was dismissed due to serious allegations and the pending testimony of a crucial foreign witness. Despite recognizing trial delays, measures were directed for the foreign witness to be examined via video conferencing. Bail was denied based on the severity of the alleged offence and the necessity of completing witness examinations before making a bail decision.

SANJEEV GUPTA VS RITU GUPTA [CRL.M.C.-2505/2018]

Judges: Justice Amit Mahajan

The decisions of the lower courts not to initiate proceedings under Section 340 of the Code of Criminal Procedure against the respondent for filing a false affidavit of income and assets were upheld. False statements in the affidavit were acknowledged, but it was not considered expedient to order an inquiry in this case. The impact of the falsehoods was deemed minimal, with no significant hindrance to the administration of justice, and no adverse consequences for the petitioner. Initiating prosecution for personal vendetta between the parties was discouraged.

SARABJEET SINGH VS STATE & ANR. [CRL.M.C.-3509/2019]

Judges: Justice Amit Mahajan

The petitions by Karnail Singh Cheema and Sarabjeet Singh were allowed, and the order summoning them as accused under Section 319 of the Code of Criminal Procedure was set aside. The previous discharge of the petitioners in 2013, based on evidence, had become final as it was not challenged. The civil suit between the parties was compromised. There was no new material presented to justify the summoning, and reliance solely on the complainant's statement did not meet the necessary requirements under Sections 300(5) and 398 of the CrPC, rendering the summoning order invalid.

SWATI MALIWAL VS STATE [CRL.REV.P.-236/2023]

Judges: Justice Amit Mahajan

Charges were framed against members of the Delhi Commission for Women under Section 120B of the Indian Penal Code and Sections 13(1)(d)/13(2) of the Prevention of Corruption Act. Sufficient prima facie material indicated that the accused abused their positions to appoint individuals linked to the Aam Aadmi Party without following due process, violating rules and regulations. Claims of the DCW being an autonomous body and that violations of General Financial Rules were non-criminal were rejected, as the allegations of nepotism and lack of transparency in appointments warranted the charges.

SATBIR VS STATE GNCTD [CRL.REV.P.-197/2023]

Judges: Justice Amit Mahajan

The petitioner was not entitled to a 2-year margin of error for age determined by an ossification test. Examination of multiple joints allowed for a reduced margin of 6 months. Even with this adjustment, the petitioner remained above 18 years of age at the time of the alleged incident. No reasons were found to grant a 1-year benefit under the Juvenile Justice Rules, leading to the dismissal of the petitioner's challenge to the trial court's refusal to declare him a juvenile.

SATISH KUMAR JAIN VS STATE OF NCT DELHI & ANR. [CRL.REV.P.-682/2023]

Judges: Justice Amit Mahajan

The concurrent findings of the lower courts regarding the petitioner's conviction under Section 138 of the Negotiable Instruments Act were upheld. The petitioner admitted his signatures on the cheques, raising evidentiary presumptions against him. He did not provide a sufficient defense to rebut these presumptions, and his claims of giving the cheques as security without owing a debt to the respondent lacked supporting evidence. The presumptions against him remained unchallenged.

SATISH SHARMA VS STATE(GNCTD) AND ORS. [CRL.M.C.-8012/2024]

Judges: Justice Amit Mahajan

The petition by Satish Sharma challenging the dismissal of his criminal complaint against police officials was dismissed. Allegations of illegal detention, extortion, and obtaining signatures on blank papers lacked independent corroboration, including from CCTV footage. Additionally, an FIR had been registered against Sharma, and his anticipatory bail application had been denied. The dismissal of the complaint was upheld due to well-reasoned findings in lower courts and the absence of a gross miscarriage of justice.

SATPAL @ KAKE VS THE STATE THROUGH SHO WITH P.S PRASHANT VIHAR [BAIL APPLN.-493/2023]

Judges: Justice Amit Mahajan

Satpal @ Kake was granted bail after being charged under Sections 394/34, 120B of the Indian Penal Code and Sections 25/27 of the Arms Act. The case primarily relied on the hearsay evidence from a co-accused, with no direct evidence linking the recovered motorcycle to the alleged crime. Being in custody since July 2022 and with a chargesheet filed, continued detention was deemed unnecessary. Conditions were imposed to prevent potential threats to the victim or evasion of trial.

SATTAR VS STATE GOVT. OF NCT DELHI [BAIL APPLN.-1006/2024]

Judges: Justice Amit Mahajan

In assessing a bail application for offenses under the POCSO Act, it is necessary to evaluate the prima facie evidence regarding the accused's guilt, considering factors such as the age of the victim, the accused, and the nature of their relationship. In this case, the victim's testimony showed contradictions and lacked corroborative evidence. The accused was a young man with no prior offenses, and the trial would likely be lengthy, with only three out of fourteen witnesses examined. Given these circumstances, bail was granted with specific conditions to prevent evidence tampering or threats to the victim.

SATYAVOL VENKAT RAMA KRISHNA RAO VS KAVITA RAO [CRL.M.C.-1222/2022]

Judges: Justice Amit Mahajan

The husband's appeal was dismissed while the wife's appeal was allowed in a domestic violence case. Enhanced maintenance for the child was granted until graduation, compensation for the wife for household expenses was awarded, and her right to reside in the shared premises was secured. The ASJ's decisions were upheld as well-reasoned and compliant with the Domestic Violence Act. The matter involved the husband filing two separate criminal miscellaneous petitions.

SH RAJAN GUPTA VS SMT VIMAL KIRTI [CRL.REV.P.-476/2023]

Judges: Justice Amit Mahajan

Interim maintenance of ₹53,000 per month was granted to the wife due to prima facie evidence of domestic violence. The husband's claim of earning ₹20,000-₹25,000 was deemed unsubstantiated, with an assessment of his income at least ₹1 lakh per month based on his lifestyle and expenditures. The husband is expected to support his wife and children, as her right to maintenance is absolute unless disqualified. The awarded amount was considered reasonable given the wife's obligation to care for three children.

SH. JAI BHAGWAN VS STATE [CRL.M.C.-298/2019]

Judges: Justice Amit Mahajan

Jai Bhagwan, a Motor Vehicle Inspector, was discharged for lack of evidence to frame charges under Sections 468, 471, and 120B of the Indian Penal Code. His role was limited to providing administrative approval for driving license applications, without primary responsibility for document verification. The prosecution did not establish any dishonest intention or knowledge regarding the forged documents used by co-accused individuals. Consequently, the order to frame charges against him was set aside.

SH. MOHIT SHARMA VS SMT. POOJA SHARMA [CRL.REV.P.-24/2023]

Judges: Justice Amit Mahajan

The petitioner's challenge to the enhanced interim maintenance of Rs. 20,000 per month for his wife and minor child was dismissed. The assessment of the petitioner's income and assets revealed undisclosed earnings and concealed information about agricultural land and a pharmacy business. As an able-bodied man, he was expected to support his family, making the increased maintenance amount reasonable under the circumstances.

SH. S.P. DUA VS SH. O.P. DEWAN [CRL.L.P.-530/2019]

Judges: Justice Amit Mahajan

The acquittal of the respondent in a case under Section 138 of the Negotiable Instruments Act was upheld due to sufficient evidence that rebutted the presumptions of Sections 118 and 139. The respondent established that no loan was borrowed from the petitioner and that the cheque was not for any legally enforceable debt. Evidence, including a settlement agreement and witness testimony, indicated that the petitioner paid ₹4.25 lakhs to the respondent as part of a settlement, with an additional ₹3.75 lakhs paid later, after the respondent vacated the tenanted premises. The petitioner's case contained contradictions and inconsistencies, supporting the acquittal.

SHWETA DOGRA VS SHOBHIT SHARMA [CRL.REV.P.-914/2023]

Judges: Justice Amit Mahajan

The Family Court's assessment of the husband's monthly income at R.S. 50,000 was considered low. Taking into account his involvement in the family business, ownership of an expensive car, and the common tendency to understate income in matrimonial disputes, the husband's monthly income was reasonably assessed at R.S. 75,000. The wife was deemed entitled to lead a lifestyle similar to that in her matrimonial home, leading to an increase of her interim maintenance from R.S. 16,000 to R.S. 25,000 per month. The husband's review petition was dismissed while the wife's review petition was allowed, requiring the husband to pay the enhanced maintenance from the date of her application under Section 125 CrPC.

SH. SUDHANSHU JAGGI & ORS. VS THE STATE (GOVT. OF NCT OF DELHI) & ANR. [CRL.REV.P.-1083/2023]

Judges: Justice Amit Mahajan

The interim maintenance order under the Protection of Women from Domestic Violence Act was upheld due to prima facie evidence of domestic violence against the wife. Interim maintenance and rent were granted based on a reasonable estimate of the husband's income, despite his claims of lower earnings. The husband's appeal was dismissed after he did not take the opportunities provided to present his arguments.

SH. VARUN JAIN, ADVOCATE VS AJAY KALSI AND ANR [CRL.M.C.-5183/2024]

Judges: Justice Amit Mahajan

The petition challenging the dismissal of an application under Section 156(3) of the CrPC was dismissed. It was established that the complainant had sufficient evidence available without needing police assistance for investigation. The petitioner could present this evidence in an inquiry under Section 200 CrPC. No miscarriage of justice or legal irregularity occurred in the lower court proceedings.

SH. VIJAY DEV DABAS VS THE STATE OF NCT OF DELHI & ANR. [CRL.M.C.-4459/2022]

Judges: Justice Amit Mahajan

FIR No. 605/2021 and the associated proceedings were quashed due to violations of Sections 195 and 340 of the Code of Criminal Procedure. The alleged offences under Sections 193 and 199 of the Indian Penal Code, related to a false affidavit filed before the Revenue Court, required a written complaint from that court for cognizance. The absence of such a complaint rendered the entire legal process flawed, necessitating its quashing to uphold the integrity of the criminal justice system.

SHAKUNTALA DEVI VS STATE & ANR [CRL.L.P.-22/2019]

Judges: Justice Amit Mahajan

The petitioner's appeal against the respondents' acquittal was dismissed. The trial court's decision was justified, lacking substantial reasons for interference. Allegations made by the petitioner lacked independent witness corroboration, and doubts arose due to an unexplained delay in reaching the hospital and potential false implications stemming from previous enmity. No grounds existed to overturn the trial court's acquittal.

SHASHI AGGARWAL VS THE STATE (GOVT. OF NCT OF DELH) & ANR [CRL.M.C.-3908/2019]

Judges: Justice Amit Mahajan

Bail granted to Kashish Jai remains intact as conditions for cancellation are unmet. The Magistrate's order considered the prima facie case, offense gravity, and personal circumstances of the accused. The co-accused, identified as the main mastermind, had also received bail earlier. A presumption of innocence exists at the pre-conviction stage, and detention should not serve punitive or preventive purposes. The application for cancellation of bail is dismissed.

SHIVAM VS STATE GOVT. OF NCT OF DELHI [BAIL APPLN.-3312/2023]

Judges: Justice Amit Mahajan

Shivam received bail after being charged under Sections 21 and 25 of the Narcotics Drugs and Psychotropic Substances Act for allegedly possessing a commercial quantity of heroin. Despite strict requirements under Section 37 of the NDPS Act, the long duration of his incarceration, exceeding two years, and trial delays were significant factors. The prosecution's case lacked independent witnesses and photographic/video evidence, raising doubts about its credibility. Shivam demonstrated a prima facie case for bail and was deemed unlikely to reoffend, given his clean record. Bail was granted with conditions including a personal bond.

SHRADHA SURANA & ANR. VS NARCOTICS CONTROL BUREAU & ANR. [BAIL APPLN.-2393/2023]

Judges: Justice Amit Mahajan

Shradha Surana was granted bail in an NDPS case due to the absence of direct evidence and her prolonged incarceration. The disclosure statements of both the applicant and a co-accused were deemed inadmissible. No incriminating recovery was made from Surana, and the delay in trial was considered a relevant factor. Bail was granted under specific conditions.

SHRADHA SURANA VS NARCOTICS CONTROL BUREAU [BAIL APPLN.-2397/2023]

Judges: Justice Amit Mahajan

Shradha Surana was granted bail despite being accused under the Narcotic Drugs and Psychotropic Substances Act. The disclosure statements of co-accused cannot be used as evidence against her without corroboration, leading to a lack of material linking her to the recovery of drugs. The conditions under the Act did not apply in her case, and factors such as trial delays and co-accused being granted bail influenced the decision.

SHUKLA CHAKRABORTY VS SNEHANSHU DAS PANDIT [CRL.REV.P.-1015/2023]

Judges: Justice Amit Mahajan

The maintenance amount of R.S. 12,000 per month granted to Shukla Chakraborty is upheld as just and reasonable based on the financial circumstances of both parties. The show-cause notice against her under Section 340 of the Code of Criminal Procedure is set aside, with an emphasis on discouraging the routine abuse of this provision in matrimonial disputes, allowing prosecution only in cases of evident deliberate falsehood.

SMT. KAMLESH VS SHRI TEJPAL [CRL.L.P.-598/2019]

Judges: Justice Amit Mahajan

The lower court's judgment acquitting the respondent of the offense under Section 138 of the Negotiable Instruments Act was set aside. Presumptions under Sections 118 and 139 applied against the respondent due to a lack of dispute regarding the execution and issuance of the cheque. The respondent failed to provide a plausible defense to counter these presumptions. His claim of advancing a loan with a condition for a guarantor was deemed implausible.

SMT. MEENA GILL VS SH. PRADEEP GUPTA AND ANR. [CRL.M.C.-3754/2019]

Judges: Justice Amit Mahajan

The allegations by Sh. Pradeep Kumar Gupta against Smt. Meena Gill established a prima facie case of criminal intimidation under Section 506 of the Indian Penal Code. Gupta's claim of being threatened with false implication in a sexual harassment case, supported by witness testimonies, met the requirements for issuing summons. At the summons stage, only a prima facie assessment of sufficient grounds is necessary, without determining the final conviction. The challenge to the summoning order was dismissed, emphasizing cautious use of section 482 of the Code of Criminal Procedure, particularly after a Sessions Judge's revisional decision.

SMT. RITU AGGARWAL @ ADITI & ORS. VS STATE & ANR. [CRL.M.C.-3857/2019]

Judges: Justice Amit Mahajan

The plea of limitation by the petitioners was deemed meritless, as the FIR was filed within the appropriate period and the delay in the chargesheet was not attributable to the complainant. However, the allegations and evidence did not establish a strong prima facie case, leading to the discharge of the petitioners from charges under Sections 451, 341, 323, and 506(II) of the IPC.

SOVRAJ VS STATE GOVT.OF NCT OF DELHI [BAIL APPLN.-2537/2023]

Judges: Justice Amit Mahajan

The applicant established a prima facie case for bail due to the absence of independent witnesses, lack of photographic or video evidence of recovery, and significant trial delay. While Section 37 of the NDPS Act imposes restrictions, the trial delay infringes on the right to life and liberty under Article 21 of the Constitution, necessitating conditional liberty. Investigation procedural lapses, such as delays in filing and improper sampling, raise doubts about the prosecution's case but do not justify bail at this stage. Bail was granted with conditions, including a personal bond, restrictions on travel outside Delhi, and cooperation with the investigation.

STATE (NCT OF DELHI) THROUGH DEPUTY COMMISSIONER OF POLICE VS SACHIN JAIN [CRL.REV.P.-119/2023]

Judges: Justice Amit Mahajan

Sachin Jain was discharged from charges under Section 285 of the Indian Penal Code due to insufficient evidence of negligence in storing acid at his factory, which was later used in an attack. The material provided did not raise "grave suspicion" against Jain, and the evidence was adequately assessed by the trial court. The discussion included the limited scope of revisional jurisdiction under Section 397 of the Code of Criminal Procedure and the principles for framing charges under Sections 227 and 228.

STATE (NCT OF DELHI) VS RAJINDER SINGH @ RAJINDER SINGH MADAN [CRL.L.P.-551/2019]

Judges: Justice Amit Mahajan

The petition for leave to appeal against the acquittal of the respondent accused under the Prevention of Corruption Act was dismissed. The prosecution failed to establish a prima facie case due to the inadmissibility of key audio-video evidence and contradictory, unreliable evidence regarding the demand and acceptance of a bribe. There were no substantial reasons to grant the appeal.

STATE NCT OF DELHI VS RAKESH DUA [CRL.REV.P.-68/2017]

Judges: Justice Amit Mahajan

Rakesh Dua was discharged from charges under the Bonded Labour System (Abolition) Act, Minimum Wages Act, and Indian Penal Code. The evidence did not establish a prima facie case of forced labor or unlawful compulsory labor, as the victims voluntarily took loans and received minimum wages, with no claims of physical or sexual exploitation. The discharge order was upheld.

STATE NCT OF DELHI VS SANTOSH KUMAR [CRL.REV.P.-397/2017]

Judges: Justice Amit Mahajan

The accused was discharged from charges under Section 376 IPC (rape) due to lack of credible and consistent evidence. The prosecutrix made contradictory statements regarding the relationship, and there was a significant delay in filing the FIR. It was determined that initial consent in a relationship does not become invalid due to a failure to fulfill a promise of marriage. The absence of grave suspicion against the accused justified the discharge order.

STATE OF N.C.T. OF DELHI VS LAXMI & ORS. [CRL.REV.P.-444/2008]

Judges: Justice Amit Mahajan

The State's petition challenging the order framing charges under Sections 323/324/325/304/34 IPC, but not under Sections 302/307 IPC, was dismissed. The trial court's decision not to frame charges under 302 and 307 IPC was based on a plausible assessment of the evidence and consideration of the totality of the acts. The trial court applied proper judicial reasoning, and no grounds for interference with the order were found.

STATE OF NCT OF DELHI VS AJAY KUMAR JATAV [CRL.L.P.-101/2019]

Judges: Justice Amit Mahajan

The state's petition for leave to appeal against the respondent's acquittal under Sections 392/397 of the Indian Penal Code was dismissed. The lack of a prima facie case and credible grounds for interference with the trial court's judgment were noted. The complainant's testimony contained significant contradictions, and the absence of independent witnesses raised doubts about the evidence. It was concluded that the trial court's acquittal was not unreasonable, leading to the denial of the state's request.

STATE VS ASHISH KUMAR [CRL.REV.P.-444/2017]

Judges: Justice Amit Mahajan

The state's petition to set aside the order discharging the accused was dismissed due to insufficient evidence to establish a prima facie case for offences under Sections 363, 366, or 376 of the IPC or Section 4 of the POCSO Act. The prosecutrix voluntarily left home and met the accused, with no allegations of sexual assault or forced marriage. The appeal was also rejected due to a 170-day delay in filing, with no sufficient explanation provided.

STATE VS BASANT MISHRA @ SURAJ [CRL.L.P.-339/2024]

Judges: Justice Amit Mahajan

The State's petition challenging the acquittal of Basant Mishra in a rape case involving a minor was dismissed due to insufficient reasons for a delay of over 700 days in filing the appeal. The testimony of the minor victim was found inconsistent and not credible, raising the possibility of false implication of the respondent. The State failed to establish a prima facie case, leading to the dismissal of both the leave petition and the applications for condonation of delay.

STATE VS DURGESH NANDINI & ANR [CRL.REV.P.-80/2017]

Judges: Justice Amit Mahajan

The Additional Sessions Judge discharged Respondent No. 1 from charges under Sections 506/34 of the Indian Penal Code, as the allegations did not constitute criminal intimidation. A police cancellation report indicated no offense was made out, yet the magistrate took cognizance, deemed irregular. There was insufficient material to frame charges against Respondent No. 1.

STATE VS MANPAL & ORS [CRL.L.P.-519/2019]

Judges: Justice Amit Mahajan

The trial court's acquittal of the respondents was upheld due to the victim's statements being materially contradictory and lacking corroboration. The victim's account was deemed unreliable and inconsistent, failing to meet the standard required for testimony to be accepted without additional support.

STATE VS PRINCE & ANR [CRL.REV.P.-574/2017]

Judges: Justice Amit Mahajan

The order discharging the respondents from charges under Sections 302/34/120B of the Indian Penal Code was upheld. The circumstantial evidence did not create grave suspicion regarding the respondents' involvement in the alleged murder beyond reasonable doubt. The material on record did not directly incriminate them.

STATE VS RAJ KUMAR MISHRA & ORS [CRL.REV.P.-369/2017]

Judges: Justice Amit Mahajan

Charges were framed against respondents under Sections 347/304(I)/34 of the Indian Penal Code, but not under Section 302 for murder. The prosecution's case indicated a lack of mens rea for murder, as the deceased was caught attempting robbery and beaten in the heat of the moment, without premeditation. At the charge-framing stage, the evaluation of the material must establish if a prima facie case exists, considering the broad probabilities rather than acting solely on prosecution evidence.

STATE VS SHARAD INDU GOEL [CRL.M.C.-3854/2019]

Judges: Justice Amit Mahajan

The petitions by the State challenging the bail order for Rakesh Goel and Sharad Indu Goel, related to a fire incident at the Arpit hotel in Karol Bagh that resulted in 17 fatalities, were dismissed. The trial court's decision was deemed well-reasoned, with the allegations not sufficiently indicating culpable homicide not amounting to murder. The respondents had already spent around 90 days in custody, and the investigation was complete, making further detention unnecessary. No issues were identified in the trial court's bail grant.

STATE VS RAVI KUMAR @ TONI [CRL.L.P.-340/2019]

Judges: Justice Amit Mahajan

The State's leave petition challenging the acquittal of the respondent under the Narcotics Drugs and Psychotropic Substances Act, 1985 was dismissed due to procedural lapses in the prosecution's case. The mandatory requirement to inform the accused of their rights regarding search presence was not met, and there was a lack of independent public witnesses during the search. Additionally, the search conduct between sunset and sunrise lacked proper authorization, and significant contradictions in witness testimonies further undermined the prosecution's position. The acquittal order was found to be well-reasoned and legally sound.

STATE VS SANTOSH & ORS. [CRL.REV.P.-888/2024]

Judges: Justice Amit Mahajan

The order discharging Santosh, Kavita, Suman, and Seema from charges under Sections 308/323/34 IPC was upheld. The evidence against them was deemed lacking in specificity and influenced by ongoing disputes. No grave suspicion was found, and the decision showed no perversity or patent illegality warranting interference.

STATE VS SARJEET [CRL.L.P.-547/2019]

Judges: Justice Amit Mahajan

The State's petition to appeal the acquittal of the respondent charged under the POCSO Act was dismissed. The trial court's findings regarded the victim's testimony as unreliable due to contradictions, and the prosecution did not prove beyond reasonable doubt that the victim was a minor at the time of the incident. Additionally, even if the victim were a minor, evidence was lacking to show that the respondent had kidnapped her, as she had voluntarily accompanied him. The State failed to establish a prima facie case.

STATE VS SHATRUGHAN [CRL.REV.P.-76/2017]

Judges: Justice Amit Mahajan

No prima facie case was established against the accused under Sections 363/376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act. The prosecutrix stated she left home voluntarily and had a consensual relationship with the accused, with no allegations of sexual assault. The evidence presented did not meet the necessary elements of the alleged offenses, indicating that broader probabilities of the case must be considered.

SUBHASH NAGAR VS STATE [BAIL APPLN.-3629/2023]

Judges: Justice Amit Mahajan

Subhash Nagar, a director of M/s Swag Production Private Limited, received bail despite accusations of cheating investors by making false promises of high returns and misappropriating their funds. The allegations against Nagar were not deemed more severe than those of co-accused individuals who had already been granted bail. With the investigation nearly complete and a chargesheet filed, the decision emphasized the principle that bail is the norm and that the right to a speedy trial is essential. Bail was granted under specific conditions.

SUDARSHAN VS THE STATE (GOVT. OF NCT OF DELHI) & ANR. [CRL.M.C.-7409/2024]

Judges: Justice Amit Mahajan

The petitioner's application to recall the child victim for further cross-examination was dismissed due to inadequate justification for the 15-month delay and the potential violation of fair trial principles and the Protection of Children from Sexual Offences (POCSO) Act. The need to prevent further trauma to child victims in court was emphasized, highlighting the balance between the rights of the accused and the protection of vulnerable witnesses. The application did not fulfill the requirements for invoking Section 311 of the Criminal Procedure Code.

SUDHANSHU KUMAR ALIAS SUDHANSHU MISHRA VS THE STATE OF NCT OF DELHI & ANR. [BAIL APPLN.-1989/2023]

Judges: Justice Amit Mahajan

Sudhanshu Kumar alias Sudhanshu Mishra was granted bail in a case involving allegations of rape and criminal intimidation. The prosecutrix's credibility was questioned due to a significant delay in filing the FIR, and evidence indicated a consensual relationship. Keeping the 20-year-old applicant in custody was deemed unnecessary, and conditions were imposed for bail. These included prohibitions on contacting the prosecutrix or her family, weekly reporting to the local police station, and restrictions on leaving the country without permission.

SUKHVINDER SINGH VS STATE GOVT. OF NCT OF DELHI [BAIL APPLN.-2774/2023]

Judges: Justice Amit Mahajan

Bail was granted to Sukhvinder Singh in an FIR under Section 20 of the Narcotic Drugs and Psychotropic Substances Act. Despite the recovery of a commercial quantity of contraband (Ganja), the applicant demonstrated a prima facie case for bail due to the lack of independent witnesses, significant trial delays with only 2 of 13 witnesses examined, and a clean record. Procedural irregularities regarding the filing of the application and sample testing may be addressed during trial, but the applicant's right to liberty under Article 21 was prioritized over statutory restrictions.

SULIAMAN AGHA SAIHOON VS NARCOTICS CONTROL BUREAU [BAIL APPLN.-320/2024]

Judges: Justice Amit Mahajan

Bail was granted to Suliaman Agha Saihoon, charged under the Narcotic Drugs and Psychotropic Substances Act, 1985, as the recovery of small and intermediate quantities of contraband did not invoke the strict provisions of the Act. Considering his clean record and the potential for a lengthy trial, bail was granted with conditions including restrictions on travel outside the National Capital Region, passport surrender, and assurance from the Afghan embassy regarding his appearance in court.

SUMAN KUMAR VS COMMISSIONER OF POLICE, DELHI POLICE AND ORS. [CRL.REV.P.-1098/2023]

Judges: Justice Amit Mahajan

The decision to dismiss the petitioner's application under Section 156(3) of the CrPC and to take cognizance of the complaint under Section 200 was upheld. The allegations made by the petitioner were deemed to represent a breach of contract dispute, not appropriate for criminal jurisdiction. The evidence needed to support the claims was primarily documentary and accessible to the petitioner, negating the necessity for police involvement in the investigation. No exceptional circumstances were established to justify the use of extraordinary jurisdiction under Section 482 of the CrPC, and the Magistrate's order was deemed legally sound.

SUMAN MALHOTRA VS STATE (GOVT. OF NCT OF DELHI) & ANR. [CRL.M.C.-3782/2024]
Judges: Justice Amit Mahajan
The dismissal of the petitioner's application for further investigation in the FIR under Section 306 IPC was upheld. Evidence at this stage does not meet the requirements for Section 302 IPC. The FSL report for the seized mobile phones is pending, and future evidence related to Section 302 IPC may allow for appropriate orders from the trial court. The maintainability of the petitioner's application under Section 173(8) CrPC was not addressed, and the trial court was instructed to hear arguments on charge without influence from previous observations.

SUMIT FAGNA VS THE STATE OF NCT DELHI & ANR. [BAIL APPLN.-4193/2023]
Judges: Justice Amit Mahajan
Bail was granted to Sumit Fagna in a case under the Narcotic Drugs and Psychotropic Substances Act, 1985. The primary evidence against him, a co-accused's disclosure statement, lacked sufficient corroboration. Other evidence, including call detail records and financial transactions, did not adequately establish his involvement. The material on record was insufficient to link him to the alleged offence, and the conditions of Section 37 of the NDPS Act did not obstruct the grant of bail. Considering Fagna's clean antecedents and the completion of the investigation, a prima facie case for bail was established.

SUMIT KUMAR VS STATE & ANR. [BAIL APPLN.-1142/2024]
Judges: Justice Amit Mahajan
Bail was granted to Sumit Kumar in a case involving allegations of rape and criminal intimidation. The situation was viewed as stemming from a consensual relationship that deteriorated. The delay in filing the FIR and the ongoing relationship between the parties raised doubts about the prosecution's case. It was noted that the allegations could not be conclusively established at this stage, with the matter to be resolved at trial. Bail was granted with specific conditions, emphasizing that the observations were solely for the purpose of the bail application and should not affect the trial.

SUMIT VS STATE NCT OF DELHI [BAIL APPLN.-2212/2024]
Judges: Justice Amit Mahajan
Bail was granted to Sumit, accused under Section 302 of the Indian Penal Code for alleged murder, based on circumstantial evidence and a single allegation of evidence destruction. The co-accused, Hemant, has been granted bail. Lack of direct evidence, prolonged incarceration, and the anticipated delay in trial contributed to the decision. Conditions for bail were set, with a note that the observations should not influence the trial's outcome.

SUNIL KUMAR VS DIRECTORATE OF REVENUE INTELLIGENCE [BAIL APPLN.-3031/2022]
Judges: Justice Amit Mahajan
Sunil Kumar received bail after being charged under the Narcotic Drugs and Psychotropic Substances Act for involvement in the import of commercial quantities of contraband drugs. The decision considered his prolonged incarceration of over 3 years while the trial remained at an initial stage, impacting his right to life and liberty. There were reasonable grounds suggesting he may not have known about the contraband in the imported consignments. Bail was granted with specific conditions, emphasizing that the observations made should not affect the trial's outcome.

SUNIL KUMAR VS STATE AND OTHERS [CRL.REV.P.-92/2023]

Judges: Justice Amit Mahajan

Respondent Nos. 2-4 were discharged from charges under Sections 120-B, 468, and 471 of the Indian Penal Code due to the lack of direct evidence linking them to the alleged forgery and use of a forged compromise deed. At the charge framing stage, only a prima facie case is considered, without in-depth evidence appreciation. The lower court's order was deemed free from inherent perversity, leading to the dismissal of the petition.

SUNIL SHARMA VS STATE (NCT OF DELHI) & ANR. [CRL.A.-427/2024]

Judges: Justice Amit Mahajan

The conviction and sentence of the appellant for offenses under the POCSO Act and IPC were upheld. The child victim's consistent testimony and corroboration from her brother supported the case. The appellant did not succeed in rebutting the presumption under the POCSO Act or in proving a credible defense of false implication. The appeal was dismissed.

SUNNY ALIAS RAVI KUMAR VS STATE OF NCT OF DELHI [BAIL APPLN.-3580/2023]

Judges: Justice Amit Mahajan

Bail was granted to Sunny alias Ravi Kumar, charged under Sections 376, 354D, and 506 of the Indian Penal Code for alleged rape and sexual assault. Discrepancies existed between the FIR and the victim's statement, with a delay of over 1.5 years in filing the FIR. The relationship between the accused and the complainant appeared consensual, and her continued involvement despite knowing the accused's marital status raised doubts about the nature of the sexual acts. The validity of the accused's promise of marriage could not be conclusively assessed at the bail stage, as it required a comprehensive evaluation of evidence. Given the accused's clean record, family responsibilities, and the need to ensure his presence during trial, bail was granted with conditions to not contact the complainant or her family and not travel abroad without permission.

SURAJ KUMAR VS STATE OF NCT OF DELHI [BAIL APPLN.-1782/2024]

Judges: Justice Amit Mahajan

The application for pre-arrest bail filed by Suraj Kumar was dismissed due to prima facie evidence, including CCTV footage, indicating his involvement in offenses related to abduction, assault, and common intention. Granting bail at this stage was deemed to potentially impede the investigation, and custodial interrogation was considered necessary. The nature of pre-arrest bail is extraordinary and should be granted sparingly, with this assessment limited to the bail application and not reflective of any views on the trial's merits.

SURYA PRAKASH VS STATE NCT OF DELHIL [BAIL APPLN.-756/2024]

Judges: Justice Amit Mahajan

Surya Prakash was granted bail in connection with an FIR under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act. The evidence against him primarily involved monetary transactions through his bank accounts and a co-accused's disclosure statement, deemed inadmissible without corroboration. No direct recovery was made from Surya, and circumstantial evidence of contact with the co-accused was insufficient to establish guilt. Bail was granted considering the facts and his period of incarceration, subject to certain conditions.

SUSHILA BADOLA VS TUSHAR PATNI [CRL.M.C.-4453/2019]

Judges: Justice Amit Mahajan

The power of attorney holder can file a complaint and present pre-summoning evidence if they have personal knowledge of the transaction, regardless of the depth of that knowledge. The validity of the compromise deed can be contested at the trial level, and there are no grounds for quashing the complaint at this stage. The issues raised involve questions of fact and law meant for adjudication at trial, not for dismissal through inherent powers.

SUSHMA VS STATE NCT OF DELHI [BAIL APPLN.-3068/2024]

Judges: Justice Amit Mahajan

The pre-arrest bail application of the applicant, the mother-in-law of the deceased, was dismissed in connection with an FIR under Sections 498A/304B/34 of the Indian Penal Code. Specific allegations of dowry demands and harassment linked to the victim's unnatural death within 7 years of marriage invoked a statutory presumption under Section 113B of the Indian Evidence Act. The seriousness of the offences in dowry death cases warranted caution against granting pre-arrest bail. The applicant's claim of being an elderly, sick woman did not provide sufficient grounds for bail, and a prima facie case was not established.

TANAY KHATRI VS STATE (NCT OF DELHI) [BAIL APPLN.-1397/2024]

Judges: Justice Amit Mahajan

The bail application under Section 167(2) CrPC was dismissed on the grounds that the absence of the Forensic Science Laboratory (FSL) report does not make the chargesheet "incomplete" for default bail purposes, based on established precedent. The decision is strictly about default bail and does not address the case's merits.

TEEKA RAM VS STATE THROUGH PS SPECIAL CELL [CRL.REV.P.-739/2023]

Judges: Justice Amit Mahajan

The non-filing of the FSL report with the chargesheet does not render the chargesheet incomplete for granting default bail under Section 167(2) of the CrPC. Legal requirements for a valid chargesheet under Section 173(2) are considered met even without the FSL report. Further investigation can proceed under Section 173(8), allowing the FSL report to be submitted later as a supplementary chargesheet. The petitions for default bail by Satish Kumar and Teeka Ram were dismissed, with clarification that the judgment addresses only the issue of default bail and does not comment on the case's merits.

THE COMMISSIONER OF CENTRAL TAX, GST, DELHI(WEST) VS ADESH JAIN [CRL.M.C.-2824/2019]

Judges: Justice Amit Mahajan

Adesh Jain was granted statutory bail under Section 167(2) of the Code of Criminal Procedure despite prior bail cancellation. The prosecution's delay of over five years in filing the complaint and completing the investigation was deemed an abuse of the legal process, emphasizing a focus on custody rather than timely case resolution. The prosecution's petition challenging the grant of statutory bail was dismissed.

THE STATE (GNCT OF DELHI) VS ROHIT SHARMA & ANR. [CRL.REV.P.-147/2023]

Judges: Justice Amit Mahajan

The trial court discharged the accused persons from charges under Section 308 of the Indian Penal Code, finding no prima facie evidence of attempted culpable homicide. The assault was deemed non-premeditated, and there was no indication of intention or knowledge to cause such harm. The trial court adequately considered the totality of the circumstances before reaching this decision.

THE STATE (GNCT OF DELHI) VS SAHIL @ CHIKNA [CRL.REV.P.-996/2023]

Judges: Justice Amit Mahajan

The respondent was confirmed to be a juvenile at the time of the alleged offense based on a birth certificate indicating a date of birth of 04.11.2001, deemed more reliable than school records. The state's argument regarding the need to follow Section 94 of the Juvenile Justice Act was rejected, affirming the correctness of the trial court's findings.

TIMMI @ ABBAS VS THE STATE OF NCT OF DELHI [BAIL APPLN.-1074/2024]

Judges: Justice Amit Mahajan

Pre-arrest bail applications filed by Soukin, Talim, and Timmi @ Abbas were dismissed, with investigations revealing a prima facie case against them for involvement in an organized crime syndicate related to sextortion. Their mobile numbers were linked to bank accounts containing the cheated money, and a pattern of similar past offenses was noted. Due to the seriousness of the crimes and the necessity for custodial interrogation, anticipatory bail was not granted.

TKREEB VS STATE OF NCT OF DELHI [CRL.M.C.-4/2024]

Judges: Justice Amit Mahajan

The trial court's dismissal of the petitioner's application to recall the prosecutrix (PW1) for cross-examination was unjustified. The testimony of PW1 was deemed crucial for a fair trial. The right to cross-examine PW1 was closed after only one opportunity, and caution was emphasized to ensure fairness. The impugned order was set aside, granting the petitioner one final opportunity to cross-examine PW1 without further adjournments.

TOBIAS CHRISTIAN VS NARCOTIC CONTROL BUREAU [BAIL APPLN.-1301/2022]

Judges: Justice Amit Mahajan

Tobias Christian received bail after being arrested for possessing 150 grams of heroin, classified as an intermediate quantity under the NDPS Act. Arguments regarding issues with the search, seizure, and chargesheet were considered alongside the prosecution's emphasis on the seriousness of the offense. The lengthy period of custody and absence of public witnesses were factors in granting bail, despite the imposition of strict conditions due to the applicant's foreign status. Observations made were for bail purposes only and not indicative of the trial's outcome.

TUSHAR CHAUDHARY VS STATE NCT OF DELHI [BAIL APPLN.-2132/2024]

Judges: Justice Amit Mahajan

The applicant is not entitled to default bail under Section 167(2) of the CrPC because the chargesheet was deemed complete, despite the absence of the FSL report. The chargesheet met the requirements of Section 173(2), and the lack of corroborative evidence does not render it incomplete. The argument regarding the chargesheet's completeness without the FSL report does not override existing precedent.

TUSHAR TAMANG VS STATE N.C.T. OF DELHI & ANR. [CRL.M.C.-4174/2022]

Judges: Justice Amit Mahajan

The petitioner's claim of innocence based on CCTV footage did not meet the threshold for quashing the FIR at this stage. However, the omission of the footage, which could potentially exonerate the petitioner, from the chargesheet prejudiced the petitioner. A directive was issued for the police to investigate the CCTV footage and file a supplementary chargesheet to ensure a fair and complete investigation and trial. The assistance provided by the Amicus Curiae was acknowledged.

UMAR SEBANDEKE VS CUSTOMS [BAIL APPLN.-3460/2023]

Judges: Justice Amit Mahajan

The bail application of Umar Sebandeke was dismissed due to charges under the Narcotic Drugs and Psychotropic Substances Act for possessing a commercial quantity of heroin. The accused did not prove a prima facie case for innocence or that they would not re-offend if released on bail, as required by the NDPS Act. Alleged irregularities in sampling and seizure procedures are to be examined during the trial and do not warrant bail at this stage. Additionally, the accused had not served the minimum 5 years of incarceration required for bail consideration based on trial delay.

UMESH SHARMA VS GOVT OF NCT OF DELHI & ORS [CRL.M.C.-3038/2019]

Judges: Justice Amit Mahajan

The lower court erred by taking cognizance of offenses under Sections 193 and 209 of the Indian Penal Code based on a private complaint, which are barred. The procedure under Section 195 CrPC requires that the court where the offense was committed must initiate prosecution. There was no infirmity in the order that set aside the lower court's decision to summon the respondent.

VAIBHAV JAIN VS STATE NCT OF DELHI [CRL.M.C.-7747/2024]

Judges: Justice Amit Mahajan

The petitioner's application to recall certain prosecution witnesses was dismissed. The grounds presented, including the previous counsel's failure to ask specific questions, were deemed insufficient. Emphasis was placed on the need for judicious exercise of power under Section 311 and the importance of expeditious trial completion per the POCSO Act. No infirmity was found in the trial court's order, and the petition was dismissed with costs.

VEER SINGH VS STATE GOVT. OF NCT OF DELHI [BAIL APPLN.-599/2024]

Judges: Justice Amit Mahajan

Veer Singh was granted bail in an NDPS case due to a lack of independent witnesses and discrepancies in the weight of the recovered contraband. He has been in custody since December 2022, and significant time is anticipated for the trial. The deprivation of liberty cannot be punitive without proven guilt. Bail was granted with conditions, emphasizing that the observations made are solely for the purpose of the bail application and do not influence the trial's outcome or express any opinion on the case's merits.

VICKY ANAND VS STATE OF NCT OF DELHI [BAIL APPLN.-3217/2023]

Judges: Justice Amit Mahajan

Bail was granted to Vicky Anand, accused in a case related to the dismemberment of the victim's genitals by the victim's in-laws. The victim has turned hostile, raising doubts about the allegations against Anand, who was not named in the original FIR or chargesheet but was later included in a supplementary chargesheet. Anand worked as a domestic help for the co-accused, and no specific motive was attributed to him. The lack of criminal history and the time spent in custody since April 2022 were also considered in the decision to grant bail under certain conditions.

VIJAY KUMAR KHURANA VS SHUBHAM JAIN [CRL.M.C.-700/2019]

Judges: Justice Amit Mahajan

The criminal proceedings against Vijay Kumar Khurana were quashed due to the lack of specific allegations of criminal intent or role in the complaint. Advising on a payment plan, without misleading or inducing the respondent, does not amount to offences under Sections 420 or 409 of the Indian Penal Code. Khurana, a salaried employee and not a director or shareholder of the accused company, should not have been summoned as an accused.

VIJAY KUMAR SHARMA & ANR. VS STATE OF DELHI [CRL.REV.P.-626/2023]

Judges: Justice Amit Mahajan

The criminal revision petition by the accused persons led to the quashing of the FIR against them. The complainant stated that the sexual relations were consensual and that she was aware of the accused's marital status during the relationship. The remaining offences under Sections 506 and 509 IPC were considered compoundable, and the complainant expressed a desire not to pursue the proceedings. Continuing the prosecution was viewed as an abuse of the process, resulting in the decision to quash the FIR and the order framing charges.

VIKAS MITTAL VS STATE & ANR. [CRL.REV.P.-306/2017]

Judges: Justice Amit Mahajan

The interim maintenance order of R.S. 65,000 per month for the wife was upheld. The husband's monthly income was assessed at R.S. 2,50,000 based on past tax returns, with recognition of a tendency to understate income in matrimonial disputes. The husband's claim of financial hardship was rejected, emphasizing the obligation of financial support to the wife. Final determination of maintenance was left to the trial court, which must consider evidence independently of previous findings.

VIKASH @ VICKY VS STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-1668/2024]

Judges: Justice Amit Mahajan

Vikash @ Vicky received bail on charges under the NDPS Act for possession of a commercial quantity of drugs after being incarcerated for over two years without trial, violating his fundamental right under Article 21. Delays in the investigation, including the late filing of the sample drawing application and the absence of independent witnesses or evidence documentation during the raid, raised doubts about the prosecution's credibility. Bail was granted with conditions to prevent evidence tampering or absconding.

VIKRANT GUPTA VS STATE & ANR. [CRL.M.C.-5977/2019]

Judges: Justice Amit Mahajan

The FIR against the petitioner under Section 67 of the Information and Technology Act, 2000 for sending obscene and defamatory messages was quashed. The petitioner admitted to maligning the respondent's reputation, issued an unconditional apology, and agreed to refrain from sending such messages in the future. Continuing the criminal proceedings was deemed an abuse of the court's process due to the parties' settlement.

VINEET VS STATE [BAIL APPLN.-2882/2023]

Judges: Justice Amit Mahajan

Bail was granted to the applicant based on the completion of the investigation, examination of material witnesses, and the applicant's custody since December 2017. Medical evidence did not definitively prove that the applicant caused the fatal injuries, with the post-mortem report and witness testimonies not indicating head injuries. The lack of certainty regarding the cause of the victim's death and the prolonged incarceration justified the decision for bail, while the determination of guilt or innocence is reserved for trial.

VINOD NAGAR VS NARCOTICS CONTROL BUREAU [BAIL APPLN.-3149/2022]

Judges: Justice Amit Mahajan

The prosecution's case against the applicant relies on the disclosure statement of a co-accused and circumstantial evidence. There are reasonable grounds to believe the applicant is not guilty of offences under the NDPS Act, as there was no direct recovery from the applicant and the sample collection application was filed late, breaching statutory procedures. The applicant has a clean record, leading to the decision to grant bail under certain conditions.

VINOD YADAV VS THE STATE [BAIL APPLN.-3124/2023]

Judges: Justice Amit Mahajan

Contraband recovered from the applicant and a co-accused cannot be combined to apply Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, due to the lack of allegations of abetment or conspiracy. The quantity of Opium recovered from the applicant was classified as an intermediate quantity, negating the applicability of Section 37. Given the applicant's clean record, his role as the family's sole provider, and the potential for a delayed trial, bail was granted under certain conditions. Observations made were only for the bail decision and do not influence the trial's outcome.

VIPHIL JAIN & ANR. VS DIRECTORATE OF ENFORCEMENT & ANR. [CRL.M.C.-3056/2024]

Judges: Justice Amit Mahajan

The offence of money laundering under the Prevention of Money Laundering Act, 2002 is independent from the predicate offence investigated by the police. The 15-day limitation of police custody under Section 167(2) of the Code of Criminal Procedure applies only to specific cases or investigations and does not prevent the Enforcement Directorate from seeking custody for money laundering, which is a separate investigation. The petition of the accused was dismissed, as the argument regarding the bar on ED's custody after the 15-day limit lacked merit.

VISHAL @ GOLU VS STATE NCT OF DELHI [CRL.REV.P.-1176/2023]

Judges: Justice Amit Mahajan

The petitioner was not entitled to default bail under Section 167(2) CrPC and Section 36A(4) of the NDPS Act, as the chargesheet was filed on the 181st day of custody, before the default bail application was made. The right to default bail ceased upon the filing of the chargesheet, even if the application occurred on the same day. The petition was dismissed due to a lack of merit in the claim for default bail.

VIVEK GOSWAMI VS STATE (GNCT OF DELHI) AND ANR. [BAIL APPLN.-3148/2024]

Judges: Justice Amit Mahajan

Bail was granted to a 21-year-old accused in a case involving Sections 376 and 506 of the IPC and Section 6 of the POCSO Act due to inconsistencies in the prosecution's case, particularly changes in the victim's statements. The presumption of guilt under the POCSO Act was acknowledged, but the inconsistencies benefited the accused at the bail stage. Factors considered included the accused's young age and clean criminal record, with specific conditions attached to the bail. Observations made regarding the case were strictly for the bail application and were not intended to influence the trial's outcome.

VIVEK JATIN CHAUDHARY VS DEEPTI TURE [CRL.REV.P.-443/2023]

Judges: Justice Amit Mahajan

Interim maintenance of R.S. 30,000 per month for the wife and child is deemed reasonable. The Family Court did not consider the husband's fluctuating income over previous years when assessing arrears of maintenance. The matter is remanded for reassessment of the arrears, factoring in the husband's lower income, with the final maintenance amount to be decided based on evidence from both parties. Observations made do not influence the ongoing application for modification of the interim order.

VIVEK KASHYAP VS THE STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-1067/2024]

Judges: Justice Amit Mahajan

Vivek Kashyap was granted bail on charges under Sections 363, 376(3), 366, and 471 of the IPC and Section 6 of the POCSO Act. The victim, initially claimed to be 14 years old, stated her birth date as 09.11.2003, indicating she was a major at the time of the incident. She also expressed that she willingly accompanied Kashyap and that they are now married with a child. The circumstances surrounding the victim's age and her statements led to the conclusion that further incarceration would serve no purpose. Bail was granted under certain conditions, with a clarification regarding the observations made in the order.

ZAHID HASSAN VS STATE OF NCT OF DELHI [BAIL APPLN.-2910/2023]

Judges: Justice Amit Mahajan

Zahid Hassan's bail application was dismissed due to prima facie evidence against him in the murder of Zakir Hussain and the related robbery, including CCTV footage, call detail records, and the recovery of stolen items. The trial is at an early stage, and there is a potential risk of witness interference, leading to the decision not to grant bail.

A.V. PREM NATH VS STATE (NCT OF DELHI) [CRL.M.C.-4385/2023]

Judges: Justice Amit Sharma

The petition by A.V. Prem Nath to quash the FIR against him under various sections of the Indian Penal Code was dismissed. The ongoing investigation prevents a conclusion that no offence is made out. There are conflicting accounts regarding the creation of an email ID, with the petitioner claiming consent from the complainant, while the complainant asserts it was created without his knowledge. The resolution of these allegations is reserved for trial, with no grounds found to quash the FIR.

ARUN SHARMA VS C B I [CRL.A.-423/2013]

Judges: Justice Amit Sharma

Ajay Bali and Arun Sharma were acquitted of charges related to conspiracy and corruption. The prosecution did not prove the demand and acceptance of a bribe, as key witnesses, including the complainant, became hostile and contradicted their earlier statements. Discrepancies in the evidence and the unreliability of audio recordings and call detail records contributed to the decision, leading to the overturning of the previous conviction.

AJAY SONDHI @ DIMPY VS STATE OF DELHI [CRL.A.-556/2003]

Judges: Justice Amit Sharma

The appeal resulted in the setting aside of the trial court's judgment convicting the appellant under Sections 308 and 324 of the Indian Penal Code. The prosecution failed to prove the appellant's guilt beyond reasonable doubt, citing contradictions and gaps in the investigation, including the non-examination of key eyewitnesses, the absence of the alleged weapon, and inconsistencies in witness testimonies. The appellant's defense was considered plausible, leading to the conclusion that the prosecution case did not meet the standard of preponderance of probabilities. Consequently, the conviction and sentence were annulled, and the appellant was acquitted.

BLUE BIRD LIESURE AND HOLIDAYS LTD. & ORS. VS SPRING HOLIDAY LTD. &ANR. [CRL.M.C.-4587/2013]

Judges: Justice Amit Sharma

The dispute between Blue Bird Leisure and Holidays Ltd. and Spring Holiday Ltd. is not purely civil, as the petitioners lacked authority to book tickets after being notified of a cancellation by their supplier, Ezeego. They dishonestly received payments from Spring Holiday Ltd. and canceled the tickets without issuing refunds, indicating potential offenses under Sections 406 and 120B of the IPC. The petitioners' plea to quash the FIR and chargesheet was dismissed, and the requirement for a supporting affidavit for Section 156(3) complaints was deemed inapplicable to this case. The opinion of the Prosecution Branch that the matter is civil does not bind the Magistrate. The facts do not justify quashing the criminal proceedings, and the trial court is to expedite the case.

COLGATE PALMOLIVE COMPANY & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-1991/2012]

Judges: Justice Amit Sharma

The summoning order against Colgate-Palmolive Company and others in a complaint by Anchor Health and Beauty Care Pvt. Ltd. was set aside. The complaint was deemed not maintainable as the alleged forgery was related to documents from an ongoing civil suit, warranting adherence to specific procedural requirements under the Code of Criminal Procedure. The Trade Marks Registry did not dispute the issuance of certified registrations, and the identified discrepancies appeared to be inadvertent errors rather than intentional forgery. Consequently, the summoning order and the complaint were quashed.

RAVINDER SINGH VS STATE (GOVT OF NCT OF DELHI) & ANR [CRL.M.C.-5817/2014]

Judges: Justice Amit Sharma

The summoning order against the college principal and senior assistant for abetment of suicide under Section 306 of the Indian Penal Code was found unsustainable due to a lack of evidence showing a connection between their actions and the deceased's suicide attempt. The legal requirements for proving abetment, including the necessity of incitement and intent, were not met. Investigations into complaints by the deceased against the petitioners were closed without findings of wrongdoing, and there was no contact between the deceased and the petitioners after her dismissal. Consequently, the summoning order was set aside.

P K SHARMA VS CENTRAL BUREAU OF INVSTIGATION [CRL.A.-658/2012]

Judges: Justice Amit Sharma

The conviction and sentence of MCD officials and private contractors were set aside because the sanction orders for prosecution lacked valid authorization due to insufficient consideration by the sanctioning authority. The prosecution did not prove beyond reasonable doubt that inferior quality materials were used, and there were inconsistencies in the expert evidence and witness testimonies. The appellants were acquitted.

JAI BHAGWAN VS STATE & ANR [CRL.M.C.-3307/2011]

Judges: Justice Amit Sharma

The summoning order and lower court's judgment were quashed due to inadequate consideration of investigation reports and witness testimonies. The presence of key witness Dayanand Sharma at the alleged incident was deemed questionable, and the necessary elements of the offense under Section 3(1)(x) of the SC/ST Act, particularly the public nature of the insult, were not clearly established. It was emphasized that a proper evaluation of all material, including defense pleas, is essential before issuing summons to the accused.

JASVINDER KAUR & ANR. VS STATE [CRL.REV.P.-401/2020]

Judges: Justice Amit Sharma

The petition regarding the father's potential impleading as an accused under Section 319 Cr.P.C. was dismissed. The father cannot be penalized under the POCSO Act for failure to report, as he eventually did report the incident. The principle of strict construction of penal statutes applied, and the protection under Section 132 of the Evidence Act is relevant to his statements.

KRISHNA VS DELHI POLICE & ORS [W.P.(CRL)-769/2018]

Judges: Justice Amit Sharma

The petition for re-investigation of a murder case by the CBI was dismissed, stating that the Delhi Police conducted a fair and credible investigation, including sufficient scientific DNA evidence against the accused. It emphasized that re-investigation is appropriate only in rare cases lacking credibility, which was not applicable here. No bias or lacunae were identified in the investigation.

MOHIT VS STATE (GNCT OF DELHI) [CRL.A.-47/2018]

Judges: Justice Amit Sharma

The appeal was allowed, and the conviction under Section 411 of the Indian Penal Code was set aside. The trial court's conviction lacked validity as the essential elements of the offense were not established. There was no determination that the recovered property was "stolen property" as defined under Section 410 IPC, and in the absence of evidence showing the property was obtained through theft, extortion, or robbery, the conviction could not be sustained.

RAJAN KUMAR @ ASHU CHAUHAN VS STATE OF N.C.T OF DELHI [BAIL APPLN.-2112/2023]

Judges: Justice Amit Sharma

Rajan Kumar @ Ashu Chauhan's application for anticipatory bail was dismissed based on his conduct and evidence against him, including CCTV footage and connections to history-sheeters. Initially granted bail on conditions, he violated these by visiting the restricted area without prior notice. Following a state application, his bail was canceled due to this violation. Although he challenged the cancellation, he later withdrew the petition and submitted new applications, which were also denied. The assessment of his conduct and the existing evidence led to the conclusion that he did not merit anticipatory bail.

RAJJAN @ ASHU CHAUHAN VS THE STATE OF NCT OF DELHI [W.P.(CRL)-955/2024]

Judges: Justice Amit Sharma

The order of externment for one year against the petitioner under Section 47 of the Delhi Police Act, 1978, was upheld based on a thorough consideration of the petitioner's criminal history, which indicated a threat to public safety. Sufficient material supported the decision, confirming adherence to required procedures.

RAVI KUMAR VS STATE [CRL.A.-505/2003]

Judges: Justice Amit Sharma

Ravi Kumar's conviction under Section 498A IPC was set aside. Allegations of an extra-marital affair were insufficient to constitute cruelty. Evidence, including the deceased's dying declaration, suggested an accidental fire, and the prosecution failed to prove that Kumar's actions could have driven the deceased to suicide. He was acquitted.

RENU BALA & ANR VS STATE (GOVT OF NCT OF DELHI) & ORS [W.P.(CRL)-236/2018]

Judges: Justice Amit Sharma

The petition to quash FIR no. 338/2016 is not permitted at this stage due to ongoing trial proceedings, including a filed chargesheet and framed charges. The truth of the allegations in the FIR will be assessed during the trial. No grounds exist to quash the FIR or transfer the investigation. The petitioners may initiate proceedings to have their related complaint case heard alongside the FIR case.

S.K.AGGARWAL VS STATE NATIONAL CAPITAL TERRITORY OF DELHI [CRL.M.C.-700/2014]

Judges: Justice Amit Sharma

Proceedings against S.K. Aggarwal, a practicing advocate, were quashed due to lack of evidence linking him to criminal conspiracy or abetment in a cheating case. Although his verification reports contained inaccuracies about mortgaged properties, these actions were deemed as professional negligence without establishing criminal intent. A lawyer cannot be held criminally liable simply for providing an unacceptable opinion without tangible evidence of conspiracy involvement.

SAI RAMAKRISHNA KARUTURI VS STATE OF NCT DELHI [BAIL APPLN.-533/2024]

Judges: Justice Amit Sharma

Sai Ramakrishna Karuturi, Director of M/s Karuturi Global Limited, received bail after being charged with cheating and criminal breach of trust under Sections 420 and 409 of the Indian Penal Code. The allegations were serious, but the truth of the prosecution's case and Karuturi's defense would be assessed during the trial. The investigation was complete, and he posed no flight risk. Bail was granted under stringent conditions, including a personal bond of ₹5,00,000, two sureties of equal amount, restrictions on leaving India, and prohibitions on tampering with evidence or influencing witnesses.

SAMSUNG GULF ELECTRONICS, FZE VS UNION OF INDIA THROUGH SETCARREY MINISTRY OF EXTERNAL AFFAIRS & ORS. [W.P.(CRL)-867/2023]

Judges: Justice Amit Sharma

Delhi Police must seek the appointment of an advocate to pursue extradition proceedings against Sukhmeet Singh Anand, following a prior denial due to inadequate representation. The petitioner has the right to assist the prosecution under Section 301(2) of the Code of Criminal Procedure. Delhi Police will take steps to appoint an advocate at the petitioner's expense. The Ministry of External Affairs will communicate this decision to the relevant authorities in Spain.

SANJAY KANSAL VS ASSISTANT DIRECTOR, ED [BAIL APPLN.-1268/2023]

Judges: Justice Amit Sharma

Sanjay Kansal was granted regular bail under Section 439 of the Code of Criminal Procedure and Section 45 of the Prevention of Money Laundering Act. Although accused of facilitating the opening of paper firms to launder approximately Rs. 50 crore, evidence did not conclusively demonstrate his knowledge of the transactions being linked to proceeds of crime. The absence of arrests for similarly situated co-accused and Kansal's status as an approver in the related offenses supported the decision. Bail was granted with conditions, including the requirement to furnish a personal bond and sureties.

SATPAL KALRA & ANR VS GOVT OF NCT OF DELHI & ANR [W.P.(CRL)-1169/2017]

Judges: Justice Amit Sharma

The registration of the FIR against the petitioners under Sections 420/406/506/120B of the Indian Penal Code is valid, and the FIR will continue. The earlier withdrawal of a complaint by the complainant does not prevent the registration of the FIR, as per the Cr.P.C. A prima facie case of cheating under Section 415 IPC exists against petitioner Varun Kalra. Disputed questions of fact regarding the transactions and signatures on documents must be addressed during the trial. The writ petition is dismissed, and the FIR remains unquashed.

SATPAL SINGH PALLI & ANR VS STATE & ANR [CRL.M.C.-557/2011]

Judges: Justice Amit Sharma

The criminal complaint filed by SEBI against the directors of Soubhagya India Vegetation and Plantation Limited (SIVPL) was quashed. The directors had resigned on 23.02.1998, prior to the alleged SEBI Act and CIS Regulations violations. Since they were not directors at the time the offences occurred, proceedings against them could not continue. The resignation was established through Form-32 submitted by the directors, which SEBI had included in the trial court records.

SH. ASHOK KUMAR SINGH VS STATE OF NCT OF DELHI & ANR. [CRL.REV.P.-745/2023]

Judges: Justice Amit Sharma

The order on charge and framing of charge against Ashok Kumar Singh under Sections 307 and 471 read with Section 120-B of the Indian Penal Code was set aside. The prosecution's main evidence, including the disclosure statements of co-accused Sunil Kumar Balhera and call detail records between the petitioner and co-accused, was deemed insufficient. The disclosure statement could not be used as evidence against the petitioner since it did not lead to the discovery of any physical fact. Additionally, the call detail records and a dispute regarding the petitioner's son's coal supply agreement with SAIL were inadequate to establish a prima facie case. Consequently, there was insufficient material to frame charges against the petitioner, resulting in his discharge.

SHIV RAJ SINGH VS STATE OF NCT OF DELHI & ORS [CRL.REV.P.-1227/2019]

Judges: Justice Amit Sharma

The trial court's order discharging the respondents was set aside due to inadequate consideration of the investigating officer's material in the chargesheet. The key issue was whether allegations of forgery and misuse of a digital signature to remove the petitioner from directorship and transfer shares were substantiated. The matter was remanded for fresh consideration on the point of charge, with no opinion expressed on the case's merits.

SMT. SANTOSH DEVI @SANTOSHI DEVI VS STATE & ANR. [CRL.M.C.-1414/2023]

Judges: Justice Amit Sharma

The summoning order against an elderly partner of an accused partnership firm in a Section 138 case of the Negotiable Instruments Act was quashed. Although the complaint mentioned the petitioner's responsibility for the firm's affairs, the absence of the petitioner in a prior complaint and the overall circumstances suggested that prosecuting the petitioner would constitute an abuse of process.

SONU SURENDER VS THE STATE NCT OF DELHI [CRL.A.-359/2017]

Judges: Justice Amit Sharma

Sonu Surender was convicted of aggravated penetrative sexual assault, supported by the consistent and reliable testimony of a 10-year-old victim, corroborated by her mother, brother, and medical evidence. The defense claim of false implication due to a loan issue was rejected. Sonu Surender received a sentence of 10 years' rigorous imprisonment, the minimum under the law.

STATE (GNCT 0F DELHI) VS NETRAPAL SINGH & ORS [CRL.A.-217/2017]

Judges: Justice Amit Sharma

The acquittal of the respondents was upheld due to the prosecution's failure to establish essential legal requirements for offences under the Prevention of Corruption Act. The trial court's assessment that the prosecution did not prove the demand and acceptance of a bribe by the public servants was deemed reasonable. Additionally, video evidence presented by the prosecution was ruled inadmissible due to recording device issues, discontinuity, and non-compliance with Section 65B of the Evidence Act. The lack of demonstrated error or illegality in the trial court's judgment led to the dismissal of the appeal.

STATE VS BHARAT SINGH [CRL.A.-537/2003]

Judges: Justice Amit Sharma

The acquittal of Bharat Singh on charges of abetment of suicide and cruelty was upheld. Evidence did not demonstrate that his actions constituted instigation or abetment leading to the suicide. Incidents of beating and threats were insufficient to qualify as cruelty under Section 498A IPC. The trial court's judgment was regarded as well-reasoned, with no illegality or misappreciation of facts identified.

SUNIL KUMAR VS STATE & ANR [CRL.M.C.-4252/2014]

Judges: Justice Amit Sharma

Directions for the registration of an FIR against a police officer were invalid as the allegations did not indicate any cognizable offences. The complaint was deemed malicious and an abuse of process. Inherent powers under Section 482 of the Cr.P.C. were applied to prevent this abuse. The police officer, as a public servant, received protection under Sections 197 of the Cr.P.C. and 140 of the Delhi Police Act, with continuation of proceedings considered a travesty of justice.

SUNIL KUMAR VS STATE OF NCT OF DELHI [BAIL APPLN.-1130/2023]

Judges: Justice Amit Sharma

Sunil Kumar was granted bail while facing charges under the Maharashtra Control of Organised Crimes Act and the Indian Penal Code. The prosecution did not establish any financial gain or active involvement in the organized crime syndicate led by co-accused Sukash Chander Shekhar. Allegations of facilitating Shekhar's activities were insufficient to demonstrate intent. Kumar had been in custody for over 2 years with the trial still at an early stage. Bail was granted considering the lack of conclusive evidence and the lengthy period of custody, with conditions set to ensure a balance between the prosecution's case and the applicant's right to liberty.

SUSHIL YADAV VS STATE [CRL.A.-830/2017]

Judges: Justice Amit Sharma

Sushil Yadav was convicted of offenses under Section 366 of the Indian Penal Code and Section 6 read with Section 5(m) of the Protection of Children from Sexual Offences Act, 2012. The conviction was upheld based on medical and scientific evidence, including DNA evidence, which proved his involvement in the crime beyond reasonable doubt. Despite contradictions in the testimony of the victim's mother, the strength of the medical evidence supported the conviction.

THOMAS VARGHESE VS STATE & ANR [CRL.M.C.-2632/2012]

Judges: Justice Amit Sharma

The complaint filed by the Assistant Environment Engineer of the Delhi Pollution Control Committee was deemed non-compliant with Section 19 of the Environment Act, 1986, as the Engineer lacked authorization from the Central Government to file such a complaint. Under Section 19, only the Central Government, authorized authorities, or individuals with prior notice can file complaints for offenses Consequently, both the summoning order and dismissal of the petition by lower courts were set aside.

X VS STATE [CRL.REV.P.-882/2019]

Judges: Justice Amit Sharma

The petitioner's revision petition to add charges under Sections 370 and 16 of the Indian Penal Code was dismissed. The material on record did not provide evidence of a purpose of exploitation required for Section 370 or establish the creditor-debtor relationship necessary for Section 16. Section 216 CrPC requires strict interpretation, disallowing the framing of charges based on assumptions. The trial court's order was affirmed without any legal infirmity.

TINKU VS THE STATE (NCT OF DELHI) [BAIL APPLN.-422/2024]

Judges: Justice Anish Dayal

Bail was granted to Tinku, who had been in custody for over two and a half years under an FIR related to the NDPS Act. Issues identified in the prosecution's case included an improbable sequence of events, lack of independent witnesses, and absence of corroborating evidence such as call records or financial links to the alleged offense. Despite the recovery involving a commercial quantity, prolonged incarceration without trial progression was deemed a violation of fundamental rights under Article 21. Tinku was required to furnish a personal bond and comply with specified conditions.

PRINCE DIXIT @ VIKRAM VS STATE [BAIL APPLN.-922/2023]

Judges: Justice Anish Dayal

Bail was granted to Prince Dixit and Davinder Kaur, charged with the murder of Jagir Kaur and Gurmeet Singh, based on circumstantial evidence and issues with the prosecution's case, including contradictions in witness testimonies and inconsistencies in identifying the deceased. The applicants had been incarcerated for over 5 years, and the trial faced delays with 70 witnesses still to be examined. Conditions for bail included not leaving the country without permission, participating in investigations as required, and refraining from tampering with evidence or contacting witnesses.

ANSARUL HASAN VS STATE (NCT OF DELHI) [CRL.A.-308/2003]

Judges: Justice Anish Dayal

The criminal appeal was allowed, and the appellant's conviction under the Prevention of Corruption Act was set aside due to the prosecution's failure to prove guilt beyond reasonable doubt. Key issues included the absence of a bribe demand from the appellant, concerns over the integrity of evidence records, doubts surrounding the complaint's authenticity, and the non-examination of crucial witnesses. Material contradictions in the testimonies of prosecution witnesses undermined the prosecution's case significantly.

OKECHUKWU OKEY@ PAULINUS UCHENNA VS NARCOTICS CONTROL BUREAU [BAIL APPLN.-864/2024]

Judges: Justice Anish Dayal

Bail was granted to Okechukwu Okey @ Paulinus Uchenna in a case related to the Narcotic Drugs and Psychotropic Substances Act. The omission of the 'nearest' Gazetted Officer or Magistrate in the notice under Section 50 was not deemed to cause prejudice. A three-month delay in submitting samples for testing under Section 52A raised concerns about the process. Considering the applicant's over three years in custody with only one witness partially examined, bail was granted despite the involvement of a commercial quantity, with conditions requiring travel restrictions and regular reporting to the investigating officer.

SHRIMATHI S. VS STATE OF NCT OF DELHI [BAIL APPLN.-2672/2024]

Judges: Justice Anish Dayal

The bail application of Shrimathi S. was dismissed after her arrest for possession of 10.5 kg of methamphetamine, classified as a commercial quantity under the NDPS Act. Objections regarding the sampling procedure and delays in compliance with legal provisions were noted but deemed appropriate for consideration during the trial. Despite acknowledging Shrimathi's extended incarceration of around 4 years and trial delays, the seriousness of the offense and the legal prohibitions against bail under the NDPS Act were decisive factors in the refusal.

SEKELETI DORIS VS CUSTOMS [BAIL APPLN.-3206/2023]

Judges: Justice Anish Dayal

The applicant's bail application was denied due to non-compliance with Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, following the seizure of a commercial quantity of Methaqualone at the airport. Allegations regarding procedural issues in the investigation, including delayed filing and defective notices, were deemed insufficient to warrant bail at this stage and could be addressed during the trial. The applicant did not meet the required threshold under Section 37, resulting in the dismissal of the bail application.

PAULINE NALWOGA VS CUSTOMS [BAIL APPLN.-1112/2023]

Judges: Justice Anish Dayal

Pauline Nalwoga's bail application was dismissed following her arrest for possessing a commercial quantity of heroin. Although there were procedural lapses by customs authorities, these did not undermine the validity of the recovery. She did not meet the threshold for bail under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, which imposes stricter conditions for such cases. Concerns regarding trial delays and prolonged incarceration were noted but will be addressed during the trial.

PREM SINGH SEHRAWAT VS STATE (NCT OF DELHI) [BAIL APPLN.-1028/2024]

Judges: Justice Anish Dayal

The bail application of Prem Singh Sehrawat in FIR No. 706/2022 related to the Arms Act and the Motor Vehicles Act was dismissed. The accused was in conscious possession of a significant amount of illegal arms and ammunition. Although specific charges under the Arms Act have not yet been framed, the evidence indicates potential application of serious offenses carrying minimum sentences of 7 years to life imprisonment. The gravity of the offenses, potential societal threat, and the accused's previous evasion of investigation contributed to the decision against bail. Observations made are solely for assessing the bail plea and will be revisited during trial proceedings.

RAHUL @ SUMIT VS STATE (NCT OF DELHI) [BAIL APPLN.-293/2024]

Judges: Justice Anish Dayal

Bail was granted to Rahul @ Sumit and Omprakash @ Omi, charged with kidnapping and extortion under Sections 364A and 120B of the Indian Penal Code. The prosecution presented circumstantial evidence, including a handwritten note and a voice sample match, but there was no direct identification of the accused by the victim or his father. The lengthy custody of 4 and 6.5 years for the accused, along with the right to a speedy trial under Article 21 of the Constitution, led to the decision to grant bail, subject to certain conditions.

AMANDEEP GILL & ANR VS THE STATE GOVT OF NCT OF DELHI [CRL.M.C.-5219/2017]

Judges: Justice Anish Dayal

Cognizance of an offence under Section 174-A IPC requires a written complaint from the concerned public servant, as per Section 195(1)(a)(i) Cr.P.C., rather than relying on a chargesheet. This interpretation aligns with the views of multiple High Courts and contrasts with an earlier Single Bench decision.

SANDEEP SHARMA VS VIKRAM KUMAR PANDEY [CRL.M.C.-1524/2024]

Judges: Justice Anish Dayal

The complaint under Section 138 of the Negotiable Instruments Act was deemed valid despite the initial power of attorney lacking explicit authorization for this specific action. A subsequent power of attorney retroactively validated the earlier complaint. Technical defects in the initial power of attorney were cured through ratification, confirming the complainant's authority. The challenge to the complaint was dismissed, and the trial court was directed to expedite proceedings due to the case's prolonged duration since 2019.

ARUN KUMAR GUPTA (D) THR LRS VS TAMA JAWAHAR [CRL.L.P.-56/2021]

Judges: Justice Anish Dayal

The lower court's acquittal of the respondent in offenses under Section 138 of the Negotiable Instruments Act was set aside due to the unconvincing denial of the Memorandum of Understanding executed between the parties. The respondent issued 10 cheques totaling Rs. 2.6 crores and failed to provide a credible explanation to rebut the statutory presumption under Section 139 of the NI Act. The assertion that the cheques were issued as security was deemed insufficient, placing the burden of proof on the respondent.

AVIRAL SINGH VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-2220/2021]

Judges: Justice Anish Dayal

FIR No. 491/2021 was quashed due to findings of vexatious and mala fide criminal proceedings. Allegations lacked specificity, there were no prior complaints from the complainant, and the timing of the FIR's registration suggested personal motives linked to an earlier FIR filed by the petitioner's mother against the complainant's family. The investigation did not reveal corroborating evidence, and independent witness statements contradicted the complainant's account, indicating a classic case of mala fide and vexatious prosecution.

RANJEET SINGH VS STATE NCT OF DELHI AND ANR. [CRL.M.C.-2960/2024]

Judges: Justice Anish Dayal

The petition to quash the FIR under Sections 376 and 506 of the Indian Penal Code was allowed due to vague allegations and the prosecutrix's subsequent statements indicating a consensual relationship and her wish not to pursue the case. Precedents indicate that FIRs under Section 376 IPC can be quashed in exceptional circumstances, even for serious offenses, when consent is established and the prosecutrix does not wish to proceed.

RAJEEV KUMAR VS THE STATE NCT OF DELHI & ANR. [CRL.L.P.-212/2021]

Judges: Justice Anish Dayal

The lower court's order acquitting the accused in a complaint under Section 138 of the Negotiable Instruments Act was set aside due to inherently contradictory testimony that lacked credibility. The issuance of the cheque by the accused revived a time-barred debt, thus rendering it legally enforceable under Section 25(3) of the Indian Contract Act. Further directions were to be issued in the case.

BADAKULU LADU @ SUSHANT VS STATE [BAIL APPLN.-4019/2023]

Judges: Justice Anish Dayal

Bail was granted to Badakulu Ladu @ Sushant, who faced charges under Sections 20/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The decision was based on the observation that the arrest relied primarily on a co-accused's disclosure statement and circumstantial evidence, such as call detail records and financial transactions, which were deemed insufficient at this stage. The consideration of the presumption of innocence and the fact that the petitioner had been in custody for over a year and a half were significant factors. Proceedings under Sections 82 and 83 of the Cr.P.C. did not impede the possibility of bail. Specific conditions were set for his release.

DAYANAND VS STATE NCT OF DELHI [BAIL APPLN.-2386/2024]

Judges: Justice Anish Dayal

The bail application of Dayanand, charged with sexually assaulting a 5-year-old girl under relevant sections of the Indian Penal Code and the Protection of Children from Sexual Offences Act, was dismissed. The decision considered prima facie evidence, including forensic reports and testimonies, which indicated a strong case against the accused. His relationship to the victim through familial connections raised concerns about the potential to influence witnesses or flee if granted bail.

INDER BHADUR SINGH @ INDRA BAHADUR SINGH VS STATE AND ANR. [BAIL APPLN.-637/2024]

Judges: Justice Anish Dayal

Inder Bahadur Singh's petition for anticipatory bail was dismissed due to accusations of running an unauthorized investment scheme that defrauded over 200 low-income investors of crores of rupees. He absconded without repaying the invested amounts and failed to provide satisfactory explanations or documentation for the scheme. The severity of the alleged offenses and Singh's conduct led to the rejection of the bail application.

ITW GSE APS & ANR. VS DABICO AIRPORT SOLUTIONS PVT LTD & ORS. [CS(COMM)-628/2023]

Judges: Justice Anish Dayal

The plaintiff established a prima facie case for interim injunction against the defendants' infringement of patent IN '145, which pertains to a "Preconditioned Air Unit with Variable Frequency Driving." The patent claims focus on the use of variable frequency drivers (VFDs) in refrigeration systems, controlled by a central controller, and are not restricted to modularity. The defendants' challenge to the patent's validity based on a lack of inventive step was insufficient, as their prior art references did not adequately demonstrate obviousness. The defendants' product specifications were found to prima facie align with the patent claims. An interim injunction was granted to prevent the defendants from manufacturing, selling, or dealing with the infringing PCA units, while allowing continued supply of existing deployed units.

MOUNTAIN VALLEY SPRINGS INDIA PRIVATE LIMITED VS BABY FOREST AYURVEDA PRIVATE LIMITED (FORMERLY KNOWN AS M/S LANDSMILL HEALTHCARE PRIVATE LIMITED) & ORS. [CS(COMM)-523/2023]

Judges: Justice Anish Dayal

The plaintiff is not entitled to an interim injunction against the use of the trademarks "BABY FOREST" and "BABY FOREST–SOHAM OF AYURVEDA" as they lack separate trademark registrations for "FOREST ESSENTIALS BABY" or "FOREST ESSENTIALS-BABY ESSENTIALS" and used "Baby" descriptively. The plaintiff cannot claim exclusivity over the generic term "FOREST," and trade dress factors did not show deceptive similarity between the marks. The defendants committed to refrain from using the marks "SAUNDARYA" and "BABY ESSENTIALS." Multiple rectification petitions were filed by the plaintiff against the defendants' trademarks.

M/S VANS INC. USA VS FCB GARMENT TEX INDIA (P) LTD. AND ANR. [C.O. (COMM.IPD-TM)-161/2021]

Judges: Justice Anish Dayal

M/S VANS INC. USA's petitions for cancellation of the trademarks 'IVANS' and 'IV ANS NXT', registered to FCB GARMENT TEX INDIA (P) LTD. and FATEH CHAND BHANSALI, were dismissed. The respondents demonstrated prior use of the marks since 1999, while the petitioner started its operations in India in 2011. The marks were found not to be deceptively similar, as they differ visually, phonetically, and conceptually, and serve different consumer markets (footwear vs. apparel). The petitioner's 16-year delay in filing for cancellation was deemed as acquiescence, and the respondents qualified for honest concurrent use since the petitioner's marks were not cited during registration. Consequently, the respondents' trademarks remained on the Trade Marks Register.

MOHD SHAKIR VS GOPAL TRADERS AND ANR [C.O.(COMM.IPD-CR)-699/2022]

Judges: Justice Anish Dayal

The petitioner was considered an "aggrieved person" under Section 50 of the Copyright Act, 1957 due to a criminal complaint filed against him. However, the petitioner did not prove that the copyright registration was "wrongly made." The Registrar of Copyrights followed the appropriate process, including searches for identical or deceptively similar marks. Additionally, the petitioner made contradictory claims about being the original author of the work, which hindered his ability to challenge the respondent's copyright registration. The petitioner's rectification petition was dismissed.

PREMIER SPG AND WVG MILLS PVT. LTD. VS FOOTBALL ASSOCIATION PREMIER LEAGUE LTD. & ANR. [C.A.(COMM.IPD-TM)-15/2023]

Judges: Justice Anish Dayal

No deceptive similarity exists between the appellant's 'PREMIER' marks and the respondent's 'PREMIER LEAGUE' mark. The analysis applied principles of "anti-dissection" and "identification of dominant mark." The term 'PREMIER' is deemed generic, so exclusivity cannot be claimed by the appellant. The 'PREMIER LEAGUE' mark features distinctive elements, such as the lion device and the word 'LEAGUE,' differentiating it from the appellant's marks. The appellant's failure to challenge the earlier registration of 'BARCLAYS PREMIER LEAGUE' further undermines their current claim. The appeal was dismissed without finding deceptive similarity.

THE INDIAN EXPRESS P LTD VS THE INDIAN EXPRESS NEWSPAPERS WORKERS UNION REGD AND ANR [W.P.(C)-11128/2023]

Judges: Justice Anish Dayal

The Industrial Tribunal has the jurisdiction to adjudicate on workers' demands to increase the retirement age from 58 to 60 years under the Industrial Disputes Act. However, the Tribunal did not properly exercise its jurisdiction by failing to consider relevant factors and evidence regarding the financial and operational impact on the employer. Consequently, the Tribunal's award was set aside and the matter was remanded for fresh adjudication, with instructions to consider all relevant materials and apply established principles for revising service conditions. The Standing Orders Act is not the sole mechanism for addressing retirement age issues, which can also be raised as industrial disputes.

A.K. AL MUHAIDIB AND SONS VS CHAMAN LAL SACHDEVA AND ANR. [C.O. (COMM.IPD-TM)-90/2021]

Judges: Justice Anish Dayal

A.K. AL MUHAIDIB AND SONS' petition led to the removal of Chaman Lal Sachdeva's trademark "AL-WALIMAH" from the Register of Trade Marks. It was established that the petitioner was a "person aggrieved" and that the trademark had not been used by the respondent for over 5 years, violating the requirements of the Trade Marks Act. An unrebutted investigation report supported the conclusion that the trademark had never been used, warranting its removal due to non-use.

A.O. SMITH CORPORATION AND ANR. VS STAR SMITH EXPORT PVT. LTD. AND ANR. [CS(COMM)-532/2022]

Judges: Justice Anish Dayal

The plaintiffs, A.O. Smith Corporation and A.O. Smith India Water Products Pvt. Ltd., established a prima facie case for trademark infringement regarding their registered marks "A.O. SMITH" and "BLUE DIAMOND" by the defendants, Star Smith Export Pvt. Ltd. The word "SMITH" is considered the dominant part of the plaintiffs' mark, and the defendants' use of "STAR SMITH" / "STARSMITH" for identical products is likely to cause consumer confusion. The defendants' application to vacate the interim injunction was dismissed, making the injunction absolute and restraining the use of the infringing marks.

AB INITIO TECHNOLOGY LLC VS ASSISTANT CONTROLLER OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-26/2021]

Judges: Justice Anish Dayal

The rejection of patent applications Nos. 6500/DELNP/2011 and 6501/DELNP/2011 based on non-patentability under Section 3(k) of the Patents Act, 1970 was found to be untenable due to the claimed invention demonstrating "technical effect" and "technical advancement" beyond a mere computer program, including benefits like increased speed of functional dependency analysis and efficient data profiling. The objection regarding the validity of the divisional application under Section 16(1) was deemed unsustainable. However, the matter was remanded to the Patent Office for re-examination of the lack of inventive step under Section 2(1)(ja), which had not been adequately addressed.

ABROS SPORTS INTERNATIONAL PRIVATE LIMITED VS ASHISH BANSAL AND ORS [CS(COMM)-702/2022]

Judges: Justice Anish Dayal

The plaintiff is not entitled to an injunction against the defendants for using the trademark 'NEBROS' due to a lack of distinct phonetic or visual similarity with the 'ABROS' mark. The defendants established prior use of 'NEBROS' since September 2020, while the plaintiff's use of 'ABROS' began in 2021. A global appreciation approach favored the defendants, leading to the decision that the balance of convenience does not support the plaintiff. The application for interim injunction was dismissed.

AKZO NOBEL COATINGS INTERNATIONAL B V VS JK CEMENT LTD [CS(COMM)-212/2023]

Judges: Justice Anish Dayal

Akzo Nobel Coatings International B.V. received interim relief in a trademark infringement case against JK Cement Ltd. The 'WEATHERSHIELD' mark was recognized as having acquired distinctiveness since the 1970s, and JK Cement's use of the similar 'WEATHER SHIELD' mark on cement products was likely to cause consumer confusion. The paints and cement were identified as allied goods. JK Cement was restricted from using the 'WEATHER SHIELD' mark but permitted to sell existing stock for the next 8 weeks.

AMIT JAIN VS SANJEEV KUMAR SINGH & ANR. [CRL.A.-1248/2019]

Judges: Justice Anish Dayal

The appeal was allowed, and the acquittal of the respondents was set aside. The admission of the signature on the cheque triggered the presumption under Sections 118(a) and 139 of the Negotiable Instruments Act, placing the burden on the accused to rebut this presumption. The Trial Court's analysis was flawed, as it improperly focused on the complainant's lack of evidence instead of the presumption's implications. A fundamental error in the Trial Court's approach was identified, resulting in the appeal's favor.

AMRITPAL SINGH VS NATIONAL INVESTIGATION AGENCY [BAIL APPLN.-3303/2024]

Judges: Justice Anish Dayal

The bail application of Amritpal Singh was dismissed due to his alleged role in a drug trafficking syndicate that smuggled 102.784 kg of heroin from Afghanistan to India. Evidence indicated his involvement in facilitating hawala transactions and meetings with the syndicate's mastermind in Dubai. The conditions for bail under the NDPS Act were not met, considering the sophisticated nature of the operations and the negative impact of drug trafficking on society.

ARVIND DHAM VS UNION OF INDIA & ORS. [W.P.(CRL)-2516/2024]

Judges: Justice Anish Dayal

The legality of the petitioner's arrest under Section 19 of the Prevention of Money Laundering Act (PMLA) was upheld. The grounds for the arrest were based on the investigating agency's material and were not considered unreasonable. Arguments regarding exculpatory material were acknowledged, but the investigating agency's consideration of inculpatory evidence was deemed non-arbitrary. The issue of "need and necessity to arrest" is pending review by a larger bench in a separate case. The petition challenging the arrest was dismissed.

ASHOK KUMAR @ LALA VS THE STATE NCT OF DELHI [BAIL APPLN.-1814/2024]

Judges: Justice Anish Dayal

Bail was granted to Ashok Kumar @ Lala, charged under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 for possession and conspiracy involving a commercial quantity of Charas. The prolonged incarceration of over 2 years, his status as a senior citizen, and a delay in trial proceedings, with only 2 out of 22 witnesses examined, were significant factors in favor of bail. The absence of independent witnesses during the search and the non-compliance with certain procedural requirements were noted but deemed matters for trial determination. Other co-accused had been granted bail, further influencing the decision.

CCL MOHIT ALIAS ATANKWADI VS STATE THROUGH SHO PS PRASHANT VIHAR [BAIL APPLN.-2805/2023]

Judges: Justice Anish Dayal

The bail application of a child in conflict with law, charged under Sections 302/120B/34 IPC and the Arms Act, was dismissed. The prosecution demonstrated reasonable grounds to believe that his release could result in association with criminals, exposure to various dangers, or jeopardize justice. The applicant had allegedly committed another murder while on interim bail, exhibited a tendency towards crime, and was involved in a serious offense committed in broad daylight in front of police officials. The case highlighted the need to balance the protective framework of the Juvenile Justice Act with justice demands in serious offenses.

CHIMA VITALIS VS STATE THROUGH PS NEW DELHI RAILWAY STATION [BAIL APPLN.-2324/2024]

Judges: Justice Anish Dayal

The bail application of Chima Vitalis was dismissed due to charges under the Narcotic Drugs and Psychotropic Substances Act, involving 10.5 kg of methamphetamine. Procedural irregularities in sampling and delays in filing applications were not deemed detrimental at this stage. Despite a lengthy incarceration of 4 years, the conditions of Section 37 of the NDPS Act were not satisfied, preventing the granting of bail. The matter involved considerations related to co-accused Shrimathi as well.

CINNI FOUNDATION THROUGH MANAGING TRUSTEE DIPAK KUMAR SAH VS ANJAN NARAYAN SINGH & ANR. [C.O.(COMM.IPD-CR)-20/2021]

Judges: Justice Anish Dayal

Copyright registration No. A-117189/2017 is in the name of the CINNI Foundation Trust, not individual applicants Ravindra Kumar Sah and Anjan Narayan Singh. The CINNI trademark was registered in 1981 and assigned to the CINNI Foundation in 2000. Although there are ongoing disputes regarding the trusteeship of the Foundation, those issues were not addressed. The Registrar of Copyrights is instructed to update the register to reflect the copyright ownership of the CINNI Foundation Trust, without comment on the merits of the trusteeship disputes.

EMEKA PRINCE LATH VS STATE NCT OF DELHI [BAIL APPLN.-2438/2024]

Judges: Justice Anish Dayal

The petitioner's grounds for bail were found unpersuasive. The police's compliance with Section 50 of the NDPS Act was upheld, as the search of the bag was deemed separate from a personal search, which Section 50 covers. The delay of approximately 4 days in sending the seized contraband to the FSL was considered reasonable. Despite the petitioner being in custody for over 2 years with only 8 out of 23 witnesses examined, prolonged custody alone does not warrant bail in cases involving commercial quantities of narcotics. The absence of independent witnesses or videography was not enough to grant bail at this stage. The petitioner did not meet the threshold under Section 37 of the NDPS Act for bail, leading to the dismissal of the petition.

HARYANA PESTICIDES MANUFACTURES ASSOCIATION VS ASSISTANT CONTROLLER OF PATENTS AND DESIGNS & ANR. [W.P.(C)-IPD-45/2023]

Judges: Justice Anish Dayal

The Haryana Pesticides Manufactures Association's writ petition was dismissed due to improper communication of a new email address to the patent office, resulting in valid notices sent to the old address. The petitioner showed negligence in updating contact information. Although options for pursuing a post-grant opposition remain available, this does not grant the relief sought at the pre-grant opposition stage as no violation of natural justice occurred. The merits of the opposition to the patent were not addressed.

HONEYWELL INTERNATIONAL INC VS THE CONTROLLER OF PATENTS [C.A.(COMM.IPD-PAT)-396/2022]

Judges: Justice Anish Dayal

Honeywell International Inc. successfully appealed against the rejection of amendments to its patent application. The amendments narrowed the claims from "composition comprising a compound" to just "the compound" without introducing new matter beyond the original specifications. The claims and specifications were considered together as an integrated whole. The previous order was set aside, and the patent application was remanded for fresh consideration of the amended claims, with a directive for completion of examination within three months following a hearing for the appellant.

INFORMA MARKETS INDIA PRIVATE LIMITED VS M/S 4PINFOTECH AND ANR [C.O.(COMM.IPD-CR)-695/2022]

Judges: Justice Anish Dayal

The copyright registration for "Virtual Expo" is invalid and must be removed from the Register of Copyrights. The work contains a generic description of virtual expositions, lacking original expression, creativity, or investment necessary for copyright protection. Copyright only applies to the form, manner, and expression of an idea, not the idea itself. The Registrar of Copyrights should use discretion to filter out non-copyrightable works according to established guidelines. The absence of a rebuttal from the respondent further supports the decision for removal.

INTERDIGITAL TECHNOLOGY CORPORATION & ORS. VS GUANGDONG OPPO MOBILE TELECOMMUNICATIONS CORP. LTD. & ORS. [CS(COMM)-692/2021]

Judges: Justice Anish Dayal

The defendants' license agreement with Qualcomm is relevant and must be disclosed as it pertains to their defense of patent exhaustion. The plaintiffs' request for discovery of the defendants' agreements with Ericsson and Orange SA is denied as irrelevant for determining FRAND royalty rates. The plaintiffs are also required to disclose their agreement with Qualcomm due to its relevance to the exhaustion defense and FRAND determination, with an emphasis on maintaining confidentiality. The case involves alleged infringement of standard-essential patents, with the defendants raising patent exhaustion and challenging the validity and essentiality of the plaintiffs' patents.

ITC LIMITED VS THE DEPUTY REGISTRAR OF TRADE MARKS AND ORS [C.A.(COMM.IPD-TM)-81/2022]

Judges: Justice Anish Dayal

The appeal by ITC Limited, challenging the Registrar of Trade Marks' rejection of its request to submit further evidence in opposition to a trademark application, was dismissed. The mandatory timelines set by the Trade Marks Act, 1999, and the Trade Marks Rules are strictly enforced, and Rule 53 allows for additional evidence only in exceptional circumstances, not as a means to extend timelines. The interpretation of Rule 53 was clarified to prevent it from undermining the established deadlines. ITC Limited did not demonstrate diligent pursuit of the opposition proceedings and could not use delays to justify an extension of timelines.

JINDAL INDUSTRIES PRIVATE LIMITED VS JINDAL SANITARYWARE PRIVATE LIMITED & ANR. [CS(COMM)-251/2023]

Judges: Justice Anish Dayal

The defendant demonstrated prima facie prior use of the "JINDAL" mark for PVC pipes since 2006, supported by documentary evidence, while the plaintiff's evidence was deemed insufficient. It was noted that the plaintiff cannot claim exclusivity over the common surname "JINDAL" under Section 35 of the Trademarks Act. The ad-interim injunction previously granted to the plaintiff was set aside based on the balance of convenience.

KAIRA DISTRICT COOPERATIVE MILK PRODUCERS UNION LTD & ANR. VS D N BAHRI TRADING AS THE VELDON CHEMICAL AND FOOD PRODUCT & ANR. [C.O. (COMM.IPD-TM)-165/2023]

Judges: Justice Anish Dayal

Kaira District Cooperative Milk Producers Union Ltd. and Gujarat Cooperative Milk Marketing Federation Limited successfully challenged the registration of the "AMUL" trademark by D N Bahri Trading As The Veldon Chemical And Food Product. The respondent could not provide evidence of using the "AMUL" mark since 1957, establishing grounds for non-use under the Trade Marks Act. The "AMUL" trademark held by the petitioners is recognized as well-known, while the respondent's mark was found to be deceptively similar. The impugned trademark was ordered removed from the Register of Trade Marks.

KOMAL VS THE STATE NCT OF DELHI [BAIL APPLN.-1471/2024]

Judges: Justice Anish Dayal

Komal, accused of murdering her 4-year-old son, was granted bail due to a lack of substantial evidence directly linking her to the child's death. The post-mortem report was inconclusive because of advanced decomposition, and a confession by a co-accused was deemed inadmissible. After 4 years of incarceration with only 9 out of 31 witnesses examined and no threat of witness tampering, it was deemed unjust to keep her in custody indefinitely. Bail was granted with certain conditions.

KSHITIJ GHILDIYAL VS DIRECTOR GENERAL OF GST INTELLIGENCE DELHI [W.P.(CRL)-3770/2024]

Judges: Justice Anish Dayal

The arrest of the petitioner on 30th November 2024 was deemed illegal due to the respondent agency's failure to provide written grounds for the arrest, as required by established legal principles. Discrepancies in the summons indicated potential violations in the detention process prior to formal arrest. The remand order was set aside, and the petitioner was directed to be released from judicial custody, with emphasis on procedural lapses rather than the merits of the case against the petitioner.

KULDEEP KUMAR VS STATE OF DELHI NCT & ANR [CRL.M.C.-5351/2017]

Judges: Justice Anish Dayal

The petition to quash a summoning order for offences under Sections 354/354D/354A/509/506/34 of the Indian Penal Code was dismissed. Findings from the Internal Complaints Committee exonerating the petitioner in departmental proceedings do not affect the criminal charges, as the standard of proof in criminal cases is higher. The complainant consistently alleged sexual harassment and intimidation by the petitioner, a senior trade union leader, with supporting evidence that cannot be overlooked at this stage. Sensitivity to workplace sexual harassment issues was emphasized, allowing the criminal trial to proceed.

MACLEODS PHARMACEUTICALS LTD. VS ALKEM LABORATORIES LTD. & ANR. [CS(COMM)-86/2024]

Judges: Justice Anish Dayal

An interim injunction was granted to Macleods Pharmaceuticals Ltd., preventing Alkem Laboratories Ltd. from using the mark 'ALSITA' for its pharmaceutical product. The marks 'ALRISTA' and 'ALSITA' are phonetically and structurally similar, creating a strong likelihood of confusion and potential health risks. Prior use of 'ALRISTA' by Macleods, along with its longer market presence and higher sales, supports the injunction.

MAN TRUCK BUS SE VS ASSISTANT CONTROLLER OF PATENTS DESIGNS [C.A.(COMM.IPD-PAT)-16/2022]

Judges: Justice Anish Dayal

The order rejecting the appellant's patent application for lack of inventive step was set aside due to a lack of analysis on the appellant's responses to prior art documents D1-D4 and the introduction of objections regarding prior art document D5 during the hearing. This constituted a violation of natural justice. The matter was remanded for fresh consideration with directions to issue a new notice of hearing addressing all objections and to expedite the decision.

MARC SALON AND BEAUTY EQUIPMENTS PVT LTD VS GM SALES [CS(COMM)-493/2021]

Judges: Justice Anish Dayal

Marc Salon and Beauty Equipments Pvt Ltd has a prima facie case for passing off against GM Sales due to the substantial copying of unique salon furniture designs and the use of a deceptively similar domain name. GM Sales' application to vacate an interim injunction was rejected, recognizing the distinctive designs developed by Marc Salon, their significant investment in promotion, and established market goodwill. The interim injunction remains in effect, preventing GM Sales from manufacturing or selling infringing products.

MUZAZ @ AZAD VS STATE GOVT. OF NCT OF DELHI & ORS. & ORS. [CRL.M.(BAIL)-549/2024]

Judges: Justice Anish Dayal

The appellant's application for suspension of his 20-year sentence for sexually assaulting a 9-year-old neighbor was dismissed. The victim's testimony, despite minor contradictions, was deemed reliable and sufficient for conviction, supported by her father's consistent statements. The relationship between the appellant and the victim, along with the severity of the offense, was considered. The appellant had served only 2 years of his sentence, leading to the decision against suspension.

NEW BALANCE ATHLETICS INC. VS NINEPLUS SHOES PRIVATE LIMITED [CS(COMM)-572/2022]

Judges: Justice Anish Dayal

The power to determine a trademark as well-known exists, but in uncontested or ex-parte situations, it is more appropriate for the plaintiff to approach the Registrar of Trade Marks under Rule 124 of the Trade Marks Rules, 2017. This approach acknowledges the need for a detailed assessment of various factors under the Act and avoids making declarations without public opposition or objections. Previous decisions support directing plaintiffs to the Registrar instead of making such determinations in court.

PIDILITE INDUSTRIES LTD. VS SANJAY JAIN & ANR [C.O. (COMM.IPD-TM)-371/2022]

Judges: Justice Anish Dayal

The rectification petition by Pidilite Industries Ltd. against the registration of "POMA-EX KWIKHEAL" was dismissed. The respondent's device mark shows significant differences from Pidilite's "FEVIKWIK" trade dress. The "KWIK" element cannot be deemed dominant or distinctive due to the anti-dissection rule. Pidilite's registrations for "FEVIKWIK" included a disclaimer on exclusive use of "KWIK," preventing a monopoly on the term. An earlier interim injunction from the Bombay High Court was based on a prima facie finding and did not impact the final outcome. The petition's dismissal indicates that the respondent's mark is not deceptively similar to the petitioner's marks.

PRADEEP @GOLU VS STATE (NCT OF DELHI) [BAIL APPLN.-2460/2024]

Judges: Justice Anish Dayal

The bail application of Pradeep @Golu, charged with murder and arms offenses, was dismissed due to the testimonies of four eyewitnesses indicating his involvement. His significant criminal history, including 16 previous cases and a recent conviction, supported this decision. Allegations of threats against witnesses, along with considerations of the offense's gravity and potential for witness tampering, factored into the denial of bail.

PRITAM SINGH VS STATE (NCT OF DELHI) [CRL.M.(BAIL)-1684/2024]

Judges: Justice Anish Dayal

Pritam Singh's sentence for offences under the Prevention of Corruption Act was suspended. Issues arose regarding his identification as the individual who demanded and accepted a bribe, as witnesses attributed the demand to a different person named Pritam Singh. The timing of the complaint, which followed a stay order on the complainant's property demolition, raised questions about the motivations behind the allegations. Other evidentiary concerns included the absence of CCTV footage, call records, and independent witnesses. The suspension considered the unexpired portion of the sentence and Singh's conduct.

RAJA JASWANT SINGH VS NARCOTICS CONTROL BUREAU [BAIL APPLN.-546/2024]

Judges: Justice Anish Dayal

The bail application of Raja Jaswant Singh was dismissed due to charges under the Narcotic Drugs and Psychotropic Substances Act for possession and supply of Tramadol tablets. Evidence, including statements from co-accused and witnesses, supported his involvement in a conspiracy to illegally procure and distribute the drugs. Previous offenses under the NDPS Act and the nature and quantity of the contraband led to a conclusion that there were no reasonable grounds to believe he was not guilty or that he would not commit further offenses while on bail.

RAM KISHAN VS STATE NCT OF DELHI [BAIL APPLN.-2358/2024]

Judges: Justice Anish Dayal

Regular bail was granted to an applicant charged under the NDPS Act for possession of charas due to non-compliance with Section 52A regarding sample drawing in the presence of a Magistrate, rendering the evidence inadmissible. The applicant's incarceration exceeded 8 years amidst ongoing trial proceedings, violating the right to a speedy trial under Article 21 of the Constitution. Bail was granted with a personal bond and specific conditions.

RAMANDEEP SINGH VS STATE OF NCT OF DELHI [BAIL APPLN.-550/2024]

Judges: Justice Anish Dayal

Ramandeep Singh's bail application was dismissed due to his significant role in a drug syndicate trafficking over 358 kg of heroin. He facilitated operations by providing a car and an iPhone to co-accused for communication. Documents and a cheque book belonging to the main accused were recovered from his residence. Arguments regarding the quantity of drugs recovered and investigation procedures were considered insufficient against the complexity of the syndicate and the large drug amount. Concerns about flight risk and the negative societal impact of drug trafficking also influenced the decision.

RAMESH KUMAR VS THE STATE [BAIL APPLN.-313/2022]

Judges: Justice Anish Dayal

Anticipatory bail was granted to Ramesh Kumar in an FIR under Sections 420 and 406 of the Indian Penal Code, concerning a private dispute over property redevelopment. Complainants had paid for the purchase of a second floor, but construction remained incomplete. Factors considered included the nature of accusations, risk of fleeing, and necessity for custodial interrogation. Documentary evidence was secured, and the petitioner cooperated with the investigation. Conditions for bail included joining the investigation and not tampering with evidence, without requiring a monetary deposit.

RAVI KUMAR VS STATE (NCT OF DELHI) [CRL.A.-455/2024]

Judges: Justice Anish Dayal

The prosecution failed to establish the appellant's identity beyond reasonable doubt, and the evidence regarding the recovery of stolen property and the use of a deadly weapon was inconclusive. Witness testimonies, including those of victims and police, contained numerous contradictions, and issues arose regarding the absence of a Test Identification Parade (TIP) and the reliability of dock identification. The overall case was weak, allowing for a conviction only under the basic robbery offense of Section 392 IPC. The appellant, having served significant time and demonstrating satisfactory behavior in jail, was directed to be released.

RELAXO FOOTWEARS LIMITED VS XS BRANDS CONSULTANCY PRIVATE LIMITED & ORS. [CS(COMM)-917/2018]

Judges: Justice Anish Dayal

The application for interim injunction by Relaxo Footwears Limited against XS Brands Consultancy Private Limited and others was dismissed. The plaintiff cannot claim exclusive rights to the stylized 'X' device mark, which is commonly used in the market. The plaintiff had previously agreed to coexist with another entity using a similar mark. The 'HRX' brand by the defendants was developed distinctly, and its use of the 'X' device does not create consumer confusion. Prominent features identified were the main brands 'SPARX' and 'HRX', rather than the 'X' device marks alone.

RUPI BABBAR VS STATE NCT OF DELHI [CRL.M.C.-5329/2024]

Judges: Justice Anish Dayal

The revision petition filed by the mother was allowed, resulting in the charges against her under Section 21 of the POCSO Act being set aside. The delay in reporting the sexual offences against her daughter was attributed to threats and trauma faced by both the mother and daughter, rather than any malice on the mother's part. Judicial precedents were considered, highlighting the psychological complexities in household sexual offences and the victims' reluctance to report due to social stigma and fear. Thus, the charges against the mother were dismissed, and the trial against the husband as the main accused will proceed.

SAANVI MALU VS STATE OF NCT OF DELHI AND ANR [CRL.M.C.-5571/2024]

Judges: Justice Anish Dayal

The petitioner's plea to quash the FIR and criminal proceedings under Section 8 of the POCSO Act and Section 506 of the IPC was dismissed. Delays in filing the complaint were noted, but the sensitive nature of the allegations and the minor's age supported a prima facie case. The petitioner had an alternative remedy available by way of a discharge application, which was already dismissed. Cross-allegations related to marital discord were not sufficient grounds to quash the proceedings, and the case merits were to be evaluated during the trial.

SALIM MALIK @MUNNA VS STATE (NCT OF DELHI) [CRL.REV.P.-1155/2023]

Judges: Justice Anish Dayal

An order on charge was upheld, framing charges against the petitioner under multiple sections of the Indian Penal Code related to rioting, arson, and vandalism. The examination at this stage focused on whether a prima facie case was established, without assessing the merits of the evidence. The prosecution's material indicated strong suspicion of the petitioner's involvement in the alleged offences. The trial remains incomplete, with evidence to be tested in the proceedings. The revision petition was dismissed, with no impropriety found in the charge order.

SANJEEV KUMAR VS THE STATE [BAIL APPLN.-2219/2024]

Judges: Justice Anish Dayal

Sanjeev Kumar was granted bail in a case under the Narcotic Drugs and Psychotropic Substances Act, 1985. Key factors included uncertainty about the presence of flowering or fruiting tops in the seized contraband, absence of independent witnesses and lack of proper documentation during the seizure, discrepancies in the quantity of seized material, and the applicant's prolonged incarceration of over 3.5 years with minimal trial progress. The applicant's lack of criminal history and good conduct in jail also contributed to the decision. Bail was granted on the condition of furnishing a personal bond and surety.

SAREGAMA INDIA LIMITED VS ZEE ENTERTAINMENT ENTERPRISES LIMITED [CS(COMM)-764/2017]

Judges: Justice Anish Dayal

The plaintiff's suit under Section 60 of the Copyright Act became infructuous following the defendant's subsequent suit for copyright infringement, filed within about six months of the plaintiff's action. An injunction based on the defendant's previous undertaking will remain effective during the ongoing litigation, which has consolidated both suits. The determination of the parties' rights over the copyright will take place post-trial.

SATISH KUMAR DAHIYA VS SMT SHIVANI DAHIYA & ANR [CRL.REV.P.-619/2016]

Judges: Justice Anish Dayal

The interim maintenance order from the Family Court was upheld, with the husband's monthly income estimated at Rs. 60,000. The wife was awarded Rs. 12,000 per month and the son Rs. 8,000 per month. Evidence indicated that the husband suppressed his actual income and failed to support his claim of earning only Rs. 10,000. A broad estimation of earnings was deemed necessary for fair maintenance calculations, reinforcing the husband's obligation to support his family. The husband's petition was dismissed, and the trial court was instructed to expedite proceedings to conclude within three months.

SEAGATE TECHNOLOGY LLC VS DAICHI INTERNATIONAL [CS(COMM)-67/2024]

Judges: Justice Anish Dayal

Refurbishment and resale of end-of-life hard disk drives (HDDs) from Seagate and Western Digital is permissible if defendants meet specific disclosure requirements on packaging and promotional materials. Importation of these HDDs is not prima facie illegal, and selling them to refurbishers is legitimate. Compliance includes clearly indicating that products are "Used and Refurbished," disclosing the original manufacturer, stating the absence of warranty or service from the original manufacturer, and providing details on the extended warranty from the refurbisher.

SHANU KHAN VS STATE OF NCT OF DELHI [BAIL APPLN.-2498/2024]

Judges: Justice Anish Dayal

Shanu Khan was granted bail on charges of rape under Section 376 of the Indian Penal Code. The victim's testimony was deemed unreliable due to a delay in filing the complaint, her admission of alcohol consumption on the day of the incident, and attempts to extort money from the accused's brother. There was also a discrepancy between the victim's reported age in a medical report and her birth certificate. Khan, with no prior criminal record, had spent over a year and four months in custody.

SHUBHAM MANNA VS THE STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-1109/2024]

Judges: Justice Anish Dayal

The bail application of Shubham Manna was dismissed due to charges of manufacturing and selling spurious life-saving medicines for cancer patients. Evidence indicated Manna's role as a key conspirator in a criminal syndicate, including the recovery of a large quantity of spurious medicines, involvement in creating fake barcodes, and suspicious financial transactions. The gravity of the offense and potential threat to public safety justified the denial of bail. Observations made were solely for the assessment of the bail petition and did not constitute a final judgment on the case's merits.

SHUBHANKAR NAGAR VS STATE & ORS [CRL.M.C.-3630/2017]

Judges: Justice Anish Dayal

The dismissal of the petitioner's application for FIR registration under Section 156(3) Cr.P.C. was valid, with magistrates providing reasons based on the statements of the petitioner's relatives, the Sub-Registrar's testimony, and the presence of the petitioner's sister during the sale deed execution. The petition was deemed a second revision, which is not allowed under law, and inherent powers under Section 482 Cr.P.C. could not be used to bypass the statutory bar on second revisions. The petition was dismissed.

SIDDHARTH TALWAR & ANR VS SARIKA TALWAR [CRL.M.C.-2890/2019]

Judges: Justice Anish Dayal

The petition by the husband challenging the interim maintenance order of Rs. 25,000 per month for the wife and minor daughter was dismissed. The lower courts had thoroughly analyzed the facts and law, arriving at reasonable conclusions without any perverse findings. The interim maintenance was upheld, with the final amount to be determined in trial court proceedings.

STATE (NCT OF DELHI) VS HARPREET SINGH KHALSA & ORS. [CRL.REV.P.-1139/2023]
Judges: Justice Anish Dayal
The discharge order in favor of the accused, including respondent no. 4, was under scrutiny, leading to a directive for respondent no. 4, who had been released on bail, to surrender as the stay of the discharge order reinstated his status as an accused. The exercise of powers under Section 390 of the Code of Criminal Procedure aimed to secure custody, noting that the trial court's approach in handling the discharge application deviated from established legal principles.

SUHAIL FAZAL VS THE STATE [CRL.REV.P.-1312/2019]
Judges: Justice Anish Dayal
The addition of a charge under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to the existing charge under Section 306 of the Indian Penal Code was invalid due to the investigation not being conducted by a police officer of the required rank. The addition of the charge under the SC/ST Act was set aside, while the trial on the IPC offence was allowed to proceed.

SUN PHARMA LABORATORIES LIMITED VS NARENDER KUMAR & ORS. [CS(COMM)-424/2021]
Judges: Justice Anish Dayal
The plaintiff established a prima facie case for passing off against the defendants' use of the mark "CAFTADAY" by demonstrating prior and continuous use of the mark "CAFTA," goodwill and reputation associated with it, and deceptive similarity between the two marks. The defendants' claim that "CAFTA" is derived from the generic INN "ALCAFTADINE" lacked sufficient evidence. The potential for loss and damage was evident due to the defendants' lower-priced product leveraging the plaintiff's goodwill. An interim injunction was granted, prohibiting the defendants from using "CAFTADAY" or any similar mark while the suit is pending. No opinion was expressed regarding the registrability of the plaintiff's "CAFTA" mark under the Trademarks Act.

SWISS BIKE VERTRIEBS GMBH SUBSIDIARY OF ACCELL GROUP VS RELIANCE BRANDS LIMITED (RBL) [CS(COMM)-25/2023]
Judges: Justice Anish Dayal
An interim injunction was granted to Swiss Bike Vertriebs GMBH against Reliance Brands Limited, prohibiting the use of the trademark "RALLEYZ" or any similar mark to "RALEIGH". The marks were found to be phonetically similar, likely causing consumer confusion. Swiss Bike established prior use of the "RALEIGH" mark in India since the 1930s, predating Reliance's claimed use from 2021. Arguments from Reliance regarding delay, non-use, and ability to pay damages were dismissed, as they did not negate the strong prima facie case for trademark infringement.

THE BHAKTIVEDANTA BOOK TRUST INDIA VS WWW.FRIENDWITHBOOKS.CO [CS(COMM)-88/2021]
Judges: Justice Anish Dayal
A sanyasi is entitled to own copyright in their literary works, as there is no legal prohibition against a sanyasi holding intellectual property rights. Renunciation or entering a monastic order does not extinguish property rights, including intellectual property rights. Srila Prabhupada, author of the works in question, assigned the copyright to the plaintiff Trust during his lifetime, in accordance with the Copyright Act. The defendant did not dispute the plaintiff's copyright and complied with an interim injunction, resulting in a judgment in favor of the plaintiff Trust.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA ADDRESS FOR SERVICE IN INDIA LEXORBIS VS CONTROLLER GENERAL OF PATENTS, DESIGNS &TRADEMARKS & ANR. [C.A.(COMM.IPD-PAT)-143/2022]

Judges: Justice Anish Dayal

The Regents of the University of California successfully appealed the rejection of amendments to their patent application. The amendments included incorporating technical features from dependent claims into the main claim and were classified as corrections and explanations under Section 59(1) of the Patents Act, 1970. The previous order was set aside, and the patent application was returned to the patent office for fresh consideration of the amended claims within three months, with a hearing provided to the appellant.

UNDER ARMOUR, INC. VS ANISH AGARWAL & ANR. [CS(COMM)-843/2023]

Judges: Justice Anish Dayal

Under Armour, Inc. is not entitled to an injunction against Anish Agarwal & Anr. regarding the "AERO ARMOUR" mark. The defendants adopted the mark to target a unique market segment focused on "military inspired clothing," which differs in theme, design, and pricing from Under Armour's sportswear. Despite some similarity in the use of "ARMOUR," the distinct overall business proposition and target consumers of the defendants negate any deceptive similarity or likelihood of confusion. Limitations on the defendants' use of the mark were imposed to prevent potential point-of-sale confusion.

UPAKARMA AYURVEDA PRIVATE LIMITED VS RASAYANUM ENTERPRISES [CS(COMM)-834/2023]

Judges: Justice Anish Dayal

The defendant's new packaging for the 10gm product is sufficiently different from the plaintiff's, thus not violating the interim injunction order. However, the 20gm product's packaging remains deceptively similar, primarily due to a similar beige background, likely causing consumer confusion. The interim injunction is granted in favor of the plaintiff, remaining in effect until the suit's conclusion, with the defendant given two months to create a new distinctive trade dress for the 20gm product. The plaintiff can seek further action if the new packaging still resembles their product.

USHA DEVI VS THE GOVT. OF NCT OF DELHI [BAIL APPLN.-1550/2024]

Judges: Justice Anish Dayal

Usha Devi was granted bail in an NDPS case due to her arrest being based solely on a co-accused's disclosure statement and CDR analysis, which are not admissible as evidence. The co-accused were not included in the case, and there was no physical recovery from Usha Devi. The evidence presented was insufficient, and her status as a mother of two and the expected lengthy trial contributed to the decision for bail.

VIJAY KUMAR SHUKLA VS STATE NCT OF DELHI & ANR. [W.P.(CRL)-1485/2024]

Judges: Justice Anish Dayal

Repeated rejections of the petitioner's plea for premature release by the Sentence Review Board were deemed arbitrary and irrational, disregarding the Delhi Prisons Rules, 2018. The board failed to provide adequate reasoning and overly focused on the original crime's severity, neglecting the petitioner's exemplary conduct, satisfactory jail record, and successful periods in semi-open and open prisons. The petitioner demonstrated reformation and rehabilitation, leading to an order for immediate release and instructions for authorities to comply with DPR rules regarding SRB meetings and decision communications.

VIKAS GAUTAM & ANR. VS THE STATE NCT OF DELHI [CRL.A.-604/2024]

Judges: Justice Anish Dayal

Charges were framed against the appellants under Sections 354 and 509 of the IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The FIR and witness statements established prima facie evidence of "intentional insult or intimidation" towards a member of the SC/ST community in public view. Using casteist slurs intended to insult or humiliate constitutes an offense under the SC/ST Act. Arguments claiming the allegations were frivolous and evidence insufficient were rejected, and the appeal against the charge framing was dismissed.

WASEEM SEIKH VS STATE OF NCT DELHI [BAIL APPLN.-2372/2024]

Judges: Justice Anish Dayal

Anticipatory bail applications of Waseem Seikh and Rihana were dismissed in a case under the Narcotic Drugs and Psychotropic Substances Act. No recovery was made from the applicants, but statements from a co-accused and call detail records suggested their involvement in drug supply. Their evasion of investigation and lack of cooperation were also noted. The investigation was deemed to be in its early stages, necessitating potential custodial interrogation.

WIEDEN+KENNEDY INDIA PRIVATE LIMITED VS JINDAL STEEL AND POWER LIMITED [O.M.P.(I) (COMM.)-109/2024]

Judges: Justice Anish Dayal

The copyright infringement allegations by the advertising agency against the steel company were found to be prima facie valid, with the steel company's new campaign appearing to substantially replicate the agency's creative work. However, the balance of convenience favored the steel company due to the widespread dissemination of the video campaign. The advertising agency may seek compensation if copyright infringement is established. The steel company was ordered to deposit Rs. 59 lakhs with the court registry within two weeks, or face an interim injunction against the video. A sole arbitrator was appointed to adjudicate the dispute, with all parties' rights and contentions reserved for consideration.

AABID ALI & ORS. VS STATE & ANR. [CRL.M.C.-1443/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners' request to quash the FIR under Sections 498A/406/34 IPC was granted due to an amicable settlement between the parties, with no objections from the complainant. Continuing the proceedings was considered an abuse of the process, resulting in the quashing of the FIR and related proceedings.

AADIL MALIK & ORS. VS THE STATE (NCT OF DELHI) & ORS. [W.P.(CRL)-207/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 323/341/308/34 IPC was quashed due to an amicable settlement between the parties. The injuries to the complainants were deemed simple, the likelihood of conviction appeared low, and the petitioners had no prior involvement in similar matters. Continuing the proceedings was considered an abuse of process. Instead of monetary costs, the petitioners were directed to plant 20 Neem trees each.

ABDUL MUQTADIR VS THE STATE & ANR. [CRL.M.C.-1665/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Abdul Muqtadir for Sections 500/509 IPC and Sections 66E/67 of the IT Act was quashed due to an amicable settlement between the parties. It was noted that the petitioner's electronic device may have been hacked or misused without his knowledge. Continuing the proceedings was deemed an abuse of process.

ABHIMANYU KUMAR VS THE STATE OF NCT DELHI & ANR. [CRL.M.C.-2966/2024]
Judges: Justice Anoop Kumar Mendiratta
FIRs against petitioner Abhimanyu Kumar under Sections 324, 315, 509, 498A, 406, and 34 of the IPC were quashed due to an amicable settlement between the parties and a lack of conclusive evidence regarding the allegations of assault and forced abortion. Continuing the proceedings was deemed an abuse of the process of the court.

ABHISHEK KUMAR GUPTA & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-1312/2024]
Judges: Justice Anoop Kumar Mendiratta
FIRs under Sections 308/34 IPC and 323/341/427/506/34 IPC against Delhi Technological University students were quashed due to an amicable resolution of disputes between the parties. Continuation of the proceedings would serve no useful purpose, as the parties expressed a desire to move forward. Therefore, the FIRs and related proceedings were dismissed.

ADITYA NARAYAN VS THE STATE (GOVT OF NCT OF DELHI) AND ANR. [CRL.M.C.-3337/2024]
Judges: Justice Anoop Kumar Mendiratta
Aditya Narayan's petition under Section 482 of the Code of Criminal Procedure led to the quashing of an FIR against him for Sections 419/420 of the Indian Penal Code. The matter was settled amicably, with Narayan returning R.S. 11.7 lakh to the complainant, who had no objection to the FIR being quashed. The continuation of proceedings was deemed an abuse of process, with a low likelihood of conviction given the settlement.

AJAY AND OTHERS VS STATE AND ANR [CRL.M.C.-1148/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR and criminal proceedings against the petitioners were quashed due to an amicable settlement of the matrimonial dispute, with a low likelihood of conviction. The offenses were deemed to primarily involve a civil matter, and continuing the proceedings was viewed as an abuse of process. The complainant expressed no objection to the quashing of the FIR.

AJAY GUPTA AND ORS. VS STATE OF NCT DELHI AND ORS [CRL.M.C.-10189/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to the amicable settlement of matrimonial disputes and the dissolution of the marriage. Continuing the proceedings would serve no useful purpose and would constitute an abuse of process.

AJAY KUMAR VS UMA [CRL.M.C.-2677/2021]
Judges: Justice Anoop Kumar Mendiratta
The Domestic Incident Report (DIR) is not essential for a Magistrate to consider when granting interim orders under the Domestic Violence Act, 2005, if the complaint is filed directly by the aggrieved person. The Magistrate's order for interim maintenance was validated based on the respondent's financial situation and the petitioner's income and assets. The petitioner's challenge to the orders lacked merit.

AJAY SHARMA & ORS. VS THE STATE NCT OF DELHI AND ANR. [CRL.M.C.-1825/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to amicable resolution of disputes. The parties have been living together for two years, and the respondent submitted an NOC to quash the proceedings. It was noted that keeping the case pending would constitute an abuse of process, given that the matter is settled between the parties.

AJAY SINGH VS STATE NCT OF DELHI & ANR. [CRL.M.C.-5467/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Ajay Singh under Section 354 of the IPC for outraging the modesty of a woman was quashed due to an amicable settlement between the parties. The proceedings were deemed an abuse of the court's process as the offense had elements of a civil dispute and was considered minor. Additionally, the petitioner had no prior involvement in similar matters, and the likelihood of conviction was low. Instead of costs, the petitioner was directed to plant 30 saplings as a form of restorative justice.

AJAY SINGHANIA VS CENTRAL BUREAU OF INVESTIGATION [CRL.M.C.-2163/2024]

Judges: Justice Anoop Kumar Mendiratta

The questionnaire prepared for recording the accused's statement under Section 313 of the Criminal Procedure Code was flawed because it reproduced the entire testimony of witnesses instead of presenting each piece of incriminating evidence separately. This approach created ambiguity and hindered the accused's ability to explain the circumstances against them. The proper application of Section 313 requires each piece of incriminating evidence to be addressed individually, ensuring clarity and fairness in the trial process.

AJAY YADAV VS THE STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-8091/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR against the petitioner under Sections 354, 354D, and 506 of the Indian Penal Code was quashed after the petitioner and the complainant reached an amicable settlement. The situation indicated a civil dispute with minor incidents rather than heinous offenses. The complainant expressed no objection to quashing the FIR, and continuing the proceedings was deemed an abuse of the process. Instead of imposing costs, the petitioner was instructed to plant 50 Neem or Jamun trees in the vicinity of the police station, with maintenance managed by the authorities.

AJIT KUMAR & ORS. VS STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-7379/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to the mutual consent dissolution of marriage between petitioner No.1 and respondent No.2. The financial settlement was completed, and both parties had amicably resolved the matter without pressure. The respondent No.2 expressed no objection to the quashing of the FIR, leading to the conclusion that continuing the case would serve no useful purpose and would constitute an abuse of process.

AKASH AND ORS VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-4497/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and related proceedings against Akash and others under Sections 498A/406/34 IPC and Section 4 of the Domestic Violence Act were quashed due to an amicable settlement between the petitioners and the respondent, the first petitioner's wife. The marriage was dissolved by mutual consent, and it was noted that continuing the case would serve no useful purpose and would constitute an abuse of the court's process. Both parties confirmed the settlement was reached without any threat, pressure, or coercion.

AKEEL KHAN & ORS. VS THE STATE (GNCT OF DELHI) & ANR. [CRL.M.C.-7675/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Akeel Khan and others under Sections 498A, 406, and 34 of the Indian Penal Code has been quashed due to an amicable settlement between Akeel Khan and his wife, as outlined in a Memorandum of Understanding dated 17.05.2023. The wife expressed no objection to the quashing, rendering the continuation of the case unnecessary and potentially abusive to the judicial process due to low chances of conviction.

AKHILESH KUMAR BHADORIA & ORS. VS STATE & ANR. [CRL.M.C.-965/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners' request to quash the FIR under Sections 498A/406/34 of the Indian Penal Code was granted due to an amicable settlement between the parties, with the respondent expressing no further grievances or objections. Retaining the case would be unproductive, and the likelihood of conviction appeared low following the settlement.

AKRAM SAEED KHAN @ AKRAM AND OTHERS VS THE STATE NCT OF DELHI AND ANR. [CRL.M.C.-4954/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition filed by Akram Saeed Khan and others to quash the FIR under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act was allowed. The parties reached an amicable settlement, with the respondent indicating no objection to quashing the FIR. It was stated that keeping the case pending would serve no useful purpose and would constitute an abuse of the process of the court.

AKSHAY GOEL VS STATE NCT OF DELHI & ANR. [CRL.M.C.-4050/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Sections 354D/354/506/509 IPC was quashed due to an amicable settlement between the parties. The offense was deemed not serious, stemming from a civil dispute, with low chances of conviction and no prior criminal record for the petitioner. Continuing the proceedings was regarded as an abuse of the court's process.

AKSHAY TOMAR AND ANR. VS STATE GOVT. OF NCT OF DELHI AND ORS. [CRL.M.C.-3744/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and criminal proceedings against the petitioners under Sections 323/325/506/34 IPC can be quashed because the matter has been amicably settled between the parties. Both petitioners and respondents are students, and the likelihood of conviction is low due to this settlement. Continuing the proceedings would amount to an abuse of the court's process.

ALOK JOLLY AND OTHERS VS THE STATE NCT OF DELHI AND ANR. [CRL.M.C.-2621/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act was quashed based on an amicable settlement between the parties, including the dissolution of the marriage by mutual consent and the payment of the remaining settlement amount. The State expressed no objection to the quashing, indicating that continuing the case would be unnecessary and an abuse of process.

ALOK SINGHAL VS THE STATE (GOVT. OF NCT OF DELHI) & ANR. & ORS. [CRL.M.C.-2663/2024]

Judges: Justice Anoop Kumar Mendiratta

The power to quash a criminal proceeding under Section 482 of the Code of Criminal Procedure is based on the specific facts and circumstances of each case, including the nature and gravity of the offense and its societal impact. Alok Singhal filed a petition to quash an FIR under Sections 506/509 IPC, relating to allegations of threatening and assaulting a complainant over the return of Rs. 18 lakhs. The parties reached an amicable settlement regarding the monetary dispute, and the complainant expressed no objection to quashing the FIR. Continuing the proceedings was considered an abuse of process, leading to the quashing of the FIR and associated proceedings.

AMAN AND OTHERS VS THE STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-6914/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act, 1961 was quashed due to an amicable settlement between the parties. The complainant confirmed the resolution was reached without any coercion. Continuing the case would serve no useful purpose and would constitute an abuse of the process, as the likelihood of conviction was deemed low.

AMIT AGRAWAL AND ORS VS THE STATE OF NCT OF DELHI AND ANR [CRL.M.C.-5163/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR registered under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to the amicable settlement of the parties and their marriage being dissolved by mutual consent under the Hindu Marriage Act. It was concluded that keeping the case pending would serve no useful purpose, and quashing the FIR would not constitute an abuse of the legal process.

AMIT KUMAR VS STATE (GOVT. OF NCR 0F DELHI) & ANR. [CRL.M.C.-2407/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Section 308 of the Indian Penal Code was quashed due to a settlement between the parties, who are step-brothers. The incident was a minor dispute that occurred in the heat of the moment, and both parties have amicably resolved the matter. Continuing the proceedings was deemed an abuse of the court's process, leading to the quashing of the FIR and related proceedings.

AMIT KUMAR & ORS. VS STATE & ORS. [CRL.M.C.-2106/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and subsequent criminal proceedings against the petitioners under Sections 308/323/341/34 of the Indian Penal Code were quashed due to an amicable settlement between the parties, who are neighbors. Continuing the proceedings was deemed an abuse of the process of the court. The petitioners have clean antecedents, and the injuries sustained were categorized as simple. It was concluded that no useful purpose would be served by keeping the case pending.

AMIT KUMAR & ORS. VS THE STATE NCT OF DELHI & ANR. [CRL.M.C.-4712/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code is quashed due to an amicable settlement between the parties. The marriage has been dissolved by mutual consent, and the respondent has no objection to the quashing. Continuing the case would serve no useful purpose and would be an abuse of the court's process, given the settlement and low chances of conviction.

AMIT KUMAR SHARMA & ORS. VS THE STATE OF NCT OF DELHI & ANR. & ORS. [CRL.M.C.-1566/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 756/2021 under Sections 498A/406/506/34 IPC and Section 4 of the Dowry Prohibition Act was quashed due to an amicable settlement between the parties, supported by a Settlement Deed and an initial motion for divorce by mutual consent. The wife received Rs. 3,00,000/- as a full and final settlement. The State expressed no objection to quashing the FIR, and interactions with the parties confirmed the settlement was reached without coercion. Therefore, continuing the case was deemed unnecessary.

AMRIT SHARMA@AMIT VS STATE (GOVT. OF NCT OF DELHI) [W.P.(CRL)-318/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioner's case for premature release must be considered under the remission policy in effect at the time of conviction in 2010, not the Delhi Prisons Rules, 2018. The previous decision by the Sentence Review Board (SRB) rejecting the petitioner's release was set aside, and the SRB is directed to reconsider the case based on the policy from 16.07.2004. Ongoing furlough is not extended, as the rules do not allow this until the SRB completes its review.

ANAND KUMAR & ANR. VS THE STATE (GOVT. OF NCT DELHI) REPRESENT THROUGH S.H.O. NIHAL VIHAR, DELHI & ANR. [CRL.M.C.-2003/2024]

Judges: Justice Anoop Kumar Mendiratta

A petition under Section 482 of the Code of Criminal Procedure was filed to quash an FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code. The parties had amicably resolved their disputes and had been residing together since April 2017. Given this settlement, it was determined that continuing the case would serve no useful purpose and would constitute an abuse of the process. The FIR and related proceedings were quashed.

ANAND KUMAR AND ORS VS THE STATE AND ANR [CRL.M.C.-4138/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 1432/2014 under Sections 498A/406/34 of the Indian Penal Code was quashed following an amicable settlement between the parties through a Settlement Deed dated 20.04.2024. It was confirmed that the settlement occurred without any threat or coercion, and keeping the case pending would serve no useful purpose.

ANIL KUMAR GOTHWAL VS GOVT. OF NCT OF DELHI ANR. [CRL.M.C.-2903/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Anil Kumar Gothwal under Sections 354/354A/506 IPC can be quashed as the matrimonial disputes between his son and the wife have been settled amicably. The marriage has been dissolved by mutual consent, and the financial settlement is complete. Keeping the case pending serves no useful purpose, and quashing the proceedings may aid the parties in moving on and reducing acrimony.

ANIL KUMAR VS STATE NCT OF DELHI AND ANR [CRL.M.C.-6932/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 106/2018 under Sections 288/337 IPC related to negligence during construction work has been quashed. The victim suffered only minor injuries, and the matter was amicably settled with compensation provided. Continuing the proceedings was deemed an abuse of the process. The petitioner is required to plant 30 neem tree saplings in the area as an alternative to costs.

ANIL MINOCHA VS THE STATE OF NCT OF DELHI & ANR. [CRL.M.C.-7075/2024]

Judges: Justice Anoop Kumar Mendiratta

Anil Minocha's petition under Section 482 CrPC resulted in the quashing of an FIR filed against him under Sections 354/354A/354D/506 IPC. An amicable settlement occurred between Minocha and the complainant, who expressed no objection to the FIR being quashed. Continuing the proceedings was deemed an abuse of the judicial process. Minocha was directed to plant 30 Neem/Jamun saplings in the police station area, with the authorities responsible for their upkeep.

ANKIT ALIAS JUGNU AND ANR VS STATE OF NCT OF DELHI AND ANR [CRL.M.C.-4999/2024]

Judges: Justice Anoop Kumar Mendiratta

Two separate FIRs registered at the Nihal Vihar police station were quashed due to the offenses not being serious and the involved parties amicably settling their disputes without coercion. The continuation of proceedings was deemed an abuse of the process. The petitioners were directed to plant 50 Neem trees each in the Nihal Vihar area, with the authorities responsible for their upkeep.

ANKIT BANSAL VS STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-7974/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Ankit Bansal under Sections 469, 500, and 509 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The offenses were deemed not serious or heinous and primarily involved civil disputes, indicating that continuing the proceedings would abuse the court's process.

ANKIT TAYAL AND OTHERS VS THE STATE & ORS [W.P.(CRL)-380/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage of petitioner no. 1 and respondent no. 2 was dissolved by mutual consent, and all financial disputes were resolved. The parties indicated that this settlement was reached without any threat, pressure, or coercion. Continuing the proceedings was deemed an abuse of the process, as no useful purpose would be served.

ANKUR & ORS. VS THE STATE NCT OF DELHI AND ANR & ANR. [CRL.M.C.-7358/2024]

Judges: Justice Anoop Kumar Mendiratta

A petition under Section 482 of the Code of Criminal Procedure led to the quashing of an FIR against the petitioners under Sections 498A/406/506/34 of the Indian Penal Code. The parties reached an amicable settlement, with the marriage of petitioner no. 1 and respondent no. 2 dissolved by mutual consent. Continuing the case would serve no useful purpose and be an abuse of process, given the bleak chances of conviction due to the settlement. The FIR and related proceedings were quashed.

ANKUSH GARG AND ANR. VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-693/2024]

Judges: Justice Anoop Kumar Mendiratta

The matter between Ankush Garg and another petitioner and respondent no. 2 has been amicably settled with the marriage dissolved by mutual consent. Keeping the case pending would serve no useful purpose and would amount to an abuse of the process. The FIR registered under Sections 498A/406/34 IPC and related proceedings have been quashed.

ANSHUL KUMAR PAL VS STATE OF NCT OF DELHI AND ANR. [W.P.(CRL)-2097/2024]

Judges: Justice Anoop Kumar Mendiratta

The power under Section 482 of the Code of Criminal Procedure allows for the quashing of criminal proceedings or an FIR when the offender and victim have settled their dispute, considering the nature of the offense, societal impact, and the likelihood of conviction. In this case, the parties amicably settled an alleged negligence matter, with the victim receiving compensation. The injuries were deemed potentially accidental, leading to the conclusion that continuing proceedings would constitute an abuse of the court's process. The FIR and related proceedings were therefore quashed.

ANUJ KARWA & ORS. VS STATE & ANR. [CRL.M.C.-1042/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage between the petitioner and the respondent was dissolved by mutual consent, and financial issues were resolved. Keeping the case pending would serve no useful purpose and would be considered an abuse of the process.

ANUJ MANI YADAV VS STATE OF NCT OF DELHI & ORS. [CRL.M.C.-1872/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Anuj Mani Yadav under Sections 283/290/506 of the Indian Penal Code is quashed. Yadav expressed remorse and apologized to the complainant, a Metropolitan Magistrate, who does not wish to proceed with the case due to its minor nature. Quashing the FIR serves no useful purpose in light of the circumstances.

ANUPAM SINGH GAUTAM & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-277/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/354/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage had been dissolved by mutual consent, and the settlement amount was paid. It was established that the resolution occurred without threat or coercion, and continuing the case would serve no useful purpose.

ANURAG NANDA AND ANR VS STATE AND ANR [CRL.M.C.-5054/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 354A/504/509 IPC was quashed due to an amicable settlement between the parties. The situation involved minor incidents with a civil dispute element, warranting the dismissal under Section 482 Cr.P.C. The petitioners compensated the complainant, and the potential for conviction was deemed remote. To avoid further court proceedings, the petitioners were directed to plant and maintain 100 saplings in the area.

ARAFAT AND ANOTHER VS THE STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-8177/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The first petitioner granted Talaq to the respondent as per Muslim law, and all dues were settled. Continuing the case was deemed unnecessary and likely to result in an abuse of the judicial process, given the circumstances.

ARCHANA GOSWAMI VS GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-1067/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0172/2020 against Archana Goswami under Section 289 IPC was quashed after an amicable settlement between her and the complainant, Nidhi Aggarwal. Continuing the proceedings was deemed an abuse of process, leading to the decision to quash the FIR and associated proceedings.

ARIHANT JAIN AND ORS. VS STATE OF NCT OF DELHI AND ANR. [W.P.(CRL)-1660/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR against the petitioners under Sections 498A, 406, and 34 of the IPC was quashed due to the parties amicably settling their disputes, including a mutual divorce and the payment of the remaining amount by the petitioners to the second respondent. It was concluded that keeping the case pending would serve no useful purpose and constitute an abuse of the legal process.

ARJUN BHANDARI AND ORS VS STATE NCT OF DELHI AND ANR [CRL.M.C.-686/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 377, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage between petitioner no. 1 and respondent no. 2 was dissolved by mutual consent, and a balance amount was paid to respondent no. 2 for full and final settlement. The amicable resolution indicated that keeping the case pending served no useful purpose, and quashing the FIR did not constitute an abuse of the court's process.

ARVIND KEJRIWAL & ORS. VS STATE & ANR. [CRL.M.C.-1013/2020]

Judges: Justice Anoop Kumar Mendiratta

Imputations by petitioners Arvind Kejriwal, Atishi Marlena, and Sushil Kumar Gupta against the BJP, claiming the party deleted certain community voters from electoral rolls, are considered prima facie defamatory. The BJP is recognized as an identifiable entity capable of being defamed, and Rajiv Babbar, Vice President of BJP Delhi Pradesh, qualifies as an aggrieved person under Section 199 CrPC. The petitioners' defense of good faith and public interest needs to be established during trial. A petition to quash the summoning orders was dismissed due to lack of grounds for interference at this stage.

ASHISH KAPOOR AND ORS VS THE STATE N.C.T. OF DELHI AND ANR [W.P.(CRL)-824/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed, as the parties reached an amicable settlement. The marriage between petitioner no. 1 and respondent no. 2 had been dissolved by mutual consent, and continuing the criminal proceedings would be an abuse of process. With no remaining disputes, keeping the case pending served no useful purpose.

ASHISH KUMAR & ORS. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-3831/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC and Sections 3 & 4 of the Dowry Prohibition Act, 1961 was quashed due to an amicable settlement of the matrimonial dispute. The marriage was dissolved by mutual consent, and the balance amount was paid to the respondent. Both parties confirmed the settlement was reached without any threat, pressure, or coercion, and keeping the case pending would be an abuse of process.

ASHISH KUMAR TRIPATHI AND ORS. VS THE STATE (GOVT. OF NCT OF DELHI) AND ANR. [CRL.M.C.-7740/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The marriage was dissolved by mutual consent, and the respondent received Rs. 10,00,000/-. The respondent had no objection to quashing the FIR, and keeping the case pending would serve no useful purpose, as the likelihood of conviction was considered bleak.

ASHISH KUMAR VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-7113/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Ashish Kumar under Sections 498A/34 IPC was quashed due to an amicable settlement between him and his wife. It was determined that continuing the case would serve no useful purpose, and the likelihood of conviction was deemed low. Both the State's learned APP and the respondent did not object to the quashing of the FIR.

ASHISH VERMA & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-7180/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/506/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties, confirmed by a Settlement Deed dated 29.04.2024. The petitioners and respondent no. 2 have been living together since November 2023. The continuation of the case was deemed unnecessary and an abuse of court process given the settlement and low likelihood of conviction.

ASHISH VERMA VS PARMOD KUMAR [CRL.M.C.-2332/2021]

Judges: Justice Anoop Kumar Mendiratta

The petition filed by Ashish Verma to quash the complaint under Section 138 of the Negotiable Instruments Act was dismissed. Since the cheque was issued by Verma as the proprietor of 'Verma Computers', he remains liable despite the firm not being named as an accused. The petitioner's arguments were deemed without merit, resulting in a cost of Rs. 10,000 to be paid to the respondent, Parmod Kumar.

ASHRAF ALI @ BABLU & ORS. VS THE STATE OF GNCT & ANR. [CRL.M.C.-3676/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR registered under Sections 498A/406/34 IPC against Ashraf Ali @ Bablu and others was quashed due to an amicable settlement between the parties. The marriage of the petitioner and respondent had been dissolved by mutual consent, and a financial settlement was completed. The interactions with the parties revealed that the settlement occurred without any threat or coercion, leading to the conclusion that continuing the case would be an abuse of the process.

ATUL ARORA VS STATE & ANR. [CRL.M.C.-4665/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0232/2017 under Sections 406, 498A, and 34 of the Indian Penal Code against Atul Arora has been quashed due to an amicable settlement between the parties, supported by a Settlement Deed and a mutual consent divorce petition. Arora paid Rs. 9,00,000 to his wife for full and final settlement, making the continuation of the case unnecessary and an abuse of the process.

ATUL GOYAL & ORS. VS STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-4508/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners, Atul Goyal and others, successfully quashed an FIR against them under Sections 498A/406/34 of the Indian Penal Code. The dispute between petitioner No. 1 and respondent No. 2 was settled amicably, and their marriage was dissolved by mutual consent. All remaining financial obligations were fulfilled by the petitioners. The case was considered an abuse of the process due to the resolution of the issues.

ATUL KAKKAR & ORS. VS STATE & ORS. [CRL.M.C.-3355/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners successfully quashed FIR No. 401/2015, which was registered under Sections 365/342/368/386/34 IPC. The disputes originated from chit fund transactions and were instigated by the respondents. The parties reached an amicable settlement regarding monetary disputes. It was recognized that continuing proceedings would constitute an abuse of process, with minimal chances of conviction. The FIR and related proceedings were quashed based on these considerations.

AVINASH BIDHURI AND ANR VS STATE AND ANR. [CRL.M.C.-2665/2024]

Judges: Justice Anoop Kumar Mendiratta

A petition under Section 482 CrPC to quash an FIR for Sections 354/506/34 IPC was allowed. The case involved a landlord-tenant dispute that was amicably settled between the parties, with no serious offenses and low chances of conviction. Continuation of the proceedings was deemed an abuse of the court's process, leading to the quashing of the FIR and subsequent proceedings.

AYAN AHMED & ANR. VS GNCT DELHI & ANR. [CRL.M.C.-1346/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and proceedings against the petitioners were quashed due to an amicable settlement between the parties, with no signs of threat or coercion. The incident stemmed from a minor altercation involving college students who expressed remorse. Continuing the proceedings was deemed an abuse of the process, and it was noted that while serious offences cannot be quashed despite settlements, minor incidents can be addressed in the interests of justice and to promote harmony.

BALRAM AND ANR VS STATE THROUGH SHO PS CHHAWALATHROUGH SHO PS CHHAWALA AND ANR [CRL.M.C.-5936/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and criminal proceedings against Balram and another under various IPC sections were quashed after the parties reached an amicable settlement. The case involved primarily civil disputes and minor incidents, with the complainant already compensated. The petitioners had no prior criminal record, and the likelihood of conviction was remote, making the continuation of proceedings an abuse of process. Instead of a financial penalty, the petitioners were instructed to each plant 50 Neem saplings in the vicinity of the Police Station.

BANARSI LAL@ GOBRA VS STATE OF NCT OF DELHI [W.P.(CRL)-1130/2024]

Judges: Justice Anoop Kumar Mendiratta

The power to grant parole is restricted when an appeal is pending, as it undermines the appellate court's authority. The petitioner may seek suspension of sentence and interim bail under Section 389 of the Criminal Procedure Code during the pending appeal. The petition for parole was dismissed, but the petitioner is allowed to file for suspension of sentence and interim bail.

BANK OF INDIA VS ANJU BHATIA & ANR. [CRL.M.C.-4920/2024]

Judges: Justice Anoop Kumar Mendiratta

The criminal complaint against the Bank of India and its officials under Sections 409/120B/34 IPC lacks concrete evidence. The respondents agreed to quash the proceedings while preserving their rights in related civil/consumer matters. The dispute relates to alleged fraudulent withdrawals, suggesting it is civil in nature. Continuing the criminal proceedings is considered an abuse of process, with a low likelihood of conviction. The complaint case is therefore quashed in the interest of justice.

BENETTON INDIA PRIVATE LIMITED VS STATE NCT OF DELHI [CRL.M.C.-6071/2024]

Judges: Justice Anoop Kumar Mendiratta

The insistence for the presence of the MD/CEO of Benetton India Private Limited was deemed unnecessary, as the company's authorized representative was empowered to address traffic challans for a company vehicle. The directions regarding this requirement were regarded as unfounded and irrational. Observations were made on enhancing technology integration in the traffic challan system, with suggestions to be forwarded to the e-Committee of the Supreme Court for consideration.

BHARAT BHUSHAN KAPOOR AND OTHERS VS STATE NCT OF DELHI AND ANR [W.P.(CRL)-2430/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0134/2022, related to Sections 498A/406/34 of the Indian Penal Code, was quashed following an amicable settlement between the parties. The marriage between petitioner no. 1 and respondent no. 2 was dissolved by mutual consent, and the parties resolved their disputes. Keeping the case pending would serve no useful purpose and would be considered an abuse of the process, given the low likelihood of conviction due to the settlement.

BHARAT KHATRI & ORS. VS STATE & ANR. [CRL.M.C.-2540/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed as the parties had settled the matter amicably. The marriage was dissolved by mutual consent, custody of the child was agreed upon, and the financial settlement was completed. The State had no objection to quashing the FIR. Confirmation that the settlement occurred without threat or coercion led to the conclusion that keeping the case pending would serve no useful purpose and would constitute an abuse of process.

BHARAT RATAN & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-8736/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement of matrimonial disputes. The marriage between petitioner no. 1 and respondent no. 2 was dissolved by mutual consent under the Hindu Marriage Act, and the petitioners paid an agreed amount to respondent no. 2. The situation indicated that continuing the case would serve no useful purpose and risk an abuse of court process, given the low likelihood of conviction.

BHASKAR AND ORS. VS STATE AND ANR [CRL.M.C.-3826/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under various sections of the Indian Penal Code was quashed due to amicable settlement of disputes and the dissolution of marriage by mutual consent. Keeping the case pending served no useful purpose, and quashing the FIR was not an abuse of the court's process.

BHAWANA SHARMA & ORS. VS THE STATE OF NCT OF DELHI AND ORS. [CRL.M.C.-7652/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR registered under Sections 323/341/506/34 IPC against Bhawana Sharma and others was quashed after the parties reached an amicable settlement. Both petitioners and respondents, who are neighbors, agreed to the quashing, and the likelihood of a conviction was deemed low. Continuing proceedings would constitute an abuse of process. As a condition for quashing the FIR, the petitioners were required to plant 10 saplings of neem/jamun trees each in the police station area.

BHUPENDER & ORS. VS STATE NCT OF DELHI AND ANR [CRL.M.C.-3357/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition to quash FIR No. 109/2019, which involved charges under Sections 498A, 406, and 34 of the IPC, was granted due to the parties' amicable settlement and dissolution of marriage by mutual consent. The state raised no objections to quashing the FIR, leading to the conclusion that continuing the case would serve no useful purpose and would abuse the legal process. The FIR and related proceedings were quashed.

BHUPENDER MUDGAL@ BHUPENDER SHARMA VS THE STATE N C T DELHI AND ANR & ANR. [CRL.M.C.-24/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Section 308 IPC against the petitioner was quashed due to an amicable settlement between the husband and wife, who are now living together happily. The nature and gravity of the offense, along with the potential retraction of the victim's statement, suggested that continued proceedings would constitute an abuse of process.

BHUSHAN TIWARI & ANR. VS STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-4783/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition by Bhushan Tiwari and another to quash an FIR under Sections 498A, 406, 506, and 34 of the Indian Penal Code was allowed due to an amicable settlement of their matrimonial dispute and a mutual divorce. Interaction with the parties confirmed the absence of threat or coercion in the settlement, which would promote harmony and allow them to move forward. The likelihood of conviction was deemed low, and it was determined that continuing the case would serve no useful purpose, leading to the quashing of the FIR and related proceedings.

BIJENDER SINGH LATHER VS GOVT OF NCT OF DELHI [CRL.M.C.-2647/2021]

Judges: Justice Anoop Kumar Mendiratta

Proceedings under Section 82 of the Criminal Procedure Code against petitioners Joginder Singh Lather and Ram Niwas Lather, directors of a real estate company accused of cheating homebuyers, are invalid as the offenses do not meet the criteria of Section 82(4) Cr.P.C. In contrast, Bijender Singh Lather remains subject to Section 82 Cr.P.C. proceedings due to his failure to join the investigation after an anticipatory bail application was rejected by the Supreme Court.

BIRENDER @ BEERU@VEERPAL & ORS. VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-2615/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The petitioners and the respondent No. 2 were living together, and the State had no objection to the quashing. Continuing the case was deemed unnecessary and an abuse of process.

BUNTY @DINESH VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-2919/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the husband under Section 324 IPC for assaulting his wife was quashed after the couple amicably settled their matrimonial dispute and have been living together since 2010. The incident stemmed from a minor altercation, and the likelihood of conviction was deemed low. Continuing the proceedings was considered an abuse of process. The settlement between the couple was seen as beneficial for promoting harmony.

BUSHRA & ORS. VS THE STATE GOVT. OF NCT OF DELHI AND ANR. & ORS. [CRL.M.C.-2391/2024]

Judges: Justice Anoop Kumar Mendiratta

The applications under Section 482 of the Code of Criminal Procedure to quash two FIRs were allowed. The FIRs, arising from matrimonial disputes, were found to be settled amicably between the parties. Continuing the proceedings was deemed an abuse of the process, leading to the quashing of the FIRs and the associated proceedings.

CHANDAN KUMAR & ORS. VS STATE (GOVT. OF NCT OF DELHI) THROUGH S.H.O. & ANR. [CRL.M.C.-1575/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage of petitioner No. 1 and respondent No. 2 was dissolved through mutual consent under Section 13B(2) of the Hindu Marriage Act, with no objection from the State. Continuing the case would serve no useful purpose and constitute an abuse of the process.

CHARANJEET SINGH & ORS. VS STATE OF NCT DELHI & ANR. [CRL.M.C.-7494/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The marriage between petitioner No. 1 and respondent No. 2 was dissolved by mutual consent under the Hindu Marriage Act, with no objections from the State or respondent No. 2. Keeping the case pending would serve no useful purpose and would constitute an abuse of the court's process.

CHITRANSHU AGGARWAL & ORS. VS THE STATE NCT OF DELHI AND ANR. [CRL.M.C.-2276/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The marriage had been dissolved by mutual consent, and the agreed financial terms were fulfilled. Continuing the case was deemed an abuse of the process, leading to its dismissal.

CT. AMIT@ AMIT KUMAR VS GOVT OF NCT OF DELHI THE SHO AND ANR. [CRL.M.C.-7167/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and related proceedings against the petitioner were quashed after it was established that the accident was unintentional and the parties reached an amicable settlement, with the petitioner compensating the complainant. Continuing the proceedings would constitute an abuse of process due to the circumstances and low likelihood of conviction.

DALEEP KUMAR ALAIS DILIP BHAGAT VS THE STATE AND ANR [CRL.M.C.-4610/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties, which included the dissolution of their marriage by mutual consent and full payment as per the settlement agreement. The respondent did not object to the quashing, and there was no indication of threat or coercion involved in resolving the matter. Maintaining the case would be an abuse of the court's process.

DANISH & ORS. VS THE STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-7698/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties, which included a divorce and a payment of Rs. 1,00,000. Continuing the case was deemed unnecessary and likely an abuse of process, given the low chances of conviction.

DAVESH KUMAR VS GAURI @ SUPRIYA & ORS. [CRL.A.-963/2023]

Judges: Justice Anoop Kumar Mendiratta

The order dismissing the appellant's application under Sections 340 and 195 of the Code of Criminal Procedure was upheld. The complainant's contradictory statements during the trial were insufficient for prosecution for perjury without evidence of intentional falsehood or fabrication. The initiation of proceedings must be based on expediency in the interest of justice, and in this case, it was concluded that such proceedings against the respondents were neither expedient nor in the interest of justice.

DEEP NARAYAN TIWARI @ DEEPAK VS THE STATE GOVT OF NCT OF DELHI AND ANR. [CRL.M.C.-3402/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 591/2023 under Sections 354/506/509 IPC has been quashed due to an amicable settlement between the parties. Continuation of proceedings was deemed an abuse of process, with weak chances of conviction noted. The incident was viewed as a counter to an earlier FIR from the petitioner, which has also been quashed.

DEEPAK & ORS. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-2157/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Deepak and others under Sections 498A/406/34 of the Indian Penal Code was quashed due to the amicable settlement of disputes. The marriage between the first petitioner and the second respondent was dissolved by mutual consent, and the balance amount was paid to the second respondent. The State did not object to the quashing of the FIR, indicating that keeping the case pending would be an abuse of the process.

DEEPAK & ORS. VS THE STATE OF NCT THROUGH SHO & ANR. [CRL.M.C.-1109/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The petitioner No.1 and respondent No.2 reconciled and resumed living together, with neither the State nor respondent No.2 opposing the quashing. It was concluded that continuing the case would serve no useful purpose and would constitute an abuse of process.

DEEPAK @ SUNNY VS STATE NCT OF DELHI & ANR. [CRL.M.C.-3463/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioner's request to quash the FIR against him and his family members under Sections 498A, 406, and 34 of the Indian Penal Code was granted. The parties had amicably resolved their disputes, with a first motion for divorce by mutual consent allowed under the Hindu Marriage Act. After confirming that the settlement was free of threat or coercion, it was concluded that keeping the case pending would be an abuse of the court's process, leading to the quashing of the FIR and related proceedings.

DEEPAK BHATLA AND ORS VS STATE AND ANR [CRL.M.C.-3274/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Deepak Bhatla and others under Sections 498A, 406, and 34 of the Indian Penal Code was quashed after the parties amicably resolved the dispute. The marriage between petitioner No. 1 and respondent No. 2 was dissolved by mutual consent, and the petitioners paid the remaining balance to respondent No. 2 as a full and final settlement. As the matter was settled, the case was deemed unnecessary to keep pending. The Look Out Circular against petitioner No. 1 was also withdrawn, and his passport was to be released.

DEEPAK KUMAR @ DEEPAK KUMAR BAGRI & ORS. VS STATE NCT OF DELHI AND ANR. [CRL.M.C.-6283/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR registered against the petitioners under Sections 498A/406/34 of the Indian Penal Code is quashed due to an amicable settlement between the parties, which included a mutual consent divorce and a payment of Rs. 10,00,000 to the respondent. Continuing the case would serve no useful purpose and would constitute an abuse of process.

DEEPALI PANWAR & ORS. VS GOVT OF NCT OF DELHI & ORS. [W.P.(CRL)-113/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR against Deepali Panwar and others under Sections 506, 509, 323, and 34 of the Indian Penal Code has been quashed. The disputes involved were matrimonial, with both parties filing cross-complaints. The matter has been amicably settled following the dissolution of their marriage by mutual consent. The continuation of the proceedings was deemed an abuse of process.

DEVENDER KUMAR BARAL VS THE STATE NCT OF DELHI THROUGH SHO PS VASANT KUNJ & ANR. [CRL.M.C.-4318/2024]

Judges: Justice Anoop Kumar Mendiratta

In Devender Kumar Baral v. The State NCT of Delhi, the FIR against the petitioner under Section 354 IPC was quashed due to an amicable settlement between parties, with the complainant expressing no further grievances. The continuation of proceedings was deemed an abuse of process as the chances of conviction were low. The petitioner was directed to plant 30 saplings in the local area under supervision of the relevant authorities.

DEVENDRA KHATIK VS THE STATE NCT OF DELHI & ANR. [CRL.M.C.-7714/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Devendra Khatik, registered under Sections 354/354B/354D/506 IPC, can be quashed as the offenses are not serious and primarily involve a civil dispute. An amicable settlement between the parties and a low likelihood of conviction support the decision to quash the FIR.

DEVESH KUMAR CHANDEL & ORS. VS THE STATE OF NCT OF DELHI & ANR. [CRL.M.C.-6531/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR registered against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties and a mutual consent divorce decree. The continuation of the case was deemed unnecessary and an abuse of process, with the state prosecutor not opposing the quashing.

DEVI SINGH & ANR. VS STATE & ORS. [CRL.M.C.-4688/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR and related criminal proceedings against the petitioners for various IPC offenses were quashed due to the dispute being primarily civil and having been amicably settled through mediation. The likelihood of conviction was deemed low, and continuing the proceedings was considered an abuse of the legal process. Instead of imposing costs, the petitioners were directed to plant 25 saplings each.

DEVINDER KUMAR AND ORS VS THE STATE AND ANR [CRL.M.C.-2498/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR filed against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code has been quashed due to an amicable resolution between the parties. The petitioners and the complainant obtained a mutual consent divorce, and the remaining balance payment was completed. Continuing the case was deemed an abuse of the legal process, leading to the quashing of the FIR and related proceedings.

DHARAMBIR SINGH & ANR. VS STATE & ANR. [CRL.M.C.-155/2021]

Judges: Justice Anoop Kumar Mendiratta

The decision to set aside the order for FIR registration against the respondent was upheld. The GPA and Will executed by the deceased father in favor of the respondent were properly registered, and their execution in Hindi did not indicate forgery. The expiration of the Notary Public's license did not automatically classify the documents as forged, as notaries often continue working under the expectation of renewal. The dispute was primarily civil in nature, making the registration of the FIR unjustified. The petition was dismissed.

DHARAMVIR SINGH VS STATE AND ANR [CRL.M.C.-216/2024]

Judges: Justice Anoop Kumar Mendiratta

Dharamvir Singh's petition to quash an FIR under Sections 354(A)/509/506 of the Indian Penal Code, filed by his daughter-in-law, was granted based on an amicable settlement between the parties and the mutual dissolution of the marriage between Singh's son and the respondent. The continuation of the case was deemed to serve no useful purpose and constituted an abuse of process, leading to the dismissal of the FIR and related proceedings.

DHARMENDER KUMAR @ DHARMENDER SINGH AND ORS VS THE STATE (GOVT OF NCT OF DELHI) AND ANR [CRL.M.C.-5890/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0839/2021 under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties, which included a Settlement Deed and mutual consent divorce. The case was deemed unlikely to lead to conviction, making its continuation unnecessary.

DHARMVEER ALIAS DHARMBIR AND ORS VS STATE AND ANR & ANR. [CRL.M.C.-4039/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0240/2018, registered under Sections 323/354D/509/34 IPC, was quashed due to an amicable settlement between the parties. The offences were assessed as not serious and unlikely to result in conviction. Continuing the proceedings was deemed an abuse of process. The parties were instructed to plant 20 saplings each as an alternative to costs.

DHEERAJ YADAV VS THE STATE (GOVT. OF NCT OF DELHI) & ANR. [CRL.M.C.-4366/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Sections 498A, 406, 506, and 34 IPC was quashed due to an amicable settlement between the petitioner and his wife, with their marriage dissolved by mutual consent. Both parties confirmed the settlement was free from pressure or coercion, and the state prosecutor did not object. Continuing the proceedings would constitute an abuse of the court's process.

DINESH & ORS. VS THE STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-6894/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act was quashed due to an amicable settlement between the parties. A Memorandum of Understanding was signed, and a mutual consent divorce decree was obtained. The State government did not oppose the quashing. The continuation of the proceedings was deemed an abuse of process given the circumstances.

DINESH KUMAR & ORS. VS THE STATE OF DELHI & ANR. [CRL.M.C.-426/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The marriage had been dissolved by mutual consent, and all financial dues were paid. Keeping the case pending would serve no useful purpose, and quashing the FIR did not constitute an abuse of the legal process.

DINESH KUMAR AND ORS VS STATE OF NCT OF DELHI AND ANR [CRL.M.C.-4741/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners successfully sought to quash FIR No. 0134/2017, which was registered under Sections 498A, 406, and 34 of the Indian Penal Code. The parties had amicably settled the matter, with a mutual consent divorce finalized and the remaining balance paid to the second respondent. The prosecution did not object to the quashing of the FIR, and the parties confirmed the settlement was reached without coercion. Given these factors, continuing the case was deemed unnecessary.

DR JAI KISHAN GODARA VS STATE & ANR. [CRL.M.C.-6477/2024]

Judges: Justice Anoop Kumar Mendiratta

The disputes between the petitioner and respondent No. 2 have been amicably settled, leading to the dissolution of their marriage by mutual consent. Quashing the FIR against the petitioner under Sections 498A and 406 of the Indian Penal Code lacks purpose and constitutes an abuse of process, as the likelihood of conviction is minimal due to the settlement. Thus, the FIR and related proceedings are quashed.

DR RENU VS STATE OF KARNATAKA AND ORS. [W.P.(CRL)-493/2024]

Judges: Justice Anoop Kumar Mendiratta

The writ petition filed by Dr. Renu to defreeze her bank accounts was dismissed due to lack of territorial jurisdiction, as the FIR and cause of action originated in Bengaluru, despite the account freezing occurring in Delhi. The petitioner was advised to approach the appropriate forum in Bengaluru.

DR. SHASHI THAROOR VS STATE & ANR. [CRL.M.C.-1394/2020]

Judges: Justice Anoop Kumar Mendiratta

Dr. Shashi Tharoor's statement at the Bangalore Literature Festival was deemed prima facie defamatory towards Prime Minister Narendra Modi and the BJP. The Vice President of BJP Delhi Pradesh had the standing to file the complaint as a member of the affected political party. Arguments regarding the defense of good faith and fair comment could not be considered at this stage and are reserved for trial. The petition under Section 482 of the CrPC was dismissed, allowing trial proceedings to continue.

FAEEM AND ORS VS THE STATE (GNCT OF DELHI) AND ANR [W.P.(CRL)-2330/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act was quashed due to an amicable settlement reflected in a Compromise Deed dated 15.09.2023. The continuation of the proceedings would constitute an abuse of the court process, as the likelihood of conviction is low given the settlement.

FAIZAN QURESHI & ORS. VS THE STATE OF GOVT OF NCT DELHI THROUGH SHO DARYA GANJ NEW DELHI & ANR. [CRL.M.C.-4223/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Faizan Qureshi and others under Sections 354D/506/509/34 IPC for outraging modesty and criminal intimidation has been quashed due to an amicable settlement between the parties, supported by a Settlement Deed dated 29.02.2024. One co-accused has passed away, and the likelihood of conviction appears minimal, making further proceedings an abuse of process.

FAWADULLAH KHAN @ FAWABULLAH KHAN AND OTHERS VS STATE (NCT) OF DELHI AND ANOTHER [CRL.M.C.-1202/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed after the parties reached an amicable settlement. The wife received Rs. 10,50,000 as a full and final settlement and expressed no objection to quashing the FIR. Continuing the case was deemed unnecessary and an abuse of the court's process.

FAYYAJ SULTAN@FAIYAZ SULTAN & ORS. VS THE STATE GOVT OF NCT OF DELHI & ANR. [W.P.(CRL)-91/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 702/2014 under Sections 498A, 406, and 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act was quashed. The matter was amicably settled between the parties, with the petitioner providing Talaq to the respondent in accordance with Muslim Shariat Law. Both the state government and the respondent expressed no objection to quashing the FIR, as further proceedings would not serve a purpose and would constitute an abuse of the judicial process.

FEROZ HASAN AND ORS VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-993/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR filed against Feroz Hasan under Section 498A of the Indian Penal Code was quashed due to an amicable settlement between the parties. Feroz Hasan and his wife are now residing together and have no further issues to address, making the continuation of proceedings an abuse of the process of the court. Consequently, the FIR and its related proceedings were quashed.

FIROZ ANSARI & ORS. VS STATE OF NCT DELHI & ANR. [CRL.M.C.-3567/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and proceedings against Firoz Ansari and others under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act, 1961, were quashed due to an amicable settlement between the parties, confirmed to be free from any threat or coercion. It was stated that maintaining the case would not serve any useful purpose. As an alternative to costs, petitioner No. 1 was instructed to plant 10 saplings in local parks within the jurisdiction of the police station.

GAGAN GUPTA & ORS. VS THE STATE AND ANR. [CRL.M.C.-329/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR registered against the petitioners under Sections 323/354/509/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The victim expressed no objection to quashing the FIR, and continuing proceedings was deemed an abuse of the court's process.

GAJRAJ & ORS. VS STATE (GOVT. OF NCT OF DELHI) & ANR. [W.P.(CRL)-2959/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Sections 498A/406 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage had been dissolved by mutual consent, and further proceedings were deemed unnecessary and abusive of the court's process, especially considering the low likelihood of conviction.

GAURAV BAKSHI AND OTHERS VS STATE GOVT. OF NCT OF DELHI AND OTHERS [CRL.M.C.-5998/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR filed under Sections 498A/406/34 of the Indian Penal Code has been quashed due to an amicable settlement between the parties. The marriage has been dissolved by mutual consent, and the respondent received Rs. 10,00,000 as part of the settlement. Given these circumstances, continuing the case serves no useful purpose and the likelihood of conviction is minimal.

GAURAV JAIN & ORS. VS STATE OF (NCT) OF DELHI & ANR. [CRL.M.C.-6161/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage had been dissolved by mutual consent, and the petitioners paid Rs. 9,00,000 to the respondent. Given the circumstances, continuing the case was deemed unnecessary as the likelihood of conviction was low.

GAURAV KUMAR & ORS. VS THE STATE AND ANR [CRL.M.C.-3978/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and criminal proceedings against the husband, mother-in-law, father-in-law, and siblings-in-law of the complainant were quashed due to the resolution of matrimonial disputes, including a mutual consent divorce. The matter involved minor personal offences, and the parties reached an amicable agreement. Continuation of the proceedings was deemed an abuse of process. Instead of imposing costs, the petitioners were directed to plant 10 saplings each in local parks as a form of restorative justice.

GAURAV KUMAR VS GOVT OF NCT OF DELHI & ANR. [W.P.(CRL)-508/2024]

Judges: Justice Anoop Kumar Mendiratta

The writ petition filed by Gaurav Kumar was dismissed as premature. The Magistrate possesses the authority to direct FIR registration and oversee investigations under Section 156(3) of the Cr.P.C. Since the Magistrate has already initiated an investigation and a report was submitted, it was advised that the petitioner return to the Magistrate if further grievances exist. The alternate remedy under Section 156(3) has been utilized, making this case unsuitable for intervention under Article 226 of the Constitution.

GAURAV KUMAR & ORS. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-5118/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to the amicable settlement of disputes between the parties. The marriage between petitioner No. 1 and respondent No. 2 had been dissolved by mutual consent, and the outstanding amount was paid. Continuing the proceedings was deemed an abuse of process.

GAURAV MITTAL & ANR. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-712/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition filed by accused directors of M/s CHD Developers, Gaurav Mittal and another, to quash the FIR under Sections 420/120B IPC for cheating and criminal conspiracy was allowed. The matter was amicably settled between the parties, with the complainant expressing no objection to quashing the FIR. The likelihood of conviction was deemed low due to the settlement, and continuing the proceedings was considered an abuse of the process. The petitioners were directed to plant 50 saplings each in local parks, with maintenance handled by authorities, accompanied by a penalty for non-compliance.

GAURAV VERMA & ANR. VS STATE THROUGH SHO & ANR. [W.P.(CRL)-689/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement through a Compromise/Settlement Deed and a mutual consent divorce under the Hindu Marriage Act. The parties confirmed the payment of Rs. 2,00,000 to the wife as a full and final settlement, made without any threat or coercion. Continuing the proceedings was deemed an abuse of the process of the court.

GAUTAM ANR ORS. VS THE STATE (NCT OF DELHI) AND ANR [CRL.M.C.-2439/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Gautam and others under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The marriage of petitioner No. 1 and respondent No. 2 had been dissolved, and a payment of Rs. 3,00,000/- was made to respondent No. 2 as a full and final settlement. Both the State and respondent No. 2 did not oppose the quashing of the FIR, and it was deemed that continuing the case would be an abuse of the legal process.

GAUTAM ARYA & ORS. VS STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-6963/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to the amicable settlement of matrimonial disputes between the parties. The marriage was dissolved by mutual consent, and financial matters were resolved, making it unnecessary to keep the case pending as it would lead to an abuse of process, with minimal chances of conviction.

GAUTAM JINDAL & ORS. VS STATE NCT OF DELHI AND ANR. [CRL.M.C.-1905/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage had been dissolved by mutual consent, and the remaining settlement amount was paid. Both the State and the respondent did not object to the quashing, indicating that continuing with the case would be an abuse of the process.

GLADWIN VINCENT SOLOMON AND ORS VS STATE OF NCT OF DELHI AND ANR [CRL.M.C.-5232/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR registered against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The parties confirmed that the settlement was made voluntarily, without coercion, and the respondent expressed no objection to quashing the FIR. Continuing the proceedings was seen as an abuse of process, leading to the quashing of the FIR and associated proceedings.

GOPAL SINGH VS THE STATE NCT OF DELHI AND ORS. [CRL.M.C.-998/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Gopal Singh under Sections 308/323/506/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties involved. Gopal Singh and the respondents, Deepak and Jagdish, resolved the matter, compensated for treatment expenses, and demonstrated intentions to end the proceedings. The petitioner's clean past record and the minor nature of the incident contributed to the decision to quash the FIR and the subsequent proceedings, deemed an abuse of process.

GUIZAR ISLAM & ORS. VS THE STATE GOVT OF NCT OF DELHI AND ANR [W.P.(CRL)-1419/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Sections 498A/506/406/34 IPC against the petitioners was quashed after the parties amicably resolved their disputes. The marriage, solemnized in 2015, ended due to temperamental differences. A Settlement Deed was executed on 21.10.2023, followed by a Deed of Dissolution of Marriage on 21.12.2023. The settlement was reached without any coercion, and continuing the case would be an abuse of process.

GULFAM KHAN & ANR. VS THE STATE NCT OF DELHI & ORS. [CRL.M.C.-5326/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0411/2020 under Sections 308/34 IPC was quashed due to an amicable settlement between the parties. The injuries were classified as simple, there was no prior involvement between the parties, and continuing the proceedings would be an abuse of process. The settlement promoted harmony and reflected a predominant civil dispute element, making the possibility of conviction remote.

GULSHAN AND ORS VS THE STATE NCT OF DELHI AND ANR [W.P.(CRL)-2396/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR under Sections 498A, 406, 354, and 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act can be quashed due to an amicable settlement between the parties. The likelihood of conviction is low, and continuing proceedings would constitute an abuse of process. Serious offenses are not subject to quashing despite settlement, but offenses involving civil disputes or minor incidents, where the complainant has been compensated, may be quashed under Section 482 of the Code of Criminal Procedure.

GULSHAN VERMA VS STATE NCT OF DELHI AND ORS [W.P.(CRL)-1718/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIRs against the parties were quashed due to the dispute stemming from a minor issue of playing music, which had been amicably settled. The situation involved predominantly civil elements, and since the complainant was compensated, the continuation of proceedings was deemed an abuse of process. The petitioners were directed to plant 30 neem saplings each near the police station to promote harmony between the parties.

GULSHAN VS THE STATE NCT OF DELHI & ANR. [W.P.(CRL)-1074/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to amicable resolution of disputes. The marriage had been dissolved by mutual consent and the outstanding amount paid, making the continuation of the case an abuse of process. This matter was a single-instance case.

GULZAR AHMED & ORS. VS STATE NCT OF DELHI AND ANR. [CRL.M.C.-622/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners successfully quashed the FIR registered under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act, 1961. The disputes among the parties have been amicably settled, and they are currently residing together. The State expressed no objection to quashing the FIR, indicating that continuing the case would not serve a useful purpose and would not abuse the legal process.

GURINDER SINGH SURI AND ORS VS STATE NCT OF DELHI AND ANR [W.P.(CRL)-922/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to the amicable resolution of disputes between the parties, which included obtaining a mutual consent divorce. The settlement was reached without any threat or coercion, and the respondent had no objection to the quashing of the FIR. Maintaining the case would serve no useful purpose and would constitute an abuse of process.

GURMEET SINGH & ORS. VS STATE GOVT.OF NCT OF DELHI AND ANR. [CRL.M.C.-1046/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0577/2013 registered under Sections 498A/406/34 of the Indian Penal Code has been quashed along with related proceedings. The parties involved reached an amicable settlement, and the marriage between petitioner no. 1 and respondent no. 2 has been dissolved by a divorce decree. The continuation of the case is deemed unnecessary due to the settlement and low likelihood of conviction.

GURMEET SINGH & ORS. VS THE STATE THROUGH SHO PS KIRTI NAGAR DELHI & ANR. [W.P.(CRL)-2579/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0499/2023 under Sections 363/34 IPC was quashed due to an amicable settlement between the parties regarding the custody of the respondent's minor children. The respondent no longer had grievances against the petitioners, making the continuation of the proceedings an abuse of process, particularly given the low likelihood of conviction and the petitioners' clean antecedents.

GURVNDER SINGH VS THE STATE NCT OF DELHI THROUGH SHO & ORS. [CRL.M.C.-6618/2024]

Judges: Justice Anoop Kumar Mendiratta

Gurvinder Singh successfully sought to quash FIR No. 0224/2022, which was filed against him for allegedly colliding with Manish Kumar's motorcycle. The incident arose from a complaint where Kumar and his brother claimed injuries. The matter was amicably settled, with Singh compensating the victims, and the likelihood of conviction was low. The minor nature of the incident and Singh's lack of previous offenses led to the conclusion that continuing proceedings would constitute an abuse of process.

HANNY WADHWA AND ORS VS GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-6847/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. They entered into a Memorandum of Agreement to reside separately, with custody of the child granted to petitioner no. 1. The settlement occurred without any threat or coercion, and the complainant had no objection to quashing the FIR. Keeping the case pending was deemed an abuse of the process of law.

HANS RAJ VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-3804/2024]

Judges: Justice Anoop Kumar Mendiratta

Petitions to quash FIRs under IPC Sections 354A/506/509 and 354A/509/34 were allowed due to an amicable settlement between the neighboring parties. Continuing the proceedings was deemed an abuse of process, with a low likelihood of conviction and the petitioners having clean antecedents. As a remedial measure, each petitioner was directed to plant 25 Neem trees in the Farsh Bazar area.

HANSRAJ SURANA VS STATE OF NCT OF DELHI [W.P.(CRL)-422/2024]

Judges: Justice Anoop Kumar Mendiratta

In Hansraj Surana v. State of NCT of Delhi, the petitioner was granted one week of parole to attend his mother's funeral. Despite prison rules, constitutional powers allow for such releases when justified. The petitioner had already served 2.5 months of a 3-month sentence and demonstrated satisfactory conduct in prison, warranting the parole under specific conditions for funeral rituals.

HARISH CHAND & ORS. VS THE STATE (GOVT. OF NCT OF DELHI) & ANR. [CRL.M.C.-7506/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code, along with Section 4 of the Dowry Prohibition Act, was quashed due to an amicable settlement between the parties. The marriage between petitioner no. 1 and respondent no. 2 was dissolved by mutual consent, and continuing the case was deemed unnecessary and an abuse of process given the slim chances of conviction.

HARISH CHAND ALIAS HARISH KUMAR MISHRA AND ORS. VS THE STATE(GOVT. OF NCT OF DELHI) AND ANR. [CRL.M.C.-2263/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Sections 498A/406/34 of the Indian Penal Code was quashed after the parties, including the complainant (the wife), confirmed that they had amicably resolved their disputes. The marriage between the petitioner and the complainant was dissolved by mutual consent. It was concluded that keeping the case pending would serve no useful purpose, and quashing the FIR would not constitute an abuse of process.

HARISH KUMAR GUPTA & ANR. VS STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-8335/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR registered under Sections 354/509/34 IPC against Harish Kumar Gupta and another was quashed after the parties amicably settled the dispute. The case involved minor differences, and the victim had no objection to quashing the FIR. Continuing the proceedings was deemed an abuse of the process of the court.

HARISH SINGH BHANDARI AND ORS. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-352/2024]

Judges: Justice Anoop Kumar Mendiratta

A petition under Section 482 of the Code of Criminal Procedure, 1973 was allowed to quash an FIR filed under Sections 498A and 406 of the Indian Penal Code. The marriage between the first petitioner and the second respondent was dissolved by mutual consent, and both parties had reached an amicable settlement. The second respondent expressed no objection to the quashing of the FIR. It was determined that continuing the case would be an abuse of the process of law, leading to the quashing of the FIR and related proceedings.

HARISH YADAV VS STATE OF NCT OF DELHI [W.P.(CRL)-269/2024]

Judges: Justice Anoop Kumar Mendiratta

Harish Yadav sought parole despite restrictions under the NDPS Act due to exceptional circumstances. He had nearly completed his sentence with good conduct and needed time to re-establish social ties and arrange payment of a fine to avoid further imprisonment. Given these factors, a three-week parole was granted, contingent upon a personal bond, enabling him to achieve his objectives.

HARJEET SINGH & ANR. VS THE STATE NCT OF DELHI AND ANR. [CRL.M.C.-2401/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition filed by Harjeet Singh and Santokh Singh to quash the FIR under Sections 392/394/34 IPC is allowed. The petitioners and the complainant are known to each other, have amicably settled the matter, and the complainant does not object to quashing the FIR. The likelihood of conviction is minimal due to this settlement, and the petitioners lack any previous involvement in similar matters. Continuation of the proceedings is deemed an abuse of the judicial process, resulting in the quashing of the FIR and associated proceedings.

HARJINDER@ BALLU & ANR. VS THE STATE (GOVT OF NCT DELHI) & ORS. [CRL.M.C.-3795/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and proceedings under Sections 323/341/354/506/509/34 IPC have been quashed due to an amicable settlement between the parties regarding a minor issue of payment of an electricity bill. The offenses involved predominantly civil disputes or minor incidents, making the continuation of criminal proceedings unnecessary and an abuse of process. The likelihood of conviction was deemed low, and the petitioners had no prior involvement in similar matters.

HARKESH KUMAR VS STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-676/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 188/2019 against the petitioner under Sections 509, 354, and 506 of the IPC was quashed due to an amicable settlement between the parties. Keeping the case pending was viewed as an abuse of the process. Both the state government and the complainant expressed no objection to this action.

HARSHVARDHAN GAUTAM & ANR. VS THE STATE NCT OF DELHI AND ANR [W.P.(CRL)-2078/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Harshvardhan Gautam and another under Sections 420 and 406 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The petitioners returned the full loan amount, and the respondent confirmed that he had no grievances remaining. The dispute was deemed civil in nature, and continuing criminal proceedings was considered an abuse of the process.

HARVINDER SINGH & ORS. VS STATE GOVT OF NCT DELHI & ANR. [CRL.M.C.-8243/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to amicable settlement of matrimonial disputes between the parties, who obtained a mutual consent divorce decree. The respondent did not oppose the quashing of the FIR, and continuing the case would lead to an abuse of process given the slim chances of conviction.

HARVINDER SINGH VS STATE NCT OF DELHI & ANR. [CRL.M.C.-4196/2024]

Judges: Justice Anoop Kumar Mendiratta

FIRs against the petitioner under Sections 307, 324, 195A, and 506 IPC were quashed due to an amicable settlement between the parties. The incidents stemmed from minor family disputes, and the injuries did not suggest an intention to cause serious harm. As the petitioner and the complainant/victim are now living together, continuing the proceedings would be an abuse of process. The petitioner was directed to plant 50 saplings in place of imposing costs.

HEMANT KUMAR AND ORS VS THE STATE NCT OF DELHI AND ANR. [CRL.M.C.-4791/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 406, 498A, and 34 of the IPC was quashed due to an amicable settlement between the parties, who have executed a Settlement Deed and are now living together without any coercion. The State raised no objections to this outcome, leading to the conclusion that proceeding with the case would not serve any useful purpose.

HEMANTH RAJ P.V. & ORS. VS STATE OF DELHI NCT & ANR. [CRL.M.C.-835/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 48/2017 under Sections 498A/406/34 IPC was quashed as the parties had amicably settled their differences and were residing together. Continuing the case would be an abuse of the court's process, with no objections from the State or the complainant.

IKRAM HUSAIN@AKRAM HUSSAIN & ORS. VS THE STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-1640/2024]

Judges: Justice Anoop Kumar Mendiratta

Ikram Husain @ Akram Hussain and others successfully petitioned to quash an FIR filed against them under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act. The parties reached an amicable settlement, evidenced by a settlement deed dated 10.05.2022, and the marriage was dissolved via Khulanama/Talaqnama on 26.05.2022. The circumstances indicated that continuing the case would serve no useful purpose.

INDERJEET VS THE STATE GOVT OF NCT OF DELHI AND ANR [CRL.M.C.-3491/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR against Inderjeet under Sections 352/354A/506/509 IPC was quashed due to an amicable settlement of the family dispute with his niece. The offenses were determined to have a significant civil dispute aspect, and the likelihood of conviction post-compromise was assessed as low. Continuing the legal proceedings was deemed an abuse of process. Inderjeet was required to plant 30 saplings in local parks as a condition for quashing the FIR.

INTERNATIONAL DIAMOND SERVICES LTD VS DIMEXON DIAMOND LTD [CRL.M.C.-12/2024]

Judges: Justice Anoop Kumar Mendiratta

Petitions filed by the accused under Section 482 Cr.P.C. were dismissed, as the proposed additional witness was no longer associated with the complainant company and lacked access to relevant documents. The complaint case was over 15 years old, and the accused had been making repeated delays in the trial. The petitions were deemed meritless, and a directive was issued for the trial court to expedite the case disposal within 6 months.

IRSHAD JALALUDDIN ANSARI & ORS. VS THE STATE NCT OF DELHI & ANR. [CRL.M.C.-4530/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, 34, and 506 of the Indian Penal Code was quashed due to an amicable settlement between the parties. Petitioner No. 1 had divorced respondent No. 2, and both the State prosecutor and respondent No. 2 expressed no objection to quashing the FIR. Continuing the case was deemed an abuse of process with minimal chances of conviction given the settlement.

ISHWAR SINGH VS GOVT OF NCT OF DELHI & ANR. [W.P.(CRL)-1059/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Section 376 IPC was quashed due to the absence of bad faith in the promise of marriage. The parties had subsequently married, and continuing proceedings would result in an abuse of the process and disrupt their harmony. Therefore, keeping the case pending would not serve any useful purpose.

ISHWER SINGH & ORS. VS STATE GOVT. OF NCT OF DELHI AND ANR. [W.P.(CRL)-3277/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Ishwer Singh and others under Sections 323/354/506/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The settlement was reached without any threat, pressure, or coercion, and the respondent had no objection to quashing the FIR. Continuing the proceedings would constitute an abuse of the process of the court.

JABBAR & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-5914/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0643/2015 under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties, as evidenced by a Memorandum of Understanding dated 03.02.2020. The parties were residing together, and the complainant expressed no objection to quashing the FIR. Keeping the case pending was deemed an abuse of the court's process.

JAGVIR VS THE STATE (NCT OF DELHI) & ANR. [CRL.M.C.-1228/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and subsequent proceedings against the petitioner were quashed due to disputes over the victim's age, making it challenging to establish she was below 18 during the incident. The petitioner and the victim have been married for over nine years and have a child together. Continuing the proceedings was deemed an abuse of the process of law that would cause unnecessary distress to the parties involved.

JAI SINGH ALIAS RAJ & ANR. VS THE STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-2833/2024]
Judges: Justice Anoop Kumar Mendiratta
The petition filed by Jai Singh and Kamal Kishor to quash the FIR against them was dismissed. The FIR included charges under Sections 307/201/34 IPC and Sections 27/54/59 of the Arms Act, related to an alleged assault on the complainant, during which one co-accused fired two rounds from an illegal weapon, resulting in bullet injuries. Despite a settlement between the parties, the offenses under Section 307 IPC (attempt to murder) and the Arms Act were deemed serious, with significant societal implications. The nature of the injuries and the weapon used necessitated a thorough examination of the evidence, leading to the conclusion that it was not appropriate to quash the proceedings.

JAMAL RANJHA VS STATE GOVT OF NCT OF DELHI [CRL.M.C.-6128/2024]
Judges: Justice Anoop Kumar Mendiratta
The final adjudication in a case under the Maharashtra Control of Organised Crime Act (MCOCA) allows the accused to summon judgments from previous cases to demonstrate that the alleged offenses were not part of an organized crime syndicate. This is important for establishing the defense, despite the previous acquittals or discharges being irrelevant to the initial FIR registration. A trial court's order denying the request to summon witnesses was set aside.

JANAKRAJ & ORS. VS STATE GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-1032/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A, 406, 354, and 34 of the Indian Penal Code has been quashed due to an amicable settlement between the parties. The marriage between petitioner no. 1 and respondent no. 2 was dissolved by mutual consent, and both parties expressed no objection to the quashing of the FIR. Continuing the case would amount to an abuse of the court's process.

JASBIR SINGH NAGI & ORS. VS STATE OF NCT OF DELHI [CRL.M.C.-1658/2024]
Judges: Justice Anoop Kumar Mendiratta
The dispute between the parties was resolved through a settlement deed, and the remaining amount was paid to the complainant. Keeping the case pending would constitute an abuse of the legal process. The FIR registered under Sections 498A/406/34 IPC and related proceedings were quashed, as there were no further issues to resolve.

JASKARAN SINGH GAMBHIR VS STATE OF DELHI [CRL.M.C.-3504/2021]
Judges: Justice Anoop Kumar Mendiratta
The petition by Jaskaran Singh Gambhir and others to quash an FIR under Sections 498A/406/34 of the Indian Penal Code was approved due to an amicable settlement of disputes, including mutual consent for marriage dissolution. It was determined that continuing the case would abuse the legal process, leading to the quashing of the FIR and related proceedings.

JATIN KUMAR CHAURASIA & ORS. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-4423/2024]
Judges: Justice Anoop Kumar Mendiratta
A petition under Section 482 of the Code of Criminal Procedure to quash an FIR against the petitioners under Sections 498A/406/34 IPC and Section 354B IPC is maintainable. The marriage between the petitioner and respondent was dissolved by mutual consent, and the parties have amicably settled their disputes, confirming the settlement occurred without pressure. The State's representative and the respondent did not object to quashing the FIR. Based on these facts, continuing the proceedings would constitute an abuse of process, leading to the quashing of the FIR and related proceedings.

JAVED AND OTHERS VS STATE NCT OF DELHI AND ORS. [CRL.M.C.-2553/2024]

Judges: Justice Anoop Kumar Mendiratta

A petition by Javed and others to quash an FIR under Sections 498A/406/34 IPC was granted due to an amicable settlement evidenced by a Settlement Deed dated 25.09.2023. The parties have been living together since 2019, and the State did not object to the quashing. Interaction with the parties confirmed the settlement occurred without threat or coercion, leading to the conclusion that continuing the case would be unnecessary and an abuse of the court's process.

JAY NARDEV & ORS. VS THE STATE NCT OF DELHI AND ANR. [CRL.M.C.-4680/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Sections 498A/406/34 of the Indian Penal Code was quashed due to the amicable settlement between the parties and the mutual consent divorce. Keeping the case pending would serve no useful purpose and would constitute an abuse of the process.

JAYANT CHAUDHARY VS STATE GOVT. OF NCT OF DELHI AND ORS. [CRL.M.C.-8752/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) was allowed, leading to the quashing of the FIR and proceedings against the petitioner. The matter involved a minor parking altercation that was resolved amicably without any threats or coercion. Continuing the proceedings was deemed an abuse of the court's process, so the FIR under Sections 341/323/354/506/509 IPC was quashed. As a condition for this quashing, the petitioner was instructed to plant 25 saplings of neem or jamun trees in the vicinity of the police station.

JITENDER KUMAR VS STATE GOVT OF NCT OF DELHI AND ANR [CRL.M.C.-4904/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Sections 498A and 406 of the Indian Penal Code has been quashed due to an amicable settlement between the parties, evidenced by a settlement deed and a mutual consent divorce decree. The settlement occurred without any pressure, and the respondent has no objection to quashing the FIR. Continuing the case would not serve any purpose and could be seen as an abuse of process, given the low likelihood of conviction following the settlement.

JOGINDER & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-5272/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0398/2023, registered under Sections 498A/406/323/354/34 IPC against Joginder and others, was quashed due to an amicable settlement between the parties and the dissolution of their marriage by mutual consent. The low likelihood of conviction and potential abuse of process led to the decision to quash the FIR and related proceedings.

KAMAL GAUR & ORS. VS STATE NCT OF DELHI AND ANR [CRL.M.C.-6794/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code should be quashed due to an amicable settlement between the parties, which included the dissolution of their marriage by mutual consent under the Hindu Marriage Act. The responding party confirmed no further matters required adjudication and expressed no objection to quashing the FIR. Keeping the case pending would result in an abuse of the process, as the likelihood of conviction was minimal given the settlement.

KAMAL JEET SUMAN & ORS. VS THE STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-8202/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The marriage between petitioner No. 1 and respondent No. 2 was dissolved by mutual consent, and both parties confirmed the settlement was achieved without coercion. Given the circumstances and low likelihood of a conviction, continuing the proceedings was deemed an abuse of process. The FIR and related proceedings were therefore quashed.

KAMAL KISHORE SHARMA & ANR. VS STATE THROUGH SHO PS RAJOURI GARDEN AND ORS [CRL.M.C.-7949/2024]

Judges: Justice Anoop Kumar Mendiratta

Two cross FIRs related to a minor altercation over donations for a Ram Mandir were quashed after the parties amicably settled their disputes. The situation involved predominantly civil issues, and the quashing was seen as a way to prevent abuse of the court's process given the low likelihood of conviction. Instead of imposing costs, the petitioners were directed to plant 25 saplings each near the police station to foster harmony, considering their clean past records.

KAMAL SHARMA AND ORS VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-2234/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties and the dissolution of the marriage by mutual consent. Maintaining the case would serve no useful purpose and would constitute an abuse of process. The State did not object to the quashing of the FIR.

KAMRAN AND OTHERS VS STATE OF N.C.T. OF DELHI AND ANOTHER [CRL.M.C.-7462/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act was quashed due to an amicable settlement between the parties. Petitioner no. 1 is divorced from respondent no. 2 according to Muslim law, and Rs. 2,50,000/- was paid to the respondent as part of the settlement. It was concluded that keeping the case pending would serve no useful purpose and the likelihood of conviction was minimal.

KANAV GUPTA & ORS. VS STATE & ANR. [W.P.(CRL)-1216/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The marriage of petitioner no. 1 and respondent no. 2 had been dissolved by mutual consent divorce. Interaction with the parties confirmed the absence of threats or coercion in their settlement, indicating no further disputes remain. Continuing the case was deemed an abuse of process.

KAPIL & ORS. VS STATE OF GNCT OF DELHI THROUGH SHO & ANR. [CRL.M.C.-1861/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition filed by Kapil and others to quash an FIR under Sections 498A, 406, and 34 of the Indian Penal Code was allowed due to an amicable settlement between the parties, who are now living together happily. The continuation of the case was deemed unnecessary, leading to the quashing of the FIR and related proceedings.

KARAN SURI & ANR. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-5236/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Section 420 IPC was quashed due to an amicable settlement between the parties. The issue primarily involved a civil dispute, and the complainant received compensation for the loss. Continuing the proceedings was deemed an abuse of the process, with remote chances of conviction.

KARAN TEJPAUL & ANR. VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-656/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 354A/506/509/34 IPC was quashed due to an amicable settlement between the parties, rendering the likelihood of conviction unlikely. Continuing the proceedings would be an abuse of process as the offences involved a civil dispute and minor incidents. The petitioners were ordered to plant 25 saplings each near the police station, with a failure to comply resulting in a cost of Rs. 25,000 each payable to the Delhi State Legal Services Authority.

KARTIK RASTOGI & ANR. VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-4332/2024]

Judges: Justice Anoop Kumar Mendiratta

Criminal proceedings arising from FIR No. 604/2020 and FIR No. 605/2020 at the Krishna Nagar Police Station can be quashed due to the amicable settlement of property disputes between the parties. Serious offenses like murder, rape, and dacoity are not subject to quashing, but cases predominantly involving civil disputes can be. The likelihood of conviction is low given the settlement, and continuing the proceedings would abuse the court's process. Both FIRs and the subsequent proceedings are quashed, with petitioners directed to plant 20 Neem saplings each as an alternative to costs.

KENNETH ONYEMA VS STATE GNCT OF DELHI AND ANR. [CRL.M.C.-2673/2024]

Judges: Justice Anoop Kumar Mendiratta

Proceedings against Kenneth Onyema under Sections 354/354D/341/506/509 of the IPC were quashed due to an amicable settlement between the parties. Onyema, a foreigner, expressed intention to plead guilty to an offence under the Foreigners Act, 1946, and agreed to deportation. The decision to quash the IPC proceedings considered the unique facts and circumstances of the case while allowing the Foreigners Act proceedings to continue.

KETAN BANSAL AND ORS VS STATE GOVT.OF NCT OF DELHI AND ORS. [CRL.M.C.-7848/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 333/115(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 was quashed due to an amicable settlement between the parties. It was emphasized that criminal proceedings can be quashed when the offender and victim resolve their disputes, provided the court's power is exercised with caution, taking into account the nature of the offense and its societal impact. In this case, the minor incident suggested a low likelihood of conviction, and continuing the proceedings would lead to an abuse of process. The victims did not object to quashing the FIR.

KISHAN KUMAR & ORS. VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-8258/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code is quashed due to an amicable settlement between the parties. The marriage between the first petitioner and the second respondent has been dissolved by mutual consent, and Rs. 4,00,000/- has been paid to the second respondent. Continuing the case would serve no useful purpose and would constitute an abuse of the process, given the slim chances of conviction following the settlement.

KRISHANA DHAMA AND ORS VS THE STATE (NCT OF DELHI) AND ANR. [W.P.(CRL)-789/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, 34 IPC and Section 4 of the Dowry Prohibition Act was quashed due to an amicable settlement between the parties. The marriage between petitioner no. 1 and respondent no. 2 had been dissolved by mutual consent, and any remaining financial disputes were resolved. Both parties confirmed the settlement was reached without any coercion. Continuation of the proceedings was deemed an abuse of process, leading to the quashing of the FIR and associated proceedings.

KRISHNA KANHAIYA AND ORS VS STATE OF NCT OF DELHI AND ANR [CRL.M.C.-6710/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties, which included a mutual consent divorce under the Hindu Marriage Act. Keeping the case pending would be an abuse of the court process given the settlement and low likelihood of conviction.

KULDEEP SINGH GUSAIN VS STATE AND OTHERS [W.P.(CRL)-1548/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Kuldeep Singh Gusain under Section 498A of the Indian Penal Code was quashed following an amicable settlement between the parties, which included a Settlement Deed. The wife of the petitioner expressed no objection to the quashing of the FIR. The settlement was confirmed to have been made without any threat or coercion. Keeping the case pending was deemed unproductive and an abuse of the judicial process.

KULVINDER SINGH AND OTHERS VS STATE NCT OF DELHI AND ANR. [W.P.(CRL)-469/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and criminal proceedings against the petitioners were quashed due to an amicable settlement between the husband and wife. Both parties confirmed that the settlement was free from any threat or coercion. The case's circumstances indicated that continuing the proceedings would constitute an abuse of the court's process, leading to the decision to quash the FIR and related proceedings.

KUMAR ABHISHEK VS THE STATE GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-2728/2021]

Judges: Justice Anoop Kumar Mendiratta

The petition under Section 482 of the Code of Criminal Procedure to quash the FIR registered under Sections 498A/406/34 IPC was allowed because the matrimonial dispute had been amicably settled and the marriage was dissolved by mutual consent under the Hindu Marriage Act. Keeping the case pending would serve no useful purpose and would amount to an abuse of the process of the court, leading to the quashing of the FIR and the associated proceedings.

KUSHAL BHALLA & ORS. VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-6337/2024]

Judges: Justice Anoop Kumar Mendiratta

Kushal Bhalla & Ors. successfully quashed an FIR filed against them under Sections 498A/406/34 IPC, as the parties reached an amicable settlement and the marriage was dissolved by mutual consent. The continuation of the case was deemed unnecessary and an abuse of process, given the bleak prospects of conviction.

KUSHGRA TYAGI AND ORS. VS STATE & ANR. [CRL.M.C.-510/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage between the first petitioner and the second respondent was mutually divorced, and they entered into a settlement deed. The State did not object to the quashing of the FIR. Both parties confirmed that the settlement occurred without any threat or coercion, and no further issues remained to be resolved.

LAKHAN RAJPUT & ORS. VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-7255/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 1010/2021 under Sections 498A/406/34 IPC was quashed following an amicable settlement of the matrimonial dispute between the parties. The marriage had been dissolved by mutual consent, and the agreed amount was paid by the petitioners to the respondent. Continuing with the case was deemed unnecessary and likely to result in an abuse of process, given the low chances of conviction.

LAKHAN SINGH & ORS. VS STATE GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-5701/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR registered under Sections 498A/406/34 of the Indian Penal Code has been quashed due to an amicable settlement between the parties, supported by a Settlement Deed. The complainant expressed no objection to quashing the FIR, indicating that continuing the case would be an abuse of the process of the court.

LAL BAHADUR PANDEY @ SANTOSH PANDEY VS STATE OF NCT OF DELHI AND ANR [CRL.M.C.-1339/2024]

Judges: Justice Anoop Kumar Mendiratta

Lal Bahadur Pandey's petition to quash the FIR for theft and related offenses was granted. A co-accused was a juvenile, and separate proceedings were in place for him. The matter was amicably settled between Pandey and the complainant, as the items involved were of low value. Continuing the case was deemed an abuse of the process due to the remote possibility of conviction. The FIR against Pandey was quashed, as keeping the case pending served no useful purpose.

LAMBODAR PRASAD PADHY VS CENTRAL BUREAU OF INVESTIGATION [W.P.(CRL)-3270/2023]

Judges: Justice Anoop Kumar Mendiratta

The registration of the FIR and related proceedings against the petitioner, a public servant, were quashed due to the lack of supporting evidence for the allegations, which were based solely on a computerized entry. The Competent Authority had already denied prior approval under Section 17A of the Prevention of Corruption (Amendment) Act, 2018. The allegations pertained to the petitioner's official duties, necessitating sanction under Section 197 of the Code of Criminal Procedure. The proceedings were deemed an abuse of the legal process.

LOKESH GARG & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-6534/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement of matrimonial disputes. The marriage between petitioner no. 1 and respondent no. 2 has been dissolved by mutual consent, and both parties confirmed that the settlement was reached without threat or coercion. Keeping the case pending was deemed an abuse of the process, leading to the decision to quash the FIR and related proceedings.

LOKESH KUMAR VS THE STATE [W.P.(CRL)-837/2024]

Judges: Justice Anoop Kumar Mendiratta

Lokesh Kumar is entitled to the quashing of FIR No. 388/2021 under Sections 498A, 406, and 34 of the Indian Penal Code. The marriage between Lokesh Kumar and the complainant has been dissolved by mutual consent, and both parties have no further disputes. Keeping the case pending would serve no useful purpose and would amount to an abuse of the legal process. Consequently, the FIR and related proceedings are quashed.

LOKESH MAMTANI & ORS. VS STATE (THE NCT OF DELHI) & ANR. [CRL.M.C.-1239/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed after the parties amicably settled the matter. The marriage was dissolved by mutual consent, the balance amount was paid to the respondent wife, and both parties confirmed the resolution occurred without any coercion. Continuing the case was deemed unnecessary and an abuse of the judicial process.

LOKESH SAPRA & ORS. VS THE STATE & ANR. [CRL.M.C.-2119/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners sought to quash an FIR registered under Sections 498A/406/506/354/34 IPC. Both parties reached an amicable settlement, evidenced by a Settlement Deed and financial payments. The marriage between petitioner no. 1 and respondent no. 2 was dissolved by mutual consent. Given these circumstances, keeping the case pending was deemed an abuse of the legal process, leading to the quashing of the FIR and related proceedings.

LOVELISH @ LUCKY VS THE STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-3447/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Sections 354C/509 IPC and 12 POCSO Act can be quashed due to an amicable settlement between the petitioner and the complainant. The incident, considered minor, showed no further conflict, and the petitioner expressed remorse. The likelihood of conviction was assessed as low, indicating that continuing proceedings would abuse the court's process.

LUCKY VS STATE NCT OF DELHI AND ANR. [CRL.M.C.-2328/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Lucky for rape was quashed based on consensual sexual relations with the prosecutrix, who is now his wife and pregnant. Continuing the proceedings was deemed an abuse of process and would cause unnecessary distress to the parties involved. Lucky was directed to plant 30 saplings of neem or jamun trees as an alternative to costs.

M/S BPTP LTD VS STATE OF NCT OF DELHI [CRL.M.C.-2013/2024]

Judges: Justice Anoop Kumar Mendiratta

Criminal proceedings against M/s BPTP Ltd. for cheating under Section 420 IPC have been quashed due to an amicable settlement with the complainant. A breach of contract alone does not constitute cheating without proving fraudulent intent. Although the petitioners had some gaps in fulfilling their promises regarding plot allocation, there was no evidence of dishonest intention from the start. The complainant has received the agreed amount, prompting the decision to quash the FIR and related proceedings.

M/S PREETHI ENGINEERING ENTERPRISES AND ANR. & ANR. VS M/S APPOLO CRANES PVT LTD [CRL.M.C.-8212/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition challenging the summoning order in a complaint under Section 138 of the Negotiable Instruments Act, 1881 was dismissed. The re-filing of the complaint within 30 days of receiving the order to return the original complaint was deemed valid based on precedent. The initial filing was made within the limitation period, and the complainant was entitled to a trial on the merits. The amended provisions of the Negotiable Instruments Act, 2015 take precedence over prior judgments, leading to no grounds for interference with the lower court orders.

M/S SAMRAT HEAVENS INFRA DEVELOPERS PVT. LTD. & ORS. VS SATINDER KUMAR GUPTA [CRL.M.C.-654/2024]

Judges: Justice Anoop Kumar Mendiratta

Ten criminal petitions filed by M/s Samrat Heavens Infra Developers Pvt. Ltd. and others challenged orders that closed their right to cross-examine in complaint cases under Section 138 of the Negotiable Instruments Act. It was established that the right to cross-examination is crucial for defense and should not have been limited, especially with an application for clubbing the cases pending. The petitioners were granted another opportunity to cross-examine witnesses, and a previously imposed cost of Rs. 1,00,000/- was reduced to a composite cost of Rs. 50,000/- plus an earlier cost of Rs. 10,000/-.

M/S UNIVERSAL CYLINDERS LTD. & ANR. VS STATE (NCT OF DELHI) & ANR. [W.P.(CRL)-2960/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 279/337/338 IPC can be quashed due to an amicable settlement between the parties. The case involves offenses with a predominant civil dispute element, where the complainant was compensated and expressed no objection to quashing the FIR. The likelihood of conviction is low, and continuing the proceedings would constitute an abuse of process.

MAHENDER AND ORS VS STATE NCT OF DELHI AND ANR [CRL.M.C.-4532/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 444/2011 under Sections 498A and 406 of the Indian Penal Code was quashed against the petitioners due to an amicable settlement of the matrimonial dispute and the mutual consent for divorce. It was noted that continuing the case would be an abuse of process, with little chance of conviction given the settlement.

MADAN MOHAN MITTAL & ANR. VS THE STATE OF NCT OF DELHI AND ORS. [CRL.M.C.-2093/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and criminal proceedings against petitioners Madan Mohan Mittal and Rekha Mittal under Sections 406, 420, and 120B of the Indian Penal Code were quashed due to amicable settlement between the parties. The matter involved a predominant civil dispute element, and the complainant had been compensated, making the likelihood of conviction remote. The petitioners and other accused were required to plant 100 neem tree saplings each as an alternative to costs, promoting environmental protection.

MADHAV GAUR & ANR. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-8008/2024]

Judges: Justice Anoop Kumar Mendiratta

Two FIRs against petitioners under IPC sections 324/341/506/34 and 323/341/506/34 were quashed due to an amicable settlement between the parties, who are cousins. The case involved minor incidents characterized by a civil dispute, allowing for quashing under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The likelihood of conviction was assessed as low, and continuing proceedings would result in grave oppression to the accused, leading to the decision to quash the FIRs and the associated proceedings.

MAHENDER AND ORS VS STATE NCT OF DELHI AND ORS. [W.P.(CRL)-1483/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR against the petitioners under Sections 354/323/324/34 IPC was quashed due to an amicable settlement between the neighbors involved. The matter was deemed a minor personal dispute, making it appropriate to quash proceedings to promote harmony and prevent the misuse of legal processes. This decision differentiates minor offenses from serious crimes like murder and rape, which cannot be quashed despite settlements. The amicable resolution was confirmed without coercion.

MAHENDER JI PATWA ALIAS MAHENDER PAL AND ORS. VS THE STATE NCT OF DELHI AND ANR. [CRL.M.C.-4760/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition under Section 482 of the Code of Criminal Procedure was granted, leading to the quashing of an FIR against the petitioners for offenses under Sections 498A, 406, and 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. The parties had amicably settled the matter, supported by a Settlement Deed from 31.08.2016, and the petitioners had been living together for the past eight years. Both the State Counsel and the respondent had no objections to the quashing of the FIR. Continuing with the case was deemed unnecessary and an abuse of the court's process.

MAHESH KUMAR @ KALLU VS STATE & ORS. [CRL.A.-952/2002]

Judges: Justice Anoop Kumar Mendiratta

Mahesh Kumar's conviction under Sections 452/392/34 IPC and 397 IPC was set aside due to insufficient evidence. The prosecution did not establish the appellant's identity beyond reasonable doubt, as the complainant failed to identify him in court. Recovery of cash at the appellant's instance was deemed unreliable because the denomination and serial numbers were not specified in the FIR. The trial court's judgment overlooked these crucial factors, relying solely on the Magistrate's testimony from the identification parade.

MAHINDER SINGH & ORS. VS STATE (GOVT. OF NCT OF DELHI) THROUGH SHO PS PALAM VILLAGE & ANR. [CRL.M.C.-7887/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The marriage was dissolved through mutual consent divorce, and the petitioners paid Rs. 5,00,000/- to the respondent as part of this settlement. It was noted that keeping the case pending would serve no useful purpose and that the likelihood of conviction was low.

MANISH AND ORS VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-4486/2024]

Judges: Justice Anoop Kumar Mendiratta

The matter between the parties has been amicably settled, resulting in the dissolution of marriage by mutual consent. The FIR under Sections 498A/406/34 of the Indian Penal Code has been quashed, with the parties confirming the settlement without any threat or coercion, and the balance amount fully paid.

MANISH BAJAJ VS THE STATE (NCT OF DELHI) & ORS. [CRL.M.C.-2378/2024]

Judges: Justice Anoop Kumar Mendiratta

Two FIRs and related criminal proceedings arising from disputes over a matrimonial alliance were quashed due to an amicable settlement between the parties. The presence of a predominant civil dispute element allowed for the quashing, as continuing the proceedings would lead to an abuse of the court's process. Consequently, FIR No. 0288/2018 and FIR No. 0289/2018 and their related proceedings were terminated.

MANISH GULATI & ORS. VS STATE (GNCT OF DELHI) & ANR. [CRL.M.C.-696/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code can be quashed due to an amicable settlement. The parties have divorced by mutual consent, and the outstanding amount owed has been paid. Both parties confirm complete resolution of the matter without any coercion, and the State has no objection to the quashing of the FIR.

MANISH KUMAR & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-1486/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR registered under Sections 498A/406/34 of the Indian Penal Code was quashed after the parties involved reached an amicable settlement. The marriage, which occurred in 2013, resulted in two children, and the couple was undergoing mutual consent divorce proceedings. Confirmation was obtained that the settlement was free from any threat or coercion, leading to the conclusion that continuing the case would serve no useful purpose.

MANISH KUMAR & ORS. VS THE STATE (N.C.T. OF DELHI) & ANR. [CRL.M.C.-3597/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The marriage between the first petitioner and the respondent had been dissolved by mutual consent, and the disputed amount was paid to the respondent. Both the State and the respondent expressed no objection to the quashing of the FIR, as continuing the case would constitute an abuse of the court's process.

MANISH KUMAR SINGH & ORS. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-3398/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to the parties amicably settling their matrimonial disputes. The marriage had been dissolved by divorce, and full and final settlement was made. Continuing the case was deemed unnecessary and an abuse of process, with the State expressing no objection to the quashing.

MANISH SONI AND ORS VS STATE (GOVT OF NCT OF DELHI) AND ORS. [CRL.M.C.-2610/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0212/2022, registered under Sections 498A/406/34 of the Indian Penal Code, was quashed due to amicable resolution of disputes between the parties and the mutual consent dissolution of marriage. The remaining balance amount was paid to the respondent, indicating that keeping the case pending would be an abuse of the court's process.

MANJEET SINGH & ORS VS STATE OF NCT OF DELHI AND ANR. [W.P.(CRL)-1812/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage had been dissolved by mutual consent, and both parties confirmed that the dispute was resolved without any threat or coercion. Given the amicable resolution and low chances of conviction, continuing the proceedings would constitute an abuse of the court's process.

MANJEET SINGH & ORS. VS THE STATE, GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI & ANR. [CRL.M.C.-2692/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Sections 498A/406/34 IPC against the petitioners was quashed due to amicable settlement of disputes. The marriage between petitioner no. 1 and respondent no. 2 was dissolved by mutual consent. There was no objection from the State or the respondent to quashing the FIR, confirming that nothing remained to be adjudicated. Quashing the FIR served no useful purpose in keeping the case pending and did not constitute an abuse of process.

MANJEET SINGH VS MANOJ KUMAR [CRL.L.P.-389/2022]

Judges: Justice Anoop Kumar Mendiratta

The trial court's order dismissing a complaint under Section 138 of the Negotiable Instruments Act was set aside. The appellant alleged that the respondent failed to pay agreed installments from a prior settlement. It was noted that the trial court needed to focus on compliance with the settlement and payment of installments. The complaint proceedings were restored, with instructions to continue from the current stage of the matter.

MANOJ KHERA & ANR. VS STATE & ANR. [CRL.M.C.-2250/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties, who had mutually dissolved their marriage under the Hindu Marriage Act. The State did not object to the quashing, as the dispute was resolved, and continuing proceedings would constitute an abuse of the court's process.

MANOJ KUMAR AGARWAL & ORS. VS STATE & ANR. [CRL.M.C.-1366/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and criminal proceedings under Section 420 IPC against Manoj Kumar Agarwal and others were quashed due to the settlement of the dispute as a civil commercial matter in a separate civil suit. Continuing the criminal proceedings was deemed an abuse of the process of the court given the amicable resolution between the parties.

MANOJ RANA @ TINKU VS THE STATE [CRL.REV.P.-452/2024]

Judges: Justice Anoop Kumar Mendiratta

The trial court rejected the petitioner's application to present evidence of messages exchanged with the prosecutrix, which the petitioner argued would support his defense. The petitioner was permitted to lead evidence related to the messages, deemed relevant to the case, without an order for a forensic examination of the mobile phone. The decision allows the petitioner to present defense evidence in accordance with established principles.

MANPREET SINGH AND ORS VS STATE AND ANR [CRL.M.C.-2980/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners, Manpreet Singh and others, sought to quash an FIR filed against them under Sections 498A, 406, and 34 of the Indian Penal Code. The marriage between petitioner no. 1 and respondent no. 2 has been dissolved by mutual consent, and the parties reached an amicable settlement, including the payment of remaining amounts to respondent no. 2. Both the State and respondent no. 2 expressed no objection to quashing the FIR. Given these circumstances, it was concluded that continuing the case would serve no useful purpose, leading to the quashing of the FIR and associated proceedings.

MAYUR RAWAT VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-4751/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Section 498A of the Indian Penal Code was quashed due to the parties amicably settling their dispute and obtaining a divorce decree. The State's counsel expressed no objection to this action, and it was noted that continuing the proceedings would constitute an abuse of the court's process. As a result, the FIR and related proceedings were quashed.

MD KASIB AND ORS VS THE STATE (GOVT OF NCT OF DELHI) AND ANR [W.P.(CRL)-1738/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/323 IPC was quashed due to an amicable settlement between the parties. The matter involved primarily civil dispute elements, and with the parties having divorced, the likelihood of conviction was minimal. Continuing the proceedings was deemed an abuse of the process.

MD RUSTAM VS THE STATE NCT OF DELHI AND ANR [W.P.(CRL)-1615/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Section 408 IPC was quashed due to an amicable settlement between the parties. The matter was deemed a minor civil dispute with slim chances of conviction, making further proceedings an abuse of process. The petitioner was directed to plant 30 saplings, with the upkeep managed by relevant authorities.

MEERA DEVI VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-4193/2024]
Judges: Justice Anoop Kumar Mendiratta
FIR No. 283/2016, registered under Sections 323/452/506 IPC against the petitioner, can be quashed due to an amicable settlement between the parties, who confirmed that all disputes have been resolved without coercion. The nature of the offence reflects a civil dispute or minor incident, making the continuation of proceedings an abuse of process, especially considering the slim chances of conviction post-settlement and the petitioner's lack of prior involvement.

MINOR N THR MOTHER P VS STATE OF NCT OF DELHI AND ANR. [W.P.(CRL)-2728/2024]
Judges: Justice Anoop Kumar Mendiratta
Medical termination of pregnancy for a 16-year-old minor victim of sexual assault at 26+5 weeks was permitted due to potential adverse effects on her physical and mental health. The provisions of the Medical Termination of Pregnancy (MTP) Act, 1971, particularly regarding health and reproductive rights, were interpreted to prioritize the victim's consent and choices over her guardian's differing view. The criteria under Section 3(2B) of the Act were deemed insufficient to justify continuing the pregnancy.

MOHAMMAD FAHAD VS THE STATE GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-6226/2024]
Judges: Justice Anoop Kumar Mendiratta
Mohammad Fahad successfully quashed an FIR against him under Sections 135/138 of the Indian Electricity Act, 2003, due to the settlement of civil liability with BSES Yamuna Power Ltd. The matter was regarded as predominantly a civil dispute, and continuing criminal proceedings would constitute an abuse of process. Serious offences involving moral depravity remain unquashable even after settlement, but cases with a significant civil element can be quashed if the complainant has been compensated.

MOHAMMAD SHABAZ & ORS. VS STATE OF NCT OF DELHI AND ANR. [W.P.(CRL)-3050/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties, confirmed by the complainant who expressed no objection to this action. The continuation of the case was deemed unnecessary and potentially an abuse of process, with low chances of conviction due to the settlement.

MOHD ARSHAD & ORS. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-361/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The remaining payment was made to the wife, who expressed no objection to the FIR being quashed. Continuing the proceedings was deemed unnecessary and an abuse of the court process.

MOHD TARIQUE AFAQUE AND ORS VS THE STATE NCT OF DEHI AND ANR. [CRL.M.C.-3401/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties, with no likelihood of conviction. The petitioners and the respondent confirmed the resolution of the matter without any coercion. Continuing the proceedings was deemed unnecessary and an abuse of the court process.

MOHD. FARID @ SONU & ORS. VS STATE (GOVT. OF NCT OF DELHI) & ANR. [CRL.M.C.-5615/2024]
Judges: Justice Anoop Kumar Mendiratta
The petition under Section 482 of the Code of Criminal Procedure to quash the FIR against Mohd. Farid @ Sonu and others for offenses under Sections 376, 313, and 34 of the Indian Penal Code is maintainable. In serious offenses like rape, cautious examination of evidence is warranted, but a settlement between the parties can justify quashing proceedings. As the petitioner and the prosecutrix have amicably settled and are now married, continuing the proceedings would only cause distress and disrupt their relationship. The likelihood of conviction appears remote due to the settlement, leading to the quashing of the FIR and related proceedings.

MOHD. MASROOR ALAM VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-5420/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against Mohd. Masroor Alam under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act was quashed due to an amicable settlement between the parties. The petitioner and the respondent agreed to divorce and have since remarried. Continuing the case was deemed unnecessary and an abuse of the judicial process.

MOHD. YUSUF AND ORS VS STATE (GNCT OF DELHI) AND ANR. [CRL.M.C.-6862/2024]
Judges: Justice Anoop Kumar Mendiratta
FIRs against the petitioners under Sections 308/34 IPC and 323/341/506/34 IPC were quashed due to an amicable settlement between the parties. The offences were considered not serious and primarily civil in nature, and continuing the proceedings was viewed as an abuse of the process of the court with minimal chances of conviction. The petitioners were directed to plant 25 saplings each instead of facing costs, and authorities were instructed to maintain the planted trees.

MOHIT DABAS & ORS. VS STATE NCT OF DELHI AND ANR [CRL.M.C.-7215/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code has been quashed following an amicable settlement between the parties. The marriage between petitioner no. 1 and respondent no. 2 has been dissolved through mutual consent, and there are no remaining issues to adjudicate. The settlement was reached voluntarily, without any threat or coercion, and the continuation of the case was deemed unnecessary and an abuse of process.

MR RISHI ARORA & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-285/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against Rishi Arora and others under Sections 498A/406/34 of the Indian Penal Code was quashed following an amicable settlement between the parties, who obtained a mutual consent divorce and resolved remaining financial disputes. The settlement occurred without any threat or coercion, and both parties agreed to the quashing of the FIR. Keeping the case pending was deemed an abuse of the process.

MR VIRENDER KUMAR SONI ALIAS PRINCE & ORS. VS STATE GOVT OF NCT OF DELHI THROUGH SHO & ANR. [CRL.M.C.-2213/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code has been quashed due to an amicable settlement between the parties. The marriage has been dissolved by mutual consent, and the full and final settlement amount has been paid. The State has no objection to the quashing, indicating that continuing the case serves no useful purpose.

MR, JASROOP SINGH SODHI VS STATE GOVERNMENT OF NCT OF DELHI & ANR. [CRL.M.C.-5086/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioner under Sections 498A/406/34 IPC has been quashed due to an amicable settlement between the parties. The marriage has been dissolved by mutual consent, and the petitioner has fulfilled financial obligations as per the Settlement Agreement. Continuing with the case would serve no useful purpose and constitute an abuse of the legal process.

MR. DEEPAK KUMAR VS STATE (GOVT. OF NCT) OF DELHI & ANR. [CRL.M.C.-567/2024]
Judges: Justice Anoop Kumar Mendiratta
An FIR against Mr. Deepak Kumar for offences under Sections 354, 354D(2), 509, and 506 of the Indian Penal Code was quashed due to an amicable settlement between the parties, with the complainant expressing no objection to the quashing. The nature and gravity of the offences, along with the societal impact, indicated that continuing the proceedings would constitute an abuse of legal process.

MS GLOBUS INFOCOM LIMITED & ANR. VS PRINCIPAL COMMISSIONER OF CUSTOMS & ANR. [CRL.M.C.-2718/2024]
Judges: Justice Anoop Kumar Mendiratta
The summons issued against MS Globus Infocom Limited and another were deemed not in accordance with law, as they were issued without the necessary cognizance of the complaint and overlooked a prior order from the Principal Commissioner of Customs (Import) that had dropped the proceedings against them. The petitioners were directed to inform the learned ACMM of this factual situation and allowed to file new proceedings to contest the summoning order. Their presence before the learned ACMM was also exempted for the scheduled date.

MS NIKITA & ORS. VS THE STATE & ANR. [CRL.M.C.-2760/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under various sections of the Indian Penal Code can be quashed due to an amicable settlement of matrimonial disputes. The case involved minor incidents stemming from these disputes, and continuing the proceedings would constitute an abuse of the court's process.

MS. KHUSBHOO GOSWAMI VS THE STATE NCT OF DELHI & ANR. [W.P.(CRL)-860/2024]
Judges: Justice Anoop Kumar Mendiratta
An FIR against the petitioner under Sections 500/509 IPC and Section 67 of the IT Act was quashed, stemming from obscene messages received on the respondent's Instagram account, which were traced back to the petitioner. The parties reached an amicable settlement, with the respondent choosing not to pursue the case. Continuing the proceedings would constitute an abuse of the court's process, leading to the quashing of the FIR and related proceedings.

MUKESH KUMAR VS STATE (N.C.T. OF DELHI) AND ANR. [CRL.M.C.-6720/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against Mukesh Kumar under Sections 354A/354D/506 IPC was quashed due to an amicable settlement between him and his sister-in-law. The matter involved offenses with a civil dispute element, and the petitioner had no prior criminal history. Continuing the proceedings would be deemed an abuse of process. As a condition of the quashing, Mukesh Kumar was required to plant 20 saplings to promote harmony.

MUKESH KUMAR & ORS. VS THE STATE & ANR. [CRL.M.C.-923/2024]
Judges: Justice Anoop Kumar Mendiratta
FIR No. 0253/2021 under Sections 498A/406/34 of the Indian Penal Code was quashed, with subsequent proceedings also nullified, as the matter was amicably settled between the parties. The marriage was dissolved by mutual consent, and the outstanding amount owed was paid. Continuing the case was deemed unnecessary and an abuse of the legal process.

MUKESH KUMAR AND ORS VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-2830/2024]
Judges: Justice Anoop Kumar Mendiratta
An FIR against the petitioners under Sections 498A, 406, and 34 IPC, and Section 4 of the Dowry Prohibition Act was quashed due to the amicable settlement between the parties and their cohabitation. The State expressed no objection to the quashing, and maintaining the case was considered an abuse of the process.

MUKESH KUMAR NIMESH & ORS. VS THE STATE NCT OF DELHI & ANR. [CRL.M.C.-6428/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement of the matrimonial dispute and the mutual consent divorce. Continued proceedings were deemed unnecessary as chances of conviction were low, and the State had no objections to quashing the FIR.

MUNAWWAR AHMED & ANR. VS THE STATE (NCT OF DELHI) & ANR. [CRL.M.C.-133/2024]
Judges: Justice Anoop Kumar Mendiratta
A petition to quash an FIR under Sections 323/324/354/354A IPC is maintainable due to an amicable settlement between the closely related parties. The victim confirmed the resolution of the dispute and expressed no objection to quashing the FIR. Given the circumstances and weak chances of conviction, the FIR and related proceedings were quashed to prevent an abuse of the legal process.

NAEEM VS STATE NCT OF DELHI [CRL.M.C.-326/2024]
Judges: Justice Anoop Kumar Mendiratta
Naeem's petition resulted in the reduction of the surety amount from two sureties of Rs.1 lakh each to one surety of Rs.1 lakh. The decision considered the personal circumstances of Naeem, including the loss of his brother and father. The surety amount was adjusted to avoid being onerous, taking into account the accused's financial resources. Naeem is to be admitted to bail with a personal bond of Rs.1 lakh and one surety of the same amount, while other bail conditions remain unchanged.

NAKUL KUMAR JAIN & ORS. VS THE GOVT OF NCT OF DELHI & ORS. [CRL.M.C.-3642/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed. The marriage between petitioner no. 1 and respondent no. 3 had been dissolved by mutual consent under the Hindu Marriage Act, and the parties reached an amicable settlement, with all disputes resolved and the remaining amount paid to the respondent. Keeping the case pending was deemed unnecessary, and quashing the FIR was not considered an abuse of the court's process.

NARENDER KUMAR & ANR. VS THE STATE & ANR. [CRL.M.C.-2096/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The marriage was dissolved by mutual consent, and financial issues were resolved. Continuing the case would serve no useful purpose and would constitute an abuse of the legal process.

NARENDER KUMAR @ BITTOO VS STATE NCT OF DELHI [CRL.A.-986/2002]

Judges: Justice Anoop Kumar Mendiratta

Narender Kumar @ Bittoo was convicted under Section 307 IPC for stabbing Sanjay in the chest, causing a grievous injury. The testimony of Sanjay was found reliable and credible, supported by medical evidence and the recovery of the weapon. Co-accused Devender was acquitted due to initial non-inclusion in the FIR, but this did not benefit Kumar. The sentence of 3 years' rigorous imprisonment and a fine of Rs. 1,000 was not reduced because of the serious nature of the offense and the significant injury inflicted.

NARENDER VATS & ORS. VS STATE OF NCT OF DELHI & ORS. [CRL.M.C.-2556/2021]

Judges: Justice Anoop Kumar Mendiratta

A petition under Section 482 Cr.P.C. was allowed to quash the FIR and criminal proceedings against the petitioners due to an amicable settlement of a minor road rage incident involving a car and a scooter. The nature and gravity of the offence suggested bleak chances of conviction, and continuing the proceedings was viewed as an abuse of the court's process. Consequently, the FIR and the criminal proceedings were quashed.

NAUSHAD ALI & ORS. VS THE STATE NCT OF DELHI AND ORS. [CRL.M.C.-5582/2024]

Judges: Justice Anoop Kumar Mendiratta

A petition filed by Naushad Ali and others to quash an FIR under Sections 498A/323/504/506 IPC and Sections 3/4 of the Dowry Prohibition Act was deemed maintainable. The matter was amicably settled between the parties, with the complainant expressing no objection to the quashing of the FIR. The likelihood of conviction was assessed as low due to the settlement, leading to the conclusion that continuing the proceedings would be an abuse of process. Consequently, the FIR and related proceedings were quashed.

NAVEEN KUMAR & ORS. VS STATE GOVT OF NCT DELHI & ANR. [CRL.M.C.-1106/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, 506, and 34 of the Indian Penal Code should be quashed. The parties reached an amicable settlement, including the mutual dissolution of the marriage and a financial agreement. Both the State and respondent No. 2 expressed no objections to the quashing. Keeping the case pending serves no useful purpose, and quashing the FIR does not constitute an abuse of the process of the court.

NAVEEN VS THE STATE NCT OF DELHI & ANR. [CRL.M.C.-3350/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Naveen under Sections 498A/34 IPC was quashed due to an amicable settlement between him and the respondent, which included a mutual consent divorce and a payment of Rs. 60,000 as full and final settlement. The settlement was reached without any threat or coercion, leading to the conclusion that continuing the case would be an abuse of the process.

NAVNEET SHARMA & ORS. VS THE STATE (GOVT. OF N.C.T. OF DELHI) & ANR. [CRL.M.C.-4935/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A/406/34 IPC and Sections 3/4 of the Dowry Prohibition Act, 1961 was quashed due to an amicable settlement between the parties. The marriage was dissolved by mutual consent, and the financial settlement was completed without threat or coercion. Continuing the case would serve no useful purpose and represent an abuse of the process.

NAWAL KISHOR SHARMA AND ORS VS THE STATE GNCTD AND ANR & ANR. [CRL.M.C.-2448/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The marriage was dissolved, and both the state and the respondent had no objections to quashing the FIR, as continuing the case would serve no useful purpose and would abuse the court's process.

NEERAJ @ RAYMOND HENRY & ORS. VS THE STATE & ANR. [CRL.M.C.-842/2021]
Judges: Justice Anoop Kumar Mendiratta
An FIR under Sections 498A/406/34 of the Indian Penal Code against the petitioners was quashed after the disputes between petitioner no. 1 and respondent no. 2 were amicably resolved, and their marriage was dissolved through mutual consent divorce. The balance amount for the settlement was paid, and both the State and respondent no. 2 opposed the continuation of the FIR. The case was deemed an abuse of the court's process, leading to the quashing of the FIR and related proceedings.

NEERAJ EKKA VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-6595/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against Neeraj Ekka under Sections 498A/406 IPC can be quashed due to an amicable settlement with his estranged wife, which includes a mutual consent divorce decree under the Special Marriage Act, 1954. The pending case is considered an abuse of process, and the likelihood of conviction is minimal given the settlement.

NEERU DEVI AND OTHERS VS STATE AND OTHERS [W.P.(CRL)-1179/2024]
Judges: Justice Anoop Kumar Mendiratta
FIR No. 0178/2018 under Sections 308/324/34 IPC was quashed due to an amicable settlement between the parties. Given the minor nature of the incident, the close relation of the parties, and the potential for harmony, it was deemed that pursuing the case would be an abuse of legal process, with remote chances of conviction.

NIGAM PRAKASH & ORS. VS THE STATE NCT OF DELHI & ANR. [CRL.M.C.-7694/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. They had entered into a Settlement Deed and obtained a mutual consent decree for divorce. The continuation of the case was deemed unnecessary and potentially abusive of court processes, especially with no objection from the respondent. The FIR and related proceedings were quashed contingent on compliance with the Settlement Deed.

NIKHIL PANDIT & ORS. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-2582/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage of petitioner No. 1 and the complainant, Kunjan Khanna, had been dissolved by mutual consent. The parties confirmed the resolution of their dispute without any coercion. The continuation of the case was deemed unnecessary and an abuse of the process.

NITESH KUMAR SINGH VS STATE OF NCT OF DELHI AND ORS [CRL.M.C.-1778/2024]

Judges: Justice Anoop Kumar Mendiratta

Nitesh Kumar Singh filed a petition to quash FIR No. 242/2017 under Sections 506/509 IPC, which was found to be maintainable. The matter was amicably settled between the parties, with the respondents deciding to forgive the petitioner due to his personal circumstances. The FIR and related proceedings were quashed, as keeping the case pending would be an abuse of the court's process.

NITESH SINGH ALIAS NITESH & ORS. VS STATE OF NCT DELHI & ANR. [W.P.(CRL)-3463/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 323/341/506/34 IPC was quashed due to an amicable settlement between the parties. It was noted that while serious crimes cannot be dismissed due to such settlements, offences with civil dispute characteristics can be, especially when the likelihood of conviction is low. Both parties confirmed the settlement freely. As a restorative justice measure, the petitioners were directed to plant 15 saplings each in the local police station area.

NITIN AND ORS VS STATE (GOVT. OF NCT OF DELHI) AND ANR . [CRL.M.C.-6465/2024]

Judges: Justice Anoop Kumar Mendiratta

FIRs against the petitioners under IPC Sections 308/323/341/34 were quashed due to an amicable settlement between the parties. The nature of the offenses was considered predominantly civil, with bleak chances of conviction. As an alternative to costs, the petitioners were directed to plant a specified number of saplings. This matter involved two separate petitions decided together.

NITIN AND ORS. VS STATE OF GOVERNMENT OF NCT OF DELHI & ANR. [CRL.M.C.-7410/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A and 34 of the Indian Penal Code was quashed due to an amicable settlement of the matrimonial dispute and a mutual consent divorce decree. It was deemed that keeping the case pending would serve no useful purpose, as the likelihood of conviction was minimal given the settlement.

NITIN JAIN & ANR. VS THE STATE (NCT OF DELHI) & ANR. [CRL.M.C.-4957/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners successfully quashed the FIR registered against them under Sections 498A/406/34 IPC after resolving their disputes through a Settlement Agreement and resuming cohabitation. It was noted that continuing the case would serve no useful purpose and would constitute an abuse of the court's process.

NITIN KUMAR & ORS. VS STATE (GOVT OF NCT DELHI) & ANR. [CRL.M.C.-7334/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners was quashed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, due to an amicable settlement between the parties. The incident involved a minor altercation, both parties had no prior criminal records, and the victim received compensation for his motorcycle loss. Continuing the criminal proceedings was deemed an abuse of the legal process. The petitioners were directed to plant a certain number of trees as an alternative measure.

NITIN KUMAR AND ORS VS THE STATE NCT OF DELHI AND ORS. [CRL.M.C.-5954/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR against the petitioners under Sections 498A/406/174A IPC was quashed due to an amicable settlement between the parties. The marriage of petitioner no. 1 and respondent no. 2 was dissolved by mutual consent, and the petitioners paid Rs. 4 lakhs to respondent no. 2. The pending case was deemed unnecessary and an abuse of process.

NIVESH & ORS. VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-8732/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 was allowed to quash the FIR against the petitioners for offenses under Sections 323/354A/34 IPC. The matrimonial dispute had been settled amicably, with low chances of conviction, and continuing proceedings would constitute an abuse of the legal process. Offenses with a predominant civil dispute element or minor incidents where the victim is compensated may be quashed to uphold justice and prevent misuse of the legal system. The FIR and subsequent proceedings were quashed.

NOUSHAD @ NAZIM & ORS. VS THE STATE NCT OF DELHI AND ANR. [CRL.M.C.-537/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 IPC, and Section 4 of the Dowry Prohibition Act was quashed after the parties reached an amicable settlement. The marriage was conducted according to Muslim rites, resulting in two children. Due to temperamental differences, the parties had initially separated but reconciled and have been living together since June 2020, following a settlement deed dated May 9, 2023. The settlement was made without any pressure, and the respondent expressed no objection to quashing the FIR.

OM KUMAR & ORS. VS THE STATE (N C T OF DELHI) & ANR. [CRL.M.C.-1606/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and subsequent proceedings against Om Kumar and others were quashed due to an amicable settlement between the neighboring parties, reducing the likelihood of conviction and preventing further discord. Minor personal disputes can be quashed under Section 482 CrPC when circumstances warrant, and in this case, the settlement promoted harmony. As part of restorative justice, the petitioners are required to plant 50 saplings in local parks.

OM PRAKASH & ORS. VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-475/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Sections 287/337 IPC against the petitioners was quashed due to the incident being deemed likely an accident and the parties having reached an amicable settlement. The complainant received compensation, and continuing the proceedings was viewed as an abuse of process. The nature of the injuries was found to be accidental, with low chances of conviction, leading to the conclusion that continuation would cause undue oppression to the accused. Instead of imposing costs, each petitioner was directed to plant 10 saplings in local parks as an alternative penalty.

OMA RAM VS STATE OF GNCTD [BAIL APPLN.-4210/2023]

Judges: Justice Anoop Kumar Mendiratta

The bail application of petitioner Oma Ram was dismissed due to lack of merit. The identification of the petitioner as Rakesh Kumar by the purchasers of the disputed property was deemed valid, despite the absence of formal identification proceedings. The absence of the original allottee's signatures did not question the registered GPA held by the complainant. The filing of the chargesheet within 90 days and the subsequent cognizance satisfied the statutory requirements under Section 173(2) CrPC, even with ongoing investigation under Section 173(8) CrPC. Consequently, the petitioner was not eligible for default bail under Section 167(2) CrPC.

PANKAJ KUMAR AND ANOTHER VS GOVT. OF NCT OF DELHI AND ANR [CRL.M.C.-7491/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The complainant expressed no objection to quashing the FIR, and continuing the case was deemed an abuse of the court's process. Consequently, the FIR and related proceedings were dismissed.

PANKAJ MAKHIJA VS THE STATE (GOVT. OF NCT OF DEHI) & ORS. [CRL.M.C.-3639/2024]

Judges: Justice Anoop Kumar Mendiratta

A petition under Section 482 of the Code of Criminal Procedure was filed to quash an FIR against the petitioner for attempted murder and causing hurt. The issue had been amicably settled between the parties, and continuing the proceedings would constitute an abuse of process. The alleged weapon was not recovered, injuries to the complainant were deemed simple, and the likelihood of conviction was assessed as low. The FIR and related proceedings were quashed, and instead of costs, the petitioner was directed to plant 50 saplings, with maintenance by the relevant authorities.

PARAS HANS & ORS. VS THE STATE (NCT OF DELHI) & ANR. [CRL.M.C.-2873/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement evidenced by a Settlement Deed dated 03.06.2022 and a divorce decree under Section 13 B(2) of the Hindu Marriage Act dated 05.12.2022. It was determined that keeping the case pending would serve no useful purpose, and quashing the FIR did not constitute an abuse of the court's process.

PARIJAT SARKAR VS STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-2574/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Sections 498A, 406, and 323 of the Indian Penal Code was quashed following an amicable settlement between the parties and the mutual consent for the dissolution of their marriage. Continuing with the case was deemed unnecessary and an abuse of process, with no objections raised by the State Government or the respondent.

PARNEET SINGH CHAWLA & ORS. VS STATE GOVT. OF NCT DELHI & ANR. [CRL.M.C.-1646/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition to quash the FIR under Sections 498A/406/354A/34 of the Indian Penal Code was allowed because the marriage had been dissolved by mutual consent and the parties had settled their disputes amicably. Keeping the case pending was deemed an abuse of the court's process, leading to the quashing of the FIR and related proceedings.

PARTH DUA VS STATE NCT OF DELHI AND ANR [CRL.M.C.-6886/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Parth Dua under Sections 279/338 IPC was quashed due to an amicable settlement between the parties. The petitioner compensated the victim, which diminished the likelihood of conviction. Continuing proceedings was deemed an abuse of process, as minor incidents or personal offenses can be quashed when settled amicably.

PARVEEN SINGH & ORS. VS THE STATE, GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI & ANR. [CRL.M.C.-3656/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, 34, 377, and 494 of the IPC can be quashed due to the dissolution of marriage between petitioner no. 1 and respondent no. 2 under the Hindu Marriage Act, 1955, and an amicable settlement of disputes. The balance amount has been paid to respondent no. 2, who has consented to the quashing of the FIR, making further proceedings unnecessary.

PARVESH & ORS. VS STATE & ANR. [CRL.M.C.-2139/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR registered under Sections 323/354/354A/506/509/34 IPC against the petitioners was quashed due to the amicable settlement of the dispute between the closely related parties, as confirmed by the complainant. Continuing the proceedings was deemed an abuse of the process, necessitating intervention to secure the ends of justice.

PAWAN & ORS. VS STATE (GOVT OF NCT OF DELHI) & ANR. [W.P.(CRL)-1925/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to the amicable settlement of disputes and the dissolution of the marriage by mutual consent. Continuing the case would serve no useful purpose and would be an abuse of the process.

PAWAN KUMAR & ORS. VS STATE GOVT. OF NCT OF DELHI AND ANR. [W.P.(CRL)-298/2024]

Judges: Justice Anoop Kumar Mendiratta

The matter between Pawan Kumar and the respondent was amicably settled with mutual consent for the dissolution of marriage under Section 13B(2) of the Hindu Marriage Act and agreement on full and final settlement. The FIR against the petitioners under Sections 498A/34 IPC and related proceedings were quashed to prevent abuse of the legal process.

PAWAN KUMAR AND ORS. VS THE STATE NCT OF DELHI & ANR. [CRL.M.C.-8407/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 471/2020 under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act is quashed due to an amicable settlement between the parties. Petitioners and respondent No. 2 have been living together happily since January 1, 2021. Continuing the case would serve no useful purpose and would constitute an abuse of the court's process, with slim chances of conviction given the settlement.

PRABHU DAYAL AND OTHERS VS THE STATE AND ANR [CRL.M.C.-488/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition by Prabhu Dayal and others to quash an FIR under various IPC sections was granted due to the amicable resolution of matrimonial disputes between Akshay Kumar and Kamlesh. The facts indicated a low likelihood of conviction and no previous involvement of the petitioners. The FIR and related proceedings were quashed, and the petitioners were directed to plant 20 saplings each of Neem/Jamun trees to promote environmental sustainability.

PRADEEP KUMAR & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-4284/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0039/2017 under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage between Pradeep Kumar and respondent No. 2 was dissolved by an ex-parte decree of divorce, and a total of Rs. 3,00,000/- was paid to the respondent as full and final settlement. Continuing the case would constitute an abuse of the court's process, with both the State's representative and the respondent expressing no objection to the quashing of the FIR.

PRADEEP MITTAL & ORS. VS STATE (GOVT OF NCT OF DELHI) & ANR. [CRL.M.C.-7889/2024]

Judges: Justice Anoop Kumar Mendiratta

Criminal proceedings in FIR No. 311/2011 and FIR No. 173/2012 can be quashed since the parties have amicably settled their dispute, with minimal chances of conviction. The offences involved have a predominant civil dispute element, and the petitioners have no prior criminal record. To promote harmony, the petitioners are required to plant 50 saplings each instead of paying costs.

PRASHANT BATRA VS STATE GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-7970/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Prashant Batra under Sections 354/323 IPC can be quashed due to an amicable settlement between the parties and the minor nature of the alleged offence. The victim has expressed no objection to the quashing of the FIR. Continuing the proceedings would constitute an abuse of the process.

PRAVEEN KUMAR @ PARVEEN KUMAR & ANR. VS STATE GOVT OF NCT DELHI AND ORS [CRL.M.C.-513/2024]

Judges: Justice Anoop Kumar Mendiratta

FIRs registered under Sections 308/323/427/34 IPC and 341/323/506/34 IPC can be quashed based on an amicable settlement between the parties. The parties, having clean antecedents and residing in the same neighborhood, executed a Settlement Deed on 06.12.2023 and expressed no objection to quashing the FIRs. The continuation of proceedings would constitute an abuse of process, leading to the quashing of the FIRs and subsequent proceedings in both cases.

PRAVEEN KUMAR AND ANR VS STATE NCT OF DELHI AND ANR [CRL.M.C.-6723/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Sections 354/354A/354B/506/509/34 IPC was quashed due to an amicable settlement between the parties. The matter involved offenses with a civil dispute element, and the lack of potential for conviction indicated that continuing proceedings would be an abuse of the process. Since the complainant expressed no further grievances, the criminal proceedings were terminated.

PRAVEEN KUMAR KASANA & ORS. VS THE STATE OF (GOVT. OF N.C.T. DELHI) & ANR. [CRL.M.C.-5257/2024]

Judges: Justice Anoop Kumar Mendiratta

Petitions under Section 482 of the Code of Criminal Procedure were allowed to quash two FIRs against the petitioners. The dispute over sharing rent proceeds was amicably settled among close relatives. The offenses primarily involved civil matters and minor incidents, making continued criminal proceedings an abuse of process. The petitioners were directed to plant 20 saplings each, with maintenance to be handled by the authorities. The likelihood of conviction was considered low due to the settlement, and the petitioners had no prior involvement in similar matters.

PREM CHAND & ORS. VS STATE & ANR. [CRL.M.C.-2856/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners, Prem Chand and others, successfully quashed an FIR against them under various sections of the Indian Penal Code. The disputes over property allocation have been amicably resolved through a settlement deed. The respondent confirmed no further grievances and did not object to the FIR's quashing. The offences involved were not serious, and the proceedings were deemed an abuse of the process due to the settlement.

PREM PAL SINGH VS STATE & ANR. [CRL.REV.P.-368/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioner was convicted for dishonor of a cheque under Section 138 of the Negotiable Instruments Act. The presumption under Section 139 placed the burden on the accused to prove that the cheque was not issued for a debt or liability, which was not sufficiently addressed. Denial alone was deemed inadequate. The complainant's financial capacity to extend the loan was supported by his income tax returns. The criminal revision petition was dismissed due to lack of any significant error.

PREM PAL SINGH VS STATE & ANR. [CRL.REV.P.-374/2024]

Judges: Justice Anoop Kumar Mendiratta

The criminal revision petition by Prem Pal Singh against his conviction under Section 138 of the Negotiable Instruments Act was dismissed. The presumption under Section 139, indicating that the cheque was issued to discharge a debt or liability, was not rebutted by the accused. He failed to provide sufficient evidence for his defense. The concurrent findings of the trial and appellate courts were upheld, and the accused was directed to surrender before the trial court within four weeks.

PREMANSHU KUMAR VERMA & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-7427/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 308/2022 under Sections 498A/406/34 of the Indian Penal Code was quashed due to amicable settlement between the parties and the mutual consent divorce. The continuation of the case was deemed unnecessary and potentially abusive to the judicial process, given the low likelihood of conviction.

PRITHVI RAJ SINGH & ORS. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-244/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties and the mutual consent dissolution of the marriage. Keeping the case pending was deemed unproductive, and the State did not oppose the quashing of the FIR.

PRIYANKA ARORA VS STATE GOVT. OF NCT OF DELHI [CRL.A.-132/2024]

Judges: Justice Anoop Kumar Mendiratta

Appeals by Priyanka Arora and Kapil Dev Arora challenging the denial of bail in FIR No. 489/2023 under Sections 506/509/34 IPC and the SC/ST Act were allowed. The dispute originated from a civil matter concerning property sale, and CCTV footage did not significantly support the complainant's allegations. Improvements made by the complainant during the investigation were insufficient to justify the denial of bail. The prior bail denial was set aside, and bail was granted to the appellants with specific conditions.

RAHUL @ JITENDER KUMAR VS STATE GOVT NCT OF DELHI & ANR. [CRL.M.C.-7194/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Rahul under Sections 354D/506/509 IPC, later amended to include Section 354 IPC, was quashed due to an amicable settlement between the parties. The circumstances indicated that the dispute was resolved without coercion, and the likelihood of conviction was considered low. Continuing the proceedings was deemed an abuse of process. As an alternative to costs, Rahul was directed to plant 20 Neem or Jamun trees.

RAHUL MATHUR & ANR. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-7451/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The marriage was dissolved by mutual consent, and the settlement amount was fully paid. Continuing the case was deemed unnecessary given the circumstances and the low likelihood of conviction.

RAJ KUMAR GUPTA @ RAJ GUPTA & ORS. VS THE STATE OF NCT OF DELHI & ANR. [CRL.M.C.-547/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition under Section 482 Cr.P.C. sought to quash the FIR registered under Sections 498A/406/34 IPC. The parties reached an amicable settlement, supported by a divorce decree and a settlement payment to the complainant. The State did not oppose the request to quash the FIR, indicating mutual resolution of the dispute. Quashing the FIR was deemed appropriate as it would serve no useful purpose to keep the case pending.

RAJ KUMAR PANDEY AND ORS VS STATE NCT OF DELHI AND ORS [CRL.M.C.-4235/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition under Section 482 of the Code of Criminal Procedure was allowed to quash the FIR against the petitioners for Sections 498A, 406, 377, and 34 of the IPC, as well as Section 4 of the Dowry Prohibition Act. The matrimonial dispute had been amicably settled with a mutual consent divorce, leading to the conclusion that quashing the FIR would promote harmony between the parties.

RAJ KUMAR VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-5676/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Raj Kumar, filed under Sections 323/341/354/354(B)/506/509 IPC, was quashed due to an amicable settlement between the parties, which centered around a civil dispute regarding property inheritance. Since the likelihood of conviction was low and continuation of the proceedings would abuse the judicial process, the petitioner was required to plant 30 saplings as a condition for the quashing of the FIR.

RAJAN KASHYAP VS STATE NCT OF DELHI & ANR. [CRL.M.C.-3603/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0239/2017 was quashed regarding Sections 498A/34 IPC against Rajan Kashyap due to an amicable settlement between the parties, following a mutual consent divorce under the Hindu Marriage Act. The state expressed no objection to the quashing, indicating the dispute was resolved and that continuing the case would serve no useful purpose.

RAJAN SINGH TRANSGENDER VS THE STATE GOVT OF NCT DELHI AND OTHERS [W.P.(CRL)-1307/2024]
Judges: Justice Anoop Kumar Mendiratta
Discrimination based on sexual orientation or gender identity violates the right to equality under Article 14 of the Constitution. Authorities must provide necessary security to a transgender individual for their Lok Sabha election nomination and must communicate the outcome of the petitioner's complaint within two weeks.

RAJEEV DAGAR VS MUKESH DAGAR [CRL.M.C.-140/2024]
Judges: Justice Anoop Kumar Mendiratta
The Additional Sessions Judge lost authority to exercise jurisdiction over criminal appeals CA No.188/2023 and CA No.226/2023 after receiving transfer orders on the day of the hearing. The judge could not have concluded the part-heard appeals before the transfer orders were received, making the subsequent judgment invalid. The order passed by the Additional Sessions Judge was set aside, and the successor court is directed to hear the appeals afresh within a specified timeframe.

RAJEEV MATHUR & ORS. VS STATE NCT OF DELHI AND ANR. [CRL.M.C.-3336/2024]
Judges: Justice Anoop Kumar Mendiratta
An FIR filed under Sections 498A/406/34 of the Indian Penal Code by the wife of petitioner No. 1 was quashed after the parties amicably settled their dispute and began living together. Continuing the proceedings was considered an abuse of the process.

RAJEEV SHARMA VS PALLAVI ADVERTISING [CRL.REV.P.-105/2024]
Judges: Justice Anoop Kumar Mendiratta
The petitioner's revision petitions under Section 397 of the Code of Criminal Procedure were allowed, waiving the requirement to deposit 20% of the compensation amount for suspending the sentence during the appeals. The Appellate Court was directed to hear and decide the appeals within four weeks from the next hearing. The petitioner had already paid Rs. 88.50 lakhs to the complainant, which contributed to the decision to waive the deposit condition. This involved a total of seven separate revision petitions by the same petitioner.

RAJESH KUMAR JAIN VS J.C. TRADING [CRL.REV.P.-222/2024]
Judges: Justice Anoop Kumar Mendiratta
The criminal revision petition by Rajesh Kumar Jain, convicted under Section 138 of the Negotiable Instruments Act for dishonor of a cheque, was dismissed. The accused admitted the signature on the cheque, establishing a presumption that it was issued to settle a debt. Claims that the goods supplied were defective and returned lacked credible evidence. The accused failed to stop payment on the cheque despite returning goods and did not respond to the legal notice. The findings of the trial and appellate courts were upheld, resulting in the dismissal of the revision petition.

RAJESH KUMAR SHARAWAT AND OTHER VS THE STATE NCT OF DELHI AND ANR [W.P.(CRL)-1089/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 354/354B/509/506/34 IPC can be quashed due to an amicable settlement between the parties. The petitioners and the respondent have a prior relationship, and continuing the proceedings would constitute an abuse of the process. The nature and gravity of the offenses, societal impact, and low likelihood of conviction support this decision. The matter has been resolved without coercion, justifying the quashing of the FIR and the associated proceedings.

RAJINDER KUMAR VS THE STATE (GOVT. OF NCT) OF DELHI & ANR. [CRL.A.-199/2023]

Judges: Justice Anoop Kumar Mendiratta

The conviction of the appellant for robbery under Sections 394/397 IPC and possession of a weapon under Section 27 of the Arms Act was upheld. The testimony of the victim was deemed reliable and convincing. Arguments regarding irregularities in the investigation, including the absence of a Test Identification Parade and the lack of forensic examination of the seized knife, were rejected as they did not diminish the victim's evidence. The appellant's prior criminal record and threats made to the victim during the trial were noted. The appeal was dismissed, and the original sentence was maintained.

RAJNI KHARE VS STATE & ANR. [CRL.M.C.-2930/2021]

Judges: Justice Anoop Kumar Mendiratta

An FIR against the petitioner under Sections 406 and 420 of the Indian Penal Code was quashed due to the amicable settlement of disputes arising from a commercial loan transaction through a Settlement Agreement. A co-accused had previously been granted a petition to quash proceedings, and continuing the case would constitute an abuse of process given the settlement.

RAJU @ RAJU RAJPUT & ORS. VS STATE (NCT OF DELHI) & ANR. [W.P.(CRL)-916/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. There was no evidence of threat, pressure, or coercion in the resolution, and both the State and the complainant expressed no objections to quashing the FIR. Continuing the proceedings was deemed an abuse of the legal process.

RAJU SINGH AND ORS. VS STATE (GOVT. OF NCT OF DELHI) & ANR [CRL.M.C.-5952/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR registered under Sections 498A/406/34 IPC was quashed as the parties reached an amicable settlement. The marriage between the petitioner and respondent was dissolved by mutual consent, and the respondent expressed no objection to quashing the FIR. Continuing the proceedings was deemed an abuse of process, leading to the quashing of the FIR and related proceedings.

RAKESH AND ORS VS THE STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-8182/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed following an amicable settlement between the parties. Two petitioners had passed away, resulting in the abatement of proceedings against them. The remaining petitioners and the respondent executed settlement deeds addressing financial and custody issues, with no objections from the state prosecutor. The settlement was reached without any threats or coercion, indicating that no beneficial purpose would be served by continuing the case.

RAKESH GUPTA VS THE STATE (NCT) OF DELHI & ANR. [CRL.M.C.-8161/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Rakesh Gupta under Sections 354A/506/509/34 IPC was quashed due to an amicable settlement between the parties, weak chances of conviction, and Gupta's lack of past criminal involvement. He is required to plant 25 saplings of Neem or Jamun trees near the police station as an alternative to costs.

RAKESH KUMAR VS STATE GOVT OF NCT OF DELHI AND ANR. [W.P.(CRL)-60/2024]

Judges: Justice Anoop Kumar Mendiratta

Rakesh Kumar's petition for a six-month parole extension was dismissed due to years of avoiding legal sentence execution and failure to follow the proper procedures under the Delhi Prison Rules, 2018. Automatic parole extensions through writ petitions, which persisted for four years, were not deemed routine and cannot be granted outside specified provisions unless exceptional circumstances exist. The case did not meet the criteria for such exceptional treatment.

RAM CHANDER & ORS. VS STATE NCT OF DELHI AND ANR. [W.P.(CRL)-228/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The wife confirmed her lack of objection to the quashing, and it was established that the settlement occurred without any threat or coercion. Keeping the case pending would be an abuse of the process of the court.

RAM NARAYAN VS THE STATE (NCT OF DELHI) & ANR. [CRL.M.C.-4306/2024]

Judges: Justice Anoop Kumar Mendiratta

In Ram Narayan v. The State (NCT of Delhi) and Anr., the FIR under Sections 323/354B/509 IPC was quashed due to an amicable settlement between the parties, with no further grievances from the respondent. The nature of the offence, low chances of conviction from the settlement, and the petitioner's lack of past involvement indicated that continuing proceedings would be an abuse of the process.

RAM NIWAS DHURIYA VS CENTRAL BUREAU OF INVESTIGATION [CRL.M.C.-1193/2024]

Judges: Justice Anoop Kumar Mendiratta

The examination of witness Shri K.G. Sathyasingan is essential for proving the sanction order for prosecution. However, the right to effective cross-examination must also be safeguarded. The trial court did not obtain consent from all accused for video conferencing, as required by the Video Conferencing Rules. The matter is sent back to the trial court to address these concerns, ensuring all accused consent and the witness has access to relevant documents during cross-examination.

RAM PRASAD YADAV VS STATE NCT OF DELHI THROUGH SHO SULTANPURI AND OTHERS & ANR. [CRL.M.C.-7290/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Section 354 IPC for allegedly outraging a woman's modesty was quashed due to an amicable settlement between the parties, lack of a prior criminal record for the accused, and low chances of conviction. Instead of costs, the petitioner was directed to plant 50 Neem or Jamun trees to promote environmental protection.

RAMAN BATRA & ORS. VS STATE & ANR. [CRL.M.C.-1795/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 033/2019 under Sections 498A/406/354A/509/34 IPC was quashed after the parties reached an amicable settlement. The marriage between the petitioner and respondent has been dissolved by mutual consent, with Rs. 27,00,000 paid to the respondent as full and final settlement. Both the State and the respondent expressed no objections to the quashing of the FIR.

RAMESH CHANDER MEENA VS THE STATE NCT OF DELHI & ANR. [W.P.(CRL)-2622/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Sections 281/125(a)/324(4) of the Bharatiya Nyaya Sanhita, 2023 was quashed due to an amicable settlement between the parties. The petitioner paid Rs. 1,25,000 in compensation to the complainant. It was noted that minor offenses of a personal nature can be quashed if the dispute is settled and the likelihood of conviction is low. Continuing the proceedings was deemed an abuse of the court's process.

RAVI KUMAR & ORS. VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-5765/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement in a matrimonial dispute, with the marriage dissolved by mutual consent and an amount paid to the respondent wife. Both parties confirmed the settlement in court without coercion, leading to the conclusion that continuing the case would serve no useful purpose and would be an abuse of the process.

RAVI RANJAN KUMAR VS THE STATE AND ANR [CRL.M.C.-8294/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Sections 354/506/509/34 of the Indian Penal Code can be quashed due to an amicable settlement between the parties involved. The dispute is identified as a landlord-tenant issue, with minimal chances of conviction and potential abuse of legal process if proceedings continue. Instead of costs, the petitioner is directed to plant 25 saplings of Neem or Jamun trees.

RAVI SHUKLA & ORS. VS STATE GOVT. OF NCT OF DELHI AND ANR. [W.P.(CRL)-3276/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Ravi Shukla and others under Sections 323/341/509/354/354A/34 IPC can be quashed due to an amicable settlement between the parties involved, which is a neighborly dispute. The settlement was confirmed without coercion, and given the nature of the offenses, this outcome is appropriate. Petitioner no. 1 is required to plant 50 saplings as a condition to promote harmony.

RAVINDER & ORS. VS STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-193/2024]

Judges: Justice Anoop Kumar Mendiratta

A petition under Section 482 of the Code of Criminal Procedure was allowed to quash an FIR against the petitioners for Sections 498A/406/34 of the Indian Penal Code. The parties had amicably settled the matter, and the marriage was dissolved by mutual consent under the Hindu Marriage Act. Both the State and the respondent expressed no objection to quashing the FIR. The case was deemed to serve no useful purpose and to constitute an abuse of the court's process, leading to the FIR and related proceedings being quashed.

RAVINDER KHATRI AND ANR. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-6681/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners, Ravinder Khatri and Anju, successfully sought to quash an FIR filed against them under Sections 323/354/506/509/34 of the Indian Penal Code. The dispute with the complainant had been amicably settled, with the complainant and her husband expressing no objection to quashing the FIR. The inherent power under Section 482 of the Code of Criminal Procedure was invoked to prevent the abuse of the court's process in light of the settlement and the unlikely prospect of conviction.

RAVINDER KUMAR & ANR. VS THE STATE NCT OF DELHI AND ANR. [CRL.M.C.-3627/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 323/324/34 IPC was quashed due to an amicable settlement between the parties involved. The incident stemmed from a monetary transaction, and the settlement aimed to promote harmony. The likelihood of conviction was deemed low, and continuing the proceedings was viewed as an abuse of the court's process.

RAVINDER KUMAR @ RAVI AND ORS. VS THE STATE, NCT OF DELHI & ANR. [CRL.M.C.-604/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR registered under Sections 498A/406/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act was quashed after the parties amicably settled their disputes and resumed living together. Continuing the case was deemed an abuse of the court process, with both the State and the respondent expressing no objection to the quashing.

RISHABH KUMAR GUPTA @RESHU & ORS. VS STATE THROUGH SHO P.S. NEW ASHOK NAGAR & ANR. [CRL.M.C.-980/2024]

Judges: Justice Anoop Kumar Mendiratta

The dispute between the petitioners and respondent No. 2 has been amicably settled, and the marriage has been dissolved by mutual consent. As a result, the FIR registered under Sections 498A/323/34 of the Indian Penal Code and related proceedings were quashed.

RITESH RAJPAL & ORS. VS STATE GOVT OF NCT OF DELHI & ANR. [W.P.(CRL)-1780/2024]

Judges: Justice Anoop Kumar Mendiratta

The dispute between Ritesh Rajpal and his wife has been amicably settled, leading to the dissolution of their marriage by mutual consent. Keeping the case pending is considered an abuse of the process of the court. Consequently, FIR No. 0560/2023 under Sections 498A, 406, and 34 of the Indian Penal Code and related proceedings were quashed.

ROHAN CHOUDHARY VS STATE AND ANR [CRL.M.C.-1893/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Rohan Choudhary under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties, which included the approval of a mutual consent divorce. The settlement occurred without any threats or coercion, and continuing the case would be considered an abuse of the legal process.

ROHAN KHATRI & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-2630/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/323/34 IPC was quashed due to an amicable settlement between the parties. Continuing the case was deemed unnecessary and abusive to the process, with both the state and complainant expressing no objection to the quashing. The petition and pending applications were disposed of.

ROHIT SONI & ORS. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-8064/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR registered under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The marriage was dissolved by mutual consent, and the respondent received Rs.3.75 lakhs. Continuing the case would serve no useful purpose and would be an abuse of the court's process, given the low chances of conviction.

ROHIT KUMAR & ANR. VS THE STATE OF NCT OF DELHI & ANR. [CRL.M.C.-1707/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Rohit Kumar and another, filed under Sections 420 and 66D of the IT Act, was quashed due to an amicable settlement between the parties. The complainant alleged that the petitioners collected Rs. 1,00,000 for air tickets to Canada but did not provide them. The dispute was resolved with the petitioners returning the money to the complainant, who had no further grievances. The continuation of proceedings was deemed an abuse of process given the settlement and the low likelihood of conviction.

ROHIT KUMAR VS THE STATE NCT OF DELHI [BAIL APPLN.-4225/2023]

Judges: Justice Anoop Kumar Mendiratta

Procedural lapses in the search and seizure process, such as the sampling of seized contraband, should be addressed during the trial rather than at the bail stage. Delay in filing an application for the disposal of seized contraband does not invalidate the trial, and the prosecution must explain any delays. Bail was granted due to the petitioner's prolonged custody of over 4 years and the slow progress of the trial, with only 3 out of 25 witnesses examined. The significant delay in the trial process was deemed to infringe on the petitioner's right to a speedy trial, which can take precedence over statutory restrictions under the NDPS Act.

ROHIT PAL SINGH VS STATE NCT OF DELHI & ANR. [CRL.M.C.-962/2024]

Judges: Justice Anoop Kumar Mendiratta

Two cross-FIRs under Sections 323, 341, 506, and 509 IPC were quashed due to the proceedings being an abuse of process. The incidents were minor and the parties had amicably settled the dispute without serious injuries. Continuing the prosecution was deemed purposeless, with low chances of conviction. The circumstances, including the parties' clean backgrounds and desire to move forward, indicated that quashing the FIRs would foster harmony between them.

ROHITASH MAHUR AND OTHERS VS THE STATE AND ANOTHER [CRL.M.C.-1937/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage of petitioner no. 1 and respondent no. 2 was dissolved by mutual consent, and the petitioners paid the remaining amount to respondent no. 2. Both the State and respondent no. 2 expressed no objection to quashing the FIR, indicating that continuing the case would serve no useful purpose.

ROSHAN @ RAUSHAN KUMAR AND ORS VS STATE THROUGH SHO PS DWARKA NORTH AND ANR [CRL.M.C.-6244/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The marriage was dissolved by mutual consent under Section 13B(2) of the Hindu Marriage Act, with the respondent having no objection to the quashing. Continuing the case would serve no useful purpose and risk abusing the court process, as the likelihood of conviction was deemed low.

SACHIN & ORS. VS GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-4346/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners successfully quashed the FIR against them for offenses under Sections 498A, 406, and 34 of the Indian Penal Code. The marriage between the parties had been dissolved by mutual consent, and all remaining financial disputes were amicably settled. After confirming the absence of any coercion in the settlement, it was concluded that the case should not remain pending, and quashing the FIR would not constitute an abuse of process.

SAGAR VERMA & ANR. VS THE STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-1717/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement of disputes and the dissolution of marriage by mutual consent under the Hindu Marriage Act. Both the State and the complainant expressed no objection to quashing the FIR, and it was determined that continuing the case would be an abuse of the court process.

SAGAR VS STATE NCT OF DELHI AND ANR [CRL.M.C.-5193/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and criminal proceedings against the petitioner under Sections 354A/354D/506/509 IPC were quashed following an amicable settlement between the petitioner and the complainant. Continuing the proceedings was deemed an abuse of the court's process due to the unlikely prospect of conviction. The petitioner was instructed to plant 10 saplings in the area as an alternate measure instead of paying costs.

SAGEER AHMAD @ SAGIR AHAMAD & ORS. VS STATE(GOVT OF NCT OF DELHI) & ANR. [CRL.M.C.-8204/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0349/2014, concerning Sections 195A/341/323/506/34 IPC, was quashed due to an amicable settlement between the parties involved in matrimonial disputes. The resolution involved no threats or coercion, and the victim consented to the quashing of the FIR. The nature of the offenses, having a predominant civil dispute element, justified the decision as continuing the proceedings would be an abuse of the process.

SAHIL GULATI & ORS. VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-2277/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 402/2018 against the petitioners under Sections 498A, 406, 34, and 354A of the Indian Penal Code was quashed due to an amicable settlement between the parties and the dissolution of the marriage by mutual consent. It was concluded that keeping the case pending would serve no useful purpose, and quashing the FIR would not constitute an abuse of process.

SAHIL OBEROI & ORS. VS THE STATE NCT OF DELHI & ANR. [W.P.(CRL)-86/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 420/406/34 IPC was quashed due to an amicable settlement between the parties. The matter involved primarily civil disputes, and the complainant had no objection to the FIR being quashed. It was established that there was no threat or coercion involved in the settlement. Continuing the proceedings was deemed an abuse of the process. The petitioners were directed to plant 50 saplings each of Neem/Jamun trees in the local area, with maintenance supervised by authorities.

SAHIL SAHNI VS STATE NCT OF DELHI AND ANR. [CRL.M.C.-1262/2024]

Judges: Justice Anoop Kumar Mendiratta

FIRs against the petitioner under Sections 354A, 506, 323, 341, 354, and 509 IPC were quashed due to an amicable settlement between the parties, evidenced by a settlement deed. The complainant expressed no objection to quashing the FIRs. The offenses were considered in light of their nature and gravity, leading to the conclusion that continuing the proceedings would constitute an abuse of process.

SALEEM KHAN & ORS. VS THE STATE NCT OF DELHI AND ANR. [CRL.M.C.-5551/2024]

Judges: Justice Anoop Kumar Mendiratta

In Saleem Khan & Ors. v. The State NCT of Delhi and Anr., a petition under Section 482 of the Code of Criminal Procedure resulted in the quashing of an FIR filed against the petitioners for Sections 498A/406/509/34 of the Indian Penal Code. The matrimonial dispute was resolved amicably through mediation, and continuing the proceedings was deemed unnecessary and an abuse of process. The FIR and associated proceedings were quashed due to the settlement and low likelihood of conviction.

SALIM & ORS. VS THE STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-6039/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners, Salim and others, successfully quashed FIR No. 135/2017 under Sections 324/341/34 IPC after reaching an amicable settlement with the complainant, a neighbor, who expressed no further grievances. The incident was deemed minor, and continuing proceedings was regarded as an abuse of process. Instead of costs, the petitioners were instructed to plant 15 saplings each on the banks of the Yamuna River.

SALMAN @ SALMAN KHAN AND ORS VS GOVT OF NCT OF DELHI AND ORS [CRL.M.C.-4015/2024]

Judges: Justice Anoop Kumar Mendiratta

Salman and Shazman successfully quashed the FIR against them under IPC Sections 324, 341, 506, and 34, as the dispute with their neighbors was amicably settled, making a conviction unlikely. The ongoing case was deemed an abuse of process. They were directed to plant 20 saplings each in local parks and maintain them, or face a Rs. 20,000 penalty to the Delhi State Legal Services Authority.

SAMEER ARSHAD KHATLANI VS STATE & ANR. [CRL.M.C.-2892/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Sections 279/337/338 of the Indian Penal Code was quashed due to an amicable settlement between the petitioner and the complainant, including compensation. The accident was deemed unintentional, with no serious injuries and no prior criminal record of the petitioner. Continuing the proceedings was considered an abuse of the judicial process, as the matter involved a minor incident with compensation provided, supporting the quashing under Section 482 of the Code of Criminal Procedure.

SANDEEP AND ORS. VS STATE NCT OF DELHI AND ANR [CRL.M.C.-5220/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 and 506 IPC has been quashed due to an amicable settlement between the parties. The petitioners confirmed they are residing together and that the dispute was resolved without any coercion. It was concluded that keeping the case pending would serve no useful purpose.

SANDEEP GUPTA & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-6116/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties and the dissolution of their marriage by mutual consent. The case was deemed unlikely to result in a conviction, making it unnecessary to keep the proceedings pending.

SANDEEP JAIN & ORS. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-2949/2024]
Judges: Justice Anoop Kumar Mendiratta
The petitioners' FIR under Sections 498A/406/34 of the Indian Penal Code has been quashed following an amicable settlement between the parties, evidenced by a settlement deed, and their decision to reside together. It was assessed that continuing the case would serve no useful purpose and would constitute an abuse of the legal process.

SANDEEP JAIN & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-867/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A, 406, 34, and 354 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage between petitioner No. 1 and respondent No. 2 had been dissolved by mutual consent, and a full and final settlement was completed. The resolution of the matter indicated that continuing the case would serve no useful purpose.

SANDEEP KUMAR & ORS. VS STATE NCT OF DELHI AND ANR. [CRL.M.C.-1327/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A (cruelty) and 406 (criminal breach of trust) of the Indian Penal Code has been quashed due to the amicable settlement of disputes between the parties. The marriage has been dissolved by mutual consent, and continuing the case would serve no useful purpose and be an abuse of the process.

SANDEEP KUMAR GAUTAM & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-8044/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed because the matrimonial dispute was amicably settled. The marriage had been dissolved through a mutual consent divorce decree, and the respondent had no objection to quashing the FIR. Keeping the case pending no longer served any useful purpose.

SANDEEP SINGH & ORS. VS THE STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-8132/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act was quashed due to an amicable settlement between the parties and the mutual consent for divorce. The continuation of the case was deemed unnecessary and potentially abusive to the judicial process, given the low likelihood of conviction.

SANDEEP TOMAR & ORS. VS STATE & ANR. [CRL.M.C.-2354/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR registered under Sections 498A/406/34 IPC against Sandeep Tomar and others was quashed due to an amicable settlement between the parties. The marriage had been dissolved by mutual consent, and the remaining balance amount was paid to the respondent. Keeping the case pending served no useful purpose, and quashing the FIR did not constitute an abuse of process.

SANJAY & ORS. VS STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-6102/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners successfully quashed FIR No. 0591/2018 under Sections 498A/406/34 of the Indian Penal Code, as the parties had amicably settled their disputes and the marriage was dissolved by mutual consent. Keeping the case pending was deemed to serve no useful purpose and considered an abuse of process due to the low likelihood of conviction following the settlement.

SANJAY GULATI VS HARPREET SINGH [CRL.M.C.-921/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition under Section 482 of the Code of Criminal Procedure was dismissed, seeking to quash the Revisional Court's order that had rejected a request to enhance or modify the sentence related to an offense under Section 138 of the Negotiable Instruments Act. It was established that the compensation payment of Rs. 11.9 lakhs, after deducting 15% from the fine of Rs. 14 lakhs, accounted for simple interest at 9% per annum, aligning with a Supreme Court judgment. The offense under Section 138 is primarily viewed as a civil wrong focusing on compensation, leading to the conclusion that the trial court's sentence required no modification. No grounds were presented to challenge the Revisional Court's order.

SANJAY KUMAR VS THE STATE GOVT OF NCT DELHI AND ORS [CRL.M.C.-8408/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Sanjay Kumar under Sections 279/337 IPC can be quashed as the matter was amicably settled, with the victims being compensated. Continuation of the proceedings would be an abuse of process, and the likelihood of conviction is low due to the settlement. While serious offences cannot be quashed, minor incidents with a civil dispute element may be considered for quashing when compensation has occurred.

SANJAY NAGAR@ SANJAY & ORS. VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-3455/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Sections 308/506/34 IPC against the petitioners was quashed due to an amicable settlement between the parties. Serious offenses like murder, rape, and dacoity are not subject to quashing based on settlement, but offenses with a predominant civil dispute element or minor incidents can be. Factors considered included the likelihood of conviction, potential oppression and prejudice to the accused, and societal impact. Instead of costs, the petitioners were instructed to plant 10 saplings each in local parks, with authorities tasked for their maintenance.

SANJEEV BHATI AND ORS. VS STATE OF NCT OF DELHI AND ANR. [W.P.(CRL)-2283/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 323, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. Continued prosecution was deemed an abuse of the judicial process, as the likelihood of conviction was low following the settlement. Serious offenses cannot be quashed despite settlement, but in cases involving civil disputes or minor incidents with compensation, proceedings can be quashed. Satisfaction with the non-coerced settlement indicated that no useful purpose would be served by prolonging the case.

SANJEEV KUMAR VS STATE OF NCT OF DELHI & ORS [CRL.M.C.-545/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition by Sanjeev Kumar for investigation and FIR registration was dismissed due to lack of credible allegations against his wife's cousin. The petitioner's wife denied the incident to the police, which submitted an Action Taken Report supporting her statement. The petitioner, an advocate, appeared to file the complaint with ulterior motives related to ongoing matrimonial proceedings. A cost of Rs. 25,000 was imposed for filing the petition.

SANJEEV KUMAR PANCHAL & ORS. VS STATE (GNCTD) & ANR. [CRL.M.C.-1011/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 626/2021 under Sections 498A, 406, 323, 509, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties, supported by a Settlement Agreement and partial payment of the settlement amount. The respondent confirmed the resolution occurred without threat or coercion, and it was deemed inappropriate to continue the proceedings given the circumstances.

SANJEEV KUMAR VS STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-1425/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Sanjeev Kumar under Sections 279/337 of the Indian Penal Code can be quashed, as the parties have amicably settled the matter, with Kumar agreeing to pay Rs. 30,000 to Sangam Singh. The case involves a minor accident where the victim has been compensated, and there is no objection from the respondent regarding the quashing of the FIR. The matter was settled without any coercion or threat.

SANTOSH AGGARWAL AND ORS VS THE STATE AND ANR [CRL.M.C.-7482/2024]

Judges: Justice Anoop Kumar Mendiratta

Santosh Aggarwal and others successfully petitioned to quash an FIR registered under Sections 498A/406/34 IPC and Sections 3/4 of the Dowry Prohibition Act, 1961. The matrimonial dispute between the parties had been resolved amicably as per a Memorandum of Understanding dated 18.07.2024, and they had been living together for the past two years. The State prosecutor and the other party did not object to quashing the FIR, indicating no coercion or pressure was involved in the settlement.

SARFARAZ ALAM & ORS. VS STATE GOVT.O FNCT OF DELHI AND ANR. [CRL.M.C.-1028/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Sarfaraz Alam and others under Sections 498A/323/354B/341/34 IPC was quashed due to an amicable resolution between the parties. The marriage was dissolved through a Divorce Deed/Talaqnama, and the remaining balance was paid to the respondent. Both the state prosecutor and the respondent expressed no objection to quashing the FIR, as continuing the case would serve no purpose and constitute an abuse of the court process.

SARITA DEVI VS SANJAY KUMAR KESHARI [CRL.REV.P.-971/2024]

Judges: Justice Anoop Kumar Mendiratta

The criminal revision petition was dismissed, upholding the conviction under Section 138 of the Negotiable Instruments Act. The petitioner had the burden to rebut the presumption of legal debt, and the signatures on the cheques were acknowledged as hers. The defense evidence was deemed not credible and failed to challenge the presumption under Sections 118 and 139. The findings of the trial and appellate courts were affirmed, with no issues identified in the judgments.

SARWANI DEVI VS STATE OF NCT OF DELHI [CRL.M.C.-2222/2021]

Judges: Justice Anoop Kumar Mendiratta

The Magistrate cannot summon the petitioner 'SD' under Section 323 IPC based on a supplementary charge-sheet, as this would be an impermissible review of a prior decision not to summon the petitioner. Summons of additional accused under Section 319 CrPC requires fresh or additional evidence arising during the trial, not evidence previously considered. The summoning order and dismissal of the revision petition were deemed an abuse of the court's process.

SATYA PRAKASH SHRIVASTAV & ORS. VS THE STATE (GOVT OF NCT OF DELHI) & ANR. [CRL.M.C.-585/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code has been quashed due to an amicable settlement between the parties. The marriage between petitioner no. 1 and respondent no. 2 has been dissolved by mutual consent, and the remaining balance amount has been paid to the respondent. Both the State and respondent no. 2 have expressed no objection to the quashing of the FIR, leading to the conclusion that no useful purpose would be served by keeping the case pending.

SATYAM BHATI AND ORS VS STATE AND ANR [W.P.(CRL)-2140/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, 377, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage of petitioner no. 1 and respondent no. 2 had been dissolved under Section 13B(2) of the Hindu Marriage Act, 1955. Respondent no. 2 confirmed the settlement occurred without any coercion and stated that no further issues required adjudication. The case was deemed an abuse of process if allowed to continue.

SAURABH GUPTA AND ORS VS THE STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-6343/2024]

Judges: Justice Anoop Kumar Mendiratta

Criminal proceedings against Saurabh Gupta and others were quashed due to amicable settlement of disputes. The marriage between petitioner no. 1 and respondent no. 2 was dissolved by mutual consent, and the petitioners paid the agreed settlement amount. The resolution of the matter indicated that continuing the proceedings would be an abuse of process, with low chances of conviction. Consequently, the FIR and related proceedings were dismissed.

SAURABH SHARMA @ CHOTU VS STATE & ANR. [CRL.M.C.-1559/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and criminal proceedings against the petitioner under various IPC sections and the POCSO Act were quashed due to an amicable settlement, as the petitioner and the respondent are now married with a child. Continuation of the proceedings was deemed an abuse of the process.

SAWAN KHOKHAR & ORS. VS STATE & ANR. [W.P.(CRL)-3007/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Sections 498A/406/34 IPC against the petitioners was quashed due to an amicable settlement between the parties, who confirmed the dissolution of marriage by mutual consent. The settlement was reached without any threat or coercion, making further proceedings unnecessary and an abuse of the process.

SAYAM TANEJA & ORS. VS THE STATE (N.C.T. OF DELHI) & ANR. [CRL.M.C.-7852/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and subsequent proceedings against the petitioners under Sections 324/34 IPC were quashed due to an amicable settlement between the parties. Serious offenses typically cannot be quashed even after settlement, but cases involving predominant civil disputes or minor incidents may be eligible if the likelihood of conviction is low and further proceedings would be an abuse of the process. Instead of imposing costs, the petitioners were directed to plant 50 saplings each near the police station, with maintenance responsibilities assigned to the authorities.

SEEMA SHARMA & ORS. VS STATE GOVT. OF NCT OF DELHI & ORS. [CRL.M.C.-3265/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 406 and 420 of the Indian Penal Code was quashed due to amicable settlement of disputes arising from chit fund transactions. It was noted that while serious offenses cannot be quashed, minor disputes can be if resolved without coercion. Given the low chances of conviction and potential abuse of process from continued proceedings, the FIR and related actions were quashed.

SH AMAN KUMAR & ORS. VS THE STATE OF NCT OF DELHI & ANR. [CRL.M.C.-4617/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A/406/354A/34 IPC was quashed due to an amicable settlement between the parties and the dissolution of marriage by mutual consent. The low chances of conviction and the nature of the offenses indicated that continuing the proceedings would abuse the legal process.

SH ANMOL MEHTA AND ANR VS THE STATE (NCT OF DELHI) AND ANR [CRL.M.C.-8390/2024]
Judges: Justice Anoop Kumar Mendiratta
Petitioners Sh Anmol Mehta and another successfully quashed an FIR under Sections 323/354/509/34 IPC, as the matter was amicably settled with no further grievances from the respondent. The continuation of proceedings was deemed an abuse of the process, leading to the quashing of the FIR and associated proceedings.

SH DAYA KISHAN & ORS. VS THE STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-226/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage between the petitioner no. 1 and respondent no. 2 has been dissolved by mutual consent, and the respondent no. 2 has no objection to the FIR being quashed. The decision emphasizes that continuing the case would be an abuse of the legal process.

SH JATIN CHAUDHARY & ORS. VS STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-2179/2024]
Judges: Justice Anoop Kumar Mendiratta
The petition filed by Sh. Jatin Chaudhary and others to quash the FIR under Sections 498A/406/34 of the Indian Penal Code was allowed after it was established that the parties had amicably settled the matter, including the dissolution of marriage and completion of the financial settlement. Both the State Government and the respondent had no objections to quashing the FIR. Continuing the case was deemed unnecessary and an abuse of process.

SH LUCKY GARG & ORS. VS THE STATE (GOVT OF NCT DELHI) & ANR. [W.P.(CRL)-2090/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A, 406, and 34 IPC was quashed due to an amicable settlement between the parties. The marriage was dissolved by mutual consent, and the petitioners paid Rs. 5 lakh to the respondent. The continuation of the case was deemed unnecessary and an abuse of process, as the settlement occurred without any coercion.

SH NAVED KHAN VS THE STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-5495/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Section 420 of the Indian Penal Code was quashed after the parties reached an amicable settlement, with the petitioner paying the full settlement amount. Continuing criminal proceedings was deemed an abuse of process. The petitioner was directed to plant 50 Neem/Jamun trees near the police station, with responsible authorities tasked with their upkeep.

SH RAJ KAMAL GUPTA & ORS. VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-6297/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition under Section 482 of the Code of Criminal Procedure was allowed, leading to the quashing of FIR No. 0118/2021 related to Sections 498A/406/34 of the Indian Penal Code. The parties reached an amicable settlement and dissolved their marriage by mutual consent under the Hindu Marriage Act. The continuation of the case was deemed unnecessary and potentially an abuse of process, with low chances of conviction due to the settlement.

SH RAJAN & ORS. VS THE STATE NCT OF DELHI AND ANR. [CRL.M.C.-945/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under IPC Sections 498A, 406, and 34, and Section 4 of the Dowry Prohibition Act, 1961, was quashed due to an amicable settlement between the parties. The marriage between petitioner No. 1 and respondent No. 2 was dissolved by mutual consent, and the remaining settlement amount was paid. Both the State and respondent No. 2 expressed no objection to quashing the FIR, and continuation of the case was deemed an abuse of the court's process.

SH RAVI KANT & ORS. VS GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-7624/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR registered under Sections 498A/406/34 of the Indian Penal Code against Sh Ravi Kant & others was quashed after the parties reached an amicable settlement and dissolved their marriage by mutual consent. The balance of the settlement amount was also paid during proceedings. The continuation of the case was deemed an abuse of process due to the low likelihood of conviction.

SH VIKASH & ORS. VS THE STATE (NCT OF DELHI) & ANR. [CRL.M.C.-1423/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0569/2015, filed under Sections 498A, 406, and 354A of the IPC, was quashed after the parties reached an amicable settlement. The marriage was dissolved by mutual consent, and the balance amount was paid to the respondent. It was noted that keeping the case pending would abuse the court process, as the matter was resolved voluntarily without any coercion, with no objections from the State and the respondent.

SH. AMANDEEP SINGH ANDORS VS THE STATE [CRL.M.C.-1674/2024]

Judges: Justice Anoop Kumar Mendiratta

The dispute between Amandeep Singh and others and the complainant has been amicably settled, with the remaining settlement amount paid. As a result, the FIR under Sections 498A, 406, 34, and 377 of the Indian Penal Code and the related proceedings are quashed.

SH. BALBIR VS THE STATE GOVERNMENT OF NCT OF DELHI & ANR. [W.P.(CRL)-1749/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against Balbir under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties, evidenced by a Memorandum of Understanding dated 24.05.2024. The petitioner and the complainant are now living together happily, and the state prosecutor did not object to the quashing. Continuing the case was deemed an abuse of court process, given the low likelihood of conviction following the settlement.

SH. CHANDER PRAKASH VS THE STATE NCT OF DELHI AND ANR. [W.P.(CRL)-2134/2024]
Judges: Justice Anoop Kumar Mendiratta
FIR No. 0578/2022, registered under Sections 354/354(A)/506 IPC, can be quashed due to an amicable settlement between the parties. The dispute mainly stemmed from differences that arose following the suicide of the petitioner's son, and the respondent expressed no further grievances post-settlement. The case lacked elements of heinous offenses, and continuing proceedings would constitute an abuse of process. Therefore, the FIR and related proceedings were quashed.

SH. IMRAN KHAN AND ORS VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-5039/2024]
Judges: Justice Anoop Kumar Mendiratta
Imran Khan and others successfully petitioned to quash an FIR filed against them under Sections 498A, 406, and 34 of the Indian Penal Code. The disputes between the parties were amicably settled, resulting in a divorce decree and full payment of the remaining amount owed to the wife. The continuation of the case was deemed an abuse of the court's process, leading to the quashing of the FIR and related proceedings.

SH. MAGANJEET SINGH KHARA @ SUNDER & ORS. VS STATE & ANR. [CRL.M.C.-2235/2024]
Judges: Justice Anoop Kumar Mendiratta
An FIR against the petitioners under Sections 323/341/506/509/354/34 IPC was quashed due to an amicable settlement between the parties over a boundary wall dispute. The respondent expressed no objection to quashing the FIR. The nature of the offenses and the settlement indicated that continuing the proceedings would be an abuse of process, with remote chances of conviction. Consequently, the FIR and related proceedings were quashed.

SH. MANISH SONI AND ORS VS STATE (GOVT. OF NCT OF DELHI) AND ANR. [W.P.(CRL)-1062/2024]
Judges: Justice Anoop Kumar Mendiratta
An FIR under Sections 506 and 509 of the Indian Penal Code was quashed against the petitioners due to the matter stemming from matrimonial disputes that have been amicably settled. Continuing proceedings in such cases would amount to an abuse of the court's process, and no useful purpose would be served. The nature and gravity of the offense were considered alongside its societal impact.

SH. MEHUL SIROHI & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-6605/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under various sections of the IPC and the Dowry Prohibition Act was quashed due to an amicable settlement between the parties. The petitioner and respondent No. 2 obtained a divorce by mutual consent, and the respondent received Rs. 5,00,000. Both parties confirmed the settlement occurred without threat, pressure, or coercion. The continuation of the case was deemed an abuse of process, with low chances of conviction given the settlement.

SH. MOHD HAMZA SHAGIL VS THE STATE OF N.C.T OF DELHI & ANR. [W.P.(CRL)-2568/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Mohd Hamza Shagil, registered under Sections 78/79/351(3) of the Bharatiya Nyaya Sanhita, 2023, can be quashed. The petitioner and the respondent, who were in a relationship, faced an FIR after their marriage did not materialize. They have since amicably settled the dispute through a Settlement Deed dated 12.08.2024. Given this settlement, maintaining the case would serve no useful purpose and would constitute an abuse of the court's process. The FIR and related proceedings are quashed.

SH. PAWAN GARG & ANR. VS STATE GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-5540/2024]

Judges: Justice Anoop Kumar Mendiratta

The matrimonial dispute between Sh. Pawan Garg and the complainant has been amicably settled, resulting in the dissolution of their marriage by mutual consent. Continuing the criminal proceedings under Sections 498A/34 of the Indian Penal Code would serve no useful purpose, as the chances of conviction are minimal. Therefore, the FIR has been quashed due to the settlement between the parties.

SH. RISHABH KHANDELWAL VS THE STATE GOVT. OF NCT OF DELHI AND ANR. [W.P.(CRL)-139/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Rishabh Khandelwal for Sections 406 and 420 of the Indian Penal Code was quashed after the parties reached a settlement. Continuing the proceedings was deemed an abuse of the court's process due to Khandelwal expressing remorse, having a clean past record, and the complainant's lack of further grievance following the settlement.

SH. SONU KUMAR & ORS. VS THE STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-2343/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage dispute was resolved, and the couple has been living together since January 2022. The complainant confirmed that there was no threat or coercion involved in the settlement and expressed no objection to quashing the FIR. It was concluded that continuing the case would serve no useful purpose and would abuse the court's process.

SH. VIJAY KUMAR JAIN VS STATE NCT OF DELHI AND ANR [W.P.(CRL)-2313/2024]

Judges: Justice Anoop Kumar Mendiratta

Criminal proceedings against the petitioner under Sections 288 and 338 of the Indian Penal Code were quashed due to an accidental injury to a laborer on the petitioner's premises. The parties amicably settled the dispute, with the petitioner providing compensation to the laborer. Continuing the proceedings was deemed an abuse of process, as the prospects of conviction were low given the settlement.

SH. VIPIN AND ORS VS THE STATE (GOVT. OF NET OF DELHI THROUGH SHO PS-DWARKA SOUTH AND ANR [W.P.(CRL)-1839/2024]

Judges: Justice Anoop Kumar Mendiratta

The parties amicably settled their disputes, including obtaining a divorce decree by mutual consent and paying the remaining balance amount. Continuing the criminal proceedings was deemed unnecessary and an abuse of the court's process, leading to the quashing of the FIR registered under Sections 498A, 406, and 34 IPC.

SHAILENDER SHARMA & ORS. VS STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-8772/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code has been quashed due to an amicable settlement between the parties. The petitioners, previously married, have dissolved their marriage by mutual consent under the Hindu Marriage Act. The parties confirmed that the settlement was reached without any threat or coercion. Continuing the prosecution serves no useful purpose, and thus the FIR and related proceedings have been quashed.

SHANKAR VS STATE OF NCT OF DELHI [BAIL APPLN.-1376/2024]

Judges: Justice Anoop Kumar Mendiratta

Bail applications for Shankar, Mohd. Arif Khan @ Kale, and Anwar Hussain @ Kasim @ Raju Bechain were dismissed due to sufficient evidence linking them to a shooting incident, including witness statements, CDR records, and weapon recovery. Concerns were raised about the potential influence on witnesses if bail were granted. Although forensic evidence did not directly connect the recovered weapon to the crime, it was noted that the accused might have concealed or destroyed the actual weapon used. Overall circumstances indicated no grounds for bail.

SHEESHPAL VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-2540/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and proceedings against Sheeshpal under Sections 279 and 337 of the Indian Penal Code were quashed. The case involved a minor incident that was amicably settled, with the petitioner compensating the victim. The absence of prior offenses and the unlikely prospect of conviction contributed to the decision, as continuing the proceedings would cause undue hardship to the accused.

SHIV RAJ DEDHA & ORS. VS STATE OF NCT OF DELHI THROUGH STATION HOUSE OFFICER & ORS. [CRL.M.C.-4026/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Sections 323/341/506/34 IPC against the petitioners can be quashed as the dispute arose from college elections and a festival, with the injuries being simple. The parties have amicably settled the matter without threat or coercion. Continuing the proceedings would serve no useful purpose and would amount to an abuse of the court's process.

SHIVAM DEWAN & ORS. VS THE STATE & ANR. [W.P.(CRL)-1102/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 428/2022 under Sections 498A/406/34 IPC was quashed as the parties had amicably settled their disputes. The marriage had been dissolved by mutual consent under the Hindu Marriage Act, and the financial settlement was completed. Continuing the case would serve no useful purpose and would constitute an abuse of the process.

SHIVAM GUPTA VS STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-7820/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition to quash the FIR and criminal proceedings under Sections 279/337/338 IPC was allowed due to an unintentional accident and an amicable settlement between the parties, with the victim compensated. The inherent powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, were invoked, emphasizing that continuation of proceedings in minor incidents with settled disputes would lead to abuse of court processes. The FIR and criminal proceedings were quashed.

SHREE KRISHAN & ORS. VS THE STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-5503/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A/406/506/34 of the IPC has been quashed due to an amicable settlement evidenced by a Settlement Deed dated 15.03.2023. The petitioners and the respondent are now residing together, and the likelihood of conviction is considered bleak, making further proceedings unnecessary and an abuse of process.

SHREYAS TIWARI & ORS. VS THE STATE NCT OF DELHI & ANR. [CRL.M.C.-2020/2024]
Judges: Justice Anoop Kumar Mendiratta
A petition to quash an FIR under Sections 498A/406/354D/34 IPC was allowed based on an amicable settlement between the parties and the mutual consent dissolution of marriage. Serious offences cannot be quashed despite settlement; however, cases with a predominant civil dispute element can be, especially when the likelihood of conviction is low and the accused have no prior involvement. Continuing proceedings would be an abuse of process, leading to the quashing of the FIR and related proceedings.

SHRI ARUJ SETH & ORS. VS STATE (NCT. OF DELHI) THROUGH SHO PS. TILAK NAGAR & ANR. [CRL.M.C.-7628/2024]
Judges: Justice Anoop Kumar Mendiratta
The petitioners' request to quash the FIR under Sections 498A/406/34 of the Indian Penal Code was granted due to an amicable settlement of the matrimonial dispute, which included a mutual consent divorce and payment of the remaining settlement amount. The continuation of the case was deemed unnecessary and an abuse of process, with minimal chances of conviction given the settlement.

SHRI BHAGWAN AND ORS. VS STATE NCT OF DELHI AND ORS [CRL.M.C.-7769/2024]
Judges: Justice Anoop Kumar Mendiratta
The petition by Shri Bhagwan & Ors. to quash FIR No.0168/2016, registered under Sections 323/354/509 IPC, was accepted due to an amicable settlement between the parties, who had no objection to the quashing. The case was noted to have low chances of conviction, leading to the quashing of the FIR. The petitioners were instructed to plant 10 saplings each of Neem/Jamun trees near the police station and submit a compliance report.

SHRI BHAGWAN ALIAS BHOKAD AND ORS. & ORS. VS STATE GOVT. OF NCT OF DELHI AND ORS. & ORS. [CRL.M.C.-7761/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR and proceedings against the petitioners under Sections 323/354/506/509/34 IPC were quashed following an amicable settlement between the parties. Serious offences involving mental depravity cannot be quashed despite settlement; however, offences with a predominant civil dispute element can be if the parties have resolved the matter. The petitioners had no prior involvement, and the likelihood of conviction was low. Continuing the proceedings would constitute an abuse of the process. The petitioners were required to plant 10 saplings each as a condition for the quashing of the FIR.

SHRI NAVEEN AND OTHERS VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-421/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR registered under Sections 489A/406/34 IPC against the petitioners was quashed due to an amicable settlement between the parties. The marriage between the first petitioner and the second respondent was dissolved by mutual consent, with assurance that the resolution was reached without any threat or coercion. Continuing the proceedings was deemed unnecessary and an abuse of process.

SHRI RAHUL VERMA & ORS. VS STATE OF DELHI AND ORS. [CRL.M.C.-3077/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners successfully quashed an FIR under Sections 498A, 406, and 34 of the Indian Penal Code after demonstrating that the disputes had been amicably resolved and their marriage had been dissolved by mutual consent. Both the State and the respondent expressed no objection to quashing the FIR, and the parties confirmed the settlement was reached without coercion. The case was deemed an abuse of the court's process, leading to the quashing of the FIR and related proceedings.

SHRI RANDIP SINGH VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-6206/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Sections 420 and 174A IPC was quashed after the parties amicably settled their dispute over the non-allotment of a flat. The involvement of a predominant civil dispute allowed for quashing, considering the remote chances of conviction and the potential abuse of process. Instead of imposing costs, the petitioner was directed to plant 50 Neem tree saplings near the local police station to promote harmony between the parties.

SHRI SHIV SHANKAR VS STATE THROUGH SHO PS KRISHNA NAGAR & ANR. [CRL.M.C.-1571/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Sections 323/354B of the Indian Penal Code was quashed due to an amicable settlement between the closely related parties. A settlement deed was entered into, and there was no objection from the state or the respondent regarding the quashing. Interaction with the parties confirmed that the matter was resolved without any threat, pressure, or coercion.

SHRI TUSHAR & ORS. VS STATE (GOVT. OF NCT OF DELHI) & ANR. [CRL.M.C.-384/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to the dissolution of the marriage between petitioner no. 1 and respondent no. 2 by mutual consent. The parties had reached an amicable settlement, with the petitioners paying the remaining amount to the respondent. The resolution without coercion indicated that continuing the case would abuse the court's process.

SHYAM SINGH AND ANOTHER VS STATE OF N.C.T. OF DELHI AND OTHERS [CRL.M.C.-2637/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition filed by Shyam Singh and another to quash the FIR under Sections 307/201/34 IPC for attempt to murder was dismissed. The nature of the victim's injuries and the medical report indicated that the offense was established. Despite a settlement and compensation for the injured party, these factors were insufficient to quash the proceedings, as doing so could encourage further criminal acts and threaten societal welfare.

SIDDARTH GOYAL & ORS. VS STATE NCT OF DELHI AND ANR [W.P.(CRL)-2562/2024]

Judges: Justice Anoop Kumar Mendiratta

The writ petition filed by Siddarth Goyal and others resulted in the quashing of the FIR registered against them under Sections 498A/406/34 of the Indian Penal Code. The matrimonial dispute between the parties had been amicably settled, leading to a mutual consent divorce and a settlement amount of Rs. 7,00,000 paid to the respondent. The circumstances indicated that allowing the case to continue would constitute an abuse of the process, with low chances of conviction due to the settlement.

SIDDHARTH KUMAR VS ENFORECEMENT DIRECTORATE [BAIL APPLN.-1839/2023]

Judges: Justice Anoop Kumar Mendiratta

The bail application of Siddharth Kumar was dismissed due to insufficient evidence suggesting his innocence regarding offenses under the Prevention of Money Laundering Act. The seriousness of the economic offenses, involving the diversion of Rs.3035.52 crores in public funds, and the prior denial of bail for co-accused Tarun Kumar, influenced the decision. The necessary conditions for granting bail under Section 45 of the PMLA were not satisfied.

SILKY SONI VS STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-1707/2021]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Sections 498A/406/377/34 IPC was quashed after the parties reached an amicable settlement. The marriage between Shaminder Pal Asija and respondent no. 2 was dissolved by mutual consent, and continuing the criminal proceedings would constitute an abuse of the process of the court. The FIR and related proceedings were ordered to be quashed due to the settlement.

SMT. NISHA DEVI VS SHRI GUR KIRPAL SINGH @ GUDDU, [CRL.M.C.-792/2021]

Judges: Justice Anoop Kumar Mendiratta

The settlement recorded on November 9, 2020, was valid and binding on the parties, established as lawful and voluntarily entered into by the accused without coercion. The dismissal of the complainant's application for issuance of a warrant of attachment and contempt proceedings for breach of the settlement was incorrect. The trial court is directed to reconsider the complainant's application in accordance with the law.

SNEH LATA & ORS. VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-855/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under various sections of the Indian Penal Code was quashed due to an amicable settlement between the parties and the dissolution of marriage between petitioner No.1 and respondent No.2. The case was deemed to involve a civil dispute, and the likelihood of conviction was considered remote. Continuing proceedings would cause undue oppression to the accused. As an alternative to costs, the petitioners were directed to plant 50 saplings in local parks.

SOMNATH PAL VS STATE NCT OF DELHI AND ANR [CRL.M.C.-6135/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioner's FIR under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties, who had obtained a mutual consent divorce decree. The State did not object to the quashing, and continuing the case would be an abuse of process with little chance of conviction.

SONU VS STATE & ORS. [CRL.M.C.-2485/2021]

Judges: Justice Anoop Kumar Mendiratta

The petitioner's plea to quash the FIR under Sections 354A, 354D, and 509 of the Indian Penal Code and Section 8 of the POCSO Act was accepted, as the matter had been amicably settled between the parties, who are adults. Continuation of the proceedings was viewed as an abuse of the legal process, with minimal chances of conviction noted. Additionally, the petitioner, having no prior criminal record, was directed to plant 10 saplings in Ranjit Nagar instead of paying costs.

SONU VS THE STATE NCT OF DELHI AND ANR [W.P.(CRL)-2752/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR and criminal proceedings under Sections 279/338 IPC were quashed due to an amicable settlement between the parties. The offender and victim resolved their dispute, mitigating the likelihood of conviction. Compensation was provided to the victim, and the intention to conclude the matter was established. Instead of imposing costs, the petitioner was directed to plant 25 Jamun tree saplings as a remedial measure.

SONU KUMAR @ SONU MEHTA & ORS. VS STATE & ANR. [CRL.M.C.-1984/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR No. 0071/2018 under Sections 498A/406/323/34 IPC was quashed due to the dissolution of the marriage between the petitioner and respondent by mutual consent and the amicable settlement of remaining disputes. Continuing the case was deemed unnecessary and an abuse of process.

SONU KUMAR@ SOHAN@ ORS VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-6793/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. It was noted that continuing the case would serve no useful purpose and would constitute an abuse of process, as the likelihood of conviction was minimal given the settlement.

SONU SHARMA AND OTHERS VS THE STATE AND ANOTHER [CRL.M.C.-1857/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties, who had been living together for a year. There was no objection from the State, and all parties, including the complainant, confirmed the settlement occurred without any coercion. It was noted that keeping the case pending would be an abuse of the court's process.

SOURABH SHARMA & ORS. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-7563/2024]
Judges: Justice Anoop Kumar Mendiratta
The petitioners, Sourabh Sharma and others, successfully quashed an FIR against them for Sections 498A, 406, 506, and 34 of the Indian Penal Code. The matrimonial dispute had been amicably settled, with a mutual consent divorce. Continuing the proceedings was deemed an abuse of process due to the low likelihood of conviction, leading to the quashing of the FIR and associated proceedings.

STATE VS ANISH [CRL.L.P.-305/2022]
Judges: Justice Anoop Kumar Mendiratta
The state's petition challenging the acquittal of the respondent for stalking, criminal intimidation, and common intention was dismissed due to insufficient evidence. The prosecution did not provide specific details or concrete evidence regarding the alleged incidents, including the identity of an involved child and the timing of events. The lack of adequate proof led to upholding the acquittal and granting the benefit of doubt to the respondent.

STATE VS AMIT GAUTAM [CRL.L.P.-282/2022]
Judges: Justice Anoop Kumar Mendiratta
Amit Gautam was convicted under Section 304 Part-II of the Indian Penal Code. The incident involved injuries and lacked premeditation or weapon use, indicating he had knowledge that his actions could likely cause death but did not intend to cause death or serious injury. The petition from the State was dismissed, maintaining the conviction under Section 304 Part-II.

SUBHASH KUMAR YADEV VS THE STATE GOVT. OF NCT OF DELHI & ANR. [BAIL APPLN.-735/2024]
Judges: Justice Anoop Kumar Mendiratta
Bail was granted to Subhash Kumar Yadav in an FIR under Sections 20/61/85 of the NDPS Act. The evidence against him consisted solely of ticket bookings made through his mobile for other accused, while no evidence linked him to the recovery of Ganja from an unclaimed trolley bag. He had been in custody since October 16, 2023, and the possibility of influencing witnesses was deemed unlikely, as the recovery relied on official testimony. Bail was granted with certain conditions.

SUBHASH SHARMA VS THE STATE & ANR. [CRL.M.C.-2788/2024]
Judges: Justice Anoop Kumar Mendiratta
The petition by Subhash Sharma to quash the FIR under Sections 498A/406/34 of the Indian Penal Code was permitted, as the parties reached an amicable settlement, including a mutual consent divorce. The State prosecutor did not object, and it was concluded that continuing the case would serve no useful purpose, leading to the quashing of the FIR and associated proceedings.

SUDHIR KUMAR VS STATE NCT OF DELHI AND ANR [CRL.M.C.-4664/2024]
Judges: Justice Anoop Kumar Mendiratta
The petition to quash the FIR under Sections 498A, 406, and 34 of the Indian Penal Code was allowed due to an amicable settlement between the parties, who also dissolved their marriage by mutual consent. The petitioner paid the balance amount owed to the respondent, who expressed no objection to quashing the FIR. It was concluded that keeping the case pending served no useful purpose, and quashing the FIR would not abuse the court's process.

SUJATAN K. S. VS M/S APPOLO CRANES PVT LTD & ORS. [CRL.M.C.-8292/2024]
Judges: Justice Anoop Kumar Mendiratta
The petition challenging the summoning order in a Section 138 Negotiable Instruments Act case was dismissed. The complaint was re-filed within the 30-day period in accordance with established legal precedent, and the provisions of the Negotiable Instruments (Amendment) Act, 2015, were deemed applicable. The petitioner's arguments based on separate judgments were rejected, as the case was fully covered by the relevant Supreme Court ruling. A connected petition was also dismissed.

SUJIT KUMAR SINGH VS DIRECTOR GENERAL OF PRISONS, GOVT. OF NCT OF DELHI [W.P.(CRL)-748/2024]
Judges: Justice Anoop Kumar Mendiratta
The delay in releasing the petitioner on interim bail, despite a previous order, was deemed unjustified and contrary to the purpose of bail. Practical challenges in verifying surety bonds were recognized, but the delay should not exceed a reasonable period, ideally one day. The Commissioner of Police and Director General (Prisons) were instructed to expedite the verification of local surety bonds without unnecessary objections to protect the rights of prisoners and sureties, emphasizing the importance of timely release in relation to the fundamental right to liberty.

SUKHVIDNER AND ORS VS THE STATE OF NCT OF DELHI AND ANRS [CRL.M.C.-2771/2024]
Judges: Justice Anoop Kumar Mendiratta
The dispute between the petitioners and respondent no. 2 was amicably settled, with the marriage dissolved by mutual consent and the remaining balance amount paid. Keeping the case pending would serve no useful purpose, leading to the quashing of FIR No. 0083/2021 under Sections 498A/406/34 of the Indian Penal Code and related proceedings.

SUKHVINDER SINGH AND ORS VS THE STATE (SHO PS BINDAPUR) [CRL.M.C.-6871/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners' request to quash the FIR filed against them under Sections 498A/406/34 IPC was accepted due to an amicable settlement between the parties and the dissolution of the marriage by mutual consent. It was concluded that continuing the case would serve no useful purpose and the likelihood of conviction was minimal, leading to the quashing of the FIR and associated proceedings.

SUMAN KUMAR & ORS. VS THE STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-8149/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR under Sections 498A/406/34 IPC was quashed after the involved parties agreed to settle their disputes amicably and were living separately by mutual consent. It was noted that keeping the case pending would serve no useful purpose and that the likelihood of conviction was minimal due to the settlement.

SUMAN VIJAY VS STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-2857/2024]

Judges: Justice Anoop Kumar Mendiratta

Criminal proceedings against a teacher under Sections 323/506 IPC and Section 23 of the Juvenile Justice (Care and Protection of Children) Act, 2000 were quashed due to an amicable settlement with the complainant, the child's mother. The lack of evidence and delays in recording the child's statement indicated low chances of conviction. The case involved a minor incident not intended to cause harm, and continuing the proceedings would be an abuse of process. Consequently, the FIR and related proceedings were quashed.

SUMIT & ORS. VS THE STATE NCT OF DELHI & ANR. [CRL.M.C.-1681/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406, and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The State did not oppose the quashing, and the respondent confirmed that no further matters were to be adjudicated. The interaction showed the settlement was reached without coercion, leading to the conclusion that continuing the case would abuse the court's process.

SUMIT BASOYA & ORS. VS THE STATE (NCT OF DELHI) & ANR. [CRL.M.C.-6802/2024]

Judges: Justice Anoop Kumar Mendiratta

Two FIRs (no. 14/2020 and no. 76/2021) filed against the petitioners for assault, cruelty, and criminal breach of trust were quashed due to a mutual settlement between the parties. The offenses were deemed not serious, and the parties resolved their matrimonial issues, including the dissolution of marriage by mutual consent. Continuing the criminal proceedings would be an abuse of process, as the likelihood of conviction was minimal and no useful purpose would be served by keeping the cases pending.

SUMIT BHATIA & ANR. VS STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-1774/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 633/2021 under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties. The petitioner and respondent were living together happily, and continuing the case would be an abuse of process. The petition filed under Section 482 of the Code of Criminal Procedure was disposed of.

SUMIT CHHIKARA & ORS. VS STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-3898/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition filed under Section 482 Cr.P.C. was allowed to quash the FIR registered under Sections 498A/406/34 IPC. The matrimonial disputes had been settled amicably, and the marriage was dissolved by mutual consent. As a result, keeping the case pending served no useful purpose and was deemed an abuse of the process, leading to the quashing of the FIR and related proceedings.

SUMIT MAGGU VS STATE N C T OF DELHI AND ANR [CRL.M.C.-2689/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR and criminal proceedings against the petitioner under Sections 287/337 IPC were quashed due to the accidental nature of the complainant's injuries and an amicable settlement, including compensation. Continuing the proceedings would constitute an abuse of process. The petitioner was instructed to plant 50 saplings in the local area and submit a report.

SUMIT VS THE STATE OF GOVT OF NCT OF DELHI AND ANR [W.P.(CRL)-504/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner for theft under Section 380 IPC was quashed due to an amicable settlement between the parties. The likelihood of conviction was deemed remote, and continuing the proceedings was considered an abuse of the process. With the respondent's lack of objection to the quashing, it was concluded that no useful purpose would be served by keeping the case pending.

SUNIL ALIAS SONU AND OTHERS VS THE STATE OF NCT OF DELHI AND ANR. [W.P.(CRL)-2030/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A, 406 and 34 of the Indian Penal Code was quashed due to an amicable settlement between the parties and the dissolution of the marriage by mutual consent. Continuing the proceedings was deemed unnecessary and an abuse of process. The petitioners and the respondent confirmed the settlement occurred without any coercion, and the respondent had no objection to quashing the FIR.

SUNIL VS STATE & ANR. [CRL.M.C.-5383/2024]

Judges: Justice Anoop Kumar Mendiratta

FIRs registered under Sections 308 and 323 of the Indian Penal Code can be quashed due to an amicable settlement between the parties. The injuries sustained were deemed simple, making the likelihood of conviction low. Continuing the proceedings would constitute an abuse of the legal process, leading to the quashing of the FIRs and related proceedings.

SUNNY ANAND & ORS. VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-2352/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR filed against the petitioners under Sections 498A/406/34 IPC has been quashed due to an amicable settlement between the parties. The marriage of petitioner no. 1 and respondent no. 2 has been dissolved by mutual consent under Section 13B(2) of the Hindu Marriage Act, with the remaining settlement amount paid to respondent no. 2. The settlement occurred without any threat or coercion, and keeping the case pending would be an abuse of the court's process.

SUNNY TIWARI AND ANR VS STATE OF NCT OF DELHI AND ANR [CRL.M.C.-635/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against Sunny Tiwari and Bobby Tiwari under Sections 308/34 of the Indian Penal Code was quashed following an amicable settlement with the complainant, Rajiv, who received compensation. The incident was deemed minor with no significant societal impact, leading to the conclusion that further proceedings would abuse the judicial process.

SURAJ SHARMA AND ORS VS STATE GOVT OF NCT OF DELHI AND ANR [W.P.(CRL)-2671/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 463/2022 under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties and the dissolution of their marriage by mutual consent. Keeping the case pending would serve no useful purpose and could be seen as an abuse of process, with low chances of conviction given the settlement.

SURAJ VS STATE (NCT OF DELHI) [CRL.A.-1073/2023]

Judges: Justice Anoop Kumar Mendiratta

Suraj was convicted under Section 308 of the Indian Penal Code for culpable homicide not amounting to murder. The testimony of the injured witness was deemed credible, despite partial support for the prosecution's case against co-accused. Evidence indicated that the assault was premeditated, and the injuries reflected Suraj's intention or knowledge to cause culpable homicide. The sentence of three years' rigorous imprisonment and a fine of R.S. 10,000 was considered appropriate given the severity of the offense.

SURESH & ORS. VS THE STATE(GOVT OF NCT OF DELHI) & ANR. [CRL.M.C.-3706/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0847/2015 was quashed along with the resulting proceedings under Sections 498A, 406, and 34 of the Indian Penal Code because the parties amicably settled their disputes, and their marriage was dissolved by mutual consent. Keeping the case pending served no useful purpose, and quashing the FIR did not abuse the process of the court.

SURESH BHATI AND ORS VS STATE AND ANR [CRL.M.C.-3648/2024]

Judges: Justice Anoop Kumar Mendiratta

The petition by Suresh Bhati and others to quash the FIR under Sections 498A, 406, 34 of the IPC and Section 4 of the Dowry Prohibition Act was allowed. The marriage between the petitioner and the respondent had been dissolved by mutual consent, and the parties reached an amicable settlement, including payment of the remaining amount to the respondent. Given these circumstances, keeping the case pending was deemed unnecessary.

TARUN SHARMA & ANR. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-5311/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Sections 498A/406/34 IPC was quashed due to the amicable settlement between the parties and the dissolution of the marriage by mutual consent. The petitioner paid the remaining balance amount to the respondent, and continuing the proceedings was deemed an abuse of the process of the court. No useful purpose would be served by keeping the case pending, leading to the quashing of the FIR and the proceedings.

UBESH RAZA VS STATE NCT OF DELHI AND ANR. [CRL.M.C.-3360/2024]

Judges: Justice Anoop Kumar Mendiratta

Criminal proceedings against Ubesh Raza were quashed due to an amicable settlement with the complainant. The offenses were deemed minor and personal in nature, with low chances of conviction. Continuing the proceedings would result in abuse of process and prejudice to the accused, who has a clean past record and was young at the time of the incident. The FIR and related proceedings were consequently quashed.

UDAY SINGTHA VS THE STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-368/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioner under Sections 498A/406/34 IPC and Section 4 of the DP Act was quashed due to an amicable settlement between the parties. The marriage was dissolved by mutual consent, and both the State government and respondent No. 2 did not oppose the quashing, indicating that continuing the case would constitute an abuse of process.

UDIT THAPAR & ORS. VS STATE GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-2628/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners successfully quashed FIR No. 0287/2020 under Sections 498A/406/34 of the Indian Penal Code, along with related proceedings, due to an amicable settlement and mutual consent for divorce. It was concluded that continuing the case would serve no useful purpose and would not abuse the court's process.

UMESH ALIAS SONU & ORS. VS THE STATE GOVT OF NCT DELHI & ANR. [CRL.M.C.-6220/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners (Umesh alias Sonu and others) successfully quashed an FIR against them under Sections 498A and 406 of the Indian Penal Code. The parties, who had previously lived separately, have since settled amicably and are residing together since 2012. Given the circumstances, the continuation of the case was deemed unnecessary, with low chances of conviction due to the settlement.

USHA KAUSHAL VS STATE OF NCT DELHI THROUGH S.H.O., P.S. TILAK NAGAR, DISTRICT WEST DELHI & ANR. [CRL.M.C.-7924/2024]

Judges: Justice Anoop Kumar Mendiratta

Criminal proceedings against the petitioner under Section 420 IPC were quashed following an amicable settlement between the parties. The petitioner compensated the complainant, and the case was deemed to involve primarily a civil dispute, making the likelihood of conviction remote. Continuing the proceedings was considered an abuse of the court's process. The petitioner was directed to plant 20 saplings as an alternative measure.

VAIBHAV AGGARWAL & ANR. VS STATE OF NCT DELHI & ANR. [CRL.M.C.-1869/2021]

Judges: Justice Anoop Kumar Mendiratta

The cancellation of the room booking by the co-founders and directors of 'Fab Hotels Anutham' caused harassment to the complainant, a lawyer, but the matter was amicably settled. Cancellation of bookings is typically based on contractual terms, with the defaulting party liable for liquidated damages. However, hotels may cancel bookings due to high demand. The issue of misrepresentation or fraudulent cancellation was not addressed as the complainant accepted a settlement offer of Rs. 1,41,604/-. The FIR under Section 406 of the Indian Penal Code against the petitioners was quashed in light of the settlement.

VARUN NAGPAL & ORS. VS STATE NCT OF DELHI AND ANR. [CRL.M.C.-1454/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitions filed by the husband, father-in-law, and relatives to quash multiple FIRs by the wife were allowed. The parties had amicably resolved their matrimonial dispute, with a mutual consent divorce underway and a settlement deed in place. Partial payment was made to the wife, and proceeding further was deemed an abuse of process. The FIRs, including those under IPC sections 498A, 406, 506, 376, and 377, were quashed, contingent on the payment of the remaining settlement amount to the wife.

VASEEM HUSAIN AND ORS. VS STATE NCT OF DELHI [W.P.(CRL)-653/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 089/2022, registered under Sections 498A, 406, and 34 of the Indian Penal Code against the petitioners, was quashed due to an amicable settlement between the parties. The case was deemed unnecessary to keep pending as it would constitute an abuse of the process, with both petitioners and respondent confirming the settlement was reached without any coercion, and the respondent expressed no objection to the quashing of the FIR.

VED PARKASH @ KUKU AND ORS VS THE STATE GOVT OF NCT AND ANR [CRL.M.C.-4538/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR against the petitioners under Sections 498A and 406 of the Indian Penal Code was quashed due to an amicable settlement between the parties, supported by a settlement agreement from the Family Counselling Centre. Neither the State government nor the respondent objected to the quashing, and it was determined that continuing the case would serve no useful purpose and would constitute an abuse of process.

VEERPAL @ TITU VS STATE [CRL.A.-223/2023]

Judges: Justice Anoop Kumar Mendiratta

Veerpal @ Titu's conviction for offences under Section 10 of the POCSO Act and Section 506 IPC was set aside due to insufficient proof beyond reasonable doubt. Significant contradictions and gaps in the victim's statements were noted, alongside the potential influence of animosity stemming from matrimonial disputes. The presumption of guilt under the POCSO Act was deemed inapplicable as foundational facts were not established, leading to a successful rebuttal by the defense. The appellant was acquitted and ordered to be released.

VIBHOR SAHAI & ORS. VS THE STATE GOVT NCT OF DELHI & ANR. [CRL.M.C.-1372/2024]

Judges: Justice Anoop Kumar Mendiratta

A petition was filed to quash an FIR under Sections 498A/406/34 of the Indian Penal Code related to a matrimonial dispute. The parties involved amicably settled the matter, dissolved their marriage by mutual consent, and confirmed that the remaining balance was paid. Both parties confirmed the resolution occurred without threats or coercion. Quashing the FIR and proceedings was deemed appropriate as it would not abuse the process of law.

VICKY AND ORS VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-3844/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners, Vicky and others, successfully quashed the FIR filed against them under Sections 498A/406/34 of the Indian Penal Code after the parties reached an amicable settlement, as confirmed by a Memorandum of Understanding. Both the State and the complainant did not oppose the request to quash the FIR. It was established that the settlement occurred without any threat or coercion, indicating that further proceedings would not serve any useful purpose. Consequently, the FIR and related proceedings were quashed.

VICKY CHADHA AND ANR VS THE STATE AND ANR [W.P.(CRL)-420/2024]
Judges: Justice Anoop Kumar Mendiratta
FIRs registered under Sections 394/34 IPC and 323/354/506/509 IPC can be quashed as the parties have amicably settled their dispute. Serious offences cannot be quashed due to settlement, but minor incidents or those with a civil dispute element can be if the parties confirm the settlement without coercion. The chances of conviction were deemed bleak, warranting the quashing of FIRs to prevent abuse of process. Petitioners are required to plant 25 saplings each in local parks as an alternative to costs.

VIJAY BAHADUR SINGH & ORS. VS STATE (GOVT. OF NCT OF DELHI) & ANR. [CRL.M.C.-2504/2021]
Judges: Justice Anoop Kumar Mendiratta
The FIR filed under Sections 498A/406/34 of the Indian Penal Code against Vijay Bahadur Singh and others was quashed after the parties confirmed that their disputes were amicably resolved and the marriage between petitioner No. 3 and respondent No. 2 had been dissolved by mutual consent. The matter was settled without any threat or coercion, making further proceedings an abuse of process.

VIJAY GUPTA AND ORS VS STATE AND ANR [CRL.M.C.-1181/2024]
Judges: Justice Anoop Kumar Mendiratta
An FIR under Sections 498A/406/34 IPC against the petitioners was quashed due to an amicable settlement between the parties. The petitioner No. 1 and the complainant have been living together since December 2017, with no objection from either the state prosecutor or the complainant regarding the FIR being quashed. The lack of further purpose in keeping the case pending justified quashing the FIR.

VIJAY KUMAR & ORS. VS STATE NCT OF DELHI AND ANR [CRL.M.C.-6836/2024]
Judges: Justice Anoop Kumar Mendiratta
A petition under Section 482 of the Code of Criminal Procedure was allowed to quash the FIR against the petitioners due to an amicable settlement between the parties, who no longer had grievances. The case involved primarily civil disputes or minor incidents, and the complainant/victim had been compensated. The prospects of a conviction were assessed as bleak, and the continuation of proceedings was deemed an abuse of the court's process. The FIR and all related proceedings were quashed.

VIJAY KUMAR AND ANR. VS STATE NCT OF DELHI AND ANR. [CRL.M.C.-5458/2024]
Judges: Justice Anoop Kumar Mendiratta
The petitioners, Vijay Kumar and another, successfully applied to quash an FIR registered against them under Sections 354/323/506/34 of the Indian Penal Code, based on a complaint that resulted from a monetary dispute. The parties amicably resolved the matter, with the complainant indicating no further grievance or objection to the quashing of the FIR. It was concluded that continuing the proceedings would constitute an abuse of the process of the court, leading to the FIR and associated proceedings being quashed.

VIJAY NAGAR & ORS. VS THE STATE (NCT OF DELHI) & ANR. [CRL.M.C.-4917/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The marriage of petitioner no. 1 and respondent no. 2 was dissolved by mutual consent, and the financial settlement was completed. Keeping the case pending was deemed an abuse of the process.

VIKAS CHAUDHARY & ANR. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-1733/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC is quashed due to amicable resolution of disputes. The marriage between petitioner no. 1 and respondent no. 2 has been dissolved via mutual consent, and the remaining balance amount has been paid in full settlement. Keeping the case pending serves no useful purpose, and quashing the FIR does not constitute an abuse of the legal process.

VIKAS CHHILLAR & ORS. VS THE STATE GOVT OF NCT OF DELHI & ANR. [W.P.(CRL)-3176/2024]

Judges: Justice Anoop Kumar Mendiratta

FIRs and criminal proceedings against the petitioners were quashed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, due to an amicable settlement between the parties. The offenses were deemed not serious, and the likelihood of conviction was low. Continued proceedings were considered an abuse of process, leading to the quashing of FIR No. 0004/2018 under Sections 308/341/34 IPC and FIR No. 0276/2018 under Sections 324/506/509 IPC. This involved two connected petitions.

VIKAS GUPTA AND OTHERS VS STATE OF N.C.T. OF DELHI AND ANOTHER [CRL.M.C.-6598/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed after the parties amicably settled their disputes. The marriage between petitioner No.1 and respondent No.2 was dissolved by mutual consent, with the petitioners paying Rs.12,70,000/- to respondent No.2. Continuing the case was deemed unnecessary and an abuse of the court's process, given the settlement and lack of objection from the State's counsel and respondent No.2.

VIKAS KOHLI & ORS. VS STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-6727/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners' request to quash FIR No. 582/2020 under Sections 498A/406/34 IPC was granted due to an amicable settlement. The marriage between petitioner No. 1 and respondent No. 2 was dissolved by mutual consent, and a payment of Rs. 22,00,000 was made to the respondent as a full and final settlement. The chances of conviction were considered bleak, leading to the conclusion that continuing the case would be an abuse of process.

VIKASH KUMAR JHA VS STATE & ANR. [CRL.M.C.-5190/2024]

Judges: Justice Anoop Kumar Mendiratta

FIRs under Sections 408 and 354/354A of the Indian Penal Code have been quashed due to the amicable settlement of disputes arising from employment. The continuation of proceedings was deemed an abuse of process, with remote chances of conviction. Serious offenses involving mental depravity cannot be quashed despite settlement, but those with dominant civil dispute elements or minor incidents may be considered for quashing when a compromise is reached.

VIKASH MISHRA AND ORS VS THE STATE GNCT OF DELHI [CRL.M.C.-3363/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 0578/2023 under Sections 323/325/341/506/34 IPC was quashed as the parties amicably settled the matter. The incident was regarded as a minor personal dispute, and continuing the proceedings would constitute an abuse of process, particularly with no prior criminal involvement of the petitioners. The legal provisions allowing for quashing of proceedings were deemed applicable due to the settled nature of the dispute and the offense's limited societal impact.

VIKRANT TOMAR AND OTHERS VS STATE OF NCT OF DELHI AND ANR [CRL.M.C.-5426/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act was quashed due to amicable settlement of disputes and dissolution of marriage by mutual consent. Both the State and the complainant had no objection to this decision. Continuing the case would constitute an abuse of the process of law.

VINAY KUMAR & ORS. VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-66/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to the dissolution of the marriage between petitioner No.1 and respondent No.2 by mutual consent, along with an amicable settlement between the parties. Both the State and respondent No.2 expressed no objection to quashing the FIR, and continuing the case was deemed an abuse of the judicial process.

VINAY NIRWAN & ORS. VS THE STATE (GNCT OF DELHI) THROUGH SHO, P.S. KALKAJI & ANR. [CRL.M.C.-1323/2024]

Judges: Justice Anoop Kumar Mendiratta

A petition under Section 482 of the Code of Criminal Procedure was granted to quash an FIR against the petitioners for Sections 498A/406/34 of the Indian Penal Code. The parties had amicably settled the matter through a Settlement Agreement and obtained a mutual consent divorce. The State expressed no objection to quashing the FIR, confirming that the settlement occurred without any pressure or coercion. Consequently, the FIR and related proceedings were quashed.

VINOD SHARMA & ORS. VS THE STATE & ANR. [CRL.M.C.-4827/2024]

Judges: Justice Anoop Kumar Mendiratta

FIR No. 167/2013 under Sections 498A/406/34 IPC was quashed due to an amicable settlement between the parties, evidenced by a Settlement Deed dated 18.03.2024. The respondent No. 2 expressed no objection to the FIR being quashed. Continuing the case was deemed unproductive and an abuse of process, as the likelihood of conviction was low given the resolution reached.

VIPIN AND ANR. & ORS. VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-2137/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 308/365/34 IPC has been quashed, with the observation that both the petitioners and the complainant are students with clean records. The incident was characterized as a minor dispute that has been amicably settled. In cases involving minor incidents and civil disputes where a settlement has been reached and the likelihood of conviction is low, criminal proceedings can be quashed to prevent abuse of the legal process. Previous judgments were referenced to support this conclusion.

VIPIN SAINI & ANR. VS STATE GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-1159/2024]

Judges: Justice Anoop Kumar Mendiratta

The petitioners successfully quashed the FIR against them under Sections 498A/406/34 of the Indian Penal Code after amicably settling the matter, with the marriage dissolved by divorce. The State expressed no objection to the quashing, and it was deemed that continuing the case would serve no useful purpose and would not constitute an abuse of process.

VIPUL BANSAL & ORS. VS STATE THROUGH SHO VIJAY VIHAR & ANR. [W.P.(CRL)-3260/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against the petitioners under Sections 498A/406/34 IPC was quashed due to an amicable settlement of the matrimonial dispute. A petition for dissolution of marriage by mutual consent was allowed, with confirmation that the settlement occurred without any threat or coercion. Given these circumstances, the continuation of the case was deemed unnecessary, and the likelihood of conviction was considered low.

VIPUL MEHTA AND ANR. VS THE STATE NCT OF DELHI AND ANR. [CRL.M.C.-3771/2024]
Judges: Justice Anoop Kumar Mendiratta
Two FIRs against Vipul Mehta and others under IPC Sections 506/509 and 498A/406/34 were quashed due to an amicable settlement between the parties. The disputes were deemed matrimonial in nature, with low chances of conviction and potential abuse of process if proceedings continued. As a measure of amends, the petitioners were directed to plant 50 saplings in local parks.

VISHAL NEHRA & ORS. VS THE STATE, GOVT. OF NCT OF DELHI & ANR. [W.P.(CRL)-2845/2024]
Judges: Justice Anoop Kumar Mendiratta
An FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The complainant expressed no objection to the quashing, and it was noted that continuing the case would likely constitute an abuse of process, considering the low chances of conviction. Compliance with the Settlement Deed dated 24.01.2024 was mandated for the respective parties.

VISHAL SHARMA AND ANR. VS STATE (GNCTD) & ANR. [CRL.M.C.-1820/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against Vishal Sharma and another under Sections 498A/406/34 IPC was quashed due to amicable resolution of disputes and mutual consent divorce. The State indicated no objection to this action, acknowledging that keeping the case pending would serve no useful purpose and would constitute an abuse of the process.

VISHAL SWARA & ANR. VS GOVT. OF NCT OF DELHI & ORS. [CRL.M.C.-1555/2021]
Judges: Justice Anoop Kumar Mendiratta
The disputes between the parties originated from a Share Purchase Agreement, with most issues settled except for a disagreement over a sum of Rs. 24,01,313/- received by the company after a Settlement Agreement. Given the nature of the offenses, continuing the criminal proceedings was deemed an abuse of process, leading to the quashing of the FIR and criminal proceedings, while directing the unresolved dispute over the sum to arbitration.

VISHNU VERMA AND ORS VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-7681/2024]
Judges: Justice Anoop Kumar Mendiratta
An FIR against the petitioners under Sections 498A, 406, 34 IPC and Section 4 of the Dowry Prohibition Act, 1961 was quashed due to an amicable settlement of the matrimonial dispute. The chances of conviction were deemed bleak given the settlement deed and dissolution of the marriage by mutual consent. Keeping the case pending was viewed as an abuse of the process.

VIVEK NARULA & ANR. VS THE STATE NCT OF DELHI AND ORS [CRL.M.C.-7542/2024]

Judges: Justice Anoop Kumar Mendiratta

Criminal proceedings against the petitioners under Sections 323/354/509/34 IPC can be quashed due to an amicable settlement between the closely related parties, with no objections from the respondents. The likelihood of conviction is minimal, and continuing the proceedings would constitute an abuse of process. The petitioners are directed to plant 50 neem/jamun saplings each in the local area, with the authorities responsible for their upkeep.

VIVEK SHARMA VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-86/2024]

Judges: Justice Anoop Kumar Mendiratta

Vivek Sharma filed a petition under Section 482 of the Code of Criminal Procedure to quash an FIR against him for Sections 324 and 341 of the Indian Penal Code. The matter was amicably settled, and his wife had no objection to quashing the FIR. Given the circumstances, the FIR and related proceedings were quashed to prevent an abuse of the legal process.

YASHASWINI MITTAL VS M/S SHRI TAPODHANI ALUMINIUM TRADING CO. THROUGH SH. NARENDER KUMAR JAIN & ORS. [CRL.M.C.-1176/2021]

Judges: Justice Anoop Kumar Mendiratta

Yashaswini Mittal's petitions, as accused No. 3 in complaints under Section 138/141 of the Negotiable Instruments Act, were dismissed due to maintainability issues, as earlier petitions were withdrawn with permission to raise pleas in the trial court. The analysis included the principles of vicarious liability, noting that the burden lies on the accused to prove lack of involvement in company affairs. Mittal was identified as an "Executive Director" and "Promoter" during the relevant time, with her actual role and responsibility to be assessed during the trial. The petitions could not be quashed at this stage.

YOGENDER AND ORS VS THE STATE NCT OF DELHI AND ANR. [CRL.M.C.-2292/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR against the petitioners under Sections 498A/406/34 of the Indian Penal Code has been quashed after the parties reached an amicable settlement. The petitioners paid Rs. 50,000 to the complainant as full and final settlement, and both parties confirmed the absence of threat or coercion. Resolving the dispute negates the need to keep the case pending, which would otherwise abuse the legal process.

YOGESH KUMAR KAAMRA VS STATE GNCT OF DELHI AND ANR. [CRL.M.C.-2290/2024]

Judges: Justice Anoop Kumar Mendiratta

An FIR against the petitioner under Sections 354/506/509 of the Indian Penal Code was quashed due to an amicable settlement between the parties. The incident involved a minor altercation over a payment or claim, lacking any intention to commit the alleged offenses. It was determined that continuing the proceedings would abuse the court's process, leading to the decision to quash the FIR and associated proceedings.

YOGESH AND ORS VS THE STATE GOVT OF NCT OF DELHI AND ANR [CRL.M.C.-3827/2024]

Judges: Justice Anoop Kumar Mendiratta

The FIR under Sections 498A/406/34 IPC against the petitioners was quashed after the parties amicably resolved their matrimonial disputes. The settlement indicated a low likelihood of conviction, and continuing the case would be deemed an abuse of process. The petitioners and the second respondent confirmed the resolution occurred without any coercion, and the second respondent expressed no objection to quashing the FIR.

YOGESH GUPTA & ANR. VS THE STATE GOVT. OF NCT OF DELHI AND ANR. [CRL.M.C.-2118/2024]
Judges: Justice Anoop Kumar Mendiratta
The petition by Yogesh Gupta and another to quash an FIR under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act was granted due to an amicable settlement between the parties and the mutual consent dissolution of their marriage. Quashing the FIR was deemed appropriate as it served no useful purpose to keep the case pending and would not constitute an abuse of process.

ZAHIRUDDIN & ORS. VS THE STATE OF NCT DELHI & ANR. [CRL.M.C.-3411/2024]
Judges: Justice Anoop Kumar Mendiratta
A criminal complaint against the petitioners under Sections 420/406/382/384/506 IPC was quashed after the parties amicably settled their dispute related to a failed matrimonial alliance. The settlement was confirmed without coercion, and the respondent expressed no objection to quashing the complaint. Given the nature of the offences and the low likelihood of conviction owing to the settlement, the proceedings were concluded, allowing the parties to move forward in life.

ZEESHAN AHMED & ORS. VS STATE & ORS. [CRL.M.C.-5148/2024]
Judges: Justice Anoop Kumar Mendiratta
The FIR against Zeeshan Ahmed and others under Sections 308/323/34 IPC was quashed due to an amicable settlement between the parties. The matter involved a civil dispute with minor injuries, which had been compensated, leading to the conclusion that continued proceedings would constitute an abuse of process.

ZULFIKAR @ BOBBY VS STATE OF NCT OF DELHI [CRL.A.-424/2023]
Judges: Justice Anoop Kumar Mendiratta
The criminal appeal by Zulfikar @ Bobby resulted in the setting aside of his conviction and sentence. For abetment to suicide under Section 306 IPC, a completed suicide and active involvement through instigation or aid are necessary, requiring proof of criminal intent and a proximate role in the act. Serious deficiencies in the prosecution's evidence, including significant contradictions in witness testimonies, led to the conclusion that the prosecution did not establish the appellant's guilt beyond reasonable doubt, resulting in acquittal.

ABHISHEK @ ABHISHEK NAGAR & ORS. VS THE STATE OF NCT OF DELHI & ANR. [CRL.M.C.-7401/2024]
Judges: Justice Anup Jairam Bhambhani
The FIR against the petitioners under sections 342/307/506/34 of the IPC was not quashed despite a settlement and the complainant's affidavit. Medical evidence and the serious nature of the charges, particularly the attempt to murder, were significant factors. The settlement was not deemed voluntary or in the interests of societal peace, especially considering the alleged severity of the offenses against a minor. Thus, the petition to quash the FIR was dismissed.

ADITYA BIRLA FINANCE LTD. VS ANJALI NAG AND ORS [ARB.P.-771/2023]
Judges: Justice Anup Jairam Bhambhani
Aditya Birla Finance Ltd. can pursue parallel proceedings under the Arbitration and Conciliation Act, 1996 and the SARFAESI Act, 2002, as it is not classified as a 'financial institution' or 'bank' under the Recovery of Debts and Bankruptcy Act, 1993. A sole arbitrator was appointed to resolve disputes based on the arbitration agreement in the Deeds of Personal Guarantee executed by the respondents, with the understanding that the claims under the RDB Act are non-arbitrable, which does not apply in this situation.

AMIT KUMAR SINGH VS DIRECTORATE OF REVENUE INTELLIGENCE (DRI) [BAIL APPLN.-2320/2019]

Judges: Justice Anup Jairam Bhambhani

Amit Kumar Singh was granted regular bail based on several factors: the seizure and testing of contraband were conducted in violation of section 52-A(2) of the NDPS Act, leading to questions about the validity of the forensic testing. There were inconsistencies regarding the recovery of his vehicle, raising doubts about its involvement in the offence. Co-accused individuals had already received bail, supporting the petitioner's claim for bail on parity grounds. Additionally, the petitioner had already spent approximately 3 years and 4 months in custody as an undertrial, with the trial unlikely to conclude soon, countering the statutory restrictions under section 37 of the NDPS Act. Bail was granted with specific conditions, without addressing the merits of the case.

APTEC ADVANCED PROTECTIVE TECHNOLOGIES AG VS UNION OF INDIA & ANR [O.M.P. (COMM)-216/2020]

Judges: Justice Anup Jairam Bhambhani

The decision made by the Sole Arbitrator on 18.11.2010 was not classified as an "interim award" subject to challenge under Section 34 of the Arbitration and Conciliation Act, 1996. The Arbitrator provided detailed observations regarding document requests but clarified that these were preliminary and that the main disputes would be resolved later. The Arbitrator explicitly stated that no "award" was issued in this decision. Consequently, the petition challenging this decision was dismissed.

B.P. SINGH (THROUGH PAIROKAR) VS CENTRAL BUREAU OF INVESTIGATION [CRL.M.(BAIL)-1519/2024]

Judges: Justice Anup Jairam Bhambhani

B.P. Singh's sentence for overvaluing property as collateral for a loan has been suspended. The conviction relied on the opinions of other valuers without independent investigation into the property's true value. The sentence of the co-convict, the borrower, had also been suspended. Singh faces four years of rigorous imprisonment under the Indian Penal Code and the Prevention of Corruption Act, pending appeal disposal.

BIBI SABERA VS MAJOR DR. CHANDRA SHEKHAR PANT@ HIMMAT KHAN [CRL.REV.P.-334/2023]

Judges: Justice Anup Jairam Bhambhani

The citizenship status of a petitioner is irrelevant for establishing the right to reside in a "shared household" under the Domestic Violence Act. A foreign national can be considered an "aggrieved person" with a "domestic relationship" and the right to reside in a "shared household," independent of citizenship or visa status. An earlier order directing an inquiry into the petitioner's citizenship has been set aside, and the appeal must be decided on its merits without considering citizenship.

DALJEET SINGH VS M/S JOHAR TOWERS PVT.LTD. [CM APPL.-47591/2022]

Judges: Justice Anup Jairam Bhambhani

A compromise order dated 24.05.2012 was upheld as a valid agreement. The respondent is required to execute and register a sale deed in favor of the appellant for the entire third floor of the property after regularizing unauthorized construction. The appellant must pay the remaining consideration as per the compromise order. The respondent's application to modify the order for regularization was dismissed.

DR. SHELLY BATRA & ANR. VS M/S OPERATIONASHA, A REGISTERED SOCIETY THROUGH ITS PRESIDENT, MR. ASHUTOSH MISHRA & ORS. [I.A.-5009/2020]

Judges: Justice Anup Jairam Bhambhani

Leave has been granted to the plaintiffs, co-founder and a board member of the defendant society, to file a suit under Section 92 of the Code of Civil Procedure for alleged mismanagement and misappropriation of funds by the current president and secretary. The defendant society, registered as a public charitable institution, meets the criteria for a "constructive trust" under Section 92 CPC. The plaintiffs have the necessary interest to maintain the suit. Findings from the Interim Forensic Audit Report suggest that the society's affairs require closer scrutiny. The granted leave does not prevent potential dismissal of the suit if the allegations lack substantiation.

GENERAL MOTORS INDIA PVT. LTD. VS GPR POWER SOLUTIONS PVT. LTD. [O.M.P. (COMM)-216/2021]

Judges: Justice Anup Jairam Bhambhani

The petition by General Motors India Pvt. Ltd. challenging an arbitral award favoring GPR Power Solutions Pvt. Ltd. was dismissed. The arbitrator awarded Rs. 42,10,656/- to GPR Power Solutions based on General Motors' admissions in its defense that a total of Rs. 78,70,408/- was due, contingent on contract compliance. The decision was supported by the evidence on record and did not present an error warranting intervention under Section 34 of the Arbitration and Conciliation Act.

HBL POWER SYSTEMS LIMITED VS ULTRA MEGA POWER PVT. LTD [O.M.P. (COMM)-102/2024]

Judges: Justice Anup Jairam Bhambhani

The arbitral award determined that Ultra Mega Power Pvt. Ltd. is entitled to the cost of replacing 300 out of 900 batteries supplied by HBL Power Systems Limited, as sufficient evidence of manufacturing defects was established. The arguments presented by HBL Power Systems did not undermine the findings. The conclusions drawn by the arbitrator were based on the evidence and did not require further review. The petition challenging the arbitral award was dismissed.

JATIN JAIN & ORS. VS ANUJ JAIN & ORS. [CS(OS)-176/2024]

Judges: Justice Anup Jairam Bhambhani

A suit filed by family members of a deceased partner against other partners and a bank is classified as a "commercial dispute" under the Commercial Courts Act 2015, as it pertains to the sale proceeds of partnership property. The plaintiffs are required to undergo the mandatory pre-litigation mediation process, with the focus being on recovery of money rather than other relief, and no exemption from this requirement is granted.

JITENDER KUMAR VS STATE NCT OF DELHI [CRL.M.C.-5264/2024]

Judges: Justice Anup Jairam Bhambhani

The petitioner's request to recall Prosecution Witness 1 for further cross-examination was allowed, as the lower court's dismissal of the application was overturned. The petitioner argued that compliance with procedural requirements under Section 42 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act is essential, noting that the recording of information about the drug recovery was done by a Constable, who does not meet the rank requirement stipulated in the NDPS Act. Previous judgments emphasized that non-compliance with Section 42 can invalidate the entire search and seizure operation.

KISMATUN VS STATE OF NCT OF DELHI THROUGH HOME DEPARTMENT & ORS. [W.P.(CRL)-2195/2020]
Judges: Justice Anup Jairam Bhambhani
The investigation into the death of Faizan will be transferred from the Delhi Police to the Central Bureau of Investigation (CBI) due to shortcomings in the initial investigation. Issues included delayed witness statements, failure to collect material evidence, and questionable claims about non-functional CCTV cameras. The alleged involvement of police personnel in the assault raised concerns about the investigation's fairness. The case also involved accusations of a hate crime committed by police against the victims, necessitating a credible and thorough inquiry by the CBI.

KULDEEP KUMAR & ANR. VS DIRECTORATE OF EDUCATION DELHI & ORS. [W.P.(C)-26/2022]
Judges: Justice Anup Jairam Bhambhani
The decision to strike off the petitioner's daughter's name from St. Mark's Girls Sr. Sec. School was upheld due to non-payment of the DoE-approved tuition fee of Rs. 7,000 per month. The school followed the appropriate procedure under the Delhi School Education Rules, and the fee charged was in line with the approved structure since the 2015-16 academic session. The petitioner's claim that the fee should be Rs. 5,130 was rejected, as the approved fee for the relevant session was confirmed to be Rs. 7,000, with no supporting material for the petitioner's assertion.

LAKSHMI MURDESHWAR PURI VS SAKET GOKHALE & ANR. [CS(OS)-300/2021]
Judges: Justice Anup Jairam Bhambhani
The defendant's tweets about the plaintiff, a former senior Indian diplomat, contained false and defamatory allegations regarding her apartment purchase in Geneva. The plaintiff provided credible evidence of legitimate funding sources, including a mortgage and financial support from her daughter. The tweets displayed a reckless disregard for the truth and aimed to damage the plaintiff's reputation. The defendant was ordered to publish an unconditional apology on Twitter and in a prominent newspaper, refrain from making further defamatory statements, and pay damages of Rs. 50 lakhs to the plaintiff. No judgment was issued concerning the plaintiff's husband, as he was not a co-plaintiff.

M/S AMBA ENTERPRISES PRIVATE LIMITED VS CENTRAL WAREHOUSING CORPORATION [ARB.P.-631/2023]
Judges: Justice Anup Jairam Bhambhani
The Section 11 petition under the Arbitration & Conciliation Act 1996 was filed within the limitation period, allowing time exclusion under Section 14 of the Limitation Act 1963 due to prior proceedings before the NCLT. The 1-year limitation period in the arbitration clause was deemed void under Section 28 of the Indian Contract Act, making the claims subject to a 3-year limitation period under the Limitation Act. The determination of the petitioner's diligence and good faith in pursuing NCLT proceedings was assigned to the appointed Sole Arbitrator, who will conduct the arbitration under the Delhi International Arbitration Centre.

M/S AXALTA COATING SYSTEMS INDIA PVT. LTD. VS M/S MADHUBAN MOTORS PVT. LTD. [ARB.P.-980/2023]
Judges: Justice Anup Jairam Bhambhani
The Delhi High Court confirmed its territorial jurisdiction under Section 11(5) of the Arbitration & Conciliation Act, 1996, based on the interpretation of the arbitration agreement. The agreement indicated New Delhi as both the "venue" and the "seat" of arbitration. Prior rulings clarified the distinction between "venue" and "seat," supporting the conclusion that New Delhi was intended as the seat. With the jurisdictional objection upheld, the petition was granted, and a sole arbitrator was appointed.

M/S DIVYAM REAL ESTATE PVT LTD VS M/S M2K ENTERTAINMENT PVT LTD [O.M.P. (COMM)-162/2020]

Judges: Justice Anup Jairam Bhambhani

The part of the arbitral award granting Rs. 20 lakhs to the respondent for loss of profit was set aside due to a lack of evidence and contradictory reasoning by the arbitrator. The arbitrator acknowledged that the potential for the respondent to make any profit was speculative, yet awarded loss of profit without clear findings. It was emphasized that proving loss of profit requires evidence, not mere speculation, leading to the conclusion that the award on this matter was perverse and legally untenable.

M/S SWASTIK CONSTRUCTION & BUILDERS PVT. LTD. VS UNION OF INDIA & ORS [W.P.(C)-12218/2015]

Judges: Justice Anup Jairam Bhambhani

The petitioner company holds valid title and possession of the land based on registered sale deeds from 1987 and a legitimate demarcation report from 1998. The respondents' 2015 demarcation exercise, lacking a proper show-cause notice to the petitioner, is considered illegal. The 2015 demarcation report is quashed, and the 1998 demarcation report is affirmed as correct.

MADHUR COMPUTECH PVT.LTD VS M/S AFFORDABLE EXPORTS PVT LTD & ANR. [ARB.P.-1315/2023]

Judges: Justice Anup Jairam Bhambhani

The arbitration clause (clause 32) in the agreement constitutes a valid and concluded arbitration agreement, despite the use of the word "may." This case differs from the interpretation in Jagdish Chander v. Ramesh Chander, where "may" indicated a non-binding clause. The designated territorial jurisdiction for arbitration proceedings is New Delhi, as specified in the arbitration agreement, rather than Gautam Budh Nagar. A sole arbitrator will be appointed under the Delhi International Arbitration Centre to address the disputes, with factual and legal contentions of both parties remaining open.

MANPOWER GROUP SERVICES INDIA PRIVATE LIMITED VS SKILLSTECH SERVICES PRIVATE LIMITED [O.M.P. (COMM)-138/2024]

Judges: Justice Anup Jairam Bhambhani

The interim award of the sole arbitrator confirmed that all disputes arising from four separate agreements were referred to arbitration, requiring the claimant to file separate statements of claim for each agreement. The arbitrator did not address the merits of the disputes, leaving all rights and contentions, including the arbitrability of the disputes, open for determination in the arbitral proceedings.

MANU PRASHANT WIG VS STATE OF NCT DELHI [BAIL APPLN.-1926/2024]

Judges: Justice Anup Jairam Bhambhani

Manu Prashant Wig was granted regular bail in a case involving Sections 406/420/120-B of the Indian Penal Code after spending over 643 days in judicial custody with no impending trial conclusion due to numerous prosecution witnesses. The chargesheet cites 168 complainants and Rs. 7.37 crores, while allegations of additional complainants and a higher amount were deemed irrelevant at this stage. A significant portion of the alleged amount was classified as "unverifiable" cash payments, and over Rs. 10 crores had been secured by the investigating agency for the complainants. The agreements with investors included a "risk factors" clause, suggesting a lack of initial dishonest intent. Bail was granted based on parity with co-accused who were previously granted bail.

MR. KUNWER FAHMED ALAM ARIYANA VS MS. MAMTESH ALAM @MAMTESH [CRL.REV.P.-1334/2024]
Judges: Justice Anup Jairam Bhambhani
A wife's apostasy from Islam does not annul a marriage but automatically dissolves it, allowing her to be considered a "divorced wife" for maintenance purposes under Section 125 of the Code of Criminal Procedure. The husband's argument that the apostasy disqualified the wife from receiving maintenance lacked merit, as the grounds for disentitlement are clearly specified in Section 125. The assessment of the husband's income for maintenance purposes was based on his own admission during cross-examination.

MS UNISSI INDIA PVT LTD VS MS HIGHWAY CONSTRUCTION CO & ORS. [I.A.-16022/2022]
Judges: Justice Anup Jairam Bhambhani
The territorial jurisdiction for the suit lies with the courts in Mumbai, Maharashtra, as the contract was made and performed there. The purchase order was issued in Mumbai, and the work was to be executed in Mumbai, establishing that the courts in Mumbai have the authority to handle the suit.

NATIONAL BUILDING CONSTRUCTION CORPORATION VS M/S SHARMA ENTERPRISES [I.A.-6869/2022]
Judges: Justice Anup Jairam Bhambhani
National Building Construction Corporation Ltd. (NBCC) is entitled to the exclusion of time under Section 14 of the Limitation Act, 1963 for filing a petition under Section 34 of the Arbitration and Conciliation Act, 1996, to challenge an arbitral award from 28.07.2016. The initial arbitration was governed by the Arbitration Act, 1940, but later proceedings fell under the Arbitration and Conciliation Act, 1996, leading to a dispute over the applicable Act. NBCC diligently pursued this issue and the period of limitation was extended due to a Supreme Court order related to the pandemic. Consequently, the petition was filed within the allowed time frame.

NATIONAL RESEARCH DEVELOPMENT CORPORATION AND ANOTHER VS M/S MECPRO HEAVY ENGINEERING LTD. [O.M.P. (COMM)-338/2023]
Judges: Justice Anup Jairam Bhambhani
The petition by the National Research Development Corporation and the Department of Scientific and Industrial Research challenging an arbitral award was dismissed. The sole arbitrator determined the claims were time-barred, as the cause of action arose in August 2012 when Mecpro Heavy Engineering Ltd. failed to assign developed technology, but the claims were not raised until October 2021, exceeding the 3-year limitation period. The exchange of letters and settlement discussions did not extend this period, and the agreement expired in March 2018, making the claims time-barred.

NEW DELHI MUNICIPAL COUNCIL VS N.S. ASSOCIATES PVT.LTD. [O.M.P. (COMM)-258/2024]
Judges: Justice Anup Jairam Bhambhani
The petition by the New Delhi Municipal Council challenging an interim arbitral award was dismissed. The claims granted in favor of N.S. Associates Pvt. Ltd., totaling Rs. 67,59,399/-, were based on clear admissions made by the petitioner in its Statement of Defense. The arbitrator's authority to issue an interim award based on these admissions was supported by established principles and previous judgments. The limited scope of review did not warrant interference with the arbitrator's interpretation.

OBI OGOCHUKWA STEPHEN VS STATE OF NCT OF DELHI [BAIL APPLN.-4056/2023]

Judges: Justice Anup Jairam Bhambhani

Waiving the requirement of a surety bond or substituting it with a cash deposit for bail or sentence suspension is permissible but not automatic. Each case must be evaluated to ensure the defendant's availability for trial and the integrity of proceedings. In this instance, two Nigerian nationals overstayed their visas and allegedly submitted forged documents, which raised concerns about their availability. Their requests to completely waive the surety requirement or replace it with a cash deposit were denied, but the amounts for their personal bond and surety were modified as a measure of accommodation. Observations made are specific to the applications and should not be viewed as commentary on the trials.

PAWANJIT SINGH BAWA VS THE STATE (NCT OF DELHI) [CRL.M.C.-8034/2024]

Judges: Justice Anup Jairam Bhambhani

The FIR against the petitioner was quashed due to the investigation being compromised by the complainant and the investigating officer being the same individual. This situation raised concerns about the fairness and impartiality of the investigation, consistent with prior rulings on the necessity of separating these roles.

PRASHANT HINJRAO VS STATE OF NCT OF DELHI [BAIL APPLN.-1276/2024]

Judges: Justice Anup Jairam Bhambhani

Prashant Hinjrao's bail application was dismissed due to the serious nature of the charges against him, which included firing at a police team. Forensic evidence linked him to the firearm recovered from him. His criminal history included past involvement in serious offenses, a conviction in a similar case, and poor conduct while in jail. The relevance of his criminal background was acknowledged in the decision to deny regular bail at this stage.

PRAVEEN KUMAR JAIN VS RAJESH SHARMA AND ANR [ARB. A. (COMM.)-32/2023]

Judges: Justice Anup Jairam Bhambhani

The appeal by Praveen Kumar Jain regarding the sole arbitrator's order was allowed, confirming that his counter-claims based on the Construction Agreement dated 18.11.2019 are related to the same project as the claims from the respondents under the Construction Agreement dated 01.10.2019. The arbitrator is to consider the counter-claims in accordance with the law, treating the 18.11.2019 agreement as support for those claims, while acknowledging the reference made under the 01.10.2019 agreement.

RAJENDRA KUMAR TRIPATHI VS STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-1830/2023]

Judges: Justice Anup Jairam Bhambhani

The petitioner's bail application was dismissed due to failure to honor a prior settlement with the complainant, leading to the cancellation of his previous bail. Additionally, the petitioner had not appeared regularly before the Magistrate, resulting in non-bailable warrants and proceedings initiated under Section 82 Cr.P.C. It was noted that Section 436-A Cr.P.C. does not guarantee an absolute right to bail and the petitioner's past conduct justified the denial of bail at this stage.

RESIDENT DOCTORS ASSOCIATION, ALL INDIA INSTITUTE OF MEDICAL SCIENCES (AIIMS), RISHIKESH AND ORS. VS RAM KISHAN YADAV ALIAS SWAMI RAMDEV AND ORS. [I.A.-8420/2021]

Judges: Justice Anup Jairam Bhambhani

The contesting defendants made statements claiming that the "Divya Coronil Tablet" is a cure for COVID-19, which conflicted with regulatory licenses that only allowed its use as a "supporting measure." This marketing constituted public nuisance and a wrongful act affecting the public. A strong prima facie case was established by the plaintiffs, with the balance of convenience favoring them. An interim injunction was granted, preventing the defendants from making claims about the product's efficacy.

ROADWAY SOLUTIONS INDIA INFRA LIMITED VS NATIONAL HIGHWAY AUTHORITY OF INDIA [ARB. A. (COMM.)-18/2024]

Judges: Justice Anup Jairam Bhambhani

The decision of the 3-member arbitral tribunal was upheld, which dismissed the appellant's application for interim relief against the respondent authority. The tribunal addressed the appellant's requests, granting limited interim relief for participation in future tenders but rejecting the request to prevent the invocation of bank guarantees. The tribunal's ruling on the bank guarantees was deemed not arbitrarily or perverse, and there was no basis for interference under Section 37 of the Arbitration Act. The appeal was dismissed.

SANJEEV AGGARWAL VS STATE OF NCT OF DELHI & ANR. [CRL.REV.P.-1082/2024]

Judges: Justice Anup Jairam Bhambhani

Orders framing charges under Section 306 of the Indian Penal Code (abetment of suicide) have been set aside due to insufficient evidence of instigation. Mere harassment or a history of disputes are inadequate to establish the necessary intent to abet suicide. No proximate actions by the accused directly linked to the deceased's suicide were found, leading to discharge from the offence.

SANTOSH BHASIN VS UMARI MALHOTRA DECD THR LRS [CM APPL.-5722/2024]

Judges: Justice Anup Jairam Bhambhani

A preliminary decree declared that the appellant and respondents are entitled to equal shares (1/2, 1/6, 1/6, 1/6) in the barsati room and terrace atop the first floor of the property. Due to the impracticality of dividing the property without further inquiry, a local commissioner is to be appointed to divide the property and grant separate possession of the shares to the parties.

SANTOSH BHASIN VS UMARI MALHOTRA DECD THR LRS [RFA-830/2010]

Judges: Justice Anup Jairam Bhambhani

The appellant's suit for partition of the barsati room and terrace was filed within the limitation period. The testator's Will allocated specific properties to the appellant and respondents but did not address the barsati room and terrace. Consequently, these properties were deemed to pass by intestacy, resulting in equal inheritance for the appellant and respondents as the testator's daughters. The argument of estoppel regarding the appellant's claim to the barsati room and terrace was rejected.

SIEMENS GAMESA RENEWABLE POWER PRIVATE LIMITED VS GREEN INFRA WIND ENERGY LTD [ARB. A. (COMM.)-69/2022]

Judges: Justice Anup Jairam Bhambhani

The appeal by Siemens Gamesa Renewable Power Private Limited was dismissed as the arbitral tribunal had not made a final determination on the legality of the encashment of bank guarantees by Green Infra Wind Energy Ltd. The tribunal only provided prima facie observations for an application, with the legality issue set for resolution in the main proceedings. There was no interference with the tribunal's discretion under Section 37 due to a lack of arbitrariness or perversity in its decision.

STATE VS DANISH & ANR. [CRL.REV.P.-470/2024]

Judges: Justice Anup Jairam Bhambhani

The trial court discharged Danish and Mohd. Kaif from charges under Sections 376(2)(n) and 323 of the Indian Penal Code. The evaluation of evidence, including the prosecutrix's statement under Section 164 Cr.P.C., indicated that the allegations in the FIR were unsubstantiated. The prosecutrix admitted that she filed the complaint out of anger and frustration, stating that no wrongdoing occurred. The decision to discharge the accused was based on a lack of sufficient material to frame charges.

SUNDARI GAUTAM VS STATE OF NCT OF DELHI [CRL.REV.P.-852/2024]

Judges: Justice Anup Jairam Bhambhani

The offence of 'penetrative sexual assault' and 'aggravated penetrative sexual assault' under the Protection of Children from Sexual Offences (POCSO) Act can be committed by any gender, including women. Arguments regarding the delay in FIR registration and lack of sexual intent are to be examined during trial, not at the charge framing stage. The gender-neutral language of the POCSO Act reflects legislative intent to hold all perpetrators accountable for sexual offences against children. The framing of charges under Section 6 of the POCSO Act for 'aggravated penetrative sexual assault' against a woman was upheld.

TELECOMMUNICATION CONSULTANTS INDIA LTD VS SHIVAA TRADING [O.M.P. (COMM)-311/2022]

Judges: Justice Anup Jairam Bhambhani

The arbitral award was set aside due to the sole arbitrator's de jure ineligibility under Section 12(5) of the Arbitration and Conciliation Act, 1996, as the arbitrator's relationship with the parties fell within specified categories in the Seventh Schedule. The appointment of the arbitrator was void ab-initio, rendering the arbitral proceedings and the award void, as there was no written waiver by the parties of the applicability of Section 12(5).

THOKCHOM SHYAMJAI SINGH & ORS. VS UNION OF INDIA THROUGH HOME SECRETARY & ORS. [W.P.(CRL)-1929/2024]

Judges: Justice Anup Jairam Bhambhani

A writ petition challenging the arrest by the National Investigation Agency (NIA) and subsequent remand orders is maintainable. The preliminary objection of being barred by the doctrine of constructive res judicata was rejected since the petitioners had previously withdrawn an earlier writ with permission to raise the same issues in a competent forum. The lack of other statutory remedies for challenging the interlocutory remand orders warranted consideration in matters affecting personal liberty.

VINOD KUMAR AND ORS VS NATIONAL INSTITUTE OF IMMUNOLOGY THROUGH ITS DIRECTOR AND ANR [W.P.(C)-8511/2011]

Judges: Justice Anup Jairam Bhambhani

Employees of the National Institute of Immunology (NII) are entitled to the benefits of the Pension Scheme under the Office Memorandum dated 01.05.1987, unless they opted for the Contributory Provident Fund (CPF) Scheme. Arguments against the equality of benefits for employees of autonomous institutions relative to government servants were rejected. NII must grant all pensionary benefits under the Pension Scheme, with conditions related to recouping provident fund contributions and interest payments. NII is required to offer the option of not availing the benefits to petitioners or their legal representatives who may no longer be interested.

AAKASH EDUCATIONAL SERVICES LIMITED VS PARVESH KUMAR DHIMAN [ARB.P.-728/2024]

Judges: Justice C. Hari Shankar

Aakash Educational Services Ltd filed a petition under the Arbitration and Conciliation Act for dispute resolution through arbitration. The "Service Rules Manual for Faculty Members" included an arbitration clause allowing unilateral appointment of an arbitrator, which is considered unenforceable based on recent Supreme Court judgments. An existing arbitration agreement was acknowledged, and the dispute was referred to the Delhi International Arbitration Centre (DIAC) for the appointment of a suitable arbitrator, without addressing the merits of the dispute.

AAKASH EDUCATIONAL SERVICES LIMITED VS VIVEK SRIVASTAVA [ARB.P.-997/2024]

Judges: Justice C. Hari Shankar

The unilateral appointment of an arbitrator by one party, as per Clause 42 of the Service Rules Manual, is impermissible according to Supreme Court decisions. Disputes between Aakash Educational Services Limited and Vivek Srivastava were referred to the Delhi International Arbitration Centre for the appointment of a suitable arbitrator, with no views expressed on the merits of the parties' contentions.

AASHISH GUPTA VS NATIONAL TESTING AGENCY & ANR. [W.P.(C)-14724/2022]

Judges: Justice C. Hari Shankar

The National Testing Agency (NTA) acted in good faith by re-examining objections to the provisional answer key of the CUET (UG)-2022 examination after the final result was declared, due to the examination's large scale. The NTA explained that this re-examination was a one-time exercise and will upload the final answer key at least a day prior to result declarations in the future, making it accessible to candidates through their login. The petition for fresh consideration of remaining objections to the provisional answer key was not pursued.

AB MAURI INDIA PRIVATE LIMITED VS VICKY AGGARWAL & ORS. [CS(COMM)-810/2022]

Judges: Justice C. Hari Shankar

An interim injunction was granted to restrain defendants from using the "TOWER" trademark for dry fruits, including pistachios, walnuts, cashew nuts, and almonds. The defendants were bound by a prior undertaking to limit the use of the "TOWER" mark to specific goods and not expand it. The use of the "TOWER" mark for dry fruits was likely to cause confusion with the plaintiff's registered trademark, indicating prima facie infringement under the Trade Marks Act.

ABDUL BASIT VS JAWAHARLAL NEHRU UNIVERSITY AND ORS [W.P.(C)-5893/2024]

Judges: Justice C. Hari Shankar

Jawaharlal Nehru University (JNU) must ensure that Abdul Basit's appeal against the Internal Complaints Committee (ICC) recommendations in a sexual harassment complaint is decided by the competent Appellate Authority within four weeks, adhering to principles of natural justice. No ICC member can be part of the Appellate Authority, and the decision must be reasoned. The ICC recommendations cannot be acted upon until one week after the Appellate Authority's decision if it is adverse to Basit.

ABHASH KUMAR JHA THROUGH HIS FATHER BHASKAR JHA VS KENDRIYA VIDYALAYA SANGATHAN & ORS. [W.P.(C)-6203/2024]

Judges: Justice C. Hari Shankar

The Kendriya Vidyalaya Sangathan must decide on the petitioner's request for grace marks in the Class IX Mathematics compartment examination, submitted on April 28, 2024, within two weeks. The petitioner retains the right to pursue further legal remedies if dissatisfied with the outcome.

ADARSH TEOTIA VS NETRA INSTITUTE OF GEOINFORMATICS MANAGEMENT AND TECHNOLOGIES FOUNDATION AND ORS. [W.P.(C)-14715/2023]

Judges: Justice C. Hari Shankar

The writ petition filed by Adarsh Teotia seeking to re-conduct the GIS-2001 and GIS-2002 examinations was dismissed. Chaudhary Charan Singh University and Netra Institute of Geoinformatics Management and Technologies Foundation confirmed that the examination schedule was available on the university's website, and the petitioner received a login ID and password to access the admit card. The petitioner's failure to download the admit card was deemed his own responsibility, negating any claims of fault against the respondents. No grounds were established to grant the requested relief.

ADAVYA ARYA THROUGH HIS FATHER MANISH VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-11845/2023]

Judges: Justice C. Hari Shankar

A student from the Disadvantaged Group, shortlisted for admission to a KG/Pre-Primary class for the 2023-2024 academic year, was not admitted by the school. The school is required to admit EWS/DG category students once shortlisted by the Directorate of Education unless a timely representation against the seat matrix is made. The student's provisional admission was made permanent, and the school was directed to provide education and facilities for DG category students.

ADITYA LAL VALLATH VS NATIONAL BOARD OF EXAMINATIONS IN MEDICAL SCIENCES & ANR. [W.P.(C)-147/2024]

Judges: Justice C. Hari Shankar

The National Board of Examinations in Medical Sciences (NBEMS) incorrectly calculated the additional training required for a DNB trainee who took 140 days of leave during a 3-year training period, surpassing the 90-day limit. The correct additional training requirement was only 23 days, as the excess leave included off days and holidays that should not have been counted. There was no misstatement or suppression of facts in the Provisional Training Completion Certificate submitted by the trainee. Consequently, the cancellation of the trainee's DNB candidature and examination results was quashed, and the DNB qualification was to be awarded.

ADITYA PTC COLLEGE VS NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR [W.P.(C)-7326/2024]

Judges: Justice C. Hari Shankar

The directions from the order dated 15 September 2023 in WP (C) 12125/2023 were applied to WP (C) 7326/2024, as the controversy in the latter was covered by the earlier order. The National Council for Teacher Education (NCTE) has filed an Intra-Court Appeal (LPA) against that order. While the Division Bench previously allowed NCTE to file a review petition, that permission was later recalled. The current application of the September order is subject to the outcome of the NCTE's LPA.

AFTAB ALAM VS JAMIA MILLIA ISLAMIA & ORS. [W.P.(C)-11255/2023]

Judges: Justice C. Hari Shankar

The cancellation of the petitioner's PhD registration by Jamia Millia Islamia (JMI) was deemed invalid due to non-compliance with the procedures outlined in Ordinance IX. The cancellation lacked recommendations from the required Departmental Research Committee and Centre's Research Committee. Additionally, the Board of Studies had previously approved the petitioner's conversion to an in-service part-time PhD scholar, conflicting with the later cancellation decision. The decision to cancel the registration was quashed, restoring the petitioner to his prior status with all associated benefits.

AGV FENESTRATION PVT. LTD. VS M/S. DELMEN NETS [RSA-6/2024]

Judges: Justice C. Hari Shankar

AGV Fenestration Pvt. Ltd. faced dismissal of its second appeal due to an inadequate explanation for a 500-day delay in filing the first appeal. The company, as a corporate entity, was expected to be vigilant about its rights and judicial matters. Blaming the previous counsel for missing documents was deemed insufficient. The absence of a genuine reason for the delay led to the dismissal, with no substantial question of law identified for consideration.

AJAY KUMAR H (STUDENT) VS UNION OF INDIA AND ORS [W.P.(C)-9201/2023]

Judges: Justice C. Hari Shankar

The writ petition challenging the cancellation of a Ph.D. admission in Plant Genetic Resources at IARI was dismissed. The petitioner, with a Master's in Genetics and Plant Breeding, did not meet the eligibility criteria, which required a Master's in "Plant Genetic Resources/Botany/Agricultural Botany." Genetics and Plant Breeding and Agricultural Botany are considered distinct disciplines. The eligibility criteria had changed between AICE 2020 and AICE 2022 exams, excluding Genetics and Plant Breeding as acceptable qualifications. The specific wording of the eligibility requirements could not be altered to accommodate the petitioner.

AJAY VS EMPLOYEES STATE INSURANCE CORPORATION & ANR. [W.P.(C)-7349/2024]

Judges: Justice C. Hari Shankar

The cut-off date of 10 April 2024 for determining age eligibility of dependent male "Ward of IP" for ESIC reservation quota is not arbitrary. The decision to set cut-off dates by executive authorities is supported by precedents, and interference is allowed only if shown to be manifestly arbitrary or unreasonable. The petitioner did not demonstrate that the cut-off date was arbitrary, leading to the dismissal of the writ petition.

ALOK DEVELOPERS PVT LTD VS MISS JASVINDER KAUR @ ALIAS PINKY [OMI-54/2023]

Judges: Justice C. Hari Shankar

The dispute between Alok Developers Pvt. Ltd. and Jasvinder Kaur has been referred to arbitration, with a disagreement on the incorporation of the arbitration clause from an earlier General Agreement into a Supplementary Agreement. The issue of arbitrability will be examined by the arbitral tribunal. A former High Court judge has been appointed as the sole arbitrator, and administration will be through the Delhi International Arbitration Centre. The petitioner's application for interim relief will be treated under Section 17 of the Arbitration Act, with the previous interim order maintained until the arbitral tribunal issues further directions. All arguments regarding the arbitrability of the dispute will be preserved for the arbitral tribunal's consideration.

AMBUJ HOTEL AND REAL ESTATE PVT LTD VS MINISTRY OF RAILWAYS AND ANR. [ARB.P.-1338/2023]

Judges: Justice C. Hari Shankar

The dispute between Ambuj Hotel and Real Estate Pvt Ltd and the Ministry of Railways and IRCTC regarding catering services on the Telangana Express will go to arbitration. The petitioner claims that changes in train timings post-COVID-19 have led to reduced meal service and revenue loss. The respondents assert that the matter falls under the Master License Agreement with an exclusive jurisdiction clause, while the petitioner argues it relates to the Tripartite Agreement without such a clause. The arbitrator will decide the jurisdictional issue, with proceedings to be held under the Delhi International Arbitration Centre.

AMIT GUPTA VS ANUPAM HOTELIERS LTD [TR.P.(C.)-69/2024]

Judges: Justice C. Hari Shankar

The case of Amit Gupta v. Anupam Hotilers Ltd has been transferred from the Central District and Sessions Judge to the West District and Sessions Judge in Tis Hazari Courts, New Delhi. The transfer occurred because the Central District Judge chose to recuse himself for personal reasons, and both parties consented to the new assignment.

ANAND GUPTA & ANR. VS M/S. ALMOND INFRABUILD PRIVATE LIMITED & ANR. [OMP (ENF.) (COMM.)-148/2021]

Judges: Justice C. Hari Shankar

The settlement agreement between the parties is enforceable, and the order disposing of the earlier Section 9 petition is executable like a decree. The respondents' obligations to make payments are independent of the sale of the apartment, as stated in the settlement agreement. Since the respondents did not pay the settled amount and clear the bank loan on time, they are jointly and severally liable for the settled amount and the entire loan amount paid/payable by the petitioners, along with 18% interest per annum from the date of the buyers agreement. The respondents must deposit the total amounts due within two weeks; otherwise, certain properties will be attached to recover the dues. This reasoning applies to all connected petitions with identical settlement agreements.

ANAND KUMAR RAI VS UNIVERSITY OF DELHI & ORS. [W.P.(C)-316/2023]

Judges: Justice C. Hari Shankar

The University of Delhi has the obligation under Ordinance VI to assign a supervisor for a PhD student and cannot require the student to find their own supervisor for reinstatement. The University must take action within four weeks to locate a suitable supervisor for the petitioner's PhD work, as failure to do so without valid reasons is unjustifiable.

ANGOORI DEVI VS JAGDISH [RSA-227/2023]

Judges: Justice C. Hari Shankar

The second appeal by Angoori Devi was dismissed due to her failure to prove her title over the suit property based on a will executed by her father-in-law, Karan Singh. She did not present the necessary attesting witnesses to the will as required by the Indian Succession Act and the Evidence Act, and her application to introduce additional evidence was insufficient. No substantial question of law arose, affirming the correctness of the lower courts' decisions to dismiss her suit.

ANJALI PANDEY VS GOVT OF NCT OF DELHI & ANR. [W.P.(C)-5194/2023]

Judges: Justice C. Hari Shankar

The principle of carrying forward unfilled EWS/DG category vacancies from one year to the next is legally valid. However, the respondent school admitted EWS/DG students equal to 25% of general category admissions each year, leaving no unfilled vacancies. The school had challenged the DOE's directions regarding filling EWS/DG seats and received a waiver from filling backlog seats. Admission of the petitioner's child could not be granted based on sympathy, as there was no legal obligation on the school. The child was permitted to continue studying at the school for the current academic year and will transfer to a nearby school for the next year, with the DOE covering the fees.

ANJALI PANDEY VS GOVT OF NCT OF DELHI & ANR. [W.P.(C)-5194/2023]

Judges: Justice C. Hari Shankar

The interpretation of "strength" under Section 12(1)(c) of the Right to Education (RTE) Act refers to the actual number of general category students admitted, rather than the declared capacity of the class. The argument that this interpretation had not been previously discussed or contradicted by a coordinate bench was rejected. Interpreting "strength" as declared capacity would result in a situation requiring schools to admit more EWS/DG students than general category students, which is inconsistent with the intent of the RTE Act.

ANKIT KUMAR THROUGH HIS FATHER SHYAM SUNDAR KUMAR VS GOVERNMENT OF NCT OF DELHI & ANR. [W.P.(C)-5523/2024]

Judges: Justice C. Hari Shankar

The petitioner, shortlisted by the Directorate of Education for admission as an Economically Weaker Section student for the 2023-2024 academic year, was denied admission by the school. As the academic year has concluded, relief cannot be granted. The petitioner falls into a category that requires no interim orders, resulting in the allotted seat being carried forward to Class I for the 2024-2025 academic year, available to all EWS applicants. The petitioner may apply afresh for admission to Class I in the 2024-2025 academic year, which will be considered on its own merits.

ANKIT MISHRA & ANR. VS SANTOSH SHARMA & ORS. [EX.F.A.-42/2023]

Judges: Justice C. Hari Shankar

The appellants were validly discharged from execution proceedings concerning a temple located on private land, which was determined to be a private temple rather than a public one. There was no evidence to support that the temple had gained public status over time, despite occasional public worship. The appellants lacked standing to file objections under Section 47 of the Code of Civil Procedure as they were not parties to the original suit. The appeal was dismissed, and compensatory costs were awarded to the decree-holder due to the objections being seen as an obstruction to the decree's execution.

ANURAG VS INDIRA GANDHI NATIONAL OPEN UNIVERSITY [W.P.(C)-300/2024]

Judges: Justice C. Hari Shankar

The petitioner's complaint about the non-release of his B.Sc. result and mark-sheet was addressed, with IGNOU stating that the result has been declared, and the original mark-sheet and provisional degree were sent to the petitioner. The petitioner's counsel claimed only a copy was received, while IGNOU's counsel suggested that the petitioner could collect the originals from their office or receive certified copies if the originals had already been sent. The matter was concluded with these arrangements.

APEEJAY SCHOOL, SHEIKH SARAI VS DIRECTORATE OF EDUCATION [W.P.(C)-6747/2024]

Judges: Justice C. Hari Shankar

The petitioner school's application for general exemption from admitting EWS/DG/CWSN category students in the same proportion as general category admissions was not consistent with the Rameshwar Jha judgment. Exemption can only be sought on a case-by-case basis within a week of admitting an EWS/DG/CWSN student. The petitioner is permitted to seek individual exemptions and to challenge the Directorate of Education's decision regarding a prior representation.

APEX BUILDSYS LTD. VS SHAKTI PUMP INDIA LTD. [OMMC-260/2023]

Judges: Justice C. Hari Shankar

The mandate of an arbitrator can be extended even after its expiration, following the ruling in Tata Sons Pvt Ltd v Siva Industries and Holdings Ltd. An arbitrator's mandate is not considered terminated due to implied abandonment in the absence of an express withdrawal, as per the Arbitration and Conciliation Act. In proceedings under Section 29A(4), the focus is solely on whether the mandate has expired and if there is sufficient cause for extension, without regard to the conduct of the arbitration proceedings.

APOORVA Y K VS SOUTH ASIAN UNIVERSITY [W.P.(C)-3667/2023]

Judges: Justice C. Hari Shankar

The writ petition filed by a student against her expulsion from South Asian University (SAU) is maintainable, as SAU provides education, a fundamental right. The expulsion procedure violated the Proctorial Committee Rules and Regulations and principles of natural justice by denying the student the opportunity to be present and cross-examine witnesses. The argument that SAU is immune from writ jurisdiction under the United Nations (Privileges and Immunities) Act, 1947 was rejected, as the SAU Act allows the university to be sued. The expulsion orders were quashed.

APPOLO HANDLOOM MANUFACTURING CO-OP. SOCIETY LTD. VS ALL INDIA HANDLOOM FABRICS SOCIETY AND ORS. [ARB.P.-1261/2023]

Judges: Justice C. Hari Shankar

Under Section 84 of the Multi-State Cooperative Societies Act, 2002, the Central Registrar has the authority to appoint a substitute arbitrator following the rules applicable to the appointment of the original arbitrator. The Central Registrar is required to appoint the substitute arbitrator within two weeks and communicate the details to the involved parties. The newly appointed arbitrator must also engage with the parties regarding the arbitral proceedings.

ARCHANA AGGARWAL & ANR VS D.D.A. [RFA-166/2007]

Judges: Justice C. Hari Shankar

The Delhi Development Authority (DDA) is required to convert the appellants' leasehold property at AG-32, Shalimar Bagh, New Delhi to freehold within 2 weeks. The conversion process cannot be delayed due to new issues regarding misuser charges. The DDA retains the right to recover any such charges legally, and the appellants can challenge any related decisions. An earlier order dismissing the appellants' suit for conversion has been quashed.

ARYA TRADING LIMITED VS HALA KAMEL ZABAL & ORS [OMC-254/2016]

Judges: Justice C. Hari Shankar

The appointment of the arbitrator by the High Court instead of the Supreme Court, as outlined in Section 11(6) of the Arbitration and Conciliation Act, 1996, does not invalidate the arbitral award. Section 11(6) is considered a derogable provision, and the petitioners' failure to object to the appointment before the arbitral tribunal leads to a deemed waiver of their right to challenge the award on this basis. Furthermore, since the appointment adhered to the arbitration agreement between the parties, the award cannot be contested under Section 34(2)(a)(v) of the Act. Multiple petitions challenged the same arbitral award in this matter.

ASIAN PRIVATE ITI VS DIRECTORATE GENERAL OF TRAINING [W.P.(C)-7977/2024]

Judges: Justice C. Hari Shankar

The email communication dated 22 May 2024, which rejected the petitioner's request for affiliation in the Electrician trade, did not comply with natural justice principles. The rejection was based on a previously unraised ground concerning the lack of an NOC from the State Directorate, and the petitioner was not given a personal hearing despite a prior directive for reconsideration. The Directorate General of Training must treat the email as a show cause notice, allow the petitioner to respond within 2 weeks, and provide a personal hearing within 1 week after receiving the response. A de novo decision is required within 2 weeks following the hearing, with communication of the outcome to the petitioner. The petitioner retains the right to seek further legal remedy if dissatisfied with the final decision.

ASSOCIATION OF MD PHYSICIANS & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-9028/2020]

Judges: Justice C. Hari Shankar

The petition by the Association of MD Physicians against conditions in the 2020 and 2021 Foreign Medical Graduate Exam Screening Test bulletins was dismissed as infructuous due to the passage of time. A request for a writ of mandamus to prevent similar conditions in future bulletins was denied, as the content of future bulletins cannot be presumed. The petitioners may challenge any unsustainable conditions in future bulletins as per the law.

ATHIRA S. VS UNION OF INDIA & ORS. [W.P.(C)-10369/2018]

Judges: Justice C. Hari Shankar

The petitioner's B.Sc. in Physics degree qualifies as a "related program" under the admission criteria for the M.Des. course at the Footwear Design & Development Institute (FDDI). The admission criteria were interpreted broadly in favor of the student. An additional requirement for a "Graduation degree related to design," not part of the original criteria, was deemed improper and quashed. The FDDI is to release the petitioner's degree.

AUDERTEC SOLUTIONS LLP VS CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADE MARKS & ANR. [C.A.(COMM.IPD-PAT)-3/2021]

Judges: Justice C. Hari Shankar

The subject patent lacks an inventive step over the prior art D-2 patent, which comprehensively covers the claimed features of the subject patent. A person skilled in the art could arrive at the subject patent using the teachings in D-2 without requiring an inventive step. The rejection of the subject patent application by the Assistant Controller is upheld.

AXIS FINANCE LIMITED VS ABHIJIT DATTATRAYA DHVALE [ARB.P.-1040/2024]

Judges: Justice C. Hari Shankar

In a batch of petitions under Section 11(6) of the Arbitration and Conciliation Act, 1996, a sole arbitrator was appointed to resolve disputes between the parties. Only the existence of an arbitration agreement and the timely filing of the petition were relevant for jurisdiction. Objections regarding the loans being tied to criminal proceedings and alleged fraudulent signatures on loan documents were deemed irrelevant at this stage. Questions of fact and law were left for the arbitrator to decide without any opinion on maintainability or merits.

AYESHA SANKHLA (THROUGH GUARDIAN KAPIL KUMAR SANKHALA) VS GOVERNMENT OF NCT OF DELHI & ANR. [W.P.(C)-5870/2024]

Judges: Justice C. Hari Shankar

A petition by a Scheduled Caste student for admission to Class II in the 2024-2025 academic year was dismissed. The Right to Education (RTE) Act granted the student a right to admission only for the specific academic year and entry-level class determined by a computerized draw of lots. The private unaided school was obligated under the RTE Act to admit 25% of its Nursery/Pre-School class from the Economically Weaker Section or Disadvantaged Group, which did not apply to classes beyond the entry level.

B.K. COLLEGE VS NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR [W.P.(C)-11210/2021]

Judges: Justice C. Hari Shankar

The order withdrawing recognition from the petitioner institution was found to be unjustified and contrary to law. The withdrawal was based on deficiencies in new premises that the petitioner had not yet moved to, and the appellate authority's decision was based on an incorrect assumption that the petitioner was operating from those premises. Both the withdrawal and appellate orders were quashed, with a directive for inspection of the new premises and a requirement to follow legal procedures and principles of natural justice.

BABY AFIA NOOR VS MAHARAJA AGARSEN ADARSH VIDYALAYA SCHOOL & ANR. [W.P.(C)-9386/2023]

Judges: Justice C. Hari Shankar

The school was required to admit the petitioner as an EWS student after her selection in the computerized draw of lots conducted by the Directorate of Education. The school's argument regarding a lower number of general category admissions was rejected, as it did not seek an exemption or report an error to the DoE. The petitioner's provisional admission was regularized, and she was to receive all entitlements available to EWS students under the law.

BABY ANANYA EKKA VS THE INDIAN SCHOOL SECOND SHIFT & ANR. [W.P.(C)-9431/2023]

Judges: Justice C. Hari Shankar

Provisional admission of Baby Ananya Ekka to Class Nursery/Pre-School at The Indian School Second Shift for the academic year 2023-2024 is regularized based on a previous interim order.

BABY ANGEL VS SACHDEVA PUBLIC SCHOOL AND ANR [W.P.(C)-2124/2024]

Judges: Justice C. Hari Shankar

The respondent school must grant admission to the petitioner, a 7-year-old EWS student, as she was allocated a seat through the computerized draw conducted by the Directorate of Education under the Right of Children to Free and Compulsory Education Act, 2009. The school did not seek exemption or point out any error in the allocation of EWS seats, providing no justification for denying admission. The petitioner is to be admitted to Class III and receive all facilities available to EWS students.

BABY DEVANSHI JAISAWAR VS AADHARSHILA VIDYAPEETH & ANR. [W.P.(C)-13354/2023]

Judges: Justice C. Hari Shankar

A student from the Economically Weaker Section (EWS) was shortlisted for admission to a school through a computerized draw of lots. However, the school is not obligated to accommodate the student in Class II for the 2024-2025 academic year, as the benefit from the draw only applies until the end of the 2023-2024 academic year. The petition was dismissed, but the student may apply for admission as an EWS candidate for the next academic year.

BABY GAVYA VS MAXFORT SCHOOL & ANR. [W.P.(C)-2845/2024]

Judges: Justice C. Hari Shankar

Baby Gavya, from the Economically Weaker Section (EWS), was entitled to admission in Nursery/Pre-school at Respondent 1 school after being shortlisted through a computerized draw by the Directorate of Education (DoE). The school failed to grant her admission. The previous provisional admission order was made final, requiring Respondent 1 school to admit Baby Gavya and provide all amenities as per the Right of Children to Free and Compulsory Education Act, 2009.

BABY MANNAT VS JAGANNATH INTERNATIONAL SCHOOL & ANR. [W.P.(C)-572/2024]

Judges: Justice C. Hari Shankar

Baby Mannat is entitled to admission in Class I for the 2023-2024 academic year under the Economically Weaker Section (EWS) quota, based on a computerized draw of lots by the Directorate of Education. Jagannath International School did not oppose the petition. The school is directed to admit Baby Mannat in Class II for the 2024-2025 academic year as an EWS student and provide all facilities available to EWS students.

BABY SAMAYRA & ORS. VS DARBARI LAL DAV MODEL SCHOOL & ANR. [W.P.(C)-14013/2023]

Judges: Justice C. Hari Shankar

Petitioners 1, 4, and 5, provisionally admitted to the Nursery/Pre-school class, are entitled to permanent admission and continuation of education as EWS students with all associated amenities. Petitioners 2 and 3, who applied for admission to the KG/Pre-primary class but did not receive provisional admission, are not eligible for the 2023-2024 academic year. Their unfilled seats will be included in the common pool for carry forward seats for Class I in the 2024-2025 academic year, allowing them to apply alongside other EWS students.

BABY YADVI VS VISHAL BHARTI PUBLIC SCHOOL & ANR. [W.P.(C)-3022/2024]

Judges: Justice C. Hari Shankar

The respondent school must admit the petitioner, a child from the Economically Weaker Section (EWS), to the KG/Pre-primary class based on the computerized draw of lots conducted by the Directorate of Education (DoE). The school failed to contest the seat matrix uploaded by the DoE within the designated timeframe, making the draw of lots result binding. The petitioner's provisional admission is confirmed and made regular, with an obligation for the school to provide all facilities entitled to EWS students.

BALAJEE INFRATECH AND CONSTRUCTIONS PVT LTD VS THE CHIEF ENGINEER NATIONAL HIGHWAY P W PUBLIC WORKS DEPARTMENT GOVERNMENT OF MAHARASHTRA [ARB.P.-847/2024]

Judges: Justice C. Hari Shankar

Balajee Infratech and Constructions Pvt Ltd is entitled to invoke arbitration for disputes with the Chief Engineer of the National Highway Public Works Department, Government of Maharashtra, after following the required contractual dispute resolution protocol without success. The requirement for arbitration under the rules of the Society for Affordable Redressal of Disputes (SAROD) was deemed inapplicable to Balajee, as it is not a member. A retired Supreme Court judge has been appointed as the sole arbitrator for disputes amounting to approximately R.S. 117 crores, with all issues of fact and law remaining open for consideration in the arbitration.

BALBIR CHAND VS JAWAHAR LAL NEHRU UNIVERSITY [W.P.(C)-759/2012]

Judges: Justice C. Hari Shankar

The order expelling Balbir Chand from Jawaharlal Nehru University was quashed due to violations of natural justice and fair play in the proctorial inquiry. JNU failed to follow the correct procedures outlined in its statutes and showed a pre-determined intent to expel Chand. He is to be allowed to complete his MCA course without any prejudice related to the writ petition.

BALWAN SINGH AND ANOTHER VS UNION OF INDIA AND OTHERS [RSA-43/2023]

Judges: Justice C. Hari Shankar

The appeal by Balwan Singh and another was dismissed due to a delay of 3121 days in refiling after it was returned with defects. The provided explanation regarding the need for document retyping and translation was deemed unacceptable. No grounds were found to condone the delay, leading to the dismissal of both the application for delay condonation and the appeal.

BASANTI AND ORS VS PRABHU DAYAL [TR.P.(C.)-80/2024]

Judges: Justice C. Hari Shankar

The transfer petition filed by Basanti and others to move Execution Petition 316/2021 from the Additional District Judge, East District, to the Additional District Judge, South District, was dismissed. There was no justification for clubbing the proceedings or having them heard by one court, as no likelihood of conflicting decisions existed. The petitioner was advised that the remedy lies elsewhere, with no case made for the transfer of the Execution Petition.

BHIM RAJ & ANR. VS SOUTH ASIAN UNIVERSITY [W.P.(C)-1283/2023]

Judges: Justice C. Hari Shankar

The expulsion orders against the petitioners from South Asian University were quashed due to a violation of natural justice. The university did not provide the petitioners with a proper opportunity to be heard or issue a show cause notice before expulsion. Necessary consequential reliefs were mandated for the petitioners.

BHUVANESHWARI SUBRAMANIAN VS UNIVERSITY GRANTS COMMISSSION [W.P.(C)-10360/2019]

Judges: Justice C. Hari Shankar

The University Grants Commission (UGC) disqualified the petitioner from the Junior Research Fellowship (JRF) based on a misunderstanding of her eligibility, erroneously assuming she applied using her master's degree in Economics instead of her M.Phil. in Planning and Development. The provision cited by the UGC to justify the disqualification was determined to be advisory rather than mandatory. The UGC's order was quashed, and they were instructed to release the petitioner's financial entitlement under the JRF within four weeks.

BPT INFRA PROJECT PVT. LTD. VS INDRAPRASTHA ICE AND COLD STORAGE PVT. LTD. [O.M.P. (E) (COMM.)-20/2024]

Judges: Justice C. Hari Shankar

The Arbitral Tribunal's order to summon two witnesses under Section 27(1) of the Arbitration and Conciliation Act, 1996, does not require detailed reasoning, provided it shows a conscious view on the relevance of the witnesses' evidence. The order and the supporting petition fulfilled the requirements of the section. The two witnesses are directed to appear before the Arbitral Tribunal on the scheduled date.

BRINDA NAVET VS NATIONAL TESTING AGENCY & ANR. [W.P.(C)-5579/2024]

Judges: Justice C. Hari Shankar

The National Testing Agency (NTA) agreed to correct the petitioner's final score in the Common University Entrance Test (CUET-PG) by adding 5 marks for Question 47. The grievance was resolved, and NTA was directed to issue a fresh score sheet to the petitioner within three days.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS DEEPAK KUMAR PROPRIETOR OF M/S GOLDEN EAGLE AND ANR. [ARB.P.-936/2024]

Judges: Justice C. Hari Shankar

Cars 24 Financial Services Private Limited is entitled to have disputes referred to arbitration based on the arbitration clauses in the Credit Facility Agreements. A common arbitrator, Mr. G S Pannu, was appointed to resolve the disputes, which are similar except for the amounts involved. All questions of fact and law remain for the arbitrator to address, who is also directed to file the necessary disclosure under Section 12(2) of the Arbitration and Conciliation Act, 1996.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS MOHAMMED SUHAID SAIYUF & ANR. [ARB.P.-866/2024]

Judges: Justice C. Hari Shankar

Three petitions by Cars 24 Financial Services Private Limited under Section 11(5) of the Arbitration and Conciliation Act, 1996, address disputes from Credit Facility Agreements with identical arbitration clauses. A common arbitrator, Mr. G S Pannu, was appointed to resolve these disputes, with all questions of fact and law open for consideration in the arbitration, as the respondents did not appear or submit replies.

CELSIUS HEALTHCARE PVT LTD VS DEEPTI GAMBHIR PROPRIETOR OF S P DISTRIBUTORS [ARB.P.-1012/2024]

Judges: Justice C. Hari Shankar

Disputes between the parties are to be referred to arbitration due to the existence of a valid arbitration agreement. The term "dispute" is deemed sufficient, even without a monetary claim. The disputes will be arbitrated under the Delhi International Arbitration Centre (DIAC), which is tasked with appointing a common arbitrator for the two petitions that involve identical facts and arbitration clauses. All issues related to fact and law, including arbitrability, are to be decided by the appointed arbitrator.

CG TOLLWAY LTD VS NATIONAL HIGHWAYS AUTHORITY OF INDIA [O.M.P.(MISC.)(COMM.)-601/2024]

Judges: Justice C. Hari Shankar

A batch of petitions under Section 29A(4) of the Arbitration and Conciliation Act, 1996 resulted in an extension of the arbitral tribunal's mandate by six months until 23 February 2025. A dispute regarding the expiry of the mandate was noted, but no factual analysis was conducted. The mandate will be treated as continuing, even if it expired prior to this decision, without any opinion on the applications' content.

CHAND RAM PUBLIC SCHOOL VS UNION OF INDIA & ORS. [W.P.(C)-6607/2024]

Judges: Justice C. Hari Shankar

Withdrawal of a school's affiliation is considered an extreme measure that requires strict adherence to natural justice principles, including the right to be heard. The show cause notice issued by CBSE did not indicate an intention to withdraw affiliation, and the subsequent withdrawal order and dismissal of the appeal occurred without a hearing for the school. Consequently, the withdrawal order and the dismissal of the appeal were quashed, restoring the school's provisional affiliation, while allowing potential action against the school in accordance with legal provisions.

CHHAVI VS UNIVERSITY OF DELHI [W.P.(C)-7284/2024]

Judges: Justice C. Hari Shankar

The petition challenging the University of Delhi's restriction on attempting a maximum of four papers in the "Second Centenary Chance" was dismissed. The "Centenary Chances" are not guaranteed rights, but rather privileges with terms set by the university. The petitioner failed to fully utilize the opportunities in the "First Centenary Chance." The limit imposed in the "Second Centenary Chance" was deemed a legitimate exercise of the university's discretion and not arbitrary.

CLN ENERGY PVT. LTD. (FORMERLY JLNPHENIX ENERGY PVT. LTD.) VS E ASHWA AUTOMOTIVE PRIVATE LIMITED [ARB.P.-508/2024]

Judges: Justice C. Hari Shankar

The arbitration clause in the Master Sale Purchase Agreement (MSPA) between CLN Energy Pvt. Ltd. and E Ashwa Automotive Private Limited is valid, and the disputes are deemed arbitrable. An arbitrator, Mr. Abhay Sharan Singh, Advocate, has been appointed to resolve the disputes under the Delhi International Arbitration Centre (DIAC).

COLLEGE OF ADVANCE STUDIES (D.EL.ED) VS NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR [W.P.(C)-826/2023]

Judges: Justice C. Hari Shankar

The National Council for Teacher Education (NCTE) decision to return all pending applications for recognition of teacher training institutions, in line with the National Education Policy 2020, is legally valid. This policy promotes the transition from standalone teacher training institutions to multidisciplinary institutions offering integrated teacher education programs. The NCTE acted within its authority under Section 12(c) of the NCTE Act, not required to process applications that do not align with new policy changes. The decision does not violate the petitioners' fundamental rights under Article 19(1)(g) of the Constitution, as reasonable restrictions in public interest are allowed under Article 19(6). The NCTE, a statutory body with broad powers, acted appropriately to uphold standards and quality in teacher education.

DAHUA TECHNOLOGY INDIA PRIVATE LIMITED, VS LNM TECHNOLOGIES PRIVATE LIMITED [ARB.P.-1208/2023]

Judges: Justice C. Hari Shankar

The disputes between the parties, amounting to ₹ 50-60 Lakhs, were referred to arbitration based on the arbitration clause in the Service Agreement. Mr. Tushar Jarwal, Advocate, was appointed as the sole arbitrator. The respondent did not object to the referral, and all questions of fact and law remain open for consideration by the arbitrator.

DALIP SINGH VS JASWANT RAI GARG [ARB.P.-963/2024]

Judges: Justice C. Hari Shankar

Dalip Singh's petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, was dismissed as premature. The parties are required to attempt an amicable resolution of the dispute within 21 days, following the pre-arbitration protocol outlined in Clause 22 of the Consultancy and Retainership Agreement, unless emergent circumstances exist, which were not demonstrated in this case. The petitioner is permitted to proceed according to the protocol before filing a new petition.

DASHRATH PRASAD RAMNANDAN PANDEY COLLEGE OF PHARMACY VS PHARMACY COUNCIL OF INDIA [W.P.(C)-5180/2024]

Judges: Justice C. Hari Shankar

The petitioner's application for the B. Pharm course was recognized as a request for initial approval, despite being mistakenly labeled as an extension request. This error was acknowledged, and the Pharmacy Council of India was directed to process the application for initial approval promptly. The petitioner must pay any differential fees as agreed by their counsel.

DATA TECHNOSYS ENGINEERS PVT LTD VS RAIL VIKAS NIGAM LIMITED [ARB.P.-1020/2024]

Judges: Justice C. Hari Shankar

Data Technosys Engineers Pvt Ltd complied with the pre-arbitration conciliation clause in the Project Management Consultancy Agreement with Rail Vikas Nigam Limited. The respondent's claims of non-compliance were dismissed as their communications did not represent a genuine effort for resolution. The objection regarding non-arbitrability due to claims exceeding 20% of the contract price was rejected, as the contract price was not definitively fixed, placing the determination with the Arbitral Tribunal. The requirement for the Arbitrator to meet PMCA qualifications was also dismissed due to the absence of an appointed Arbitrator under the contractual procedure. Mr. Ram Chander Singh Bhadoria was appointed as the Sole Arbitrator to address the disputes. All questions of fact and law are open for the Arbitrator's determination.

DAVNEET KAUR VS JAMIA MILLIA ISLAMIA AND ORS. [W.P.(C)-2612/2022]

Judges: Justice C. Hari Shankar

The writ petition challenging non-admission to the M.Ed. course at Jamia Millia Islamia University was dismissed. The petitioner's B.Ed. degree in Special Education with a specialization in mental retardation did not meet the eligibility criteria, which required a B.Ed. with specialization in visual impairment or learning disabilities. The argument equating mental retardation with learning disabilities was rejected based on definitions in the Rights of Persons with Disabilities Act, 2016, and the syllabi from the Rehabilitation Council of India. Additionally, the postgraduate diploma cited by the petitioner was from an unrecognized institute, confirming the absence of requisite qualifications for admission.

DEEPA MULWANI VS UNION OF INDIA & ORS. [W.P.(C)-387/2024]

Judges: Justice C. Hari Shankar

The Central Board of Secondary Education (CBSE) justified treating "acceleration" as the correct answer to a question in the Central Teacher Eligibility Test (CTET), despite the petitioner selecting "enrichment." The wording of the question specifically referred to an approach that moves gifted children through the curriculum at an unusually rapid pace, aligning with the concept of "acceleration" as confirmed by expert opinion. The writ petition challenging the CBSE's answer key was dismissed.

DEEPAK RANA VS THE PRINCIPAL VSPK INTERNATIONAL SCHOOL & ANR. [W.P.(C)-7875/2023]

Judges: Justice C. Hari Shankar

The petitioners' grievances were addressed as the respondent school agreed to convert their provisional admissions into regular and permanent ones and to educate them as EWS/DG candidates in accordance with the law. The school's proactive approach in resolving the matter was acknowledged, leading to the conclusion of the writ petitions and related applications.

DELHI COLLEGE OF SPECIAL EDUCATION VS REHABILITATION COUNCIL OF INDIA [W.P.(C)-5398/2024]

Judges: Justice C. Hari Shankar

The Rehabilitation Council of India's (RCI) decision to return applications for new diploma and degree-level special education courses for the 2024-25 academic session was determined to be legally unsustainable. The RCI had previously issued circulars inviting proposals for these courses and the petitioners invested resources based on this representation. The return of applications, based solely on a letter from the Minister of Social Justice and Empowerment, lacked independent consideration and violated principles of promissory estoppel. Consequently, the RCI could not revoke its prior representation without a justifiable public interest. The challenge to the RCI's decision on enhancing seats in existing special education institutions was dismissed due to lack of standing by the petitioners.

DELHI DEVELOPMENT AUTHORITY VS SHEELA DEVI AND ORS [RSA-7/2024]

Judges: Justice C. Hari Shankar

The appeal filed by the Delhi Development Authority was dismissed due to a delay of nearly four years in filing. Explanations for the delay, citing the prolonged circulation of the file among departments and lawyers, were deemed unsatisfactory. Allowing such a lengthy delay would undermine the statute of limitations, and the approach of unnecessarily extending the process before filing appeals was criticized. The application to condone the delay was denied, leading to the dismissal of the appeal.

DELHI TAMIL EDUCATION ASSOCIATION VS DIRECTOR OF EDUCATION AND ORS [W.P.(C)-15276/2023]

Judges: Justice C. Hari Shankar

The Delhi Tamil Education Association (DTEA), an aided linguistic minority institution, has the right under Article 30(1) of the Constitution to appoint principals and teachers in its schools without needing prior approval from the Directorate of Education (DoE). The rejection of DTEA's request to fill vacant posts due to the absence of managing committees was incorrect, resulting in the nullification of the DoE's order.

DELHIVERY LIMITED VS KARE ENTERPRISE PRIVATE LIMITED [ARB.P.-121/2024]

Judges: Justice C. Hari Shankar

Delhivery Limited attempted to resolve disputes with Kare Enterprise Private Limited before initiating arbitration under the Delivery Services Agreements. The objection regarding the lack of exhaustion of pre-arbitral protocols was rejected, referencing relevant Supreme Court rulings. Additionally, the claim that the Section 21 notice was defective was dismissed, as the review only required verification of the arbitration agreement's existence and the timeliness of the petition. Specific issues raised can be addressed by the appointed arbitrator.

DEVKI NANDAN SRIVASTAVA & ANR. VS JAWAHARLAL NEHRU NATIONAL YOUTH CENTRE, THROUGH SH. PRAVEEN SINGH ARON ITS GENERAL DIRECTOR AND NATLONAL GENERAL SECRETARY & ORS. [TR.P.(C.)-66/2024]

Judges: Justice C. Hari Shankar

The transfer petition filed by Devki Nandan Srivastava and another was granted, moving civil suit CS 164/2021 from Patiala House Courts to Tis Hazari Courts. A related civil suit, CS 57975/2016, involving the same parties and property was already pending at Tis Hazari Courts. The absence of objections from the respondents contributed to the decision to allow the transfer.

DHAN RAJ DHWAN (AS GUARDIAN OF DEVANSH DHAWAN) VS GOVT. OF NCT OF DELHI DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-1066/2024]

Judges: Justice C. Hari Shankar

The petitioner's request for admission to Class I was denied because the petitioner was shortlisted only for Nursery/Pre-School in the 2022-2023 academic year through a computerized draw of lots. The benefit of being an EWS candidate for admission expires at the end of the academic year of the draw, requiring the petitioner to compete with other EWS candidates for future admissions. The petitioner retains the right to apply for Class I admission in the 2024-2025 academic year under the EWS/freeship category, following the prescribed procedure.

DINESH CAND VS COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH AND ORS. [W.P.(C)-9133/2018]

Judges: Justice C. Hari Shankar

The petitioner was granted lectureship based on performance in the Joint CSIR-UGC Test, despite entering incorrect details in the application form. Emphasizing substantial justice over technicalities, it was established that the petitioner met the eligibility criteria by completing his M.Sc. degree within the required two-year period. The CSIR was directed to issue the necessary certificate for the lectureship.

DIRECTOR GENERAL PROJECT VARSHA VS NAVAYUGA VAN OORD JV [ARB. A. (COMM.)-15/2024]

Judges: Justice C. Hari Shankar

Letters of invocation dated 6 July 2022, issued by the Director General Project Varsha to the banks for invoking the bank guarantees provided by Navayuga-Van OORD JV, complied with the terms of the guarantees. The argument from Navayuga-Van OORD JV regarding non-compliance lacked merit. Additionally, the determination of special equities by the arbitral tribunal to justify an injunction against the invocation was not supported by material evidence and was deemed presumptive. The absence of established irretrievable injustice weakened the claim for special equities, leading to the annulment of the injunction on invoking the bank guarantees.

DIVYAN SINGH THROUGH HIS FATHER AJEET SINGH VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-13316/2023]

Judges: Justice C. Hari Shankar

The writ petition for admission to Class III in a respondent school for the 2023-2024 academic year was dismissed. The petitioner's right to admission as a Disadvantaged Group (DG) category candidate was limited to the allotment made by the Directorate of Education (DoE) for the 2022-2023 year, and this right did not extend to the subsequent year. Previous rulings established that EWS or DG category candidates' rights are confined to specific allotments. The petitioner can still apply for admission as an EWS candidate in the freeship category for the upcoming academic year, which will be considered by the DoE.

DNYANESHWAR HIRALAL PHUSE VS UNION OF INDIA & ANR. [W.P.(C)-14717/2023]

Judges: Justice C. Hari Shankar

The validity of Clauses 4.2.2, 6.6, and 9.7 of the Information Bulletin for the final DNB (Broad Speciality) theory and final examinations was upheld. The policies regarding the non-provision of grace marks in the practical examination, absence of re-evaluation or re-checking of answer sheets, and confidentiality of the OSCE component were deemed reasonable and within the authorities' discretion. These provisions were found not to violate the Constitution, leading to the dismissal of the writ petition.

DOBARIYA MOHIT RAMNIKAL VS DEPARTMENT OF HIGHER EDUCATION & ANR. [W.P.(C)-4100/2023]

Judges: Justice C. Hari Shankar

The rejection of the petitioner's request to recognize the M.Arch degree from the University of Maryland as a valid architectural qualification in India is unsustainable in law. The reasons given, regarding the accreditation by NAAB rather than NCARB and the comparison to the 5-year B.Arch degree in India, lack legal basis. The decision has been quashed, and the Central Government is directed to recognize the M.Arch degree, allowing the petitioner to practice as an architect.

DOON VALLEY INSTITUTE OF EDUCATION VS NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR. [W.P.(C)-6277/2024]

Judges: Justice C. Hari Shankar

The National Council for Teacher Education (NCTE) withdrew recognition from Doon Valley Institute of Education for conducting a B.Ed. course, but this decision was unsustainable. The NCTE can only withdraw recognition if there is a violation of the NCTE Act or its regulations. The change of management structure from a registered society to a private limited company was not prohibited by the NCTE regulations. An internal communication used by the NCTE to justify the withdrawal was not an official rule or order. Recognition was granted to the institution itself, not the managing body, and the change in management did not warrant the withdrawal. Consequently, the NCTE's withdrawal order and the appellate order were quashed, and the recognition was to be restored.

DR B R AMBEDKAR INSTITUTE OF DENTAL SCIENCE AND HOSPITAL VS UNION OF INDIA & ORS. [W.P.(C)-4058/2024]

Judges: Justice C. Hari Shankar

The High Court of Delhi dismissed the writ petition from the Dr. B.R. Ambedkar Institute of Dental Science and Hospital, upholding the Ministry of Health and Family Welfare's decision to withdraw the institution's recognition and direct its closure. The process followed was deemed proper, providing the petitioner opportunities to address deficiencies identified by the Dental Council of India during inspections. The assessment from the expert teams was accepted, with no justification for interference unless the decision was completely capricious or legally unsustainable. The importance of maintaining standards in medical education was emphasized, asserting that interventions are rare when expert bodies indicate inadequate facilities.

DR PRASUNA CHILUKA VS NATIONAL BOARD OF EXAMINATIONS & ANR. [W.P.(C)-15345/2023]

Judges: Justice C. Hari Shankar

The National Board of Examinations (NBE) cancelled a petitioner's candidature for the DrNB program in Gastroenterology based on her exceeding the allowable leave limit of 30 days per year, having taken 486 days. The cancellation was deemed unjust as the NBE did not exercise its discretion appropriately, as the Leave Rules indicated that unauthorized absence over 7 days "may" lead to action, rather than mandate automatic cancellation. The NBE had not addressed the petitioner's leave applications and had treated her candidature as legitimate until the last moment, creating a reasonable belief that her leave had been regularized. Additionally, the petitioner was not given an opportunity to be heard prior to the decision, violating principles of natural justice. Given her medical condition, the near-completion of her training, and the NBE's conduct, the cancellation of her candidature was quashed, allowing her to complete the DrNB program.

DR RAHUL BHAYANA VS DR ROHIT BHAYANA & ANR. [O.M.P.(I)-5/2023]

Judges: Justice C. Hari Shankar

An arbitrator has been appointed to resolve disputes between Dr. Rahul Bhayana and Dr. Rohit Bhayana regarding the allotment of Apartment No. CGL-034 and Parking Space No. PL 1014 in the "Capital Greens" project. The dispute will be addressed under Section 17 of the Arbitration and Conciliation Act, 1996, with a maintenance of status quo on the allotment of the disputed apartment and parking space until further orders from the arbitral tribunal.

DR SRI KIRUBA NANDINI M VS NATIONAL BOARD OF EXAMINATION & ANR. [W.P.(C)-5633/2024]

Judges: Justice C. Hari Shankar

The National Board of Examination in Medical Sciences (NBEMS) cancelled the petitioner's candidature for the DNB program due to a 297-day absence without prior approval. The petitioner was diagnosed with Acute Myeloid Leukemia and underwent treatment, making it impossible to apply for leave. The cancellation order was quashed, the petitioner's DNB candidature was restored, and she was permitted to sit for the upcoming DNB final theory examinations. NBEMS failed to adhere to principles of natural justice by not issuing a proper show cause notice before the cancellation.

DR. FAHED AHMED KHAN VS NATIONAL BOARD OF EXAMINATION & ANR. [W.P.(C)-11143/2021]

Judges: Justice C. Hari Shankar

The National Board of Examination (NBE) did not properly consider the petitioner's request to rejoin DNB training after a prolonged absence due to medical issues and the death of his mother. The NBE based its decision solely on the length of the unauthorized absence without properly evaluating the circumstances under its own leave rules, which allow for discretion in such cases. This rejection was deemed inequitable given the petitioner's valid reasons for absence, leading to a directive for the NBE to permit the petitioner to rejoin and complete the DNB training.

DR. OMPAL SHOKEEN VS THE INDIAN LAW INSTITUTE & ANR. [W.P.(C)-4533/2024]

Judges: Justice C. Hari Shankar

The writ petition by a judicial officer to change the annual PGDCLM examination timings from 2-5 pm to 6-9 pm was dismissed. The officer lacked a legally enforceable right to demand this change for personal convenience, as it would create practical difficulties for conducting the examination. Permission had already been granted for leave on the examination dates, resolving the conflict with his judicial duties. The petition was deemed misconceived.

DR. RAHUL BHAYANA VS DR. ROHIT BHAYANA & ANR. [ARB.P.-809/2024]

Judges: Justice C. Hari Shankar

An examination under Section 11(6) of the Arbitration and Conciliation Act, 1996 focuses solely on the prima facie existence of an arbitration agreement. Issues of arbitrability, fraud, or time-barred claims are to be resolved by the arbitral tribunal. An arbitration agreement exists between the petitioner, Respondent 1, and Respondent 2, leading to the appointment of an arbitrator for the dispute.

DR. S.P. GUPTA VS KIRORI MAL COLLEGE & ORS. [O.M.P. (COMM)-143/2023]

Judges: Justice C. Hari Shankar

The constitution of the Appeal Committee to address the petitioner's appeal against termination violated Section 12(5) of the Arbitration and Conciliation Act, 1996, due to the lack of an express written waiver from the petitioner. The unilaterally constituted committee by the University's Chancellor, without the petitioner's consent, rendered the award a nullity ab initio.

DR. SUNIL GAUTAM AND ORS. VS UNIVERSITY OF DELHI AND ORS. [W.P.(C)-11601/2019]

Judges: Justice C. Hari Shankar

The writ petition for admission to the post-graduate (MD/MS) Ayurveda courses at the University of Delhi was dismissed due to the petitioners approaching after the cut-off date for admissions set by AIAPGET-2018. Adherence to prescribed schedules and deadlines for admissions was emphasized, and a direction was given to the respondent college to explain a discrepancy in the attendance sheet submitted, although it was not essential for the outcome of the petition.

DR. VAISHNAVI VERMA VS UNION OF INDIA AND ANR. [W.P.(C)-953/2020]

Judges: Justice C. Hari Shankar

Dr. Vaishnavi Verma must pay the R.S. 10 lakhs surety amount to the University of Delhi as stipulated in the surety bond she executed for admission to the postgraduate course at UCMS. Despite her circumstances, including the postponement of the AIIMS entrance exam due to Cyclone Fani, the obligation to honor the bond stands, emphasizing the importance of upholding such agreements. The writ petition was dismissed.

DYANSH THROUGH HIS MOTHER REENA VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-12838/2023]

Judges: Justice C. Hari Shankar

The Directorate of Education's computerized draw of lots for admissions is binding on schools if no discrepancies are raised within the stipulated timeframe. The respondent school must regularize the provisional admissions for children from the Economically Weaker Sections and Disadvantaged Group categories and provide the necessary facilities for these students.

EMCO LIMITED VS DELHI TRANSCO LIMITED [O.M.P.(MISC.)(COMM.)-179/2023]

Judges: Justice C. Hari Shankar

EMCO Limited's petition for an extension of the mandate of a 3-member Arbitral Tribunal was dismissed. The Tribunal had previously stated that its mandate expired on 11 April 2019 due to the lapse of the time limit under Section 29A(1) of the Arbitration Act, and no extension was sought by either party. The Tribunal cannot be compelled to continue arbitration, and parties must re-initiate proceedings according to the applicable rules unless they request the previous Tribunal to continue, which is at the discretion of the Tribunal members.

EMCO LIMITED VS DELHI TRANSCO LIMITED [O.M.P.(MISC.)(COMM.)-638/2024]

Judges: Justice C. Hari Shankar

The mandate of the arbitral tribunal was not terminated, as the petitioner was allowed to file a rejoinder, which is considered part of the "pleadings" under Section 29A(1) of the Arbitration and Conciliation Act, 1996. Even if the mandate were deemed terminated, grounds existed to extend it for one year due to the petitioner's diligence and the importance of resolving the dispute on its merits. The extension allows the arbitral tribunal to continue proceedings from the current stage.

EMCO LIMITED VS DELHI TRANSCO LIMITED [O.M.P.(MISC.)(COMM.)-254/2023]

Judges: Justice C. Hari Shankar

EMCO Limited did not abandon its claims before the arbitral tribunal, and its application for an extension of the tribunal's mandate under Section 29A(4) of the Arbitration and Conciliation Act, 1996 is maintainable. The arbitral tribunal previously granted EMCO the liberty to revive proceedings, and Delhi Transco Limited appointed a substitute arbitrator, showing acceptance of the continuation of proceedings. The mandate of the three-member arbitral tribunal was extended by one year.

ESRI R AND D CENTER INDIA PRIVATE LIMITED VS AMBIENCE TOWERS PRIVATE LIMITED & ANR. [ARB.P.-1268/2023]

Judges: Justice C. Hari Shankar

The existence and validity of the arbitration agreement were examined under Section 11(6A) of the Arbitration Act, but conclusive determination of the parties involved was not possible due to mixed questions of fact requiring detailed analysis. This analysis is to be undertaken by the arbitral tribunal under the principle of kompetenz-kompetenz. A sole arbitrator was appointed to adjudicate the disputes.

EVERGREEN LAND MARK PVT. LTD. VS JOHN TINSON AND COMPANY PVT. LTD. & ANR. [O.M.P. (COMM)-110/2023]

Judges: Justice C. Hari Shankar

The dispute between the parties was settled through an agreement dated 9 August 2024, which allows the lessee to occupy the property on a month-to-month basis until lease deeds are executed and registered within 10 days. The agreement establishes revised rent amounts, escalation terms, lease duration, and consequences for rent payment default. The terms of the settlement are lawful and in order.

FAROOQUE ALAM VS THE JAWAHARLAL NEHRU NUIVERSITY (JNU) & ORS. [W.P.(C)-15132/2023]

Judges: Justice C. Hari Shankar

Farooque Alam's main grievance was resolved when Jawaharlal Nehru University (JNU) agreed to withdraw subsequent orders modifying the original order that had initially withdrawn his rustication. JNU had originally retracted the rustication after Alam apologized and paid a fine, but later modified that decision, prompting Alam to file a writ petition. JNU's counsel confirmed that the subsequent modifications would be treated as withdrawn and the original withdrawal of rustication restored, resulting in the resolution of the petitioner's issue.

FOUR PILLARS ENTERPRISE CO. LTD VS MAHIPAL JAIN & ORS. [CS(COMM)-472/2023]

Judges: Justice C. Hari Shankar

Four Pillars Enterprises Co. Ltd. has a prima facie case of trademark infringement against Mahipal Jain and others for using the REINDEER marks and trade dress, which are confusingly similar to Four Pillars' registered DEER marks. The use of REINDEER marks for adhesive tapes is likely to cause consumer confusion. The defendants attempted to misrepresent their goods as originating from Four Pillars' Taiwan-based business. An interim injunction was granted to restrain the defendants from using the contested marks or any similar marks, rejecting their arguments about the disuse of the plaintiff's marks and the licensing agreement.

FUJIFILM INDIA PVT. LTD VS MACART EQUIPMENT PVT. LTD. [O.M.P.(MISC.)(COMM.)-714/2024]

Judges: Justice C. Hari Shankar

A one-year extension was granted to the arbitrator's mandate in the dispute between Fujifilm India Pvt. Ltd. and Macart Equipment Pvt. Ltd., which had expired on September 15, 2024. The respondent had no objections to the extension and was permitted to request the recall of the claimant's witnesses, to be considered by the arbitrator on its own merits.

G D GOENKA PVT LTD VS DINODIA EDUCATIONAL SOCIETY [O.M.P.(I) (COMM.)-362/2023]

Judges: Justice C. Hari Shankar

The Commercial Court at Siliguri has exclusive jurisdiction over arbitral proceedings and related applications after the respondent sought pre-arbitral interim relief under Section 9 of the Arbitration and Conciliation Act, 1996. The petitioner's Section 9 petition filed in Delhi was dismissed due to lack of territorial jurisdiction.

GARG BUILDERS VS HINDUSTAN PREFAB LIMITED & ANR. [ARB.P.-467/2024]

Judges: Justice C. Hari Shankar

Garg Builders followed the pre-arbitral protocol in the General Conditions of Contract before invoking arbitration, making the disputes arbitrable. Objections from HPL regarding the scope of earlier cases and the appointment of the arbitrator were rejected. A retired High Court judge was appointed as the sole arbitrator to adjudicate the disputes, with other objections left for resolution by the arbitral tribunal.

GAURAV KUMAR AS GUARDIAN OF KAVYANSH VS GOVT OF NCT OF DELHI & ANR. [W.P.(C)-15299/2023]

Judges: Justice C. Hari Shankar

The respondent school must admit at least 25% of students in the Nursery/Pre-School class from the Economically Weaker Section (EWS) and Disadvantaged Group (DG) category as mandated by Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009. The school is bound by the outcome of the computerized draw of lots conducted by the Directorate of Education. The provisional admission of Kavyansh, as an EWS category student, has been regularized, and the school is directed to provide him with all necessary facilities for EWS students.

GENESIS FINANCE SERVICE CO LIMITED VS USHA BANSAL AND ANR [EX.P.-67/2022]

Judges: Justice C. Hari Shankar

The applications by the purported tenants to obstruct the auction of mortgaged properties were dismissed because they were not maintainable under Order XXI of the Code of Civil Procedure, as they were not filed by the decree holder or auction purchaser. The tenancy claims were deemed not bona fide due to issues with the lease deeds, including lack of registration, unusually low rent, and insufficient evidence of actual payments. The applications were viewed as an attempt to obstruct execution proceedings and were therefore dismissed.

GOOD HEALTH AGRO TECH PVT LTD VS HALDIRAM SNACKS PVT LTD [O.M.P. (COMM)-397/2023]

Judges: Justice C. Hari Shankar

The initial filing of the Section 34 petition challenging the arbitral award was deemed invalid due to the absence of the impugned arbitral award. This defect rendered the filing non-est, as established in precedent. Furthermore, the petition was submitted past the 120-day period stipulated by the Arbitration and Conciliation Act, 1996, leading to its dismissal as time-barred.

GOYAL HOUSING DEVELOPRS LLP VS K. L. RATHI STEELS LIMITED [ARB.P.-22/2024]

Judges: Justice C. Hari Shankar

Allegations of fraud concerning the execution of a Memorandum of Understanding (MoU) with an arbitration clause are to be resolved by the arbitral tribunal, not the court under Section 11(6) of the Arbitration and Conciliation Act, 1996. This approach follows precedents that favor referring such issues to arbitration. An arbitrator was appointed to address the dispute, including the fraud allegations, without any opinion on the merits of the case.

GOYAL MG GASES PRIVATE LIMITED VS EDAC ENGINEERING LIMITED [ARB.P.-285/2023]

Judges: Justice C. Hari Shankar

The arbitration clause in the delivery challans issued by the petitioner is valid, despite the lack of an arbitration clause in the purchase orders, as it meets the prima facie requirement for the existence of an arbitration agreement. An independent arbitrator has been appointed to resolve the dispute regarding an outstanding amount of ₹9,23,028 claimed by the petitioner.

HANDEEP SINGH KHARBANDA AND ORS. VS M/S T.R.E. INSTITUTE OF HOTEL AND ORS [W.P.(C)-5514/2018]

Judges: Justice C. Hari Shankar

Karnataka State Open University (KSOU) was found to be offering distance learning programs through affiliated institutes outside Karnataka, violating the Supreme Court's judgment in Prof. Yashpal v. State of Chhattisgarh and directives from the University Grants Commission (UGC). The B.Sc. (HCM) course conducted at the T.R.E. Institute of Hotel Management, affiliated with KSOU, was deemed illegal, preventing the awarding of degrees to enrolled petitioners. KSOU and the T.R.E. Institute were directed to refund fees to the petitioners, with 75% to be refunded by the institute and 25% by the university. No orders regarding costs were issued.

HAPPY EXPORTS VS PAYU PAYMENTS PVT. LTD. [ARB.P.-117/2024]

Judges: Justice C. Hari Shankar

The conditions under Section 11(6) of the Arbitration and Conciliation Act, 1996 are satisfied due to an existing arbitration agreement between the parties and the timely filing of the petition. A sole arbitrator has been appointed to resolve the disputes, with all issues of fact and law remaining open for determination.

HARDEEP VS UNIVERSITY OF DELHI & ORS. [W.P.(C)-5796/2024]

Judges: Justice C. Hari Shankar

A petition challenging marks awarded to a student in law papers was dismissed. For subjective questions, judicial review is limited, and the examiner's discretion in marking is generally respected unless clear evidence of malpractice or arbitrariness is shown. An inadvertent error in marking one question was corrected, but the overall limited scope of review in examination marking was reaffirmed.

HARINARAYAN RAJESHWAR VIDYA VIHAR VS CENTRAL BOARD OF SECONDARY EDUCATION AND ANR [W.P.(C)-9199/2023]

Judges: Justice C. Hari Shankar

The CBSE's order from 28 December 2022, which upheld the rejection of a petitioner's application for provisional affiliation, was set aside due to its lack of adequate response to the petitioner's arguments. A fresh inspection of the petitioner's premises is required, along with a new decision for the 2025-26 affiliation application. The CBSE must consider the petitioner's submissions and the inspection report, provide an opportunity for personal hearing, and will not allow further chances for the petitioner to address deficiencies.

HARISH BODH & ANR VS KOTAK MAHINDRA BANK & ANR [EX.F.A.-2/2019]

Judges: Justice C. Hari Shankar

The order rejecting the appellants' objections to set aside the auction sale of a property was upheld. The objections were barred by limitation, as Section 5 of the Limitation Act does not apply to proceedings under Order XXI of the Code of Civil Procedure. The request for exclusion of time spent on a previous appeal was denied, as the issues were different from those in the Order XXI Rule 90 objections.

HARISH CHANDAR T AND OTHERS VS THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA [W.P.(C)-5137/2024]

Judges: Justice C. Hari Shankar

The writ petition by 27 candidates challenging the dates of the CA Intermediate and Final Examinations in May-June 2024, which overlap with the Lok Sabha elections, was dismissed. It was noted that the Institute of Chartered Accountants of India implemented measures to avoid clashes with election dates. Arguments regarding travel difficulties and examination disturbances did not provide sufficient grounds for rescheduling. Existing rules requiring candidates to retake the entire examination if they miss a paper were not modified, with only extraordinary circumstances, such as a national lockdown, justifying potential changes to the examination schedule.

HEMICA RANI SINGH VS NATIONAL MEDICAL COMMISSION & ANR. [W.P.(C)-3356/2022]

Judges: Justice C. Hari Shankar

The petitioner, an Indian citizen with an MD degree from Davao Medical School Foundation Inc. in the Philippines, is ineligible to appear for the Foreign Medical Graduate Examination (FMGE) and register as a medical practitioner in India. This is due to failure to obtain the required Eligibility Certificate prior to joining the foreign medical course, as mandated by Section 13(4B) of the Indian Medical Council Act and Regulation 4(2) of the Screening Test Regulations. Although the NMC has issued Eligibility Certificates in some cases after course completion, this practice contradicts established statutory provisions. There is a suggestion for legislative amendment to permit post-facto issuance of Eligibility Certificates in deserving cases.

HIMANSHU VS FACULTY OF MANAGEMENT STUDIES UNIVERSITY OF DELHI AND ORS [W.P.(C)-16532/2023]

Judges: Justice C. Hari Shankar

The writ petition by Himanshu for admission to the MBA full-time program at FMS, Delhi University, under the PwD quota for the academic session 2023-25 was dismissed. Although there was one vacant seat in the PwD category after the 11th admission list, the cut-off date for admissions was 31 August 2023, and the final counselling occurred on 29 August 2023, leaving no opportunity for further admissions. The petitioner did not demonstrate any fault by the university or any breach in the admission process, which precluded the possibility of relaxing the cut-off date.

HITESH CHHABRA & ANR. VS SANDEEP CHHABRA & ORS. [OMI-348/2023]

Judges: Justice C. Hari Shankar

An arbitrator has been appointed to address disputes between the parties, and issues concerning the countersignature of cheques for vendor payments are to be referred to this arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996. This case is distinguished from the Jain Motor Car Company case, as it pertains solely to vendor payments rather than a total freeze on the firm's bank account. The appointed arbitrator is requested to resolve the applications within three weeks, following hearings from both sides.

HITESH CHHABRA & ANR. VS SANDEEP CHHABRA [ARB.P.-1107/2024]

Judges: Justice C. Hari Shankar

Disputes between the parties will be referred to arbitration as outlined in the Partnership Deeds. Mr. Romy Chacko, Senior Advocate, has been appointed as the sole arbitrator, with arbitration conducted through the Delhi International Arbitration Centre. There is no expressed opinion on the jurisdiction of the arbitrator, and issues regarding jurisdiction can be raised before the arbitral tribunal.

HONASA CONSUMER LIMITED VS RSM GENERAL TRADING LLC [O.M.P.(I) (COMM.)-214/2024]

Judges: Justice C. Hari Shankar

The petitioner is entitled to an injunction against the respondent's enforcement of a Dubai court decree. The respondent's filing of the suit in Dubai breached an arbitration agreement requiring disputes to be resolved in New Delhi under Indian law. The injunction mandates the respondent to withdraw execution proceedings in Dubai and deposit the damages awarded by the Dubai court with the High Court Registry, with conditions for release or return based on further actions regarding the Dubai decree.

HT MEDIA LIMITED VS BRIGHTSTAR RESTAURANTS PRIVATE LIMITED & ORS. [O.M.P.(MISC.)(COMM.)-464/2024]

Judges: Justice C. Hari Shankar

An extension of the mandate for the Arbitrator was granted to continue and conclude the arbitral proceedings. One respondent was proceeded against ex parte, and the dispute between the petitioner and other respondents was settled. No indication was given for separate judgments or referral to a larger bench, nor does it appear to be a batch matter.

IDEB-SUCG JV, IDEB PROJECTS PVT. LTD. VS DELHI METRO RAIL CORPORATION LTD [OMP (ENF.) (COMM.)-246/2022]

Judges: Justice C. Hari Shankar

An arbitral award granted ₹5,51,95,198 to the decree holder and ₹2,62,93,252 to the judgment debtor, resulting in a net amount of ₹2,89,01,946 payable to the decree holder. The judgment debtor's deduction from the decree holder's amount was upheld as valid. However, the decree holder was found entitled to a refund of ₹14,45,831 TDS deducted by the judgment debtor and directed to apply to the appropriate authorities for the refund.

IL AND FS ENGINEERING AND CONSTRUCTION COMPANY LTD. VS HINDUSTAN THERMAL-EPC COMPANY PVT. LTD. [O.M.P.(MISC.)(COMM.)-491/2024]

Judges: Justice C. Hari Shankar

The mandate of the Arbitral Tribunal overseeing disputes between IL and FS Engineering and Construction Company Ltd. and Hindustan Thermal-EPC Company Pvt. Ltd. was extended by six months, as there was no objection from the respondent. This case is standalone and not part of a larger batch.

INDIABULLS HOUSING FINANCE LIMITED VS SARA ESTATES PRIVATE LIMITED & ANR. [O.M.P.(I) (COMM.)-407/2023]

Judges: Justice C. Hari Shankar

Indiabulls sought interim protection under Section 9 of the Arbitration Act against Ambience, claiming a prima facie case due to substantial payments made for disputed units, which Ambience failed to execute sale deeds for. Ambience's arguments that the Agreements to Sell were merely security instruments and that a Settlement Deed granted them rights to sell the units were rejected. Indiabulls was granted interim protection, with Ambience ordered to deposit R.S. 638.07 crores paid under the Agreements to Sell within four weeks, after which restrictions on dealing with the disputed units would be lifted. The statements made were solely for the Section 9 petition and would not affect future arbitral proceedings.

INDIABULLS HOUSING FINANCE LTD. VS VENKATESH SRINIVASA AND ANR [ARB.P.-626/2024]

Judges: Justice C. Hari Shankar

The dispute between Indiabulls Housing Finance Ltd. and Venkatesh Srinivasa regarding a Loan Agreement dated 29 August 2015 is referred to arbitration due to a valid arbitration clause in the agreement. The requirements of Section 11(6) of the Arbitration and Conciliation Act, 1996 were met, resulting in the appointment of Mr. R. Gowrishankar as the sole arbitrator.

INDIRA GANDHI TEACHERS TRAINING COLLEGE VS NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR. [W.P.(C)-5415/2023]

Judges: Justice C. Hari Shankar

The Indira Gandhi Teachers Training College's writ petition concerning the recognition of 4 units of the B.Ed course was disposed of after the Appellate Committee of the NCTE rejected its appeal. The decision did not address the merits of the petition for 4 units but directed the NCTE to open its portal from May 24, 2024, to May 31, 2024, allowing the petitioner to submit a fresh application for 3 additional B.Ed units. The final determination regarding the entitlement to the extra units remains for the Eastern Regional Committee to decide based on relevant factors.

INDRAPRASTHA POWER GENERATION COMPANY LTD VS HERO SOLAR ENERGY PRIVATE LIMITED [ARB. A. (COMM.)-46/2024]

Judges: Justice C. Hari Shankar

The decision to not include the Ministry of New and Renewable Energy (MNRE) as an additional party in arbitration between Indraprastha Power Generation Company Ltd. and Hero Solar Energy Private Limited was upheld. The Arbitral Tribunal found that the MNRE did not actively participate in the contract's execution, allowing the appellant to argue that its payment liability to the respondent depended on receiving a subsidy from the MNRE, without the need for the MNRE's involvement. The criteria for adding non-signatories to an arbitration agreement were not met in this case.

J P COLLEGE OF PHARMACY VS PHARMACY COUNCIL OF INDIA [W.P.(C)-2401/2024]

Judges: Justice C. Hari Shankar

The Pharmacy Council of India (PCI) cannot mandate yearly applications for the continuation of approval from institutions already authorized under Section 12 of the Pharmacy Act, 1948. Approval granted under Section 12 applies for the entire duration of the course, not annually. The introduction of yearly renewal requirements violates the statutory framework, as the Act and Education Regulations do not provide for such a condition. The PCI's need for monitoring through yearly renewal is unfounded; the Act includes mechanisms like inspections under Section 16. Approval withdrawal must follow the procedure in Section 13. Consequently, the clauses requiring annual continuation applications and yearly payment of Pharmacy Education Regulatory Charges (PERC) are invalid.

J P CONSTRUCTIONS VS TAHAL CONSULTING ENGINEERS INDIA PVT LTD [ARB.P.-1192/2023]

Judges: Justice C. Hari Shankar

Disputed factual issues existed concerning whether J P Constructions was a partnership or proprietorship and whether Jayaprakash C K had the authority to execute the arbitration agreement. Despite these disputes, the existence of the arbitration agreement was not contested, leading to the appointment of a sole arbitrator to resolve the matter. All questions regarding the identity of the contracting parties and Jayaprakash C K's authority remain for the arbitrator's consideration.

JAIPRAKASH HYUNDAI CONSORTIUM (JHA) VS SJVN LIMITED [EX.P.-319/2015]

Judges: Justice C. Hari Shankar

The petitioner's execution petition to implement the 2002 Dispute Review Board's recommendation is not maintainable due to being filed beyond the 12-year limitation period set by the Limitation Act. There is no provision in Order XXI of the Code of Civil Procedure for condonation of delay, leading to dismissal of the petition as time-barred.

JAQUAR AND COMPANY PRIVATE LIMITED VS ASHIRVAD PIPES PRIVATE LIMITED [CS(COMM)-670/2023]

Judges: Justice C. Hari Shankar

Jaquar & Co Pvt Ltd established a prima facie case of trademark infringement regarding its registered marks ARTIZE and TIAARA against Ashirvad Pipes Pvt Ltd, which used the marks ARTISTRY and TIARA. The marks were found to be deceptively similar both phonetically and visually, intended for similar goods, fulfilling the criteria of Sections 29(1) and 29(2)(b) of the Trade Marks Act. The defendant's defenses were dismissed, including the claim of monopolizing the prefix "ART," as exclusivity was sought over the full marks. The plaintiff's trademark registrations were considered prima facie valid. An interim injunction was granted to prevent the defendant from using the contested marks until the case is resolved.

JINDAL INDUSTRIES PRIVATE LIMITED VS SUNCITY SHEETS PRIVATE LIMITED AND ANR. [CS(COMM)-679/2023]

Judges: Justice C. Hari Shankar

Defendants are entitled to use the name "Jindal" as part of their trademark under Section 35 of the Trade Marks Act, permitting bona fide use of one's own name. Their composite trademark "RNJ" with the sun symbol and "R N JINDAL SS TUBES" is sufficiently distinctive, does not infringe the registered "JINDAL" trademark, and does not amount to passing off. The use of "Jindal" is considered bona fide, with the added elements in their mark distinguishing it from the plaintiff's trademark.

JITENDRA KUMAR PVT. LTD. ITI & ANR. VS DIRECTORATE GENERAL OF TRAINING & ANR. [W.P.(C)-7708/2024]

Judges: Justice C. Hari Shankar

The Directorate General of Training (DGT) and authorities in Bihar must conduct a joint inspection of the petitioner's premises for affiliation of a Multi Skill Training Institute (MSTI) in an unserved block area. Despite a prior communication from DGT on May 8, 2020, the inspection had not occurred before the writ petition was filed. The respondents are required to complete the inspection and make a decision on the application within four weeks, with the petitioner retaining the right to pursue legal remedies if dissatisfied with the outcome.

JIYA THROUGH HER NEXT FRIEND AND NATURAL MOTHER MS. SUSHMA VS MAHARAJA AGRASEN MODEL SCHOOL & ANR. [W.P.(C)-4683/2023]

Judges: Justice C. Hari Shankar

Jiya did not have an enforceable right to admission in Class II of Maharaja Agrasen Model School for the 2023-24 academic year, as she had not applied to the Directorate of Education (DoE) for that admission. Consequently, the DoE's directive to the school regarding her admission was not legal or enforceable, given that the 2022-23 academic year had concluded when the directive was issued. The DoE was instructed to ensure Jiya is admitted as an EWS student in another school within four weeks.

JOGINDER SINGH NIJJAR AND ANR VS M/S OMAXE LTD. [OMP (ENF.) (COMM.)-65/2021]

Judges: Justice C. Hari Shankar

The amount awarded in an arbitral award is classified as a judgment debt and cannot be subjected to tax deduction at source (TDS) by the judgment debtor. There is no provision in the Income Tax Act permitting TDS deduction from a judgment debt. The judgment debtor's request for documents to facilitate TDS deduction was dismissed, and the decree holders' application to revive the enforcement petition was approved, requiring the judgment debtor to make payments without TDS deductions.

KALYAN JAGOTRA VS UNION OF INDIA [TR.P.(C.)-57/2024]

Judges: Justice C. Hari Shankar

The transfer petition by Kalyan Jagotra resulted in moving the commercial court case (OMP (COMM) 34/2023) from Patiala House Court to the competent Commercial Court in the Saket District Court due to the arbitration venue in Sarita Vihar falling under Saket's jurisdiction. The question of whether Indore or Delhi should hear the challenge to the arbitral award was not addressed.

KANYA GURUKUL COLLEGE OF EDUCATION VS NATIONAL COUNCIL FOR TEACHER EDUCATION [W.P.(C)-2589/2024]

Judges: Justice C. Hari Shankar

The Integrated Teacher Education Programme (ITEP) qualifies as a "new course" under Section 15(1) of the National Council for Teacher Education (NCTE) Act, 1993. The requirement for institutions offering the ITEP to pay a fee of R.S. 1.77 lakhs is valid according to Rule 9 of the NCTE Rules. There is no legal basis to categorize the ITEP as a "transition" from existing integrated programmes.

KAPIL MISHRA VS UNIVERSITY GRANTS COMMISSION & ANR [W.P.(C)-13376/2019]

Judges: Justice C. Hari Shankar

The petitioner is entitled to identical treatment as in the case of Abhisek Panda v. West Bengal National University of Juridical Sciences, which mandated that students be allowed to complete their courses and receive degrees. Despite the NUJS website indicating that the online courses were not recognized by the UGC, the petitioner will receive the certificate for the M.A. in Business Law, considering the equities involved. NUJS is directed to release the certificate within four weeks, with the petitioner required to fulfill any necessary formalities.

KARAM BIR VS ALL INDIA COUNCIL FOR TECHNICAL EDUCATION(AICTE) [W.P.(C)-14047/2023]

Judges: Justice C. Hari Shankar

The writ petition was dismissed as the petitioner, who obtained a B.Tech degree through distance learning from 2001 to 2005 during a period suspended by the Supreme Court, failed to appear in the June 2018 remedial examination due to lack of awareness and scored below 40% in the December 2018 exam. Adequate information about the examinations was published, and there was no legal basis for granting a second chance or lowering the pass percentage.

KARTIK KUMAR(MINOR) THROUGH HIS FATHER OM PRAKASH VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-14703/2023]

Judges: Justice C. Hari Shankar

Kulachi Hansraj Model School, an unaided private institution, must admit the petitioner, a child from the economically weaker section (EWS), to its pre-school class for the 2023-2024 academic year. The school indicated it had 116 EWS vacancies and the petitioner's name was selected through a computerized draw. The school's claim of insufficient general category admissions was dismissed, as it had previously requested a reduction of EWS seats to 100. The school is mandated to admit the petitioner in compliance with the Right to Education (RTE) Act.

KENISHA AGRAWAL MINOR REPRESENTED BY FATHER AND NATURAL GUARDIAN MR NITIN AGRAWAL VS UNION OF INDIA & ORS. [W.P.(C)-1562/2024]

Judges: Justice C. Hari Shankar

The writ petition by an Overseas Citizen of India (OCI) challenging the ineligibility of OCIs to represent India in the International Mathematical Olympiad (IMO), European Girls' Mathematical Olympiad (EGMO), and Asian Pacific Mathematics Olympiad (APMO) was dismissed. The rule was deemed a policy decision justifiable in the context of national representation, emphasizing that representation in international events is linked to citizenship. Previous judgments established that OCIs do not have the right to represent India in such events.

KHUSHI PRATAP SINGH VS CENTRAL BOARD OF SECONDARY EDUCATION & ORS. [W.P.(C)-2614/2024]

Judges: Justice C. Hari Shankar

The petitioner's failure to upload the domicile certificate for the CBSE Class XII examination, despite applying for it beforehand, does not disqualify her from taking the exam. She had taken all necessary steps to comply with the requirement, and her oversight in uploading the certificate was not intentional. The impact on her academic career was considered, and she was permitted to participate in the exam.

KINSHUK GOEL PROP. M/S GANESHA INTERNATIONAL VS MINISTRY OF DEFENCE, GOVERNMENT OF INDIA THROUGH DIRECTORATE GENERAL OF ORDNANCE SERVICES [ARB.P.-705/2024]

Judges: Justice C. Hari Shankar

An independent arbitrator was appointed to resolve disputes between Kinshuk Goel Prop. M/s Ganesha International and the Ministry of Defence, Government of India, under the Arbitration and Conciliation Act, 1996. The arbitration clause in the Supply Order, which specified that the arbitrator would be appointed by the Defence Secretary or Additional Secretary, could not be enacted due to Supreme Court rulings. All factual and legal issues, including the respondent's objection regarding the timeliness of the petitioner's claims, are to be argued before the appointed arbitrator.

KIRTI VS UNION OF INDIA ORS & ORS. [W.P.(C)-5961/2023]

Judges: Justice C. Hari Shankar

The National Institute of Open Schooling (NIOS) cannot reject a request for correction of date of birth based solely on limitation when supported by public documents like a birth certificate. However, NIOS may impose reasonable conditions such as indemnification. Requests based on school records can be rejected if the limitation period has expired and the records have been discarded. The previous order by NIOS was quashed, and the matter will be reconsidered in line with established precedent.

KONE ELEVATOR INDIA PVT LTD VS MBL INFRASTRUCTURE LIMITED [ARB.P.-958/2023]

Judges: Justice C. Hari Shankar

In a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, the examination is limited to a prima facie assessment of the existence of the arbitration agreement. The merits of the dispute, arbitrability, or the timeliness of claims are matters for the arbitral tribunal. The parties had an arbitration clause in their work order for a sole arbitrator. Since they could not agree on the arbitrator's appointment, a sole arbitrator was appointed to arbitrate the dispute, and the arbitration will be conducted under the Delhi International Arbitration Centre.

KRISHAN KUMAR & ANR VS SHAKUNTLA AGENCY PVT LTD [O.M.P.-437/2011]

Judges: Justice C. Hari Shankar

The petition filed by the appellants under Section 34 of the Arbitration and Conciliation Act, 1996, challenging an arbitral award was dismissed. The appellants were aware of the arbitral proceedings, initially appeared, but later chose not to participate or file a Statement of Defence. Arguments regarding the execution of the agreement to sell (ATS) due to a non-transfer covenant were rejected as the allotment letter was neither presented nor pleaded before the arbitral tribunal. It was acknowledged that the appellants had received payments according to the ATS, which they admitted, and any discrepancy in the plot number was regarded as a minor typographical error. The objections raised by the appellants were viewed as a request for re-appreciation of facts, not valid under a Section 34 challenge.

KRISHNA & ORS. VS VINOD KUMAR & ORS. [RSA-11/2024]

Judges: Justice C. Hari Shankar

The second appeal by Krishna & Ors. was dismissed due to a 519-day delay in filing. The delay was considered not bona fide, as the appellants engaged in execution proceedings rather than challenging the original order promptly. The medical condition of one appellant did not justify the excessive delay, given that the other appellants were active in the litigation.

KUDOS PHARMACEUTICALS LIMITED & ORS. VS NATCO PHARMA LIMITED [CS(COMM)-29/2023]

Judges: Justice C. Hari Shankar

Kudos Pharmaceuticals Limited is the registered proprietor of Indian Patent IN 228720 for an invention titled "Phthalazinone derivative," which includes the compound Olaparib. Natco Pharma Limited has manufactured and sold a generic version of Olaparib under the brand name BRACANAT, constituting infringement of the patent. Natco did not successfully challenge the validity of the patent on grounds such as anticipation by prior claiming, anticipation by prior publication, or lack of inventive step. Kudos established a prima facie case of infringement, leading to the granting of an interlocutory injunction preventing Natco from manufacturing or selling Olaparib, pending further resolution of the matter.

KUMAR SAURABH & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-12757/2023]

Judges: Justice C. Hari Shankar

The cancellation of MBBS admissions for Kumar Saurabh and Subhangi Priya was set aside. The cancellation lacked independent reasoning and relied solely on a later email from the Rajya Sainik Board questioning their eligibility, despite prior certification of eligibility. Admissions cannot be revoked without following principles of natural justice and giving students an opportunity to be heard. The interpretation of "wards" in the relevant category remains undecided. The petitioners were readmitted to their courses and allowed to participate in examinations without attendance issues during the litigation.

KUNWAR DIVYANSH SINGH VS UNION OF INDIA AND ANR [W.P.(C)-16383/2022]

Judges: Justice C. Hari Shankar

The petition by Kunwar Divyansh Singh, a PMRBP awardee, challenging the discontinuation of MBBS/BDS seat reservations in the Central Pool quota was dismissed. There is no vested or legally enforceable right for PMRBP awardees to be included in this quota, as the decision is an academic policy matter. The principle of legitimate expectation does not apply, as there was no promise or enforceable right for inclusion in the Central Pool quota.

LATE AKSHEM CHANF THROUGH LR ATLO DEVI VS SURESH BALA & ORS. [RSA-194/2023]

Judges: Justice C. Hari Shankar

The application under Section 340 CrPC was deemed an abuse of the legal process due to the repeated raising of the issue of allegedly forged documents, which had already been litigated and rejected multiple times. The application was dismissed with costs of R.S. 1 lakh, required to be deposited with the Delhi High Court Legal Services Committee, and no review application will be entertained until the costs are paid.

LAXMAN VS GOVERNMENT OF NCT OF DELHI & ANR. [W.P.(C)-4522/2024]

Judges: Justice C. Hari Shankar

Tamanna was shortlisted for admission to a Nursery/Pre-primary class for the 2023-2024 academic year but cannot be admitted as the academic year has ended. She also cannot be admitted to Class I for the 2024-2025 academic year because she did not apply as an EWS student, which would disadvantage other applicants. The petitioner can apply for Tamanna's admission as an EWS student for the 2024-2025 year, and the Directorate of Education will process it according to the law. The writ petition was dismissed.

LOTUS HERBALS PRIVATE LIMITED VS DPKA UNIVERSAL CONSUMER VENTURES PRIVATE LIMITED & ORS. [CS(COMM)-454/2023]

Judges: Justice C. Hari Shankar

The plaintiff's application for an interim injunction against the defendants' use of the "Lotus Splash" mark was dismissed. The plaintiff's registered "Lotus" formative marks were found to be prima facie infringed, but the defendants qualified for the descriptive use exception as "Lotus" indicated the presence of lotus extract in their product. Additionally, no prima facie case for passing off was established.

M S S KUMAR COMPANY VS UNION OF INDIA & ORS. [ARB.P.-872/2024]

Judges: Justice C. Hari Shankar

The appointment of an arbitrator by the respondents, as per the arbitration clause in the contract, is not legally permissible based on principles established in prior Supreme Court judgments. A sole arbitrator, Mr. Prateek Mohan Sinha, Advocate, was appointed to address the disputes between the parties. No opinion was expressed on the maintainability or merits of the case, allowing all questions of fact and law to be raised in the arbitral proceedings.

M/S ABL BIOTECHNOLOGIES LTD & ORS VS M/S TECHNOLOGY DEVELOPMENT BOARD & ANR [O.M.P.-607/2010]

Judges: Justice C. Hari Shankar

The arbitral award was vitiated due to the unilateral appointment of the arbitrator by Respondent 1. The unilateral appointment rendered the arbitration null and void. Consequently, the arbitral award was quashed and set aside.

M/S BKSONS INFRASTRUCTURE PVT. LTD VS MANAGING DIRECTOR, NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT CORPORATION [ARB.P.-498/2024]

Judges: Justice C. Hari Shankar

M/s Bksons Infrastructure Pvt. Ltd. is entitled to invoke arbitration under Section 11(6) of the Arbitration and Conciliation Act, 1996 due to the respondent's failure to appoint a conciliator as required by the EPC contract. A Senior Advocate was appointed as arbitrator to resolve disputes valued at approximately ₹18 Crores, with arbitration to be conducted under the Delhi International Arbitration Centre.

M/S FORTUNE GROUP VS CHIEF ENGINEER PWD (NH) & ANR. [O.M.P.(I) (COMM.)-264/2023]
Judges: Justice C. Hari Shankar
The notice of debarment against M/s Fortune Group is invalid due to the lack of a necessary prior determination of corrupt or fraudulent practices. A CBI investigation exonerated the petitioner and its officers of any involvement in the issuance of fraudulent bank guarantees. Given that debarment is a severe penalty and no wrongdoing has been established, the petitioner is entitled to interim relief against the debarment notice while awaiting future arbitral proceedings.

M/S GARG ENTERPRISES VS UNION OF INDIA [ARB.P.-66/2024]
Judges: Justice C. Hari Shankar
The dispute between M/s Garg Enterprises and the Union of India is subject to arbitration, even though the petitioner did not wait the full 120 days before issuing the arbitration notice. The respondent contested the merits of the claim rather than the arbitration's applicability. In light of the parties indicating a clear dispute, progressing to arbitration is necessary rather than engaging in reconciliation. A retired judge has been appointed as the arbitrator for the claim amount of approximately R.S. 2.16 crores.

M/S HARIDWAR HIGHWAYS PROJECT LIMITED VS M/S NATIONAL HIGHWAYS AUTHORITY OF INDIA [O.M.P.(MISC.)(COMM.)-741/2024]
Judges: Justice C. Hari Shankar
A one-year extension of the arbitral tribunal's mandate was granted in the dispute between M/s Haridwar Highways Project Limited and M/s National Highways Authority of India, extending it from the expiration date of 4 October 2024. The respondent had no objection to this extension.

M/S JAIPRAKASH HYUNDAI CONSORTIUM(JHC) VS M/S SJVN LIMITED [OMP (ENF.) (COMM.)-201/2021]
Judges: Justice C. Hari Shankar
The execution petition filed by Jaiprakash Hyundai Consortium (JHC) to enforce the Dispute Review Board (DRB) recommendation was dismissed as time-barred under the Limitation Act. The limitation period commenced from the date of the DRB recommendation in 2006/2007, not from a 2018 judgment that recognized it as an arbitral award. There was no stay on the DRB recommendation, allowing for earlier execution filing, and a separate case's liberty did not affect the statutory limitation period.

M/S JAIPRAKASH HYUNDAI CONSORTIUM(JHC) VS M/S SJVN LIMITED [OMP (ENF.) (COMM.)-199/2021]
Judges: Justice C. Hari Shankar
The execution petition filed by the Jaiprakash Hyundai Consortium to enforce a 2006-2007 Dispute Review Board recommendation was found to be time-barred, having been filed more than 12 years after the recommendation. Arguments to start the limitation period from 2018-2019, when the recommendation was clarified as an arbitral award, were rejected. The petition was dismissed due to exceeding the prescribed time limit.

M/S JAKSON ENGINEERS LIMITED VS NORTHERN RAILWAYS [ARB.P.-1291/2024]
Judges: Justice C. Hari Shankar
The claim by M/s Jakson Engineers Limited against Northern Railways is under R.S. 25 lakhs, triggering the arbitration clause for resolution by a sole arbitrator, a gazetted officer of the Railway not below JA grade. Mr. Lalit Satija, Advocate, was appointed as the arbitrator after the respondent failed to appoint one following the petitioner's invocation of the arbitration clause. The respondent's objection regarding the petitioner's compliance with a different clause was dismissed, as the applicable clause did not necessitate any pre-arbitral protocol.

M/S K. S. K. IMPEX PRIVATE LIMITED VS MR. PANKAJ PAHWAL & ANR. [ARB.P.-939/2023]

Judges: Justice C. Hari Shankar

Conditions for intervention under Section 11(6) of the Arbitration and Conciliation Act, 1996 were satisfied due to the existence of a valid arbitration agreement in the Collaboration Agreement. A petition was filed within the three-year period, and since the parties could not agree on an arbitrator, Mr. Ravi Kant Jain, Advocate, was appointed as the sole arbitrator. The arbitration will take place under the Delhi International Arbitration Centre, with all questions of fact, law, and merits remaining open for the arbitral proceedings.

M/S KAMLADITYYA CONSTRUCTION PVT LTD VS RAIL LAND DEVELOPMENT AUTHORITY [ARB.P.-1223/2023]

Judges: Justice C. Hari Shankar

The arbitration clause in the contract between Kamladityya Construction Pvt Ltd and Rail Land Development Authority is deemed invalid and unenforceable due to its provision allowing the respondent to appoint the arbitrator unilaterally from its own panel. Previous judgments establish that such clauses are invalid, and it is not permissible to amend the clause to conform with legal standards. No prior orders required enforcement of the invalid arbitration clause. A retired High Court judge has been appointed as the arbitrator to resolve the disputes between the parties.

M/S KESPL-ESWAR-ABCPL JV VS M/S KNR-JKM JV [ARB.P.-1193/2023]

Judges: Justice C. Hari Shankar

A prima facie examination indicates that the first sub-contract agreement was executed between KESPL-ESWAR-ABCPL JV and KNR-JKM JV, which included an arbitration clause specifying Delhi as the seat of arbitration. The argument that the sub-contract was executed only between KESPL-ESWAR-ABCPL JV and JKM can be addressed by the arbitral tribunal. A sole arbitrator, Justice N.V. Ramana, has been appointed to resolve disputes arising from the first sub-contract agreement, while all other issues remain for the tribunal to decide.

M/S KOTAK MAHINDRA PRIME LTD VS MANAV SETHI & ANR. [ARB.P.-946/2024]

Judges: Justice C. Hari Shankar

The petition by Kotak Mahindra Prime Ltd. for the appointment of an arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996 is not maintainable due to the absence of a statutory notice under Section 21. The requirement for a prior Section 21 notice is established in previous case law. Without such notice, the petition is dismissed, allowing the petitioner to proceed in accordance with the law.

M/S MANARAJAN BRAHMA VS NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED [O.M.P.(I) (COMM.)-356/2023]

Judges: Justice C. Hari Shankar

The petitioner met the pre-arbitral conciliation requirements as outlined in the contract. The objections raised by the respondent regarding the maintainability of the petition were dismissed. It was clarified that membership in SAROD, the specified arbitral institution, is not necessary for arbitration proceedings. The disputes were referred to arbitration, with the appointment of a retired judge as the sole arbitrator, and the option for the arbitration to be conducted under the Delhi International Arbitration Centre.

M/S N. J. GARMENTS PRIVATE LIMITED VS M/S CAPITALGRAM MARKETING AND TECHNOLOGY PVT LTD [ARB.P.-642/2024]

Judges: Justice C. Hari Shankar

The petitioner's invocation of the arbitration clause was not premature, despite the respondent's argument regarding the lack of "friendly consultations" as specified in the lease deed. Given that the parties engaged on the merits of the claims and the respondent contested them, the pre-arbitration negotiation requirement was considered satisfied. A sole arbitrator was appointed to resolve the dispute, valued at approximately R.S. 1.6 crore, under the Delhi International Arbitration Centre, with all legal and factual questions open for the arbitrator's decision.

M/S NARENDER KUMAR VS UNION OF INDIA THROUGH CENTRAL PUBLIC WORK DEPARTMENT [ARB.P.-209/2024]

Judges: Justice C. Hari Shankar

M/S Narender Kumar has the right to have their dispute with the Union of India referred to arbitration under the Arbitration and Conciliation Act, 1996. The petitioner properly invoked the arbitration clause in their contract, while the respondent failed to refer the matter to the Dispute Redressal Committee as required. The respondent's claim of non-receipt of communication was dismissed due to the petitioner providing a stamped copy of the notice. The dispute has been referred to the Delhi International Arbitration Centre for the appointment of an arbitrator.

M/S PRIME INTERGLOBE PRIVATE LIMITED VS M/S SUPER MILK PRODUCTS PRIVATE LIMITED [O.M.P. (COMM)-368/2023]

Judges: Justice C. Hari Shankar

The filing of a petition under Section 34 of the Arbitration and Conciliation Act, 1996 to challenge an arbitral award was deemed valid despite certain curable defects. The limitation period for this petition can be calculated from the disposition date of the respondent's Section 33(4) application. The entitlement of the petitioner to separately challenge the initial and additional awards does not impact the limitation computation under Section 34(3). A delay of 28 days in filing the petition was condoned, falling within the additional 30-day timeframe allowed.

M/S RAM GOPAL AGRAWAL VS UNION OF INDIA THROUGH NORTHERN RAILWAY MORADABAD [ARB.P.-1154/2023]

Judges: Justice C. Hari Shankar

Disputes between M/s Ram Gopal Agrawal and the Union of India through Northern Railway Moradabad will be referred to sole arbitrator Mr. J Sai Deepak, appointed by the Delhi International Arbitration Centre (DIAC). The parties' contracts, governed by the General Conditions of Contract (GCC) of 2014 and 2018, allowed for arbitration to resolve disputes. Though the GCC required a three-member tribunal for claims over R.S. 10 lakhs, the agreement between the parties led to the appointment of a sole arbitrator for efficiency and cost reduction. Parties can raise all relevant factual and legal contentions, including issues of maintainability, before the arbitrator.

M/S RAVINDER KUMAR YADAV VS TELE COMMUNICATIONS CONSULTANTS INDIA LTD. [O.M.P. (COMM)-94/2023]

Judges: Justice C. Hari Shankar

The petition filed by M/s Ravinder Kumar Yadav under Section 34(1) of the Arbitration and Conciliation Act, 1996, challenging an arbitral award from 26 January 2020, was dismissed as time-barred. The petition was submitted beyond the 120-day limitation period outlined in Section 34(3) of the Act, and the petitioner did not demonstrate that the delay was justified even after excluding the time the matter was pending before the Saket Court.

M/S S. K. BUILDERS VS M/S CLS CONSTRUCTION PVT LTD [O.M.P. (COMM)-297/2023]
Judges: Justice C. Hari Shankar
The arbitral award is a nullity due to the unilateral appointment of the sole arbitrator without the consent of one party, violating the arbitration agreement and established legal principles. Consent of both parties is essential in arbitration, and the objection to the arbitrator's jurisdiction was improperly rejected. The award is set aside because the appointment lacked mutual consent.

M/S SARDA SOLVENT EXTRACTION PVT. LTD. VS M/S NEXUS CLOTHING CO. & ORS. [EX.F.A.-41/2023]
Judges: Justice C. Hari Shankar
The dismissal of the appellant's execution petitions was upheld due to their submission beyond the 12-year limitation period specified in the Limitation Act. The Limitation Act is viewed as a statute of repose, and delays cannot be condoned beyond the allowed time. The appellant's reliance on Sections 15(2) and 15(3) of the Limitation Act was rejected, as those provisions were not applicable. Additionally, no exceptions could be created to exclude the period during which the appellant's company was struck off from the Registrar of Companies, as the law does not allow for such exclusions. This involved two appeals addressing identical issues.

M/S SMC INTEGRATED FACILITY MANAGEMENT SOLUTIONS LTD. (PREVIOUSLY KNOWN AS SERVICE MASTER CLEAN LTD.) VS QUANTUM NATURALS INDIA PRIVATE LIMITED [ARB.P.-1296/2023]
Judges: Justice C. Hari Shankar
The dispute between the parties is to be referred to arbitration, as all requirements under Section 11(6) of the Arbitration and Conciliation Act, 1996 were satisfied. A valid arbitration agreement exists, and the petition was filed within the three-year timeline from the Section 21 notice. The Delhi International Arbitration Centre (DIAC) will appoint a suitable arbitrator for the matter.

M/S SRIRAM CABLES PVT. LTD. VS UNION OF INDIA [ARB.P.-1036/2024]
Judges: Justice C. Hari Shankar
The petitioner's application for the appointment of a fresh arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996 is maintainable without a new notice under Section 21. The application was deemed valid after the earlier arbitral award was set aside due to the unilateral appointment of the arbitrator. Mr. Ravi Kant Jain, Advocate, was appointed as the new arbitrator to resolve the dispute.

M/S TATA MOTORS LIMITED VS DELHI TRANSPORT CORPORATION [OMP (ENF.) (COMM.)-137/2018]
Judges: Justice C. Hari Shankar
Post-award interest of 18% per annum must be applied to the entire amounts covered in the arbitral award, including interest components. The argument that interest components should be excluded from the 18% interest was rejected, as the execution must adhere to the award as it stands.

M/S YASH FANS AND APPLIANCES LTD VS M/S OTTOMATE INTERNATIONAL PRIVATE LIMITED [ARB.P.-663/2024]
Judges: Justice C. Hari Shankar
An arbitration agreement exists between the parties under Clause 22 of the Master Purchase Agreement, requiring the dispute to be referred to arbitration according to Section 11(6) of the Arbitration and Conciliation Act, 1996. The discharge of debt by the settlement agreement cannot be examined at this stage. Mr. Rajiv Mishra was appointed as the sole arbitrator to adjudicate the dispute, with all questions of fact and law left for his determination.

M/S. CWHEC-HCIL (JV) VS M/S. CALCUTTA HALDIA PORT ROAD COMPANY LIMITED [OMP (ENF.) (COMM.)-30/2019]

Judges: Justice C. Hari Shankar

M/S. CWHEC-HCIL (JV) was permitted to withdraw petitions OMP (ENF.) (COMM.) 14/2019, OMP (ENF.) (COMM.) 30/2019, and OMP (ENF.) (COMM.) 203/2021 against M/S. CALCUTTA HALDIA PORT ROAD COMPANY LIMITED due to ongoing settlement discussions. The decree holder may approach the court again if any disputes remain. Property documents held by the court were ordered to be released, and the next scheduled date for the matters was cancelled.

MAA SANTOSHI PVT ITI & ANR. VS DIRECTORATE GENERAL OF TRAINING & ANR. [W.P.(C)-3260/2024]

Judges: Justice C. Hari Shankar

The Directorate of Employment and Training, Bihar, must respond within two weeks regarding its stance on granting affiliation to the petitioners for four units each in the Electrician and Fitter trades. The Directorate General of Training will process the petitioners' application and make a decision within two weeks after receiving the response from Bihar's Directorate.

MAA SARASWATI PVT ITI ANR & ANR. VS DIRECTORATE GENERAL OF TRAINING MINISTRY OF SKILL DEVELOPMENT AND ENTERPRENEURSHIP KAUSHAL BHAWAN & ANR. [W.P.(C)-5689/2024]

Judges: Justice C. Hari Shankar

The Directorate of Employment and Training, Bihar, must respond within 2 weeks regarding any objections to the affiliation request from Maa Saraswati Pvt ITI to establish a Multi Skill Training Institute in an unserved block. Following this response, the Directorate General of Training will process the application and make a decision within 2 weeks. The petitioners may seek further remedies if any grievances persist.

MADHAV CHAUDHARY VS UNIVERSITY OF DELHI & ANR. [W.P.(C)-3903/2024]

Judges: Justice C. Hari Shankar

The petitioner's handwriting in the Competition Law paper was found to be poor but not completely illegible, allowing for evaluation. The petitioner must provide a typed transcript of the answer sheet for the examiner to evaluate against the original handwritten answers, with a timeline established for completion and communication of the final result. This order is based on the specific facts and circumstances of the case.

MAHADEV RAMSOCH PVT ITI & ANR. VS DIRECTORATE GENERAL OF TRAINING & ANR. [W.P.(C)-3384/2024]

Judges: Justice C. Hari Shankar

The petitioners' application for affiliation of several trade units must be processed by the State Directorate and Directorate General of Training (DGT) within six weeks, following the applicable procedure. A previous judgment with a shorter processing time was referenced, emphasizing the need for expedited handling. No opinion on the merits of the petitioners' claim was expressed, which will be addressed according to the law.

MAHARAJA AGARSAIN PUBLIC SCHOO VS M/S ENTAB INFOTECH PVT LTD [ARB.P.-1131/2024]

Judges: Justice C. Hari Shankar

Disputes between Maharaja Agarsain Public School and M/s Entab Infotech Pvt Ltd will be referred to arbitration under the Campuscare Software Service Level Agreement dated 11 May 2023, which includes an arbitration clause. The Delhi International Arbitration Centre will appoint an arbitrator, preferably with expertise in software development. The arbitration will follow DIAC's rules, with the arbitrator's fees based on DIAC's schedule, while all factual and legal contentions remain for the arbitrator to adjudicate.

MARUTI TRADERS VS ITRON INDIA PVT LTD [O.M.P. (COMM)-89/2024]

Judges: Justice C. Hari Shankar

The arbitral tribunal's decision to reject all claims was upheld. No valid contract existed between the petitioner and respondent before the Reseller Agreement dated February 1, 2017, as authorization letters lacked terms and conditions. The petitioner could not claim compensation under Section 70 of the Contract Act due to insufficient evidence of beneficial efforts to the respondent. The tribunal lacked jurisdiction over disputes before the Reseller Agreement due to the absence of an arbitration agreement. During the post-Reseller Agreement period, the respondent's direct sales to customers did not constitute a breach, as the agreement designated the petitioner as a non-exclusive reseller.

MASTER ARPIT VS ADRIEL HIGH SCHOOL & ANR. [W.P.(C)-2848/2024]

Judges: Justice C. Hari Shankar

A child applying for admission under the economically weaker section (EWS) category must be admitted if shortlisted in a computerized draw of lots conducted by the Directorate of Education (DoE). The school's refusal to grant provisional admission after December 31 is inconsistent with prior rulings allowing such admissions post-cutoff date. Provisional admission for the child as an EWS candidate is affirmed.

MASTER CHHAYANK THROUGH HIS FATHER SUDHIR VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-4538/2024]

Judges: Justice C. Hari Shankar

The petitioner, a student from the Disadvantaged Group, qualified for admission to a school for the 2023-2024 academic session through a computerized draw but could not be granted relief as the session had ended. Efforts to ensure the petitioner's admission for the next academic session (2024-2025) were not made to avoid prejudice to other aspirants. The petitioner will have the right to be considered for admission in the upcoming session alongside other candidates, with the Directorate of Education expected to follow the prescribed procedure for this process.

MASTER HITESH VERMA VS DA V PUBLIC SCHOOL AND ANR [W.P.(C)-2129/2024]

Judges: Justice C. Hari Shankar

The petitioner, a student from the OBC category, is not entitled to admission in Class II at Respondent 1 school due to discrepancies in the application and the fact that he was only shortlisted for Class I through the Department of Education's computerized draw of lots. Admission rights depend on the allotment provided by the DoE, and since the petitioner was not eligible for Class II according to this process, the writ petition was dismissed.

MASTER JAGRIT VS GOVT OF NCT OF DELHI & ANR. [W.P.(C)-13318/2023]

Judges: Justice C. Hari Shankar

The petitioner, an Economically Weaker Section (EWS) candidate, is entitled to admission to the respondent school's Nursery/Pre-school under Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009. The respondent school is directed to continue providing education and all entitled facilities to the petitioner as an EWS student, making the provisional admission permanent.

MASTER KAVISH VS MODERN PUBLIC SCHOOL & ANR. [W.P.(C)-13353/2023]

Judges: Justice C. Hari Shankar

The Department of Education (DoE) must include information on class levels for each school in the list provided to parents of EWS students for admission. This information is essential for parents who may struggle to access details from the DoE website. The DoE has 10 days to file a counter-affidavit in response to the writ petition, with a hearing scheduled for 5 March 2024.

MASTER KAVISH VS MODERN PUBLIC SCHOOL & ANR. [W.P.(C)-13353/2023]

Judges: Justice C. Hari Shankar

The petitioner, a child from the Economically Weaker Section (EWS), was entitled to admission under the Right of Children to Free and Compulsory Education Act, 2009. Initially granted provisional admission, the petitioner was later allotted to a different school based on the neighborhood criterion. The petitioner subsequently enrolled at Jyoti Model Senior Secondary School, negating the need for further consideration of the writ petition.

MASTER LAKSHAY VS ADRIEL PUBLIC SCHOOL & ANR. [W.P.(C)-5978/2024]

Judges: Justice C. Hari Shankar

The petitioner, shortlisted by the Directorate of Education for admission to a school in the 2022-2023 academic year, cannot claim a right to admission in Class II for the 2024-2025 academic year after not securing a place that year. The right to admission is specific to the academic year of shortlisting and expires if not exercised. The Directorate of Education is to investigate if the school requested a reduction in EWS/DG seats for 2022-2023 and take appropriate action if the school failed to admit the petitioner without valid reasons.

MASTER LUV RATHORE VS MAXFORT SCHOOL & ANR. [W.P.(C)-9401/2023]

Judges: Justice C. Hari Shankar

The writ petition seeking admission to the KG/Pre-Primary class was dismissed. The order reserving a seat for the petitioner was specifically for the Nursery/Pre-School class, not for KG/Pre-Primary. As there was neither an order for provisional admission in any class nor a reservation for KG/Pre-Primary, no relief could be granted.

MASTER MOHAN KUMAR VS RICHMOND GLOBAL SCHOOL & ANR. [W.P.(C)-7463/2024]

Judges: Justice C. Hari Shankar

The petitioner, a child from the Economically Weaker Section (EWS), is entitled to admission in Class I under Section 12(1)(c) of the Right to Education (RTE) Act, which mandates that schools admit 25% of children from EWS or Disadvantaged Group categories. A prior direction mistakenly reserved a seat in Nursery instead of Class I, resulting in an alternate seat being allotted later. No seat was reserved for Class I for the 2023-24 academic session, but the petitioner may apply as an EWS student for admission in Class II for the 2024-25 academic session.

MASTER SHAURYA PRATAP SINGH & ANR. VS THE SOVEREIGN SCHOOL & ANR. [W.P.(C)-2760/2024]

Judges: Justice C. Hari Shankar

The petitioners had 43.6% attendance in Class IX and 36.7% in Class XI, which did not meet the minimum 50% attendance requirement set by the Directorate of Education's policy. The policy allows limited exceptions for serious medical conditions or natural calamities. Due to the significant shortage in attendance, the petitioners were deemed ineligible to appear in their final examinations, leading to the dismissal of the writ petition.

MASTER VANSH RATHOR VS MAHARAJA AGRASEN MODEL SCHOOL AND ANR [W.P.(C)-2135/2024]

Judges: Justice C. Hari Shankar

A student from the economically weaker sections (EWS) is entitled to admission in Class II at the Respondent School. The school's objections regarding the seat matrix were deemed unfounded, as there was no challenge to the 19 EWS seats in Class I. The Respondent School is required to admit the student, with fees to be reimbursed by the Directorate of Education, which must ensure compliance.

MASTER VIHAN VATS VS ADRIEL HIGH SCHOOL & ANR. [W.P.(C)-16683/2023]

Judges: Justice C. Hari Shankar

A 5-year-old boy is entitled to admission in a respondent school under the RTE Act after being allotted a Nursery/Pre-School seat through a computerized draw of lots. The respondent school failed to timely challenge the allocation of general and EWS seats, making it obligated to admit the boy as an EWS student. An earlier interim order for provisional admission is upheld despite the absence of a specific request for interim relief in the petition.

MAXXCAB WIRES AND CABLES PRIVATE LIMITED VS UNION OF INDIA & ANR. [O.M.P.(I) (COMM.)-394/2023]

Judges: Justice C. Hari Shankar

The contempt petition by Maxxcab Wires and Cables Private Limited against the Union of India was dismissed. Previous orders from December 6 and December 12, 2023, only prevented recovery proceedings against the petitioner and did not prohibit other actions like temporary de-listing. Even if the de-listing was deemed illegal or improper, it was not considered contempt of the orders.

MAYTAS SUBHASH VS IRCON INTERNATIONAL LIMITED [OMP (ENF.) (COMM.)-37/2021]

Judges: Justice C. Hari Shankar

SPML Infra Ltd., as the lead partner of the Maytas-Subhash JV, has the authority to represent the JV and enforce an arbitral award of R.S. 9,44,09,629/- against IRCON International Ltd. The argument that the JV has ceased to exist was rejected, as the Joint Venture Agreement grants SPML Infra Ltd. this representation. Challenges to the award's validity should proceed in ongoing Section 34 proceedings, not in execution proceedings. The deposited award amount will be released to the petitioner upon furnishing an unconditional bank guarantee, with release contingent on the outcome of the Section 34 proceedings.

MD DILWAR HUSSAIN VS JAMIA MILLIA ISLAMIA [W.P.(C)-16575/2023]

Judges: Justice C. Hari Shankar

The decision of Jamia Millia Islamia (JMI) to reject the petitioner's application for the B.Ed (Urdu) course was quashed. The petitioner met the eligibility requirement of studying Urdu as the main teaching subject for the required duration in graduation. JMI's claim that the petitioner should have chosen History as the main subject was dismissed, as no such restriction existed. JMI must admit the petitioner to the B.Ed (Urdu) course for the 2023-24 academic year.

MD HAROON PRIVATE ITI VS DIRECTORATE GENERAL OF TRAINING & ANR. [W.P.(C)-5128/2024]

Judges: Justice C. Hari Shankar

The State Directorate must verify the data of students admitted by the petitioner institutes for the academic session 2023-2025, upload the eligible students' data to the NIMI portal, and transmit it to the NCVT-MIS portal of the Directorate General of Training (DGT). The DGT will provide user IDs and passwords to the petitioner institutes for data upload on their individual NCVT-MIS portals. The State Directorate has the authority to inspect the premises of the petitioner institutes after the data has been uploaded and transmitted.

MEDIA INTERNATIONAL THROUGH SOLE PROP. MRS. ACHLA SABHARWAL VS YOUNGERS DREAM WORLD PRODUCTION THROUGH SOLE PROPRIETOR NARESH SINGLA [CS(COMM)-487/2021]

Judges: Justice C. Hari Shankar

The review petition was dismissed due to a lack of apparent errors or new material that could not have been accessed earlier. The evidence presented by the plaintiff did not conclusively show that the film "Majajan Orchestra" was released after the July 12, 2022 order. The requirements for a review under Order XLVII of the Code of Civil Procedure were not met, as the plaintiff could have discovered the additional evidence (a YouTube link) with due diligence.

MICROMAX INFORMATICS LIMITED VS SHREE VINAYAK ENTERPRISES [O.M.P.(MISC.)(COMM.)-407/2024]

Judges: Justice C. Hari Shankar

A six-month extension was granted to the mandate of the Arbitral Tribunal, which had expired on 30 April 2024, in a petition by Micromax Informatics Limited. The respondent, Shree Vinayak Enterprises, did not appear or submit a reply. The extension is effective from the date of expiry to allow the Tribunal to continue proceedings in the disputes between the parties.

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (MORTH) THROUGH ITS CHIEF ENGINEER (NH RANDB) VS M/S DILIP BUILDCON LIMITED AND MOSTOBUDIVELNYI ZAHIN NO 112 (JOINT VENTURE) (MS DBL MBZ JV) [O.M.P. (T) (COMM.)-86/2024]

Judges: Justice C. Hari Shankar

The petition by the Ministry of Road Transport and Highways regarding the mandatory nature of the conciliation provision in Clause 26.2 of the contract was dismissed. The previous judgment was upheld, indicating that conciliation is not a mandatory requirement. The Supreme Court decision cited does not specifically state that the conciliation provision is obligatory. The argument that the Supreme Court could have deemed it mandatory was rejected. The Ministry's statement regarding the arbitrator's impartiality is noted as being without prejudice and limited to the current stage.

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (MORTH)THROUGH ITS CHIEF ENGINEER (NH RANDB) VS M/S DILIP BUILDCON LIMITED AND MOSTOBUDIVELNYI ZAHIN NO 112 (JOINT VENTURE) (M/S DBL MBZ JV) [O.M.P. (T) (COMM.)-84/2024]

Judges: Justice C. Hari Shankar

Petitions by the Ministry of Road Transport and Highways challenging the arbitrators' appointments by M/s Dilip Buildcon Limited and Mostobudivelnyi Zahin No 112 (Joint Venture) were dismissed. The conciliation process under the contract was deemed more directory than mandatory, allowing the respondent to invoke arbitration without attempting conciliation. No illegality or irregularity was found in the arbitrators' appointments by the International Centre for Alternative Dispute Resolution, including the appointment of its Governing Council member as the petitioner's arbitrator. A similar judgment was issued in two related petitions.

MISS ISHIKA YADAV VS MOUNT OLIVET SENIOR SECONDARY SCHOOL AND OTHERS [W.P.(C)-4750/2024]

Judges: Justice C. Hari Shankar

The private unaided respondent school cannot be directed to allow the petitioner to continue studying without paying required fees, as it would be unjust to the school. The petitioner's father had previously indicated an intention to seek admission in a government school if unable to afford private school fees. The father may request a relaxation in fee payment from the school, which has discretion to grant such requests. The school must not deny the student's continuation based on fee payment demands that contravene applicable laws and regulations.

MOHD AHTESHAM VS SHAKEEL PRACHA [EX.F.A.-19/2021]

Judges: Justice C. Hari Shankar

The Memorandum of Settlement (MoS) established that the total debt owed by the appellant to the respondent was R.S. 26 lakhs, allowing for installment payments or punishment under Section 138 of the Negotiable Instruments Act for default. The appellant was convicted and served one year in prison for a R.S. 30 lakh debt in one case but was acquitted in another. Since the appellant had already faced punishment under the MoS for the larger debt, no remaining debt was available for execution, resulting in the dismissal of the respondent's execution application.

MOHIT DABAS & ANR. VS THE PRINCIPAL INDRAPRASTHA WORLD SCHOOL & ORS. [W.P.(C)-17672/2022]

Judges: Justice C. Hari Shankar

The writ petition filed by Mohit Dabas and his daughter Kavya for admission to a school was dismissed. The respondent school had reported to the Directorate of Education that the petitioners did not report by the required deadline, leading to the cancellation of their candidature. The petitioners did not make any representations regarding the denial of admission, which weakened their case. It was noted that if an EWS/DG seat remains unfilled, the candidate retains a lien on it for the following year. However, relief could not be granted as the candidature was canceled due to the petitioners' failure to meet the reporting deadline.

MONEYWISE FINANCIAL SERVICES PVT LTD VS KK ENTERPRISES THROUGH ITS PROPRIETOR SH VIRAL KIRIT KUMAR DOSHI AND ANR. [ARB.P.-528/2024]

Judges: Justice C. Hari Shankar

A sole arbitrator, Mr. Roshan Lal Goel, Advocate, will arbitrate a dispute between Moneywise Financial Services Pvt Ltd and KK Enterprises, along with its proprietor Viral Kirit Kumar Doshi, stemming from a Master Loan Agreement dated October 1, 2020, which includes an arbitration clause. Moneywise claims an outstanding amount of approximately R.S. 32 lakhs from the respondents, who did not respond to the petition after being served notice. The dispute is considered arbitrable due to the valid arbitration agreement, with proceedings to take place under the Delhi International Arbitration Centre's auspices.

MONEYWISE FINANCIAL SERVICES PVT LTD VS UNITED TRADING COMPANY THROUGH ITS PROP CHANDRA MOHAN KATHURIA AND ORS. [ARB.P.-529/2024]

Judges: Justice C. Hari Shankar

The dispute between Moneywise Financial Services Pvt Ltd and United Trading Company involves an arbitration agreement. Mr. Roshan Lal Goel is appointed as the sole arbitrator to oversee the matter under the rules of the Delhi International Arbitration Centre. A prima facie case for arbitration exists as the respondents declined to refer the dispute despite a notice invoking the arbitration clause.

MONEYWISE FINANCIAL SERVICES PVT. LTD. VS TIRUPATI TRADING COMPANY THROUGH ITS PROPRIETOR AND ANR. [ARB.P.-69/2024]

Judges: Justice C. Hari Shankar

The petition by Moneywise Financial Services Pvt. Ltd. under Section 11(6) of the Arbitration and Conciliation Act, 1996, was allowed, and the dispute with Tirupati Trading Company was referred to arbitration. The arbitration clause in the loan agreement, allowing the Chairman of the lender to unilaterally appoint the arbitrator, was deemed unenforceable. The Delhi International Arbitration Centre was directed to appoint a suitable arbitrator to handle the disputes according to its rules and regulations.

MOTHER BOON FOODS PVT. LTD. VS READY ROTI INDIA PVT. LTD. [ARB.P.-750/2023]

Judges: Justice C. Hari Shankar

The mandate of the earlier arbitrator terminated upon withdrawal from the proceedings under Section 15(1)(a) of the Arbitration and Conciliation Act, 1996. The petitioner must first communicate with the respondent to propose a new arbitrator as per the arbitration agreement. An arbitrator cannot be appointed under Section 11(6) unless the parties fail to agree, which has not occurred in this case. The petitioner retains the right to suggest the appointment of an alternate arbitrator.

MOUNT COLUMBUS SCHOOL & ORS VS CENTRAL BORAD OF SECONDARY EDUCATION [W.P.(C)-2956/2020]

Judges: Justice C. Hari Shankar

The order of the Central Board of Secondary Education (CBSE) withdrawing the provisional affiliation granted to Mount Columbus School was set aside. CBSE did not provide the required one-year cure period for the school to address deficiencies noted in the show cause notice. Additionally, CBSE failed to properly consider the school's response and did not give a prior opportunity for hearing, violating principles of natural justice. The disaffiliation order was deemed non-speaking and unjustified based on the facts presented. The disaffiliation order was quashed and an interim stay order was confirmed.

MR SATYA PAL GUPTA VS DELHI DEVELOPMENT AUTHORITY [ARB.P.-1068/2024]

Judges: Justice C. Hari Shankar

An arbitrator, Mr. Sudarshan Singh Rawat, has been appointed to resolve disputes between Mr. Satya Pal Gupta and the Delhi Development Authority. The parties have completed the pre-arbitral protocol outlined in the General Conditions of Contract, and the petitioner issued a notice under Section 21 of the Arbitration and Conciliation Act, 1996, which was contested by the respondent. The arbitration will take place under the rules of the Delhi International Arbitration Centre.

MR. HARJEET SINGH SENIOR CITIZEN VS M/S OMAXE LIMITED THROUGH ITS DIRECTORS SH. ROHTASH GOEL , SH MOHIT GOEL SH. MANOJ KUMAR DUA AND SH. VINIT GOYAL [ARB.P.-252/2023]

Judges: Justice C. Hari Shankar

A three-member arbitral tribunal was appointed to resolve the dispute between the parties. The argument regarding the maintainability of the petition due to a 3-year limitation period was rejected, as mediation efforts were made after the initial notice and a new notice was issued under Section 21 of the Arbitration and Conciliation Act, 1996. Arbitrators were appointed according to the arbitration clause, with a directive to file necessary disclosures before entering the reference.

MR. RAKESH SAWHNEY & ANR. VS M/S SKYLINE CONSTRUCTIONS AND ANR . [ARB.P.-1055/2024]

Judges: Justice C. Hari Shankar

Disputes arising from a Collaboration Agreement must be referred to arbitration under the agreement's arbitration clause. A retired judicial member from the National Company Law Appellate Tribunal is appointed as the sole arbitrator to adjudicate claims and counter-claims of approximately R.S. 2.5 Crores each. No opinion is expressed on the maintainability or merits of the claims, leaving all issues of fact and law for the arbitrator to resolve.

MR. SUSHANT & ORS. VS JAWAHARLAL NEHRU UNIVERSITY & ORS. [W.P.(C)-1261/2021]

Judges: Justice C. Hari Shankar

Amendments to Clause 9(b) of Jawaharlal Nehru University's PhD Ordinances, which introduced a 10-year time limit for re-enrollment after de-registration, do not apply to petitioners de-registered prior to the amendments. The pre-amendment Clause 9(b), which had no such time limit, governs their re-enrollment eligibility. The JNU's resolutions requiring petitioners to re-register by a specific deadline exceed the provisions of Clause 9(b) and were quashed. Consequently, the petitioners are entitled to seek re-enrollment to submit their PhD theses under the pre-amendment rules.

MR. YASHPAL CHAUDHARY VS TELECOMMUNICATION CONSULTANTS INDIA LTD [ARB.P.-1217/2024]

Judges: Justice C. Hari Shankar

A petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 led to the referral of disputes between Mr. Yashpal Chaudhary and Telecommunication Consultants India Ltd. to arbitration. The existence of a valid arbitration clause in their tender agreement was established, and the petitioner had invoked this clause by serving a notice under Section 21 of the Act. The scope of examination was limited to verifying the existence of the arbitration agreement and the timely filing of the petition. A sole arbitrator was appointed to adjudicate the disputes, with all issues of fact and law remaining open for determination by the arbitral tribunal.

MS PRIYA DHAWAN & ANR. VS DELHI UNIVERSITY & ANR. [W.P.(C)-3610/2024]

Judges: Justice C. Hari Shankar

Priya Dhawan and Pranjay Dhawan are entitled to have their names and their biological father's name, Rajesh Dhawan, corrected in the degrees and marksheets issued by the University of Delhi. The University's requirement for a decree of separation between the parents for changing the father's name was deemed unreasonable, as the change is supported by the petitioners' birth certificates and other public documents. The University is instructed to issue fresh degrees and marksheets with the corrected names within three weeks.

MS SIERRA APPLIANCES PVT. LTD. VS MS STELLAR CONSTELLATION PROJECTS PVT. LTD. [O.M.P. (T) (COMM.)-65/2024]

Judges: Justice C. Hari Shankar

Mr. Abhishek Jaju was appointed as the new arbitrator for the ongoing arbitration between MS Sierra Appliances Pvt. Ltd. and MS Stellar Constellation Projects Pvt. Ltd. following the death of the previous arbitrator, Mr. G.P. Thareja. The proceedings will continue from where they left off, with the new arbitrator entitled to fees according to the Fourth Schedule of the Arbitration and Conciliation Act, 1996. A disclosure under Section 12(2) of the Act is required from the new arbitrator, and the mandate of the Arbitral Tribunal has been extended by 6 months from the new arbitrator's entry into the case.

MS. MOMISHA VS UNIVERSITY GRANTS COMMISSION (UDC) AND ANR. [W.P.(C)-4631/2019]

Judges: Justice C. Hari Shankar

The writ petition by Ms. Momisha challenging her awarded CGPA of 5.88 in the M.Sc. (Geoinformatics) program was dismissed. She failed to follow the formal procedure for grade re-evaluation as outlined in the Student Handbook. The university's Grievance Redressal Committee reviewed the evaluation process and found no errors. Although a directive to re-evaluate grades was not possible, a request for Ms. Momisha to re-do her fourth semester was allowed for consideration by the university.

MST. LAKSHYA THROUGH NATURAL GUARDIAN SH. MAHENDRA KUMAR VS GOVERNMENT OF NCT OF DELHI AND ORS. [W.P.(C)-5752/2019]

Judges: Justice C. Hari Shankar

Ryan International School must admit the petitioner, who secured a seat under the Economically Weaker Sections (EWS) quota through a computerized draw conducted by the Directorate of Education (DoE). The school had previously informed the DoE of vacant EWS seats and cannot refuse admission. The school is directed to provide education to the petitioner as an EWS candidate, with the option to separately address fee reimbursement with the DoE.

MUKTESHWER MARBLE AND ORS. VS COMMISSIONER (LD) AND ORS. [W.P.(C)-1396/2022]

Judges: Justice C. Hari Shankar

The petition by marble traders regarding the Delhi Development Authority's refusal to allow trades beyond marble was viewed as unjustified. The lease deeds permitted change of land use with DDA approval, and the DDA's position was seen as a violation of the petitioners' fundamental right under Article 19(1)(g) of the Constitution. The petitioners were permitted to engage in any trades allowed under the Master Plan for Delhi 2001 for service centres, without increasing the floor area ratio or ground area.

MUSARRAT VS ASIF KHAN [TR.P.(C.)-31/2024]

Judges: Justice C. Hari Shankar

The transfer petition filed by Musarrat for moving a guardianship case from the Family Court was dismissed. Mere apprehensions of bias were deemed insufficient for transfer without concrete evidence. Allegations of prejudicial remarks from the presiding judge were not seen as indicative of bias, and it was noted that judges can adjust their views based on new information. The case did not meet the high standard required for considering such a transfer, leading to the dismissal of the petition.

N C JINDAL PUBLIC SCHOOL VS DIRECTORATE OF EDUCATION [W.P.(C)-8061/2017]

Judges: Justice C. Hari Shankar

The school was justified in increasing its development fee from 10% to 15% of the tuition fee starting April 1, 2009, in accordance with the Directorate of Education's order. The school had charged only 10% until that date, meaning no excess fee was charged that warranted a refund. The previous directive to refund the excess development fee was set aside.

NARESH GHAI VS CHAROO TALWAR [ARB.P.-105/2024]

Judges: Justice C. Hari Shankar

A petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 has been accepted, referring disputes from a Lease Deed dated October 1, 2019 to arbitration. The Delhi International Arbitration Centre (DIAC) will nominate an arbitrator to handle a claim of approximately R.S. 50 Lakhs. The proceedings will adhere to DIAC's rules, with the arbitrator receiving fees according to DIAC's schedule. The respondent may file a counter-claim during the arbitration.

NASHETA ZAIDI THROUGH GUARDIAN GROUP CAPTAIN IMRAN H ZAIDI VS CENTRAL BOARD OF SECONDARY EDUCATION & ANR. [W.P.(C)-11518/2023]

Judges: Justice C. Hari Shankar

The petitioner is entitled to full marks for her answer to Question 27 in the Geography paper, as the examiner indicated correctness by placing a tick mark. The failure to award marks was deemed a lapse by the examiner, and since the answer is correct, the maximum marks must be granted. A corrected mark sheet is to be issued to the petitioner, adding 5 marks for the answer.

NATIONAL AGRICULTURAL COOPERATIVE MARKETING FEDERATION OF INDIA LIMITED VS V.D. AGRO TECH LTD [O.M.P. (COMM)-448/2016]

Judges: Justice C. Hari Shankar

The petitioner was not allowed to introduce additional documents at the Section 34 stage regarding an arbitral award made before the 2019 amendment to the Arbitration and Conciliation Act. The challenge focused on the tribunal's observations about the petitioner's inaction, which did not constitute a public policy challenge under Section 34(2)(b). The existing criteria for introducing additional evidence at this stage were not met, leading to the dismissal of the petitioner's application.

NATIONAL ASSOCIATION FOR PARENTS AND STUDENTS RIGHTS (NAPSR) AND ORS. VS UNION OF INDIA AND ORS. [W.P.(C)-7362/2022]

Judges: Justice C. Hari Shankar

The Defence Research and Development Organisation (DRDO) decided to discontinue financial aid to four DRDO-aided schools, characterizing this as a policy shift to focus on defense research due to increased local schooling options. The rationale behind this decision was deemed reasonable based on changed circumstances. Petitions challenging this decision were dismissed as premature, while staff were allowed to seek legal remedies for any future adverse consequences.

NATIONAL HIGHWAYS AUTHORITY OF INDIA VS M S IRB AHMEDABAD VADODARA SUPER EXPRESS TOLLWAYS PVT. LTD [O.M.P.(I) (COMM.)-172/2024]

Judges: Justice C. Hari Shankar

The National Highways Authority of India (NHAI) is not entitled to direct IRB Ahmedabad Vadodara Super Express Tollways Pvt Ltd (IRB) to deposit ₹1586.26 crores as per an arbitral award. The existence of the award does not automatically warrant such a deposit without a prior enforcement. The award allows IRB to pay the revised premium later, with interest, rather than upfront. Moreover, the waterfall mechanism in the concession agreement does not authorize NHAI to demand the revised premium immediately, and the award does not change this contractual arrangement. Consequently, the request for interim protection under Section 9 of the Arbitration and Conciliation Act was dismissed.

NATIONAL LAW UNIVERSITY DELHI VS LAKHMI CHAND & ANR. [W.P.(C)-3535/2023]

Judges: Justice C. Hari Shankar

The Labour Court's finding that National Law University (NLU) illegally terminated Lakhmi Chand's services was contradictory to its earlier determination that no employer-employee relationship existed between them, leading to the overturning of the finding against NLU. However, the finding against White Fox Support Services Pvt. Ltd. (WFSSPL) regarding Lakhmi Chand's illegal termination was upheld, as WFSSPL's challenge was not maintainable. WFSSPL retains the right to raise issues concerning the settlement agreement in other appropriate proceedings.

NAZAR MOHAMED MOHAIDEEN.S VS JAWAHARLAL NEHRU UNIVERSITY AND ANR. [W.P.(C)-14933/2023]

Judges: Justice C. Hari Shankar

Jawaharlal Nehru University (JNU) acted against its own ordinances by canceling a Ph.D. candidate's status and requiring him to find a supervisor. The ordinances specify that JNU is responsible for assigning a supervisor. The Faculty Committee's claim that no SCMM faculty could supervise the candidate lacked supporting reasons, which are necessary for valid administrative decisions. The order was quashed, and JNU must reinstate the candidate and assign him a supervisor within two weeks, with the condition that he has agreed to be supervised by Prof. Shailja Singh. The reinstatement is conditional on the candidate's good conduct, with potential consequences for any misconduct.

NEERAJ KHULLAR VS VIRENDER KUMAR KHULLAR [O.M.P.(T)-5/2024]

Judges: Justice C. Hari Shankar

A petition under Section 15(2) of the Arbitration and Conciliation Act, 1996, was allowed for the appointment of a substitute Arbitrator following the death of Mr. G.P. Thareja. The matter was at the final argument stage, and the Delhi International Arbitration Centre was tasked with appointing a suitable Arbitrator, who may continue from the current stage. The new Arbitrator is to charge fees equivalent to those of Mr. G.P. Thareja, and the arbitration records will be transmitted to the newly appointed Arbitrator.

NEETU RANI & ORS VS KISHAN DEVI @ KISHORI DEVI [RFA-470/2015]

Judges: Justice C. Hari Shankar

The appeal filed by Neetu Rani and others against Kishan Devi @ Kishori Devi was dismissed because the respondent had passed away and the appellants did not substitute her with legal representatives despite being given multiple opportunities to do so. The appeal was deemed to have abated due to their non-compliance with court orders.

NEMA AS GUARDIAN OF RAJ VS JAWAHAR NAVODAYA VIDYALAYA [W.P.(C)-15328/2023]

Judges: Justice C. Hari Shankar

Raj sought admission to Class XI in Jawahar Navodaya Vidyalaya under the OBC category but could not claim a grievance since no unreserved/OBC category student with lower marks than him was admitted. The school provided an affidavit showing all admitted OBC students had higher scores. Consequently, there was no basis for Raj's claim, and the writ petition was disposed of.

NIHARIKA (MINOR) THROUGH HER MOTHER POONAM KUMARI VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-11579/2023]

Judges: Justice C. Hari Shankar

A student from the Disadvantaged Group (DG) category, shortlisted for Nursery/Pre-school admission for the 2023-2024 academic year by the Directorate of Education, is entitled to admission at the respondent school. Provisional admission granted earlier is confirmed as absolute, allowing the student to continue education under the DG category and benefit from all available advantages.

NIKUNJ KAPADIYA & ORS. VS INDIRA GANDHI NATIONAL OPEN UNIVERSITY & ANR. [W.P.(C)-12345/2023]

Judges: Justice C. Hari Shankar

The maximum duration for Bachelor's degree programs at IGNOU is 8 years, affirming the students' right to 2 years' re-admission as per Clause 6.7 of the Prospectus. The challenge to the withdrawal of the re-admission facility by an October 2020 Notification was dismissed due to delay, as petitioners did not act promptly after the Notification or after the initial 6-year period. The decision to disallow the transfer of credits from Foundation Courses in the previous BDP to the new CBCS program was upheld, as there are no parallel courses. This ruling involves three connected writ petitions.

NILABH RANJAN & ANR. VS UNIVERSITY OF DELHI & ORS. [W.P.(C)-12367/2023]

Judges: Justice C. Hari Shankar

The writ petition by two LL.B. students was dismissed as the university was not obligated to grant a fourth attempt at exams already failed multiple times. The maximum number of permissible attempts had been exhausted according to the university prospectus. The students can clear the pending papers in the next regular second semester exams within the six-year period allowed for completing the LL.B. degree, and there were no grounds for a special examination.

NILKANTH DAS AND ORS. VS CBSE AND ORS. [W.P.(C)-10063/2020]

Judges: Justice C. Hari Shankar

The petitioner's request to correct the internal assessment marks of their daughter, Miloni, from 18 to 20 in Social Studies was denied. The CBSE's decision to not allow changes was consistent with its circulars, which prohibit alterations to internal assessment marks once uploaded. The validity of the CBSE circulars was not challenged, leading to the upholding of the CBSE's decision. The writ petition was dismissed, and relief could not be granted.

NIRMALA TRAINING COLLEGE VS NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR [W.P.(C)-9467/2023]

Judges: Justice C. Hari Shankar

The withdrawal of recognition for the petitioner's B.Ed course was deemed flawed on two grounds. Firstly, the Appellate Authority based its decision on the petitioner having only 7 faculty members, excluding the Principal, which was not considered. The petitioner had an approved faculty list that included the Principal. Secondly, concerns regarding the qualifications of two faculty members were raised, but the petitioner had since recruited two qualified replacements, addressing this issue as a curable defect. Consequently, the Appellate Authority's order was quashed, and a fresh decision on the petitioner's appeal is required, taking into account the updated faculty list and allowing the petitioner an opportunity for a hearing. The petitioner's rights to challenge the new decision remain intact.

NITIN KUMAR VS M/S HOUSING DEVELOPMENT FINANCE CORPORATION LTD [RSA-91/2019]

Judges: Justice C. Hari Shankar

Nitin Kumar is not entitled to gratuity from Housing Development Finance Corporation Limited (HDFC) due to serving less than 5 years, which is the minimum required under the Payment of Gratuity Act, 1972. No contract existed to override this statutory requirement. Additionally, the suit was filed more than 3 years after the cause of action arose, barring the claim. The concurrent findings of the lower courts were upheld, leading to the dismissal of the appeal.

NITIN THOMAS VS NATIONAL MEDICAL COMMISSION & ANR. [W.P.(C)-11649/2021]

Judges: Justice C. Hari Shankar

The petitioner was not entitled to the Eligibility Certificate issued by the Medical Council of India in 2014 due to failure in the Physics theory paper in Class 12 and misrepresentation of marks in the application. The withdrawal of the Eligibility Certificate by the National Medical Commission was justified, and the cancellation of the FMGE pass certificate by the National Board of Examinations in Medical Sciences was appropriate, as the petitioner lacked eligibility to appear for the exam without a valid Eligibility Certificate. The writ petition had no merit and was dismissed.

NORTH DEIHI MUNICIPAL COEPORATION VS R&T ENTERPRISES [O.M.P. (COMM)-256/2016]

Judges: Justice C. Hari Shankar

The arbitrator's decisions regarding the unpaid final bill and interest were upheld based on justified reasoning and evidence. The award for the return of the EMD/security deposit was set aside due to a flawed interpretation of the contractual clause, and the idling charges were annulled because the calculation methodology was not disclosed. Objections concerning the claims' maintainability and the limitation plea were rejected. The matter involved two arbitration applications that were combined for a joint decision.

NOVARTIS AG & ANR. VS NATCO PHARMA LIMITED [CS(COMM)-229/2019]

Judges: Justice C. Hari Shankar

The claims in the patent for the compound Ceritinib (Indian Patent IN 276026) are considered novel, inventive, and not obvious based on the prior art cited by the defendant. The defendant's argument regarding the plaintiff's failure to disclose a divisional patent application and its subsequent refusal does not affect the validity of the suit patent or the interim injunction. The defendant's application to vacate the interim injunction was dismissed.

NUCON INDIA PVT LTD VS ARPITAM BUILDERS LLP [O.M.P.(I) (COMM.)-254/2024]

Judges: Justice C. Hari Shankar

A sole arbitrator, Ms. Prem Lata Bansal, Senior Advocate, was appointed to resolve disputes between Nucon India Pvt Ltd and Arpitam Builders LLP regarding a construction contract. The petitioner raised debatable issues requiring a comparative analysis of the evidence. The scope of examination under Section 11(6) of the Arbitration and Conciliation Act, 1996 is restricted following a recent Supreme Court judgment. The matter was referred to arbitration without any opinion on the merits, leaving all questions of fact and law for the arbitrator to decide.

OCEAN SEVEN BUILDTECH PVT LTD VS SH. SRI BHAGWAN [ARB. A. (COMM.)-51/2023]

Judges: Justice C. Hari Shankar

The appeal filed by Ocean Seven Buildtech Pvt Ltd against the arbitrators' order was disposed of, allowing parties to present arguments on all aspects, including contract clause interpretation, without influence from prior arbitrator findings. The arbitral tribunal's mandate was extended by 6 months from the original expiry date.

OJAS SATYAWALI THROUGH HIS MOTHER BHAWNA PATHAK VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-12124/2023]

Judges: Justice C. Hari Shankar

Dwarka International School was required to grant admission to 7-year-old Ojas Satyawali, an Economically Weaker Sections (EWS) candidate, as recommended by the Directorate of Education (DoE). The DoE is responsible for verifying EWS applicants' credentials, and since the school did not contest the petitioner's eligibility, it must continue his education in the EWS category as mandated by law.

OM PRAKASH VERMA VS NATIONAL TESTING AGENCY & ANR. [W.P.(C)-11380/2023]

Judges: Justice C. Hari Shankar

The answer key for Question 20087 in the UGC-NET June 2023 examination was identified as incorrect, as both statements in the question were verifiably incorrect, contrary to the answer key's indication that one was correct. The presence of two identical answer options was noted as a significant flaw. As a result, all candidates who attempted the question were to be awarded 2 marks, and the final results of the petitioner were to be revised and communicated within 4 weeks.

ORIENTAL INSURANCE CO. LTD VS DEVANSH REAL ESTATE PVT. LTD. & ANR. [RSA-60/2024]

Judges: Justice C. Hari Shankar

The Additional District Judge erred by dismissing the appellant's appeal due to delay without allowing an opportunity to file a condonation application. An overly technical approach was noted, warranting a chance for the appellant to submit the application. The previous order was set aside, the matter was remanded, and the appellant was directed to file the application within one week, with a decision required within three weeks. The substantial question of law was answered in favor of the appellant.

P. NIHAL SRIVATSAV THROUGH HIS NATURAL GUARDIAN P HARISH BABU VS UNION OF INDIA & ANR. [W.P.(C)-4850/2024]

Judges: Justice C. Hari Shankar

A writ petition by a person with a disability challenging the JEE (Mains) 2024 examination process was dismissed. The petitioner faced issues with claiming PwD status due to a delay in obtaining a disability certificate. Despite being given a chance to correct application details, allowing a change in status from non-PwD to PwD between sessions was deemed to create operational issues and confusion. The NTA's policy, while unfortunate for the petitioner, was not considered discriminatory, and academic policies were not interfered with without clear unconstitutionality.

PANDYA KHUSHALBHAI GHANSHYAMBHAI AND ORS. VS INDIRA GANDHI NATIONAL OPERN UNIVERSITY MAIDAN (IGNOU) AND ORS. [W.P.(C)-1743/2020]

Judges: Justice C. Hari Shankar

Petitioners admitted to B. Tech degree programs under the IGNOU-VIEP are entitled to a 2-year extended registration period (ERP) for completing backlog papers, similar to what diploma students received. Denying ERP to degree students while granting it to diploma students constitutes discrimination under Article 14 of the Constitution. Arguments regarding the unauthorized status of courses and UGC guidelines limiting duration were rejected, as the AICTE had retrospectively validated the B. Tech programs up to 2009-10. A prior decision by the SOET denying ERP was overruled by a later decision from the IGNOU Academic Council granting the 2-year ERP for bachelor's degree programs.

PARENTS ASSOCIATION AHLCON PUBLIC SCHOOL VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-7768/2024]

Judges: Justice C. Hari Shankar

The writ petition by the Parents Association of Ahlcon Public School sought approval of the school's fee structure for 2023-2024 under Section 17(3) of the Delhi School Education Act, 1973. Due to ongoing general elections, a decision could not be made within the previously set timeframe. A new deadline of 15 June 2024 was established for the Directorate of Education to decide after a personal hearing with both parties. The option to challenge the Directorate's decision remains available to the involved parties.

PARIDHI KUMARI THROUGH HER FATHER MOHAN KUMAR VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-8254/2023]

Judges: Justice C. Hari Shankar

Paridhi Kumari cannot claim a right to admission in the Respondent 2-School for the academic year 2023-2024 based on the allotment by the Directorate of Education (DoE) from the academic year 2021-2022. Allotments made through a computerized draw of lots are limited to the specific year and do not carry over to subsequent years. The provisional admission order for 2023-2024 does not establish a permanent right for her. The DoE is directed to provide education to her as an EWS student in another appropriate school.

PARUL SINGH THROUGH HER MOTHER BABITA KUMARI VS DIRECTORATE OF EDUCATION & ORS. [W.P.(C)-13227/2023]

Judges: Justice C. Hari Shankar

The grievance of Parul Singh is no longer relevant as the Indian School (Morning Shift) granted her admission in the EWS category, complying with her request. The school will treat her as a regular student and provide education according to the RTE Act. The petition has been disposed of.

PAWAN GUPTA AND ANR VS KAMAL GUPTA AND ORS [O.M.P.(I) (COMM.)-198/2023]

Judges: Justice C. Hari Shankar

The previous order referring disputes to arbitration cannot be recalled, but the properties to be excluded from arbitration must be identified. Rahul Gupta holds a 23% share in the family property corpus, which is not subject to arbitration due to his absence from the family settlement deeds and arbitration petition. This 23% share, along with properties owned by intervenor companies, is excluded from the arbitration proceedings. Attempts by Pawan Gupta and Kamal Gupta to limit the exclusion to only the intervenor companies' properties were rejected as unconscionable. Rahul Gupta should have been included in the family settlement process, but the present arbitration mandates protections for his interests. Accordingly, his share in the family properties and the intervenor companies' properties remain outside the scope of arbitration.

PAWAN KUMAR THROUGH HIS FATHER SANAM GAUTAM VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-11869/2023]

Judges: Justice C. Hari Shankar

The respondent school must admit the petitioner children allocated seats in the KG/Pre-primary class for the 2023-2024 academic session as determined by the computerized draw of lots conducted by the Directorate of Education. The school did not challenge the DoE's data indicating 24 available EWS/DG/CWSN seats, thus accepting it. Unfilled vacancies in the EWS/DG category can be carried over to the next academic year. The Directorate of Education has the authority to issue circulars and orders under the RTE Act concerning the allocation of entry-level seats for EWS/DG/CWSN children.

PAYU PAYMENTS PRIVATE LIMITED VS THE NEW INDIA ASSURANCE CO LTD [ARB.P.-1209/2023]

Judges: Justice C. Hari Shankar

Disputes regarding the respondent's liability to cover the petitioner's losses under insurance policies must be referred to arbitration. The broad wording of the arbitration clauses encompasses all disputes between the parties. The respondent's claim that these clauses only pertain to quantum was rejected, as it would require an evaluation of arbitrability. A three-member arbitral tribunal is to be constituted to resolve the disputes, with all related factual and legal questions left for the tribunal's determination.

POONAM MITTAL VS M/S CREAT ED PVT. LTD. [O.M.P.(MISC.)(COMM.)-80/2023]

Judges: Justice C. Hari Shankar

The petitioner's request to substitute the sole arbitrator was found unjustified. Under Section 29A(6) of the Arbitration and Conciliation Act, substitution is permissible only if the arbitrator fails to proceed expeditiously. The existing arbitrator was conducting the proceedings diligently, and delays in witness cross-examination did not constitute undue protraction. The prayer for substitution was rejected, and the mandate of the arbitral tribunal was extended for six months.

POONAM SAREEN VS MS UNLIMITED RESOURCES AND ORS [EX.F.A.-2/2024]

Judges: Justice C. Hari Shankar

The dismissal of the appellant's execution petition was upheld, as the Limitation Act does not allow for condonation of delay in such filings. Allegations against the appellant's counsel regarding lack of communication about the ex parte decree for over 10 years lacked evidential support. The lower court's order was deemed free of infirmity, leading to the dismissal of the appeal.

POWER GRID CORPORATION OF INDIA LIMITED VS RANJIT SINGH AND COMPANY LLP [O.M.P. (COMM)-134/2023]

Judges: Justice C. Hari Shankar

The arbitral tribunal's award on Claim 1, which partially allowed the respondent's claim for R.S. 2,42,17,988/-, was set aside due to the absence of supporting evidence for the claim. The tribunal's reliance on "justice, equity and good conscience" for the award was deemed impermissible under Section 28(2) of the Arbitration Act, 1996, as such decisions must be based on evidence rather than subjective notions of fairness. Consequently, the award was found to be patently illegal and perverse.

PRABHAKAR YADAV & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-2998/2024]

Judges: Justice C. Hari Shankar

The requirement under Section 15(1) of the National Commission for Indian System of Medicine Act, 2020 for the National Exit Test (NExT) applies to students enrolled in BAMS and BUMS courses after the Act came into force on 11 June 2021, regardless of their earlier admission dates. Petitioners do not have a vested right under the previous IMCC Act to be licensed without passing the NExT, as the right to a license arises only after obtaining their degrees. The introduction of the NExT requirement is deemed a valid policy decision made in public interest, and claims of legitimate expectation from the petitioners were rejected.

PRADEEP SAHU VS JAWAHAR LAL NEHRU UNIVERSITY & ANR. [W.P.(C)-13035/2023]

Judges: Justice C. Hari Shankar

The Jawaharlal Nehru University (JNU) rejected the petitioner's application for the Ph.D. program in 2022-23, citing the invalidity of the Junior Research Fellowship (JRF) as of the admission deadline. However, the JRF was valid until 25 September 2023 according to UGC guidelines. The rejection was deemed unjustified, leading to the petitioner's admission to the Ph.D. program in International Legal Studies.

PRAGATI PATH EDUCATIONAL FOUNDATIONS MILLENNIUM NATIONAL SCHOOL VS CENTRAL BOARD OF SECONDARY EDUCATION AND ORS [W.P.(C)-5872/2024]

Judges: Justice C. Hari Shankar

The petitioner-school's grievance regarding its debarment from affiliation by CBSE is no longer relevant, as CBSE clarified that the school is not dis-affiliated, and the debarment on the SARAS portal was incorrect. A show cause notice issued to the school remains pending, and no opinion on it was expressed. The writ petition was disposed of.

PRAGATI SHRIVASTAVA VS THE SECRETARY, CENTRAL BOARD OF SECONDARY OF SECONDARY EDUCATION AND ANR [W.P.(C)-11250/2021]

Judges: Justice C. Hari Shankar

The petitioner's request to change her father's name in her CBSE certificates from "D.N. Srivastav" to "Surendra Prasad Shrivastav" was granted based on public documents like her birth certificate, Aadhaar card, and family documents that confirmed her father's correct name. A pragmatic approach was taken, emphasizing the importance of a person's name as a part of their identity and dismissing minor transliteration discrepancies. The CBSE was instructed to issue new certificates with the corrected name, contingent upon the petitioner providing an affidavit and indemnifying the CBSE.

PREETI SINGH VS NATIONAL MEDICAL COMMISSION & ORS. [W.P.(C)-3259/2024]

Judges: Justice C. Hari Shankar

The petitioner was deemed ineligible for an Eligibility Certificate from the Medical Council of India for pursuing an MBBS degree abroad due to failing the Biology subject in Class 12. Compliance with CBSE guidelines and Graduate Medical Education Regulations 1997 mandates passing Physics, Chemistry, Biology, and English individually. The petitioner did not disclose the failure in the application for the Eligibility Certificate, which constituted concealment of information. The decision to cancel the Eligibility Certificate was upheld, with no equities claimed in favor of the petitioner.

PRITI GOEL VS DR ASRA HUSSAIN KHUMUSHI [ARB.P.-1106/2024]

Judges: Justice C. Hari Shankar

Mr. Setu Niket, Advocate, is appointed as the arbitrator to resolve disputes between the parties, who failed to agree on an arbitrator despite Section 21 notices. Both parties acknowledge that the disputes are subject to arbitration under the Partnership Deed. The delay in refiling the petition is condoned.

PRIYA ALIAS POOJA VS HARI CHAND AND ORS [RSA-127/2022]

Judges: Justice C. Hari Shankar

The impugned order passed by the Additional District Judge was set aside due to the misclassification of the appeal as a second appeal under Section 100 of the CPC instead of a first appeal under Section 96. The Additional District Judge did not comply with Order XLI Rule 31 of the CPC, failing to independently re-appreciate the evidence and instead agreeing with the trial court's findings. The matter was remitted to the Additional District Judge for fresh consideration in accordance with the law.

PRIYANSHI PATHAK VS MAHARAJA AGRASEN MODEL SCHOOL & ANR. [W.P.(C)-13830/2023]

Judges: Justice C. Hari Shankar

The petitioner's request to correct her date of birth in school records from March 26, 2008, to May 26, 2008, was dismissed. The change was sought 12 years after an affidavit by her father was submitted at the time of admission. If born on May 26, 2008, the petitioner would have been underage during admission, raising doubts about the validity of the birth certificate. The petition was characterized as an inappropriate use of legal processes.

PUBLIC WORK DEPARTMENT VS MUKESH SHARMA [O.M.P. (COMM)-242/2023]

Judges: Justice C. Hari Shankar

The petitioner's application challenging an arbitral award under Section 34 of the Arbitration and Conciliation Act, 1996 was dismissed as it was filed beyond the 120-day limitation period. Even after accounting for the time spent in earlier proceedings, the petition was submitted well past the deadline from when the petitioner received the award. The petition is barred by limitation.

PULKIT GOGNA (MINOR) VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-3241/2024]

Judges: Justice C. Hari Shankar

The writ petition for admission to Class IV in the respondent school for the academic year 2024-25 was dismissed due to the petitioner's failure to be shortlisted or allocated admission by the Directorate of Education through the computerized draw of lots. The petitioner also did not apply for admission to that school. It was noted that prompt action should be taken against schools that unjustifiably refuse admission to shortlisted EWS/DG category students to alleviate court burdens.

PUMA SE VS INDIAMART INTERMESH LTD [CS(COMM)-607/2021]

Judges: Justice C. Hari Shankar

Indiamart IndiaMESH Ltd (IIL) is allegedly infringing Puma SE's registered trademarks by listing "Puma" in a drop-down menu for prospective sellers, enabling counterfeiters to falsely represent their products as genuine Puma items and harming Puma's trademark reputation. IIL's argument of being a mere intermediary for safe harbour under the Information Technology Act, 2000, was dismissed, as its active role in providing the trademark and lack of due diligence negate any protection.

PVR INOX LTD. VS SHEETAL ANSAL & ANR. [ARB.P.-517/2024]

Judges: Justice C. Hari Shankar

A valid arbitration clause exists in the Sub-Sub-Lease Deed between PVR INOX Ltd. and Sheetal Ansal. Mr. Sumeet Pushkarna is appointed as the arbitrator to address the disputes. Sheetal Ansal is permitted to raise legal objections and counter-claims in the arbitration. The inclusion of Respondent 2 in the proceedings is left to the arbitrator's discretion based on a separate application by PVR INOX Ltd.

PVR INOX LTD. VS SHEETAL ANSAL & ORS. [ARB.P.-518/2024]

Judges: Justice C. Hari Shankar

A petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, was allowed, leading to the referral of disputes to arbitration based on a Maintenance Agreement dated 11 May 2018, which included an arbitration clause. The same arbitrator from a separate matter involving the petitioner and Respondent 1 was appointed for this case. The inclusion of Respondent 2 in the arbitration proceedings was left for the arbitrator to decide.

QUDSIYA VS CBSE & ANR. [W.P.(C)-221/2024]

Judges: Justice C. Hari Shankar

The petitioner is entitled to have her father's name corrected from "Mohd. Sauleheen" to "Mohd. Sualeheen" on her CBSE certificates. The case involves a simple spelling correction, which should be accommodated liberally. The CBSE is to issue a revised certificate within four weeks.

RADICO KHAITAN LIMITED VS NARGESH KUMAR [ARB.P.-950/2024]

Judges: Justice C. Hari Shankar

A dispute between Radico Khaitan Limited and Nargesh Kumar has been referred to the Delhi International Arbitration Centre (DIAC) for the appointment of an arbitrator. The arbitration agreement specifies that disputes will be resolved by arbitration in Delhi, but stipulates the petitioner should appoint the arbitrator, which is not allowed under existing rulings. The DIAC has been directed to appoint the arbitrator, who will charge fees according to its schedule.

RAGHUNATH SINGH (DECEASED) THROUGH LRS VS SATISH CHAND AND ANOTHERS [EX.F.A.-47/2023]

Judges: Justice C. Hari Shankar

The plaintiff, Satish Chand, is entitled to a decree of possession against the defendant, Raj Kumar, despite the defendant transferring possession to the landlord, Raghunath Singh, during the suit. This transfer violated Section 52 of the Transfer of Property Act as it occurred without court authority and impacted the plaintiff's rights. The objections from Raghunath Singh's legal heirs were rejected because they did not assert any independent rights over the property and merely repeated previously dismissed claims. The plaintiff can execute the decree against the landlord or any other individual in possession of the property.

RAHUL SIKRI VS NATIONAL INSTITUTE OF OPEN SCHOOLING [W.P.(C)-882/2024]

Judges: Justice C. Hari Shankar

The order of the National Institute of Open Schooling (NIOS) rejecting a petition for the correction of the father's name in school certificates from 1999 and 2002 was set aside. The NIOS notification permitting corrections beyond 10 years was interpreted as expansive. The matter was remanded to NIOS for a decision on the petitioner's request within 3 months, without addressing the merits of the correction itself. Recommendations were made for the NIOS to consider revising the notification for clarity to reduce the number of applications.

RAJ GANGWANI VS GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY & ORS. [W.P.(C)-1506/2024]

Judges: Justice C. Hari Shankar

The writ petitions of students Raj Gangwani and Durgesh Mohan Mishra for grace marks or a "mercy chance" in the Communication Sciences paper were dismissed. University regulations state that grace marks can only be given in regular examinations, not in re-appear examinations. Provisions for grace marks apply only at the end of the course for degree eligibility, not during it. The argument for a "mercy chance" beyond the allowed three attempts was rejected, as a special chance granted to another student due to COVID-19 did not apply to the petitioners. Both petitions were dismissed with no orders as to costs.

RAJ KUMARI TANEJA VS RAJINDER KUMAR & ANR. [ARB.P.-862/2023]

Judges: Justice C. Hari Shankar

A petition under Section 11(5) of the Arbitration and Conciliation Act, 1996 was allowed, appointing an arbitrator to resolve disputes between the parties. The partnership deed included an arbitration clause, but the parties could not agree on arbitration. The issue of whether the disputes were settled was deemed a question of fact for the appointed arbitrator to decide. No opinion was expressed on the merits of the disputes, and the applicant retained the right to address the arbitrator regarding the representation of one of the respondents.

RAJ KUMARI TANEJA VS RAJINDER KUMAR & ORS. [ARB.P.-863/2023]

Judges: Justice C. Hari Shankar

The parties have a valid arbitration agreement under the Partnership Deed. The issue of whether the disputes have been settled is a factual question for the arbitrator. A sole arbitrator has been appointed to adjudicate the disputes, with the right for the respondent to move for representation on behalf of a party suffering from a psychological ailment. No opinion on the merits of the disputes was expressed, and the arbitrator is directed to handle the representation issue according to the law.

RAJAT (MINOR) THROUGH HIS FATHER AND NATURAL GURDIAN SHRI VIKAS VS THE SECRETARY, MINISRTY OF SOCIAL JUSTICE & EMPOWERMENT GOVERNMENT OF INDIA & ANR [W.P.(C)-13208/2018]

Judges: Justice C. Hari Shankar

The writ petition filed by Rajat challenging his admission to the D.Ed. Special Education (ASD) course was dismissed. Rajat initially applied for the D.Ed. Special Education (ASD) course, later changed his application to D.Ed. Special Education (Hearing Impairment), and then attempted to revert to the D.Ed. Special Education (ASD) course. Evidence showed he concealed facts and misled the proceedings. He was deemed not entitled to equitable relief due to presenting himself with "unclean hands."

RAJAT JOON VS CENTRAL BOARD OF SECONDARY EDUCATION & ANR. [W.P.(C)-4026/2023]
Judges: Justice C. Hari Shankar
Rajat Joon is entitled to change the names of his parents on his Class X and Class XII certificates to Rajender Singh Joon and Gayatri Devi, based on a previous decree. An existing order from October 21, 2020, supports this claim, which identifies his parents as such. No views were expressed on the challenges to this order.

RAJNI SHARMA VS DES RAJ SETHI [EX.F.A.-50/2023]
Judges: Justice C. Hari Shankar
The orders directing attachment of the appellant's property were set aside. The appellant is required to pay Rs. 10.04 lakhs to the respondent in 4 equal bi-monthly instalments, with allowances for previously paid amounts and an additional Rs. 50,000. Any amount deposited by a third party with the trial court can be claimed for release by the appellant, contingent on compliance with the payment directions.

RAKESH KUMAR SHARMA VS MOTHER DAIRY FRUIT & VEGETABLES PVT LTD [RSA-94/2019]
Judges: Justice C. Hari Shankar
The appeal filed by Ms. K. Kiran on behalf of her missing brother, Rakesh Kumar Sharma, was found to be incompetent. Rakesh Kumar Sharma was missing prior to the judgment and did not sign the appeal or provide authorization for Ms. Kiran to represent him. An appeal must be filed by a litigant with their knowledge and permission, and allowing unauthorized third parties to appeal can cause serious prejudice. The appeal was dismissed.

RAKESH VS GOVT OF NCT OF DELHI & ANR. [W.P.(C)-12937/2023]
Judges: Justice C. Hari Shankar
The petitioner's daughter, belonging to the Disadvantaged Group in the Scheduled Caste category, is entitled to free, compulsory elementary education under the Right of Children to Free and Compulsory Education Act, 2009. Her shortlisting by the Directorate of Education for Nursery/Pre-school admission created an enforceable right to admission. The respondent school could not refuse her admission without seeking modification of the seat matrix within the required period, which it failed to do. Therefore, her provisional admission as a DG category student was regularized.

RASHMI GUPTA VS GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-5086/2024]
Judges: Justice C. Hari Shankar
The writ petition filed by Rashmi Gupta challenging her son Ivaan Rana's admission to the preschool for the 2024-2025 academic session was dismissed. The school correctly awarded Ivaan 65 points based on evidence showing his residence was 1-2 km from the school, not within 1 km. Additionally, the sister benefit was limited to the second child, disqualifying the petitioner from receiving an extra 20 points for her third child. Submitting two application forms with differing distance claims barred the petitioner from seeking relief under Article 226 of the Constitution.

RBCL PILETECH INFRA VS BHOLASINGH JAIPRAKASH CONSTRUCTION LIMITED & ORS. [ARB.P.-1108/2023]
Judges: Justice C. Hari Shankar
A prima facie case exists to include Respondent 2 BHEL in the arbitration initiated by petitioner RBCL Piletech Infra against Respondent 1 Bholasingh Jaiprakash Construction Ltd (BJCL) due to BHEL's role in payment provisions within the Work Order. However, there is no direct contractual relationship between the petitioner and Respondent 3 NTPC, making NTPC's inclusion in the arbitration unjustified at this stage, though the petitioner may seek NTPC's inclusion by demonstrating necessity to the arbitral tribunal. A sole arbitrator was appointed to address the disputes.

RELIANCE COMMUNICATIONS LIMITED VS UNIQUE IDENTIFICATION AUTHORITY OF INDIA [O.M.P. (COMM)-239/2017]

Judges: Justice C. Hari Shankar

The award of the sole arbitrator was upheld, confirming that payment to the petitioner was to be made on a "per connect minute" basis, consistent with the contract terms. The arbitrator's decision to remand service level agreement deductions for fresh consideration, due to a violation of natural justice, was deemed appropriate and not subject to interference under Section 34 of the Arbitration and Conciliation Act, 1996.

RELIGARE FINVEST LIMITED VS SKIL INFRASTRUCTURE LIMITED & ORS. [ARB.P.-224/2024]

Judges: Justice C. Hari Shankar

Disputes between Religare Finvest Limited and respondents 2-5 are considered prima facie arbitrable due to the arbitration clause in the Deeds of Security. A sole arbitrator, Mr. Aniruddh Sharma, is appointed to resolve the disputes related to the joint and several liabilities of respondents 2-5 concerning a loan provided to Skil Infrastructure Limited, which is in Corporate Insolvency Resolution Process. Substituted service on respondents 2-5 was deemed unnecessary as they had been previously served but failed to appear.

REWANT AHLAWAT VS CENTRAL BOARD OF SECONDARY EDUCATION [W.P.(C)-3578/2024]

Judges: Justice C. Hari Shankar

The writ petition seeking correction of the date of birth in the Secondary School Examination Certificate was dismissed. The application for correction, submitted eight years after issuance, was barred by the one-year time limit set by the CBSE's notification. Additionally, two conflicting birth certificates from different authorities made it impossible to ascertain the correct date of birth.

REYANSH THROUGH HIS FATHER SUBHASH CHAND MEENA VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-6590/2024]

Judges: Justice C. Hari Shankar

The writ petition by Reyansh for admission to Class II in the Disadvantaged Group category for the academic year 2024-25 was dismissed. The right for admission based on the computerized draw of lots from the previous academic year has expired. Reyansh can apply as an Economically Weaker Section student for the upcoming academic year, with his application to be processed by the Directorate of Education following the standard procedure.

RISHIKA KHARB VS UNIVERSITY OF DELHI AND ORS [W.P.(C)-14554/2023]

Judges: Justice C. Hari Shankar

Rishika Kharb's writ petition resulted in her admission to the 4th semester of the B.Sc. in Physical Science with Chemistry course at Hindu College. The necessary NOC was obtained from Dyal Singh College within the migration deadline, and the arguments from Hindu College and Delhi University to deny her migration were rejected.

RISHITA SHUKLA VS DAULATRAM COLLEGE & ORS. [W.P.(C)-12387/2023]

Judges: Justice C. Hari Shankar

The writ petition by Rishita Shukla challenging the conversion of a vacant B.A. (Hons.) English seat at Daulat Ram College into a spot counselling seat was dismissed. The vacant seat was filled by a candidate with higher marks in the CUET than Shukla, and the seat available for spot counselling resulted from a different candidate declining admission. Shukla's misconception about the nature of the seats and the university's actions was noted, indicating no illegality in the proceedings.

RITIKA PRASAD VS GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY [W.P.(C)-8841/2023]

Judges: Justice C. Hari Shankar

Educational certificates must reflect the names of both parents rather than only the father's name, based on gender equality principles and the right to personal identification. The respondent university is directed to issue a fresh B.A. LLB degree that includes both parents' names. Suggestions for naming conventions on certificates have been provided to the University Grants Commission, with the understanding that exceptional cases may be handled individually.

RUKMINIDEVI ARUNDALE COLLEGE OF EDUCATION VS NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR [W.P.(C)-12707/2022]

Judges: Justice C. Hari Shankar

The NCTE Appellate Authority's dismissal of the petitioner's appeal against the withdrawal of recognition for its B.Ed. course was deemed invalid due to reliance on grounds not included in the original show cause notice, denying the petitioner a chance to respond and violating natural justice principles. The withdrawal order and dismissal were quashed, with a directive to restore the college's recognition within two weeks. The NCTE retains the right to act on any deficiencies in the college's functioning, provided the college is given an opportunity to address them.

SABRIN KHATUN VS GOVT OF NCT OF DELHI & ANR. [W.P.(C)-11534/2023]

Judges: Justice C. Hari Shankar

The petitioner's son, belonging to the Economically Weaker Section/Disadvantaged Group, is entitled to free and compulsory education under the Right of Children to Free and Compulsory Education Act, 2009. The Directorate of Education's selection for admission as an EWS/DG candidate must be honored by the school unless a modification request was made within the allotted time. The provisional admission of the petitioner's son to the respondent school for Nursery/Pre-school in the 2023-2024 academic year was regularized, and the school was directed to provide all necessary amenities, including uniform and textbooks.

SABU TRADE PVT LTD VS SH RAJ KUMAR SABU AND ORS [C.O.(COMM.IPD-CR)-780/2022]

Judges: Justice C. Hari Shankar

RKS/STC, as the registered proprietor of the "SACHAMOTI" trademark and copyright, presented a prima facie case in its favor. The defendants' evidence was inconsistent and insufficient to challenge the validity of RKS/STC's registrations. An interim injunction was granted, prohibiting the defendants from using the "SACHAMOTI" mark and label, while the defendants' application was dismissed. Further analysis of the evidence will occur at trial.

SAKSHI HOODA VS THE DIRECTOR NATIONAL MEDICAL COMMISSION AND ORS. [W.P.(C)-3893/2024]

Judges: Justice C. Hari Shankar

Sakshi Hooda passed Anatomy and Biochemistry but failed Physiology in her MBBS exams, requiring her to retake only the Physiology paper according to the National Medical Commission's passing criteria. The college mandated retaking all subjects as supplementary exams, leading to passing Physiology and Biochemistry but failing Anatomy. The revised results from the University of Delhi showed her passing in all papers, allowing her promotion to the third semester of the MBBS course, contingent upon fulfilling class attendance requirements and potential remedial classes.

SAKSHI SEMWAL VS UNION OF INDIA & ANR. [W.P.(C)-15477/2023]

Judges: Justice C. Hari Shankar

The petitioner's 4-year undergraduate diploma from the Indian Institute of Crafts & Design (IICD) is considered equivalent to an undergraduate degree for admission to the Master of Fashion Management (MFM) course at the National Institute of Fashion Technology (NIFT). Initially admitted based on an IICD certificate affirming the diploma's equivalence to a B.Des program, the NIFT's request for an equivalence certificate further supported this consideration. An IICD-issued certificate confirmed that its B.Des program is a recognized 4-year undergraduate degree by the University Grants Commission (UGC). As a result, the NIFT's decision to cancel the petitioner's admission was quashed, and her admission to the MFM course was restored.

SAMEER BANSAL & ORS. VS VIPIN GUPTA & ANR. [ARB.P.-539/2024]

Judges: Justice C. Hari Shankar

A valid arbitration agreement between the parties is debatable, warranting examination on a prima facie basis under Section 11(6) of the Arbitration and Conciliation Act, 1996. An arbitrator has been appointed to adjudicate the dispute, and the legal issues related to the Memorandum of Understanding (MoU) remain open for discussion in the arbitral proceedings.

SAMEER SINGH MINOR THROUGH HIS FATHER VS UNIVERSITY OF DELHI & ANR. [W.P.(C)-12782/2023]

Judges: Justice C. Hari Shankar

The University of Delhi's allocation of ward quota seats stream-wise, rather than course-wise, aligns with the Academic Council's resolution from November 27, 2020. The resolution does not require course-wise admissions prior to considering additional admissions in the same course. The stream-wise allocation policy, approved by the Vice Chancellor, is deemed reasonable and compliant with statutory provisions. The cancellation of the petitioner's provisional admission to the B.A. (Hons.) History course was justified due to the petitioner's lower CUET score compared to other candidates admitted under the extern ward quota in the Humanities stream cluster. The petition was dismissed with no identified illegality in the University's actions.

SAMIKSHA CHAUDHARY & ORS. VS MAULANA AZAD MEDICAL COLLEGE & ANR. [W.P.(C)-4016/2024]

Judges: Justice C. Hari Shankar

The petitioners are ineligible to attempt the 3rd Professional Part II MBBS Examination on 11 March 2024 due to insufficient clinical training weeks, with Petitioners 1 and 2 completing only 73 weeks instead of the required 84, and Petitioner 3 failing to complete the full 4.5 years of the MBBS course. Additionally, they did not meet the 12-month duration requirement for both Part I and Part II of the exam. Consequently, the exam has been deferred to April 2025, with instructions for the petitioners to complete the remaining clinical posting weeks within the next year.

SANDEEP KUMAR VS THE PRINCIPAL, APEEJAY SCHOOL ANR. [W.P.(C)-15376/2023]

Judges: Justice C. Hari Shankar

The respondent school must admit the petitioner's daughter to the Nursery/Pre-school class for the 2023-2024 academic year, as determined by the computerized draw of lots conducted by the Directorate of Education (DoE). The school's failure to contest the DoE's data within the required timeframe negates its claims regarding a reduction in entry-level seats and ongoing litigation. Admission must be granted immediately according to the draw's outcome.

SANDEEP VS THE PRINCIPAL DAV PUBLIC SCHOOL AND ORS [W.P.(C)-14728/2023]

Judges: Justice C. Hari Shankar

The petitioner's child, belonging to the Economically Weaker Section, is entitled to admission in the respondent school's KG/Pre-primary class under the 25% EWS/DG quota as per the RTE Act. Previous decisions confirmed the obligation of schools to admit students shortlisted by the Directorate of Education through a computerized draw of lots. The respondent school's claim of suppression of facts was rejected, as the child's prior allotment to another school did not negate the right to seek admission in the respondent school.

SANGEETA VS NEETU [TR.P.(C.)-152/2023]

Judges: Justice C. Hari Shankar

The suit filed by Sangeeta against her sister-in-law Neetu for an injunction regarding the suit property falls under the jurisdiction of the Family Court. The injunction request arose from the marital relationship between Neetu and Sangeeta's brother Kamal, leading to the decision to transfer the case from the Civil Court to the Family Court.

SANHINA AGNIHOTRI VS PRAKASH CHANDRA GUWALANI [ARB.P.-422/2023]

Judges: Justice C. Hari Shankar

Disputes arose between the parties regarding a lease agreement dated January 1, 2019, which included an arbitration clause. The petitioner invoked this clause by notifying the respondent, who did not reply. The petitioner sought to refer the disputes to arbitration, countering the respondent's claim of settlement through a June 9, 2024 agreement, asserting that not all disputes were resolved. Examination confirmed the existence of an arbitration agreement and timely filing under relevant provisions. The issue of arbitrability or liability discharge could not be addressed. As a result, a sole arbitrator was appointed to resolve the disputes.

SANJAY GOEL VS BKR CAPITAL PVT. LTD. [TR.P.(C.)-76/2024]

Judges: Justice C. Hari Shankar

The petition for transferring a case from Commercial Court-04 was dismissed. Orders from the Commercial Court-04, although arguable, were not considered perverse or absurd, reflecting a valid interpretation of the Commercial Courts Act. Costs imposed on the petitioner for filing delays were upheld to emphasize the need for prompt resolution of commercial matters. The grounds cited for transfer did not substantiate a move away from the currently assigned commercial court.

SANJAY GOEL VS MAJESTIC BUILDCON PVT. LTD. [TR.P.(C.)-75/2024]

Judges: Justice C. Hari Shankar

The petitioner failed to justify the transfer of the commercial suit (CS (Comm) 525/2018) from the District Judge (Commercial Court)-04, which had the necessary jurisdiction. Challenges to prior orders, even if arguable, do not affect the court's competence to hear the case. A high threshold is required to transfer a case under Section 24 of the CPC, and dissatisfaction with a single order is insufficient for transfer. The petition was dismissed with costs of ₹50,000/-.

SARA SHARMA VS CENTRAL BOARD OF SECONDARY EDUCATION & ORS. [W.P.(C)-3112/2024]

Judges: Justice C. Hari Shankar

The writ petition was dismissed due to the mandatory requirement of submitting a domicile certificate as per the CBSE's notification dated September 5, 2023. An admit card issued erroneously without the domicile certificate does not waive this requirement. Previous judgments established that the domicile certificate cannot be substituted with other documents, and compliance with application conditions is essential, even when seeking substantial justice.

SANJEEV KUMAR MISHRA VS JAWAHARLAL NEHRU UNIVERSITY AND ORS [W.P.(C)-75/2024]

Judges: Justice C. Hari Shankar

Jawaharlal Nehru University must provide a 100% visually disabled student with free hostel accommodation on campus until the completion of his M.A. Sociology course. The Rights of Persons with Disabilities Act, 2016 supersedes the JNU Hostel Manual, requiring the university to offer reasonable accommodation to persons with disabilities. Denying hostel accommodation to the petitioner would violate the principle of equal treatment, as the university failed to demonstrate that such accommodation would be unreasonable.

SAPTRISHI BUILDERS PVT LTD VS VEG SANCHAR VIHAR CGHS LTD [OMP (ENF.) (COMM.)-9/2021]

Judges: Justice C. Hari Shankar

The judgment debtor is not liable to pay additional interest on the amount deposited with the court, as this deposit is considered a "payment" under the Code of Civil Procedure. Once the decretal amount is deposited, the decree holder loses the right to interest from the date of deposit and is only entitled to interest earned on the deposit. There is no distinction between deposits made for obtaining a stay and those for satisfying a decree, as both serve to secure the awarded amount. Similar legal issues were addressed in two related matters.

SARABJEET SINGH SETHI VS DEPUTY DIRECTOR OF EDUCATION, NORTH WEST, GOVERNMENT OF NCT DELHI & ORS. [W.P.(C)-420/2021]

Judges: Justice C. Hari Shankar

Sarabjeet Singh Sethi is recognized as the biological father of Gunneet Singh Sethi and has the right to have his name recorded in the school documents. The Srijan Public School is directed to update its records to reflect Sethi as Gunneet's father, alongside Damanjeet Kaur as the mother. The respondents showed no interest in contesting the matter.

SAROJ KHEMKA VS MUKAT BEHARI KHEMKA & ORS. [ARB.P.-138/2023]

Judges: Justice C. Hari Shankar

The petitioner's right to invoke the arbitration clause in the Partnership Deed was not affected by previous opposition to a Section 8 application for arbitration. The petitioner's ability to seek arbitration is independent of any prior stance on the application. Additionally, claims being time-barred was deemed an issue for the arbitral tribunal to address. An arbitrator was appointed to resolve the disputes.

SARTHAK JHA VS GOVT OF NCT OF DELHI AND ORS [W.P.(C)-12027/2023]

Judges: Justice C. Hari Shankar

The petitioner, certified with 50% permanent intellectual disability, is entitled to 3% reservation for persons with disabilities in admission to the five-year integrated BA LLB and BBA LLB courses at Vivekananda Institute of Professional Studies. The 2016 Rights of Persons with Disabilities Act provides 5% reservation for PWDs in government and government-aided institutions, while the Delhi Professional Colleges or Institutions Act and Rules grant 3% reservation applicable to unaided institutions like VIPS. The argument that the 2016 RPWD Act does not apply to self-financing institutions was rejected, establishing that the DPCIA and DPCIR provide a complete code for admissions, affirming the petitioner's right to admission and its consequential benefits. The communications cancelling the petitioner's admission have been quashed.

SATWIK RAJ VS JAWAHARLAL NEHRU UNIVERSITY AND ANR. [W.P.(C)-1135/2024]

Judges: Justice C. Hari Shankar

The writ petition by an unreserved category student seeking adjustment to unfilled seats for foreign national candidates in the Ph.D. program in Spanish studies at Jawaharlal Nehru University was dismissed. Foreign national seats are classified as supernumerary and cannot be filled by regular category students according to UGC Regulations, which also impose limits on the number of scholars a supervisor can guide. The cases cited by the petitioner were distinguished as not involving supernumerary seats, and reliance on the admission policy clause was rejected. The petition was dismissed, and the prior interim order was vacated.

SAUMYA BINANI & ORS. VS BANWARI LAL SHARMA ALIAS BANWARI LAL [ARB.P.-854/2024]

Judges: Justice C. Hari Shankar

A valid arbitration clause existed in the Agreement to Sell between the parties, and a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 was filed within the prescribed time limit. A sole arbitrator was appointed to arbitrate the disputes, with all questions of fact and law left open for consideration in the arbitral proceedings.

SERVOTECH ELECTRICALS PVT LTD VS BENNETT UNIVERSITY [ARB.P.-31/2024]

Judges: Justice C. Hari Shankar

The petition by Servotech Electricals Pvt Ltd against Bennett University under Section 11(6) of the Arbitration and Conciliation Act, 1996 is maintainable. The arbitration clause in the contract allows for a choice between institutional arbitration under the Indian Council of Arbitration rules or arbitration under the 1996 Act. The petitioner chose arbitration under the 1996 Act, making the requirement for proceedings at the ICA office inapplicable. An independent arbitrator was appointed to adjudicate the dispute, involving a claim of approximately R.S. 40 Lakhs.

SERVOTECH ELECTRICALS PVT LTD VS PARSVNATH DEVELOPERS LTD [ARB.P.-30/2024]

Judges: Justice C. Hari Shankar

Conditions for invoking Section 11(6) of the Arbitration and Conciliation Act, 1996 were satisfied due to the existence of a valid arbitration agreement and a petition being filed within 3 years of the Section 21 notice. The respondent's counsel did not object to the disputes being referred to arbitration. Mr. Prateek Mohan Sinha, Advocate, was appointed as the arbitrator to adjudicate a dispute involving a claim of around R.S. 30 Lakhs, with a directive to file the requisite disclosure under Section 12(2) of the Act within a week.

SETU VINIT GOENKA VS NATIONAL TESTING AGENCY & ANR. [W.P.(C)-2860/2024]

Judges: Justice C. Hari Shankar

The writ petition challenging the normalization procedure and percentile scoring system for the JEE (Main) examination was dismissed. The normalization procedure, described in the Information Bulletin, is recognized as a widely adopted practice and is constitutionally acceptable. The petitioner was aware of this process before the examination, and the allegations presented were deemed speculative. Additionally, the complexity of the normalization procedure was acknowledged as beyond subjective assessment, and the challenge did not meet the required threshold for intervention.

SPML INFRA LIMITED VS DELHI JAL BOARD [O.M.P.(MISC.)(COMM.)-558/2024]

Judges: Justice C. Hari Shankar

The mandate of the Arbitral Tribunal in the dispute between SPML Infra Limited and the Delhi Jal Board was extended from 31 July 2024 to 31 January 2025 under Section 29A(5) of the Arbitration and Conciliation Act 1996, as the Delhi Jal Board did not object to the extension.

SHARAD BHANSALI & ANR. VS MUKESH AGGARWAL & ANR. [ARB.A.-2/2023]

Judges: Justice C. Hari Shankar

The Agreement to Sell (ATS) between the parties was found to be subject to Article 23A of the Stamp Act, which applies to contracts for the transfer of immovable property under Section 53A of the Transfer of Property Act. Arguments that Article 23A does not apply because the ATS did not convey immovable property and that Section 53A requires simultaneous transfer of possession with ATS execution were rejected. Transfer of possession in part performance of the ATS applies Section 53A, thereby attracting Article 23A of the Stamp Act.

SH. DWARIKA PRASAD YADAV SHIKSHA COLLEGE VS NATIONAL COUNCIL OF TEACHER EDUCATION (NCTE) [W.P.(C)-8584/2023]

Judges: Justice C. Hari Shankar

Shiksha College sought communication regarding the status of its application for recognition of the D.El.Ed course for 2023-2024 from the National Council of Teacher Education (NCTE). The NCTE's counsel committed to providing this status within two weeks, leading to the petitioner's counsel not pressing further. The petition was disposed of while preserving the petitioner's rights to challenge the NCTE's eventual decision.

SH. RAJINDER KUMAR NARULA VS SH. PRINCE TANDON [ARB.P.-1220/2023]

Judges: Justice C. Hari Shankar

Disputes between the parties will be referred to arbitration based on a valid arbitration agreement in the partnership deed. The requirements for examining the existence of this agreement and the timely filing of the petition were met. An arbitrator has been appointed to adjudicate the disputes, with all questions of fact and law left for the arbitrator to decide.

SHANA BANO (MINOR) VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-3231/2024]

Judges: Justice C. Hari Shankar

A student from the Economically Weaker Section (EWS) was denied admission to Class IV for the 2024-25 academic year as she was not shortlisted by the Directorate of Education (DoE) after being allocated a place in Class III for the previous year. The student did not pursue legal action at that time when admission was refused. The decision stressed the need for the DoE to take action against schools that unjustifiably deny admission to EWS students.

SHERAWALI DEVELOPERS LLP VS M/S MAJESTY HOMES & ORS. [TR.P.(C.)-19/2024]

Judges: Justice C. Hari Shankar

A petition under Section 24 of the Code of Civil Procedure affirmed the power to transfer a non-commercial suit to an appropriate Commercial Court. The analysis of previous judgments established that this power is not limited by prior rulings. The plaintiff was directed to refile the plaint per the Commercial Courts Act, while the transfer was allowed despite the suit's advanced stage. The defendant was permitted to raise issues concerning non-compliance with pre-institution mediation requirements in the transferee Commercial Court.

SHIKHA CHAKRAVARTY & ORS. VS MAJOR SAUMITRA SARKAR (RETD.) [EX.P.-36/2021]

Judges: Justice C. Hari Shankar

An execution petition was filed by decree holders to enforce a settlement agreement. The outstanding obligations of the respondent were examined, particularly regarding repairs and lift installation. The liability for repairs was contingent on requests from the petitioners, which were not provided. The respondent was directed to allow access to the lift and to take steps to constitute a society of flat owners as per the settlement. The execution petition was disposed of, with remaining issues addressed satisfactorily.

SHIMLA COLLEGE OF EDUCATION VS NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR. [W.P.(C)-76/2024]

Judges: Justice C. Hari Shankar

The order of the Appellate Committee of the NCTE requires a fresh inspection and consideration of the B.Ed., D.El.Ed., and M.Ed. courses at Shimla College of Education. The withdrawal order regarding the college's recognition is quashed, restoring recognition for all three courses pending the outcome of the inspection. The NCTE must update its website to reflect this restored recognition and issue new restoration orders.

SHIVAM SINGLA VS THE PRINCIPAL DAV PUBLIC SCHOOL & ANR. [W.P.(C)-10504/2023]

Judges: Justice C. Hari Shankar

The respondent-school must continue providing education to the petitioner as an Economically Weaker Section (EWS) student under the Right of Children to Free and Compulsory Education Act, 2009. The petitioner was admitted through a computerized draw of lots conducted by the Directorate of Education (DoE). The school applied for a reduction in the number of EWS seats, but the DoE did not respond timely. If a school does not seek exemption or report errors in the DoE's calculations, it must admit students allocated through the computerized draw. The DoE is instructed to address all representations regarding reductions in EWS/DG category seats before future draws to prevent similar issues.

SHRI NIRANKAR VS SHRI PAWANSUT & ANR. [RSA-10/2024]

Judges: Justice C. Hari Shankar

The appellant Nirankar failed to establish any right, title, or interest in the disputed property. Claims based on two receipts were insufficient to prove his contribution toward the purchase price. Challenges to the title documents of the respondent Pawansut on grounds of fraud lacked merit. The appeal was dismissed without raising any substantial question of law.

SHRI SURINDRA KUMAR VS CENTRAL PUBLIC WORKS DEPARTMENT [ARB.P.-165/2024]

Judges: Justice C. Hari Shankar

Shri Surindra Kumar exhausted the pre-arbitral dispute resolution mechanism before seeking the appointment of an arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996. The Dispute Redressal Committee (DRC) of the Central Public Works Department (CPWD) did not render a decision within the 60-day period, nor was there any agreement to extend it. Thus, the petitioner was entitled to invoke arbitration by issuing a notice under Section 21 of the Act. Compliance with the request for appointment of the arbitrator in the prescribed format was deemed a mere formality, and the respondent's acknowledgment of the request confirmed the petitioner's right to arbitration. An arbitrator was appointed to resolve the disputes between the parties.

SHRISHTI KUMARI THROUGH HER NEXT FRIEND AND NATURAL FATHER MR. SANTOSH KUMAR VS JAWAHAR NAVODAYA VIDYALAYA & ORS. [W.P.(C)-6440/2024]

Judges: Justice C. Hari Shankar

The Jawahar Navodaya Vidyalaya's denial of admission to the petitioner based on her previous study location in New Delhi instead of Mungeshpur was deemed arbitrary and in violation of Article 14 of the Constitution. Excluding students from Central and New Delhi districts from admission to JNVs was classified as unconstitutional. The decision was quashed, requiring the JNV to grant the petitioner admission in Class VI for the 2024-25 academic year, pending the outcome of a related appeal.

SIMPLEX INFRASTRUCTURES LIMITED VS INDIAN OIL CORPORATION LIMITED [ARB.P.-851/2023]

Judges: Justice C. Hari Shankar

Disputes between the parties are arbitrable, despite objections about the claims not being "notified" by the General Manager, as required by the arbitration clause. Conflicting Supreme Court decisions on the examination scope under Section 11(6) of the Arbitration Act were acknowledged, but the decision on arbitrability was left to the Arbitral Tribunal. A retired judge was appointed as the arbitrator for the dispute, amounting to approximately R.S. 36 crores.

SIMPLEX INFRASTRUCTURES LIMITED VS JAMMU AND KASHMIR ECONOMIC RECONSTRUCTION AGENCY [ARB.P.-1125/2023]

Judges: Justice C. Hari Shankar

The petition by Simplex Infrastructures Limited for the appointment of an arbitrator against the Jammu and Kashmir Economic Reconstruction Agency was dismissed due to the absence of a specified neutral location in the arbitration clause. The lack of defined jurisdiction resulted in the inability to entertain the petition, considering the differing locations of the petitioner in Kolkata and the respondent in Srinagar, where the contract was executed. The petitioner may seek remedies in the appropriate forum.

SIMPLEX INFRASTRUCTURES LTD VS INDIAN OIL CORPORATION LIMITED [O.M.P.(I) (COMM.)-97/2023]

Judges: Justice C. Hari Shankar

Simplex Infrastructures Ltd. was permitted to withdraw its petition, retaining the option to seek the same relief from the arbitral tribunal in a separate matter. An arbitral tribunal, headed by Hon'ble Dr. Justice S. Muralidhar, was appointed to arbitrate the dispute between Simplex Infrastructures Ltd. and Indian Oil Corporation Limited.

SMS TEACHERS TRAINING COLLEGE VS NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR [W.P.(C)-4950/2024]

Judges: Justice C. Hari Shankar

The legal issues in the cases filed by Raiganj Educare Teachers Training College and SMS Teachers Training College are addressed by a previous order from 15 September 2023. The directions from that order will apply to the current cases, subject to the outcome of a Letters Patent Appeal initiated by the respondents against the previous decision.

SMT JODHIAN (SINCE DECEASED THROUGH LRS) & ORS. VS METHODIST CHURCH IN INDIA [RSA-15/2024]

Judges: Justice C. Hari Shankar

The second appeal was dismissed, affirming that the suit property belongs to the Methodist Church in India. The appellants admitted prior ownership by the respondent in an earlier suit and did not establish adverse possession. The argument related to Order II Rule 2 of the Code of Civil Procedure was rejected as it contradicted the appellants' previous position.

SMT RAJ RANI THROUGH HER AUTHORIZED REPRESENTATIVE SH SANJAY SHARMA VS DELHI DEVELOPMENT AUTHORITY [RSA-128/2023]

Judges: Justice C. Hari Shankar

The review appeal (RSA 128/2023) filed by Smt Raj Rani was dismissed due to a delay of 1991 days in filing the appeal. The explanation for the delay was deemed unsatisfactory, and the delay was not condoned. Additionally, the appellant was ineligible for the Supreme Court's extension of limitation related to the COVID-19 pandemic, as the time for filing had already elapsed before the established cut-off date. All pending applications were also dismissed.

ST STEPHENS COLLEGE VS UNIVERSITY OF DELHI AND ORS [W.P.(C)-803/2022]

Judges: Justice C. Hari Shankar

St. Stephen's College, as a minority institution, can establish its own admission process under Article 30(1) of the Constitution, allowing minority students to be subject to an interview with a 15% weightage. Non-minority students must be admitted based exclusively on CUET scores. The University of Delhi is required to ensure an equitable allocation of postgraduate seats to St. Stephen's College and to consider guidelines for fair seat distribution among colleges to prevent arbitrary decisions.

ST. COLUMBUS SCHOOL & ANR. VS CENTRAL BOARD OF SECONDARY EDUCATION [W.P.(C)-2965/2020]

Judges: Justice C. Hari Shankar

The Central Board of Secondary Education's order withdrawing the affiliation of the petitioner school was deemed invalid due to a lack of compliance with natural justice principles. The action of withdrawal without allowing the school a proper opportunity to be heard was considered extreme. The order was quashed, and the school's provisional affiliation was restored, with the CBSE permitted to take further action in accordance with the law.

STATE OF HARYANA VS BHAGWAN MAHAVEER COLLEGE OF ENGG. AND MANAGEMENT AND ANR. [W.P.(C)-5452/2019]

Judges: Justice C. Hari Shankar

The writ petition filed by the State of Haryana was dismissed because Bhagwan Mahaveer College of Engineering and Management had merged with Mahaveer Swami Institute of Technology in 2021, resulting in the former no longer existing. The petitioner did not proceed with the writ petition further, leading to the disposal of the matter.

SULPHUR MILLS LIMITED VS DHARMAJ CROP GUARD LIMITED & ANR. [CS(COMM)-1225/2018]

Judges: Justice C. Hari Shankar

The defendants established a credible challenge to the validity of the plaintiff's Indian Patent IN 282429 based on obviousness in relation to prior art, including the plaintiff's own earlier patent application. The claimed composition's features appeared prima facie obvious from the cited prior art. As a result, the plaintiff's applications for interim injunctions against the defendants were dismissed.

SUMIT GARG VS DHIANU DAS [ARB.P.-329/2024]

Judges: Justice C. Hari Shankar

The requirements under Sections 11(5) and 11(6) of the Arbitration and Conciliation Act, 1996 are satisfied due to the existence of a valid arbitration agreement and the timely filing of the petition. As the parties could not agree on an arbitrator, Mr. Avadh Bihari Kaushik, an advocate, was appointed to resolve disputes arising from the Share Transfer Agreement dated 17 May 2022. All questions of fact and law remain open for discussion in the arbitral proceedings.

SURESH DHANUKA VS SHAHNAZ HUSAIN [ARB.P.-1008/2024]

Judges: Justice C. Hari Shankar

Suresh Dhanuka is entitled to the appointment of an arbitrator under Section 11(5) of the Arbitration and Conciliation Act, 1996 for dispute resolution. The parties exhausted the pre-arbitral protocol of amicable negotiations as per their agreement, making the dispute ready for arbitration. As the parties could not agree on an arbitrator, Mr. R V Sinha, an advocate, was appointed as the sole arbitrator.

SWATI SINGH VS JAWAHARLAL NEHRU UNIVERSITY [W.P.(C)-15907/2023]

Judges: Justice C. Hari Shankar

Jawaharlal Nehru University (JNU) did not follow the procedures outlined in its Statute 32(5) during the Proctorial Enquiry against Swati Singh, a Ph.D. student. Key breaches included failing to provide her with evidence, not allowing cross-examination of witnesses, and lacking a comprehensive report and reasoned orders. Orders of rustication and eviction against Singh were quashed, and she was to be reinstated. JNU is permitted to initiate proceedings against her again if it adheres to the statutory procedure.

TATA CAPITAL LIMITED VS JAI CHAMUNDA PETROLEUM & ORS. [ARB.P.-227/2024]

Judges: Justice C. Hari Shankar

The dispute between Tata Capital Limited and Jai Chamunda Petroleum & Ors. is prima facie referable to arbitration per their arbitration agreement. Mr. Yogesh Kumar Mahur, Advocate, is appointed as the sole arbitrator to adjudicate the disputes.

TCNS CLOTHING COMPANY LIMITED VS A AND A ENTERPRISES & ORS. [O.M.P.(MISC.)(COMM.)-641/2023]

Judges: Justice C. Hari Shankar

The mandate of the Arbitral Tribunal was extended by six months due to the absence of reasons from the respondents against the extension. Grievances raised by the respondents about the arbitration proceedings and party impleadment were deemed unrelated to the mandate extension and were set aside for separate consideration. These grievances remain open for the respondents to address in front of the Arbitral Tribunal or through legal means.

THE CHIEF EXECUTIVE OFFICER J AND K ERA SRINAGAR KASHMIR THROUGH AUTHORISED REPRESENTATIVE ABDUL KHALIQ QURESHI PROJECT MANAGER VS ABHIRAM INFRA PROJECTS PVT LTD [O.M.P. (COMM)-25/2023]

Judges: Justice C. Hari Shankar

The petition challenging an arbitral award was dismissed as time-barred, having been filed beyond the 120-day limit set by Section 34(3) of the Arbitration and Conciliation Act, 1996. The argument that the arbitration should have been conducted under the Jammu & Kashmir Arbitration and Conciliation Act, 1997 was not examined due to the dismissal on the grounds of limitation.

THE CHIEF EXECUTIVE OFFICER J AND K ERA SRINAGAR KASHMIR THROUGH AUTHORISED REPRESENTATIVE ABDUL KHALIQ QURESHI PROJECT MANAGER VS ABHIRAM INFRA PROJECTS PVT LTD [O.M.P. (COMM)-26/2023]

Judges: Justice C. Hari Shankar

The arbitrator conducted the proceedings under the Arbitration and Conciliation Act, 1996, despite the contract specifying Jammu and Kashmir law as the governing law. The distinction between governing law and curial law was clarified, with Delhi as the seat of arbitration. Consequently, the Jammu and Kashmir Arbitration Act, 1997 was deemed inapplicable, affirming the 1996 Act as the governing law for the arbitration.

THE PRINCIPAL, VAISH COLLEGE OF EDUCATION VS NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR. [W.P.(C)-646/2024]

Judges: Justice C. Hari Shankar

The decision of the Northern Regional Committee of the National Council for Teacher Education (NCTE) from its 395th meeting on 2 and 3 March 2023 was quashed due to its reliance on a letter from the Additional Chief Secretary of the Government of Haryana, which had already been quashed by a Division Bench of the High Court of Punjab & Haryana. As the basis for the NCTE's decision was invalidated, the decision was set aside, and writ petitions were allowed with consequential relief to the petitioners. No costs were ordered.

THE SOUTH INDIAN BANK LTD. VS TRANSSTROY TRICHY KARAIKUDI TOLLWAYS PVT. LTD. & ANR. [O.M.P.(MISC.)(COMM.)-492/2024]

Judges: Justice C. Hari Shankar

The South Indian Bank Ltd. petitioned for an extension of the Arbitral Tribunal's mandate concerning disputes with Transstroy Trichy Karaikudi Tollways Pvt. Ltd. The mandate, originally set to expire on June 30, 2024, was extended to September 30, 2024, as the request was unopposed by the respondent.

UDAY GUPTA VS EMAAR INDIA LIMITED [O.M.P.(MISC.)(COMM.)-736/2024]

Judges: Justice C. Hari Shankar

A 6-month extension was granted to the Arbitrator handling the dispute between Uday Gupta and Emaar India Limited, in response to a petition filed under the Arbitration and Conciliation Act, 1996. The Arbitrator's mandate, originally set to expire on 11 September 2024, was extended without objection from the respondent.

UNION OF INDIA THROUGH SR. DIVISIONAL ENGINEER-I NORTHERN RAILWAY, FIROZPUR VS SHRI B.S SANGWAN [O.M.P.-26/2009]

Judges: Justice C. Hari Shankar

The arbitral award for the principal amount of damages to the contractor was upheld, while the award of interest was set aside. The determination that the contractor's "No Claim Certificate" was signed under economic pressure was considered a plausible view based on the facts. However, the award of interest was found unsustainable due to a specific prohibition in Clause 16(2) of the General Conditions of Contract.

UNION OF INDIA VS RAMBIR SINGH [RSA-305/2016]

Judges: Justice C. Hari Shankar

The termination order was deemed stigmatic, with the Union of India unable to substantiate allegations of the respondent using unfair means in an exam. Additional evidence was not admitted at the appellate stage due to failure to meet strict requirements. The concurrent findings of the lower courts reinstated the respondent with back wages.

VAIBHAV VS JAWAHARLAL NEHRU UNIVERSITY [W.P.(C)-12771/2023]

Judges: Justice C. Hari Shankar

The 80-20 quota system for admissions to the B.A. (Hons) course in Foreign Languages at Jawaharlal Nehru University (JNU) distinguishes between recent Class XII passouts and older candidates. This distinction is considered non-arbitrary and aligns with the objective of favoring recent graduates while still offering opportunities to older applicants. The petitioner, who previously sought admission under the 80% quota, cannot challenge the validity of the provision. The scope for judicial interference in academic policy decisions is limited, leading to the dismissal of the writ petition.

VANSHIKA VS UNIVERSITY OF DELHI & ANR. [W.P.(C)-16398/2023]

Judges: Justice C. Hari Shankar

The University cannot prevent Vanshika from appearing for her third semester examination or continuing her B.A. (Hons.) English course at Kalindi College. Vanshika was eligible for the first semester examination but missed it due to a failed payment transaction. She attended the second and third semesters. Principles established in previous cases indicate that if a student is allowed to attend a semester, their candidature cannot be later canceled. The NEP-UGCF 2022 Guidelines cited by the university were found to be unenforceable. It is inequitable to require Vanshika to re-attend first semester classes after completing the second and third semesters. The University must declare her second semester result and allow her to take the third semester examination, along with the first semester papers, upon payment of required fees.

VARDHMAN PRECISION PROFILES VS INDIAN OIL CORPORATION LTD. [O.M.P. (COMM)-424/2016]

Judges: Justice C. Hari Shankar

The arbitrator rejected the petitioner's claims as non-arbitrable due to insufficient evidence supporting their status as "notified claims" under the contract. The interpretation of the contract by the arbitrator was deemed plausible, and interference with this decision was not warranted under the limited review scope provided by Section 34 of the Arbitration Act, even with the possibility of alternative interpretations.

VASU SACHDEVA VS BAR COUNCIL OF INDIA AND ORS [W.P.(C)-7058/2024]

Judges: Justice C. Hari Shankar

The Bar Council of India (BCI) cannot be directed to treat the petitioner's LL.B. (Hons.) degree from the University of Hertfordshire, UK, as equivalent to an undergraduate course in India, as equivalence is a matter for academic bodies. The BCI is required to make a reasoned decision on the petitioner's request for equivalence and communicate this decision within three weeks. The writ petition was disposed of.

VED PRAKASH LAMBA VS SATYAPAL LAMBA [RSA-9/2017]

Judges: Justice C. Hari Shankar

The second appeal was dismissed, affirming that the disputed house property is jointly owned by the appellant and respondent, who are brothers. The respondent has equal rights to access and enjoy the terrace room, which the appellant had locked, denying the respondent entry. The findings of joint ownership and possession were deemed valid, with no substantial legal questions present. The appellant was directed to provide the respondent with unrestricted access to the terrace room.

VENKATESHWARA OPEN UNIVERSITY & ANR. VS UNIVERSITY GRANTS COMMISSION [W.P.(C)-10990/2023]

Judges: Justice C. Hari Shankar

Venkateshwara Open University is classified as a "Dual Mode University" rather than an "Open University" according to UGC regulations. It is permitted to offer courses in both regular and distance modes but must obtain prior approval from UGC for distance/online courses. UGC is tasked with considering the university's application for Open and Distance Learning and Online Programmes based on its merits, recognizing its status as a Dual Mode University.

VIBHUTI NEGI VS NATIONAL TESTING AGENCY & ANR. [W.P.(C)-5172/2024]

Judges: Justice C. Hari Shankar

The writ petition challenging the second response sheet and score card for the JEE (Mains) examination was dismissed due to insufficient evidence to determine the accuracy of the documents uploaded by the National Testing Agency (NTA). Discrepancies in the petitioner's self-evaluation of the first response sheet indicated that further inquiry would involve disputed questions of fact, which are not suitable for writ jurisdiction under Article 226 of the Constitution.

VIKRAM BAGHEL AS GUARDIAN OF LAKSHITA BAGHEL VS GOVT OF NCT OF DELHI & ANR. [W.P.(C)-3669/2024]

Judges: Justice C. Hari Shankar

The petitioner from the Disadvantaged Group (DG) category lacks an enforceable right to admission in Class I at the respondent school for the 2024-2025 academic year, as the Directorate of Education (DoE) did not allocate placement through its computerized draw. The petitioner previously had an admission opportunity for the 2022-2023 year but did not pursue it legally. Granting admission now would create inequities for other DG students already shortlisted. The DoE is instructed to consider a neighborhood school for the petitioner in an age-appropriate class for the 2024-2025 session.

VIKRAMJEET SINGH MANN VS UNIVERSITY GRANTS COMMISSION & ORS [W.P.(C)-8132/2014]

Judges: Justice C. Hari Shankar

The writ petition was dismissed as it could not compel the University Grants Commission (UGC) to grant ex-post facto approval for the MBA degree obtained by the petitioner from ICFAI University via open distance learning between 2006-2008. The UGC's rejection was based on directives from the Ministry of Human Resource Development (MHRD), which prohibited retrospective recognition for ODL programs. The case was distinguished from recent approvals for teacher training courses, which were based on a legislative amendment, as no similar provision existed for the petitioner's situation, making UGC's approval contrary to MHRD's express prohibition.

VINEET DUJODWALA & ORS. VS PHONEIX ARC PVT. LTD. & ANR [O.M.P. (COMM)-24/2016]

Judges: Justice C. Hari Shankar

The arbitral award was set aside due to three main defects: the arbitrator did not disclose prior involvement in 215 cases with the respondent, did not decide on a jurisdictional challenge under Section 16 of the Arbitration and Conciliation Act, and the appointment of the arbitrator was unilateral, which is not permissible. These deficiencies warranted the annulment of the award.

VINOD KUMAR YADAV VS CENTRAL BOARD OF SECONDARY EDUCATION AND ANR [W.P.(C)-5425/2023]

Judges: Justice C. Hari Shankar

The order of permanent debarment by the Central Board of Secondary Education (CBSE) against the petitioner for the All India Pre-Medical/Pre-Dental Test (AIPMT/PDT-NEET) examination was found unsustainable. The petitioner's name was not included in the chargesheet from the Haryana Police, and there was ambiguity about a "Vinod" mentioned in the investigation report. The debarment order was quashed, and CBSE was directed to reconsider the matter, allowing the petitioner an opportunity for a hearing before making a new decision within a specified timeframe.

VISHAKHA & ORS. VS THE CONTROLLER OF EXAMINATION CENTRAL BOARD OF SECONDARY EDUCATION & ORS. [W.P.(C)-2374/2024]

Judges: Justice C. Hari Shankar

Female students seeking to appear as private candidates in the Class X and XII CBSE Board examinations were deemed ineligible due to their failure to upload the required domicile certificates with their online applications. The procedural requirement was considered mandatory, and the absence of necessary legal fulfillments prevented any relief, even on sympathetic grounds. Both writ petitions were dismissed.

VISHAL MVR CONSORTIUM VS AIRPORTS AUTHORITY OF INDIA & ORS. [O.M.P.(I) (COMM.)-225/2024]

Judges: Justice C. Hari Shankar

The invocation of the Security Deposit Bank Guarantees (SDBGs) by the Airports Authority of India (AAI) is not in accordance with the terms of the guarantees since AAI has not alleged any breach or demonstrated any loss or damage. An interim injunction has been granted to prevent the banks from crediting the amounts into AAI's account, indicating that the invocation does not align with the bank guarantee covenants.

VITERRA B.V. (FORMERLY KNOWN AS GLENCORE AGRICULTURE B.V.) VS SHARP CORP LIMITED [O.M.P.(EFA)(COMM.)-2/2022]

Judges: Justice C. Hari Shankar

The respondents, Sharp Corp Limited, did not commit contempt of court by selling the Siraspur property as the sale enforced the prior rights of financial institutions, permitted under a previous order. Evidence indicated that the State Bank of India and a consortium of banks had a prior charge over the property. The sale occurred within the context of recovery proceedings before the Debt Recovery Tribunal, with proceeds used to settle outstanding bank dues. The contempt petition by Viterra B.V. was dismissed as the sale did not constitute a wilful breach of the court's order.

WAPCOS LIMITED VS VIRGO AQUA [O.M.P. (COMM)-132/2023]

Judges: Justice C. Hari Shankar

WAPCOS Limited's petition was dismissed after its counsel confirmed the petitioner could not deposit 75% of the awarded amount within the required 8-week period. The failure to comply with the deposit order resulted in the dismissal of the petition.

YASH THROUGH HIS FATHER SUSHIL VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-12845/2023]

Judges: Justice C. Hari Shankar

A student from the Scheduled Castes, qualifying as a "child belonging to the disadvantaged group" under the RTE Act, is entitled to admission in a private school's KG/Pre-Primary class. The school must regularize the student's provisional admission and provide education in accordance with the RTE Act for DG category students.

YOGESH KUMAR SHARMA AND ORS. VS CENTRAL BOARD OF SECONDARY EDUCATION (CBSE) [W.P.(C)-1924/2019]

Judges: Justice C. Hari Shankar

The writ petition challenging the final answer key for the CTET exam was dismissed. The focus was on Question No. 61 about the builder of Golconda Fort, deemed relevant to the "Travel" section of the environmental studies syllabus. Knowledge expected from candidates extends beyond the specific syllabus. No merit was found in the challenge to Question No. 61.

YOKOHAMA INDIA PVT. LTD VS MR. VARUN AGGARWAL PROPRIETOR OF WHEELS LOVER STOPPAGE [TR.P.(C.)-36/2024]

Judges: Justice C. Hari Shankar

CS (Comm) 83/2022 involving Varun Aggarwal and Yokohama India Pvt Ltd was transferred from District North West, Rohini to District South East, Saket to be heard alongside CS (Comm) 384/2021. Both suits involve the same parties and overlapping issues, with invoices from CS (Comm) 83/2022 serving as a defense in CS (Comm) 384/2021. This consolidation aims to prevent multiplicity of proceedings and conflicting decisions.

YUVRAJ SINGH BUNDHEL VS M/S BRILLIANT ETOILE PRIVATE LIMITED [ARB.P.-983/2024]

Judges: Justice C. Hari Shankar

A petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 was approved for the appointment of an arbitrator to resolve disputes between the petitioner and the respondent. The examination under Section 11(6) focused on the existence of an arbitration agreement and the timely filing of the petition, with objections related to the merits of the dispute and exhaustion of pre-arbitral protocol deemed irrelevant. A sole arbitrator was appointed to oversee the arbitration proceedings, with all factual and legal questions remaining open for resolution in the arbitration.

YVES SAINT LAURENT VS BROMPTON LIFESTYLE BRANDS PRIVATE LIMITED & ANR. [O.M.P. (T) (COMM.)-29/2023]

Judges: Justice C. Hari Shankar

The appointment of the arbitrator in the dispute between Brompton Lifestyle Brands Private Limited and Beverly Luxury Brands Ltd was upheld, rejecting Yves Saint Laurent's request for termination. Yves Saint Laurent, a non-signatory to the sub-franchise agreement, did not need to consent to the arbitrator's appointment, as the principle of consensus regarding the appointment applies only to parties to the arbitration agreement. Beverly, as a party to the agreement, had consented to the arbitral tribunal's constitution. The arbitrator was not deemed legally incapable of proceeding, resulting in the dismissal of Yves Saint Laurent's petition under Section 14 of the Arbitration and Conciliation Act 1996, without addressing their potential removal from the proceedings.

ZIMMER INDIA PRIVATE LIMITED VS PINNACLE [ARB.P.-900/2024]

Judges: Justice C. Hari Shankar

Disputes between Zimmer India Private Limited and Pinnacle will be referred to arbitration based on valid arbitration clauses in their distributorship agreements. A sole arbitrator will adjudicate the disputes, with no requirement for the respondent's appearance due to the limited scope of examination under Section 11(6) of the Arbitration and Conciliation Act, 1996.

ABDUL HAMEED (SINCE DECEASED) THROUGH HIS LRS VS JAMIA MILIA ISLAMIA & ORS. [RFA-134/2022]

Judges: Justice Chandra Dhari Singh

A batch of appeals challenging a common judgment that dismissed civil suits was dismissed. The appellants' claims are barred by the doctrine of res judicata since issues regarding ownership, land demarcation, and prior eviction proceedings have been litigated extensively and reached finality. Even if the appellants' claims were accepted, they would not be entitled to the requested relief due to the principle of res judicata, as they are attempting to re-agitate settled questions of fact and law.

ACHLA KAPOOR VS THE DISCIPLINARY AUTHORITY ZONAL MANAGER PUNJAB AND SIND BANK AND ANR [W.P.(C)-1394/2012]

Judges: Justice Chandra Dhari Singh

The petitioner was not charged twice for the same offenses, and the departmental inquiry and appeal process were conducted properly. The punishment of compulsory retirement was justified due to the petitioner's actions of forgery and misrepresentation, which indicated a lack of integrity and disregard for the professional standards expected from a bank employee. The impugned award did not suffer from any illegality.

ADO INDIA PVT. LTD. VS ATS HOUSING PRIVATE LIMITED [I.A.-1612/2024]

Judges: Justice Chandra Dhari Singh

Sections 152 and 153 of the Code of Civil Procedure apply to rectify clerical or arithmetic errors in pleadings and orders, even in arbitration proceedings under the Arbitration and Conciliation Act. An incorrect work order number in the pleadings and order was identified as a bona fide clerical error, and its rectification would not affect the substance or intent of the proceedings. The application to replace the work order number was allowed.

ALKA SHRIVASTAVA VS INDIAN COUNCIL OF SOCIAL SCIENCE RESEARCH & ORS. [W.P.(C)-9434/2022]

Judges: Justice Chandra Dhari Singh

The petitioner is not entitled to regularization of her services from 13th July 1989; services are correctly regularized from 1st January 1996 based on the Malimath Committee's recommendations. The recovery of financial benefits under ACP/MACP schemes, initially granted from 13th July 1989, is not illegal since the committee conditioned regularization on withholding arrears for the period of absence from 11th March 1996 to 25th September 1997.

APARNA ASHRAM SOCIETY & ANR. VS MR.MOHAN JHA & ORS. [RFA-9/2022]

Judges: Justice Chandra Dhari Singh

The impugned judgment and order from December 4, 2021, regarding C.S. No. 7447/16 was set aside. The Trial Court improperly dismissed the suit filed by Aparna Ashram Society based on unclear and ambiguous admissions. Reliance on orders from another case involving different parties was incorrect, as those orders did not apply to the current parties. The validity of the order from December 4, 2020, recognizing members of the Governing Council of the Society was upheld. The matter is to be remanded for fresh adjudication, with an emphasis on expeditious resolution within six months, considering all relevant contentions and disputes.

APARNA CHOUDHRIE KALA VS VAIBHAV KALA [C.R.P.-91/2022]

Judges: Justice Chandra Dhari Singh

The trial court granted the respondent unconditional leave to defend a summary suit for recovery of money, based on the respondent raising triable issues and presenting a fair defense, despite some admissions regarding the debt. No irregularities in the trial court's jurisdiction were identified, leading to no interference with the order.

ASIAN HOTELS NORTH LTD VS YES BANK LTD & ORS. [I.A.-8068/2023]

Judges: Justice Chandra Dhari Singh

The Plaintiff's application to amend the plaint was allowed, as the amendments were necessary to address the real issues between the parties, with objections from the defendant banks rejected. The plaint was determined to disclose a cause of action, and the bar under the SARFAESI Act was not applicable since the suit involved specific performance of agreements, which is outside the Debt Recovery Tribunal's jurisdiction. Applications from defendant nos. 6 and 7 to recall their impleading were dismissed due to lack of suppression of facts by the Plaintiff and failure to challenge the original stay order. Separate judgments were issued, with no referral to a larger bench.

ASIAN HOTELS NORTH LTD VS YES BANK LTD & ORS. [I.A.-3178/2024]

Judges: Justice Chandra Dhari Singh

VSJ Investments Pvt. Ltd. established a valid claim to substitute Exclusive Capital Limited in the ongoing civil suit. The inter-corporate loan agreement between Exclusive Capital and Clover Media Pvt. Ltd., along with the assignment agreement to VSJ Investments, were found to be legally valid. Objections regarding the legality of these agreements were rejected, as Exclusive Capital had acted on the terms of the loan agreement. The application for substitution was permitted, allowing VSJ Investments to take the place of Exclusive Capital in the civil suit.

CEMENT CORPORATION OF INDIA LT VS B.K.SHUKLA & ORS. [W.P.(C)-6954/2007]

Judges: Justice Chandra Dhari Singh

The Central Government Labour Court cum Industrial Tribunal exceeded its jurisdiction by adjudicating the issue of retrenchment compensation, which was not part of its mandate. The Tribunal's focus was limited to the demand for regularization of the workmen, yet it awarded four years' wages as retrenchment compensation, exceeding the statutory limits set by the Industrial Disputes Act. The awards in question were set aside.

CHANDER BHALLA VS RAJEEV BHATNAGAR [I.A.-3969/2023]

Judges: Justice Chandra Dhari Singh

The defendant's application for leave to defend a summary suit for recovery of Rs. 10.31 crores was granted due to raised triable issues regarding the validity of a loan agreement dated September 15, 2021. The defendant claimed the agreement was forged and characterized the amounts as investments, presenting plausible defenses that necessitate a full trial. Despite some defenses being deemed improbable, the primary dispute over the transaction's nature justified granting unconditional leave to defend.

CHIEF ENGINEER(ELECTRICAL) CPWD VS RAKESH SINGH [W.P.(C)-6624/2007]

Judges: Justice Chandra Dhari Singh

The termination of the respondent workman was set aside due to violations of natural justice during the inquiry. The petitioner department failed to examine relevant witnesses and did not allow the respondent the opportunity to cross-examine them. As the respondent had passed away, an additional compensation of Rs. 5 Lakhs was ordered to be paid to the legal heirs.

DELHI MSW SOLUTIONS LIMITED (DMSWSL) VS THE DEPUTY LABOUR COMMISSIONER (CENTRAL) & ORS [W.P.(C)-2662/2018]

Judges: Justice Chandra Dhari Singh

Delhi MSW Solutions Limited is classified as a contractor under the Contract Labour (Regulation & Abolition) Act, 1970, rather than a principal employer. Workers represented by the respondent union perform the same duties as regular employees of North MCD and are entitled to equal wages and benefits. The writ petition by the petitioner company was dismissed, and it was directed to pay the workers' dues within three months. The petitioner's inconsistent arguments were noted, disallowing the presentation of a new case at this stage.

DINESH SINGH SAINI VS STATE BANK OF INDIA [W.P.(C)-1013/2022]

Judges: Justice Chandra Dhari Singh

The writ petition for promotion from Clerical cadre to JMGS-1 (Officer) cadre for the year 2018-2019 was dismissed. The petitioner did not meet the minimum service requirements under the bank's pre-revised promotion policy. Additionally, the petitioner failed to submit the necessary application after the eligibility criteria were amended. The bank's decisions on promotions are within its administrative discretion, and no gross illegality or violation of principles of natural justice was present. As a result, the petition lacked merit.

DR HUMA BAQA & ORS VS UNIVERSITY OF DELHI & ORS [W.P.(C)-1253/2018]

Judges: Justice Chandra Dhari Singh

A batch of petitions filed by ad-hoc assistant professors challenging the selection process for permanent assistant professor positions was dismissed. The petitioners' previous association with the university did not create a legitimate expectation for regularization, as no assurances were made. Their prior participation in the selection process without objection barred them from challenging it later, based on the principle of estoppel. No material irregularity was found in the selection process, which complied with UGC regulations, leading to the decision not to set aside the selection process.

DR SHEELA KUMARI. S VS UNIVERSITY OF DELHI & ANR. [W.P.(C)-13288/2023]

Judges: Justice Chandra Dhari Singh

The petitioner, initially appointed as a Director of Physical Education and later promoted, cannot be classified as a 'teacher' for the purpose of superannuation age. DPEs are considered a separate cadre, with a superannuation age of 62 years as per UGC guidelines, which does not extend the 65-year age limit granted to teachers. The claim for parity with Associate Professors was rejected, emphasizing that extending a mistake to others is unjustified. The petition was dismissed due to lack of merit.

DR. AMIT KUMAR VS BHARATI COLLEGE [W.P.(C)-3644/2020]

Judges: Justice Chandra Dhari Singh

The order for recovery of Rs. 6,42,131 as overpaid salary was invalid due to lack of approval for the petitioner's suspension by the Vice-Chancellor at the time of the recovery. However, the petitioner is not entitled to full salary and increments after the approval of suspension on 18th December 2020. The recovery order was set aside, but the claim for full salary and increments was dismissed.

DR. SNEHASHISH BHATTACHARYA & ORS. VS SOUTH ASIAN UNIVERSITY [W.P.(C)-9083/2023]

Judges: Justice Chandra Dhari Singh

The writ petition filed by Associate Professors at South Asian University (SAU) is not maintainable. SAU, established by an agreement among SAARC countries, is not classified as a "state" under Article 12 of the Constitution, making it outside the writ jurisdiction of the High Court. As SAU is protected under the UN (Privileges and Immunities) Act, its employees cannot directly approach the High Court. Additionally, the SAU Act provides for an Arbitral Tribunal to resolve disputes, which the petitioners have not utilized. Therefore, the writ petition was dismissed, with a recommendation to use the Arbitral Tribunal for dispute resolution.

EXECUTIVE ENGINEER VS AAKASH CONSTRUCTION COMPANY & ANR. [RFA-171/2022]

Judges: Justice Chandra Dhari Singh

The order of the Empowered Standing Committee (ESC) dated May 9, 2014 cannot be considered an arbitration award that limits civil court jurisdiction. There are conflicting clauses in the agreement regarding the existence of an arbitration clause. The trial court improperly relied on extraneous evidence and hastily decided the preliminary issue in favor of the defendants. The matter has been sent back for a full trial to allow for proper adjudication through evidence and witness examination.

FOOD CORPORATION OF INDIA VS REGIONAL PROVIDENT FUND COMMISSIONER [W.P.(C)-1911/2015]

Judges: Justice Chandra Dhari Singh

The Food Corporation of India (FCI) is liable to pay the Employees' Provident Fund (EPF) dues for workers engaged through contractors. The Provident Fund authorities reasonably summoned the contractors and identified the workers, but the lack of cooperation from the contractors led to an adverse inference against the FCI for not producing required records. The orders regarding the EPF dues are not considered illegal or irregular, and the FCI must fulfill its statutory responsibility for these dues.

FOOD CORPORATION OF INDIA VS UNION OF INDIA & ORS. [W.P.(C)-8788/2014]

Judges: Justice Chandra Dhari Singh

The Regional Labour Commissioner (RLC) exceeded its jurisdiction under Section 33C(1) of the Industrial Disputes Act, 1947, by passing orders regarding the payment to canteen employees. The CGIT award only mandated equal pay and allowances to these employees without specifying a monetary amount. The proper course for the respondent union was to seek remedy under Section 33C(2), not Section 33C(1). The orders issued by the RLC were set aside due to an evident jurisdictional error. This case involved the implementation of the CGIT award between the Food Corporation of India and its canteen employees union.

GANGAKHED SUGAR AND ENERGY LTD. VS CENTRAL BUREAU OF INVESTIGATION & ORS. [CRL.M.C.-2881/2023]

Judges: Justice Chandra Dhari Singh

M/s Gangakhed Sugar and Energy Ltd. cannot be prosecuted for offences committed by its previous management and directors prior to the approval of its resolution plan by the National Company Law Tribunal under the Insolvency and Bankruptcy Code. The alleged offences occurred between 2008 and 2017, before the corporate insolvency resolution process began. Following the approval of the resolution plan by M/s Six Sigma Investment Fund, which led to a change in management, the corporate debtor is granted immunity from prosecution as per Section 32A of the IBC. The FIR against the corporate debtor is quashed, but the trial court may continue proceedings against other accused individuals. The corporate debtor must assist the investigating agency as required by Section 32A(3) of the IBC.

GL SHARMA VS UNION OF INDIA AND ANR. [W.P.(C)-2512/2018]

Judges: Justice Chandra Dhari Singh

The order rejecting the petitioner's application for voluntary retirement under the VRS 2004 was consistent with a prior directive to reconsider the matter. The respondent company adequately considered the petitioner's case, provided an opportunity to be heard, and reasonably determined that the petitioner did not meet the eligibility criteria despite an extended service relaxation. Granting voluntary retirement is at the employer's discretion, and multiple judges had previously concluded the petitioner was ineligible. The respondent company's process did not exhibit any significant legal errors, leading to the dismissal of the writ petition.

GRAND PRIX ENGINEERING PVT. LTD. VS RAJEEV BHATNAGAR [I.A.-3968/2023]

Judges: Justice Chandra Dhari Singh

The defendant was granted unconditional leave to defend a summary suit for recovery of Rs.3.43 crore. Substantial defenses were raised, particularly challenging the validity and authenticity of the loan agreement dated April 2, 2018, which underpins the plaintiff's claim. This issue necessitates a full trial to properly adjudicate the matter.

GROUP 4 SECURITIES GUARDING LTD. VS SECY.LABOUR,GOVT.OF NCT OF DELHI [W.P.(C)-567/2004]

Judges: Justice Chandra Dhari Singh

The Industrial Tribunal incorrectly used the definition of "wages" from the Minimum Wages Act for computing bonus instead of the definition in the Payment of Bonus Act. It is established that terms defined in the parent legislation should not be interpreted using different Acts. Consequently, the Tribunal's award was set aside, and the matter was remanded for fresh adjudication.

HARPAL SINGH VS STATE OF UTTRAKHAND & ORS. [CRL.M.C.-5174/2013]

Judges: Justice Chandra Dhari Singh

The supplementary chargesheet and summoning order against Harpal Singh were quashed due to a lack of credible evidence linking him to the murder. Allegations stemmed solely from an accused's information, lacking corroboration. Previous investigation reports cleared him, and the reinvestigation occurred without proper Sessions Court permission.

HEMANT KUMAR AND ORS VS GOVT OF INDIA MINISTRY OF LABOUR AND EMPLOYMENT AND ORS [W.P.(C)-239/2018]

Judges: Justice Chandra Dhari Singh

The appropriate government overstepped its jurisdiction by refusing to refer an industrial dispute to the Central Government Industrial Tribunal (CGIT) for adjudication. The government improperly examined the merits of the dispute, which is reserved for the CGIT. An order was set aside, and the government was directed to refer the dispute to the proper forum under the Industrial Disputes Act for expeditious handling, as the 52 petitioner-workers had been waiting for resolution since 2018. The merits of the dispute were left for the CGIT to decide.

HIMANSHU KAPOOR VS SHALINI KAPOOR [CRL.REV.P.-685/2024]

Judges: Justice Chandra Dhari Singh

The maintenance amount for the petitioner wife was restored to Rs. 50,000 each for the wife and child, as the petitioner is not earning and relies on her parents. The respondent husband's claimed low income was deemed incredible based on his expenses and asset ownership, with findings confirming his monthly income at Rs. 2,00,000. The revision petition by the respondent husband was dismissed due to the absence of illegality in the decision regarding his income.

IFCI VENTURE CAPITAL FUNDS LIMITED VS SRGP CORPORATION LIMITED [C.R.P.-115/2022]

Judges: Justice Chandra Dhari Singh

The civil suit challenging the classification of a loan account as a Non-Performing Asset (NPA) is barred by the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). Exclusive jurisdiction over disputes regarding actions taken by secured creditors under the SARFAESI Act lies with the Debt Recovery Tribunal (DRT), and the proper remedy for the respondent is to approach the DRT under Section 17. Therefore, the civil suit is dismissed.

JAWAHAR SINGH VS THE EXECUTIVE ENGINEER, CPWD [W.P.(C)-10421/2018]

Judges: Justice Chandra Dhari Singh

The petitioner, who worked on a muster roll from 1972-1990 and was later regularized, is entitled to gratuity for the muster roll period under the Payment of Gratuity Act, 1972. The non-payment of gratuity constitutes a continuous wrong, and delay in filing the claim does not invalidate the entitlement. The Appellate Authority's denial of the gratuity claim due to delay has been set aside, and the respondent department is instructed to calculate the gratuity amount for the muster roll period expeditiously.

KAMAL BHASIN VS GHANSHYAM KUMAR & ANR. [CONT.CAS(C)-272/2018]

Judges: Justice Chandra Dhari Singh

The respondent authorities provided the petitioner with information regarding actions taken against the former CMD of the Power Finance Corporation multiple times. The petitioner's dissatisfaction with this information did not constitute willful disobedience necessary for contempt proceedings. The contempt petition was dismissed due to insufficient evidence of contempt.

KESHAV DATT VS SOUTH ASIAN UNIVERSITY [W.P.(C)-12084/2023]

Judges: Justice Chandra Dhari Singh

The writ petition against the South Asian University (SAU) is not maintainable as the SAU is an international organization established by an intergovernmental agreement among SAARC countries, with no special control from the Government of India. The SAU enjoys privileges and immunities under the UN (Privileges and Immunities) Act, 1947. Additionally, the SAU Act mandates an Arbitral Tribunal for disputes between the University and its employees, and the petitioner did not exhaust this alternative remedy. The SAU is not subject to the writ jurisdiction of Constitutional Courts in India. The writ petition is dismissed.

KULJIT SINGH & ANR. VS GURU NANAK INSTITUTE OF MANAGEMENT AND INFORMATION TECHNOLOGY & ORS. [W.P.(C)-3034/2023]

Judges: Justice Chandra Dhari Singh

The batch of writ petitions filed by employees of educational institutes was deemed not maintainable due to the availability of an alternative remedy under the Delhi Sikh Gurdwara Act, 1971. The disputes were identified as primarily contractual in nature, lacking significant public law elements, which did not warrant intervention under Article 226 of the Constitution. The petitions were dismissed, but the employees were permitted to seek redressal in the District Court.

M/S DEUTSCHE LUFTHANSA AG VS MR. NAYAN PAHWA & ORS. [W.P.(C)-1376/2024]

Judges: Justice Chandra Dhari Singh

The Tribunal was correct in adjudicating the complaint under Sections 33 and 33A of the Industrial Disputes Act, establishing a prima facie industrial dispute based on the government's referral. The termination of workmen with over a year of continuous service violated statutory requirements under Sections 25F and 25G of the Act. The complaint filed by the authorized representatives of the workmen was legally valid.

M/S GREENWAYS THROUGH ITS PARTNER VS Y.N. GUPTA (DECEASED) THROUGH ITS LRS & ORS. [RFA-531/2023]

Judges: Justice Chandra Dhari Singh

The trial court's judgment and decree favoring the plaintiff in an ejectment suit were set aside due to misinterpretation of the defendant's written statement. The trial court failed to recognize substantial issues raised by the defendant's denials and objections, which required a full trial. Clear and unequivocal admissions are necessary for a judgment under Order XII Rule 6 CPC, and the trial court's interpretation of admissions was deemed impermissible. The matter was remanded for fresh adjudication, emphasizing a comprehensive consideration of the defendant's defenses.

M/S MOOLCHAND KHAIRATI RAM HOSPITAL AND AYURVEDIC RESEARCH INSTITUTE VS SH BANWARI LAL [W.P.(C)-12618/2018]

Judges: Justice Chandra Dhari Singh

The Labour Court's award in favor of the workman was upheld, citing the employer's failure to conduct a fair domestic inquiry, which was done ex-parte without allowing the workman to present his case. The findings from earlier Section 33(2)(b) proceedings do not bar the workman from raising the industrial dispute, as those inquiries only pertain to termination approval, not the merits of the case. The workman is entitled to reinstatement with full back wages and other benefits due to the illegal termination.

M/S UPPAL CHADHA HI TECH DEVELOPERS PVT. LTD. VS STATE OF N.C.T OF DELHI & ANR. [W.P.(CRL)-3369/2024]

Judges: Justice Chandra Dhari Singh

FIR no. 13/2024 registered by the EOW was deemed an abuse of process of law and quashed. The ED did not establish a concrete opinion before sharing information, leading to a mechanical registration of the FIR, violating statutory mandates. The allegations mirrored those in previous FIRs that had either been compounded or quashed, thereby infringing on double jeopardy principles. Civil disputes under RERA cannot justify a new FIR, particularly since most RERA complaints were resolved. Previously examined allegations concerning land ceiling laws do not constitute new cognizable offenses. The delayed FIR registration suggested mala fide intent by authorities to prolong the investigation despite prior resolutions. Fresh proceedings may occur only if new incriminating evidence arises from pending RERA matters or other sources.

MANAGEMENT OF M/S COLONEL SECURITY CHAMBERS VS SEEMA AND ANR [W.P.(C)-2281/2010]

Judges: Justice Chandra Dhari Singh

The Labour Court's decision that the workman did not abandon her service was upheld, citing that she had obtained prior permission for a family bereavement. The termination without due process indicated wrongful dismissal rather than voluntary resignation. The workman was awarded a compensation of Rs. 1,20,000/-.

MANISH GUPTA VS UTI INFRASTRUCTURE TECHNOLOGY AND SERVICES LTD. & ANR. [W.P.(C)-4142/2023]

Judges: Justice Chandra Dhari Singh

The petitioner lacks legal entitlement to benefits from a reinforcement mechanism introduced in 2006, as it was never finalized or implemented. Financial benefits are at the employer's discretion rather than an employee's legal right. The writ petition was dismissed due to lack of merit.

MIRA GUPTA VS DINESH CHAND (DECEASED) THR LRS & ORS [RFA-1066/2019]

Judges: Justice Chandra Dhari Singh

The alleged revocation deed dated 5th March, 1991 was surrounded by suspicious circumstances and did not invalidate the earlier will dated 16th September, 1988, which bequeathed the entire estate to the deceased's adopted daughter Rashi. Legal principles under the Hindu Succession Act established that the daughter is a coparcener by birth, entitled to an equal share like a son. Shares of various legal heirs in the Dariba Kalan ancestral property and Geetanjali Enclave property were determined, granting Mira Gupta, the deceased's wife, a share in the Dariba Kalan property.

MOHAMMAD HAKIM AND ANR VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-1585/2022]

Judges: Justice Chandra Dhari Singh

The impugned orders by the Nodal Officer of the Delhi Development Authority (DDA) rejecting claims for alternative allotment of dwelling units were deemed arbitrary and illegal. The petitioners met the eligibility criteria under the DDA's Rehabilitation and Relocation Policy, 2015, and had submitted required documents by the January 1, 2015 cut-off date. The requirement for a separate ration card for first-floor dwellers was termed arbitrary, as it cannot serve as proof of address. Orders were set aside, and the DDA was instructed to allocate alternative dwelling units to the petitioners upon submission of necessary documents and payment of required amounts.

MOHD SABUDDIN VS MOHD ZAKIR [MAC.APP.-763/2016]

Judges: Justice Chandra Dhari Singh

The driver was found liable for rash and negligent driving, which caused grievous injuries to the claimant. The registered owner was also deemed jointly and severally liable to pay compensation, in accordance with the Motor Vehicles Act, 1988, regardless of actual possession and control of the vehicle during the accident. The order was modified accordingly.

MOHD ZAKIR VS SABUDDIN & ANR [MAC.APP.-425/2016]

Judges: Justice Chandra Dhari Singh

The appellant is entitled to an enhancement of compensation from Rs. 2,72,922 to Rs. 18,59,466, with 9% interest per annum. The registered owner of the offending vehicle and the driver are jointly and severally liable to pay this compensation.

MR DEEP PRAKASH AND ORS. VS TECHNOLOGY INFORMATION, FORECASTING AND ASSESSMENT COUNCIL (TIFAC) AND ORS. [W.P.(C)-3133/2019]

Judges: Justice Chandra Dhari Singh

The petitioners appointed under the closed Umbrella Scheme on Technology Vision 2020 cannot be regularized as their contractual appointments were linked to the scheme's duration. The continuation of service does not grant entitlement to regularization, and the scheme's closure leads to the termination of their services. The petitioners did not challenge the closure of the scheme, and relief not requested in pleadings cannot be granted. Writ petitions seeking regularization were dismissed.

RAJESH DUA VS RAJIV GOYAL & ANR. [C.R.P.-271/2023]

Judges: Justice Chandra Dhari Singh

The petitioner's defense was struck off due to non-payment of rent arrears under Order XVA of the Code of Civil Procedure. The request to cross-examine the plaintiff's witness was denied since the defense had already been dismissed. After reserving judgment, no further rights or privileges were available to the parties, leading to the dismissal of the petitioner's revision petitions for being non-maintainable and lacking merit.

MRS. ASHA VS MANOHAR PARRIKAR INSTITUTE FOR DEFENCE STUDIES AND ANALYSES (MP-IDSA) [W.P.(C)-7487/2021]

Judges: Justice Chandra Dhari Singh

The Manohar Parrikar Institute for Defence Studies and Analyses (MP-IDSA) qualifies as an instrumentality of the State under Article 12 of the Constitution, making the writ petitions from its administrative employees maintainable. The Ministry of Defence exercises significant financial, functional, and administrative control over the Institute, including the presence of high-ranking government officials in its governing body, the appointment of the Director General by the Appointments Committee of the Cabinet, and oversight of budgets and operations. The Institute meets the criteria established for "instrumentality of the State," allowing the writ jurisdiction to apply. A counter-affidavit is to be filed, with the matter set for hearing on merits subsequently.

MS SURAKSHA JAGIRDAR VS GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-13089/2023]

Judges: Justice Chandra Dhari Singh

The petitioner's appointment as principal of the respondent school violated recruitment rules due to insufficient experience, lacking the required 10 years as vice-principal. Irregularities in her service records, including backdated entries and unexplained gaps, were noted. The appointment lacked approval from the managing committee, the designated appointing authority. The termination of the petitioner's appointment was upheld.

MS. REMA GUPTA VS MAHINDER LAL [C.R.P.-8/2021]

Judges: Justice Chandra Dhari Singh

The civil revision petition was allowed, and the lower court's order to dismiss the application for rejection of the plaintiff's plaint was set aside. The plaint did not disclose a valid cause of action for partition, as the plaintiff's claim of ownership relied on documents like an agreement to sell, power of attorney, and will, which do not confer legal title. Although the plaintiff claimed possessory rights, this could not be considered separately from the partition claim. Ultimately, the plaint failed to demonstrate a clear right to sue, leading to the dismissal of the plaintiff's suit.

MUNICIPAL CORPORATION OF DELHI VS MANISH KUMAR AND ORS [W.P.(C)-16584/2023]

Judges: Justice Chandra Dhari Singh

The award by the Industrial Tribunal is upheld, confirming that the respondent workmen are entitled to regularization of their services as Assistant Malaria Inspectors and Assistant Public Health Inspectors from their initial appointment date, along with wage differentials based on the principle of "equal pay for equal work." The workmen were appointed through a proper procedure, had worked continuously in their positions, and performed similar duties to regularized employees while receiving lower wages. Maintaining them in temporary status is considered an unfair labor practice. Legal principles indicate that prolonged temporary employment should not prevent regularization and that those performing similar roles deserve equal treatment. The findings of the Industrial Tribunal are affirmed as free from legal defects.

MUNICIPAL CORPORATION OF DELHI VS SANDEEP YADAV AND ORS [W.P.(C)-14839/2023]

Judges: Justice Chandra Dhari Singh

The award of the Industrial Tribunal directing the South Delhi Municipal Corporation to regularize the services of contractual "Malaria Field Workers" employed from 2010 to 2016 was set aside. The Industrial Tribunal exceeded its jurisdiction by addressing issues of regularization not included in the terms of reference. The matter is remanded to the Industrial Tribunal to re-evaluate whether the employment of the workers as casual/temporary employees was appropriate and to assess the demand for arrears of salary based on "equal pay for equal work." The Industrial Tribunal must resolve these issues within six months.

NATIONAL HIGHWAY AUTHORITY OF INDIA VS M S SSANGYONG ENGINEERING AND CONSTRUCTION CO. LIMITED [O.M.P. (COMM)-340/2021]

Judges: Justice Chandra Dhari Singh

The arbitral award in favor of Ssangyong Engineering and Construction Co. Limited was found to be illegal and against public policy in India. The Arbitral Tribunal incorrectly directed payment based on a certificate it acknowledged was not a Final Payment Certificate, which was contradictory. Additionally, it did not properly address the petitioner's concerns regarding discrepancies in the certificate, violating principles of natural justice. The Tribunal's findings conflicted with a previous award regarding the same certificate, causing inconsistencies. Consequently, the award was set aside and remanded for fresh review by the Tribunal.

NORTH DELHI MUNICIPAL CORPORATION VS SH. KHEM CHAND [W.P.(C)-1989/2020]

Judges: Justice Chandra Dhari Singh

The respondent workman was not entitled to the position/status of Garden Chaudhary from April 1, 1991 due to a lack of necessary qualifications. However, he was entitled to the pay scale for the period he worked in an officiating/ad hoc capacity as Garden Chaudhary, based on the order of the Deputy Director (Horticulture). The principles of quantum meruit and legitimate expectation were applicable, with relevant precedent considered in the decision. This judgment affected a group of related petitions.

PUJA MANORAMA DILIP KHEDKAR VS THE STATE OF NCT OF DELHI & ANR. [BAIL APPLN.-2828/2024]

Judges: Justice Chandra Dhari Singh

The anticipatory bail application of Puja Manorama Dilip Khedkar was dismissed due to prima facie evidence of fraud and misrepresentation in her Civil Services Examination applications. She was found to be involved in a conspiracy, including altering her name, providing false details on attempts, and fraudulently obtaining disability certificates. Concerns arose that her potential influence within the government could obstruct the investigation. Consequently, the anticipatory bail application was dismissed, and prior interim protection was vacated.

PUNJAB NATIONAL BANK VS MANOJ KUMAR [W.P.(C)-4770/2007]

Judges: Justice Chandra Dhari Singh

The termination of the workman was deemed illegal, but the order for reinstatement with full back wages was considered inappropriate. Compensation of Rs. 2.5 lakhs was awarded instead, due to the workman's irregular ad-hoc appointment without proper selection procedures. The finding that the workman was not eligible for regularization was upheld, as his appointment did not follow the correct process. The relief for reinstatement was modified, while the denial of regularization was affirmed.

PUNJAB NATIONAL BANK VS SH NIRAJ GUPTA & ANR. [W.P.(C)-7247/2022]

Judges: Justice Chandra Dhari Singh

The Punjab National Bank's action to forfeit the gratuity of the employee was deemed premature and unlawful, as the necessary conditions under Section 4(6)(b)(ii) of the Payment of Gratuity Act, 1972, were not met. The requirement for forfeiture involves a conviction for an offence involving moral turpitude, which was not applicable since no criminal proceedings existed against the employee. The forfeiture of gratuity was therefore declared illegal.

RAKESH MOHAN AGARWAL VS UNION OF INDIA & ANR. [W.P.(C)-11118/2022]

Judges: Justice Chandra Dhari Singh

The writ petition by the CMD of Indian Telephone Industries Limited is not maintainable, as challenging the initiation of disciplinary proceedings through a charge-memo does not violate the petitioner's rights, and interference is not warranted at an early stage. The petitioner accepted the terms of appointment, including the applicability of the Conduct, Discipline and Appeal Rules, and is therefore estopped from contesting them due to the doctrine of acquiescence. This matter involves challenges against Office Memorandums concerning disciplinary proceedings against the petitioner and six other officers.

RAMA SHANKAR VS AT HOME INDIA PVT. LTD. AND ANR. [W.P.(C)-1585/2019]

Judges: Justice Chandra Dhari Singh

An award by the Labor Court was upheld, dismissing petitions from individual workmen challenging their termination. The respondent management did not terminate the petitioners unlawfully; instead, the petitioners had abandoned their services by being absent without authorization for an extended period. Despite repeated requests from management for the petitioners to return to work, the petitioners did not provide evidence of being prevented from doing so or of any complaints regarding reinstatement. The findings of the Labor Court were deemed valid based on the evidence presented.

ROYAL SUNDARAM GENERAL INSURANCE COMPANY VS SHIVANI & ORS. [MAC.APP.-320/2021]

Judges: Justice Chandra Dhari Singh

The case involved a determination of accidental murder rather than intentional murder. The insurance company is liable to pay compensation to the claimants based on evidence from an eyewitness, the driver's statement, and the nature of injuries, indicating that the driver's intention was not to kill the deceased but resulted from rash and negligent driving. Arguments from the insurance company regarding maintainability under the Motor Vehicles Act and the deduction of ex-gratia payments from compensation were rejected. The tribunal's award of 8% interest per annum on the compensation amount was upheld.

SATISH CHAND GUPTA & ORS VS MEERA GUPTA & ORS [RFA-108/2020]

Judges: Justice Chandra Dhari Singh

The appeal RFA 108/2020 was dismissed, aligning with the order in related case RFA 1066/2019. No detailed reasoning was provided, suggesting reliance on the findings from the other case. The judgment was issued by a single judge without separate opinions or disagreements.

SATISH CHAND GUPTA & ORS VS MIRA GUPTA & ORS [RFA-221/2021]

Judges: Justice Chandra Dhari Singh

The appeal (RFA 221/2021) was dismissed based on a previous order in RFA no. 1066/2019, without details on the specific legal issues or reasoning involved.

SATYAPAL SINGH VS THE DELHI STATE COOPERATIVE BANK LIMITED AND ANR [W.P.(C)-5324/2021]

Judges: Justice Chandra Dhari Singh

Writ petitions from employees of the Delhi State Cooperative Bank Ltd. against their termination were deemed not maintainable, as the bank is not classified as an "authority" under Article 12 of the Constitution. The disputes are private in nature, lacking public duty involvement. Writ jurisdiction under Article 226 serves public law remedies, not private contractual rights. Even when a body performs public functions, not all decisions are subject to judicial review, and it must be shown that the action pertains to public law. Employees were also found to have alternative statutory remedies under the bank's service rules, which they failed to exhaust before seeking writ relief. They were granted the option to pursue other legal remedies.

SAWHNEY RUBBER INDUSTRIES VS JAWAHAR PRASAD [W.P.(C)-4773/2019]

Judges: Justice Chandra Dhari Singh

Retrenchment of workmen by the petitioner management was deemed illegal, violating Section 25F of the Industrial Disputes Act, 1947. Compensation awarded to the workmen was justified based on their skilled/semi-skilled designations from an earlier Industrial Tribunal award still in effect at the time of retrenchment. A stay order on the 2009 award had only prospective effect and did not nullify it retrospectively. The awards of the Labour Court in favor of the workmen were upheld.

SAWHNEY RUBBER INDUSTRIES VS WORKMEN [W.P.(C)-3014/2010]

Judges: Justice Chandra Dhari Singh

The Industrial Tribunal appropriately addressed an industrial dispute involving 378 workers represented by their union. The Tribunal concluded that the workers were entitled to their claimed designations based on a proper evaluation of the evidence. The management's challenge to the Tribunal's award lacked grounds of illegality or flawed reasoning.

SHREEKANT GUPTA VS UNIVERSITY OF DELHI & ORS. [W.P.(C)-208/2023]

Judges: Justice Chandra Dhari Singh

The resolution by the Executive Council of the University of Delhi allowing the current Head of Department to continue until the end of his term, despite the petitioner's seniority in the revised list, is valid. The decision aims to maintain smooth functioning and does not breach seniority and rotation criteria under Statute 37 and Ordinance XXIII of the Delhi University Act. There were no clear illegalities, irrationalities, or procedural improprieties in the resolution. The petition challenging the resolution was dismissed.

SHRI RANJEET VS DELHI JAL BOARD [W.P.(C)-7422/2018]

Judges: Justice Chandra Dhari Singh

The writ petition challenging the Labour Court's award in favor of the Delhi Jal Board was dismissed. The petitioner contended that his termination was illegal, while the Board maintained it was valid due to the completion of the job for which he was employed. Under Section 25F of the Industrial Disputes Act, 1947, a workman must have completed 240 days of continuous service in the prior 12 months for certain protections to apply. The petitioner could not prove he had worked the requisite 240 days, as demonstrated by muster rolls. The evidence presented was insufficient to establish continuous service, leading to the dismissal of the petition and upholding the Labour Court's award.

SMT. BIMLA VS THE EXECUTIVE ENGINEER, CPWD [W.P.(C)-10426/2018]

Judges: Justice Chandra Dhari Singh

The petitioner is entitled to gratuity for her husband's service on muster roll from 1980-1991, as the Payment of Gratuity Act, 1972 mandates this payment. The CPWD's guidelines confirm gratuity is applicable for the muster roll period, and previous cases show that other employees received similar benefits, indicating a discriminatory practice if denied. The appellate authority's decision was set aside, and the CPWD must calculate and expedite the gratuity payment.

SMT. PASHPATI VS THE EXECUTIVE ENGINEER, CPWD [W.P.(C)-10445/2018]

Judges: Justice Chandra Dhari Singh

The deceased's muster roll period from 1986 to 2006 qualifies for gratuity under the Payment of Gratuity Act, 1972, making his widow entitled to claim gratuity for this duration. Arguments regarding delay in filing the claim were rejected, with the position that non-payment of gratuity constitutes a continuous wrong. Precedents and circulars from the CPWD support including muster roll service in gratuity calculations.

SMT. SEEMA VS MANAGEMENT OF M/S COLONEL SECURITY CHAMBERS [W.P.(C)-2252/2012]

Judges: Justice Chandra Dhari Singh

The petitioner's termination was deemed unjustified, and the Labour Court awarded a lump-sum compensation of Rs. 1,20,000 instead of reinstatement. The High Court evaluated the Labour Court's authority under Section 11-A of the Industrial Disputes Act and deemed the compensation reasonable, subsequently increasing the amount to Rs. 2,15,000 due to delays in the proceedings.

SSANGYONG ENGINEERING AND CONSTRUCTION CO. LTD. VS NATIONAL HIGHWAY AUTHORITY OF INDIA [O.M.P. (COMM)-256/2021]

Judges: Justice Chandra Dhari Singh

The validity of the arbitral award was previously addressed in another case, where the award was set aside and returned to the arbitral tribunal. The current petition was disposed of, allowing the petitioner to raise concerns regarding the rejection of the claim for interest on the due amount before the tribunal. No new findings were made on the merits of the interest claim, as it was sent back for fresh consideration.

SUNCITY HI- TECH INFRASTRUCTURES PRIVATE LIMITED THROUGH ITS AUTHORISED REPRESENTATIVE RITESH CHAUHAN VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-8489/2024]

Judges: Justice Chandra Dhari Singh

FIR No. 13/2024, registered at the Economic Offences Wing, New Delhi, for offences under Sections 406, 420, and 120B of the Indian Penal Code, was quashed along with all consequential proceedings. This decision followed an earlier judgment in a connected writ petition filed by M/s Uppal Chadha Hi Tech Developers Pvt. Ltd., resulting in no further matters for adjudication.

THE DIRECTOR, CGHS AND ORS. VS SHRI RAM CHANDER AND ORS. [W.P.(C)-2133/2020]

Judges: Justice Chandra Dhari Singh

The labor tribunal's decision that contract workers were effectively employees of CGHS and others, rather than outsourcing agencies, was upheld. The contract arrangement was deemed a sham designed to deny workers their rights. Long-serving workers performing permanent duties and meeting qualifications were entitled to regularization from their initial engagement in 2006. The challenge to the labor tribunal's decision to regularize the workers was dismissed, with no errors identified in the tribunal's findings.

THE MANAGEMENT OF GURU HARKRISHAN PUBLIC SCHOOL & ORS. VS SUNIL SIKRI & ANR. [W.P.(C)-13916/2018]

Judges: Justice Chandra Dhari Singh

The Delhi School Tribunal's decision to award full back wages to the respondent teacher from 18th August 2011 to 3rd September 2013 was upheld. This period was not subject to Rule 121 of the Delhi School Education Act and Rules regarding back wages prior to reinstatement. An employee wrongfully terminated is entitled to wages for the period between the order of reinstatement and actual reinstatement, regardless of any temporary stay by an appellate court. The Tribunal's interpretation of its jurisdiction under the Act and Rules to determine the payable wages for this period was deemed appropriate.

VIKASH KUMAR VS NTPC LIMITED & ORS. [W.P.(C)-3360/2022]

Judges: Justice Chandra Dhari Singh

The writ petition challenging the removal from service by NTPC Limited was dismissed. The disciplinary proceedings adhered to rules and natural justice principles, with findings of misconduct supported by evidence. The petitioner wrote a defamatory letter intending to harm the organization's reputation, which justified the removal. No illegality or perversity was found in the decisions of the disciplinary, appellate, and reviewing authorities.

A.R. CONSTRUCTION VS C.C.C. INFRASYS PRIVATE LIMITED [CO.PET.-548/2015]

Judges: Justice Dharmesh Sharma

The winding-up petition against the respondent company for non-payment of outstanding dues should be transferred to the National Company Law Tribunal (NCLT) due to the nascent stage of the proceedings and the enactment of the Insolvency and Bankruptcy Code, 2016, along with the Companies Act, 2013.

AAS MOHAMMAD VS SH MANOJ KUMAR AD OTHERS [MAC.APP.-379/2023]

Judges: Justice Dharmesh Sharma

The insurance company cannot revisit the validity of the insurance policy due to issue estoppel, as it failed to raise the defense of forgery in previous motor accident compensation petitions favoring the claimants. An error in the compensation computation by the tribunal was acknowledged, but the overall compensation award to the claimant was upheld. This case involves a vehicular accident affecting three claimants.

ABHISHEK OBEROI VS KARISHMA OBEROI [C.R.P.-165/2023]

Judges: Justice Dharmesh Sharma

The lower court's decision to grant unconditional leave to the defendant to defend a suit for recovery of Rs. 6,05,000 was upheld. The defendant presented plausible defenses, including a transfer from a joint account with her deceased grandmother and a claim that Rs. 15,000 was a marriage gift. Concerns regarding the suit being potentially barred by the Limitation Act were noted. No flaws were identified in the lower court's approach, leading to the dismissal of the civil revision petition.

ABHISHEK SAXENA VS ANUKRITI SRIVASTAVA [CM(M)-151/2024]

Judges: Justice Dharmesh Sharma

The petitioner's writ petition challenging the Family Court's order was dismissed. The issue of territorial jurisdiction was identified as a mixed question of law and fact, not suitable for piecemeal resolution. The earlier rejection of the petitioner's application regarding jurisdiction was noted, and the current petition was deemed without merit. The petitioner was directed to pay costs of Rs. 10,000 to the New Delhi District Legal Services Authority for misusing judicial time.

ADOR WELDING LTD. & ANR. VS BANSAL WELD PVT. LTD. [CO.PET.-218/2016]

Judges: Justice Dharmesh Sharma

The winding up petition by Ador Welding Ltd. against Bansal Weld Pvt. Ltd. was dismissed due to the presence of triable issues of fact. Bansal Weld Pvt. Ltd. presented bona fide disputes regarding the outstanding amount claimed. The appropriate forum for resolving these disputes is a civil court. Ador Welding Ltd. may initiate proceedings in a commercial court and seek condonation of delay for the period during which winding up proceedings were ongoing.

ADVANCE STEEL TUBES LTD. VS SPACK TURNKEY PROJECTS P. LTD. [CO.PET.-36/2003]

Judges: Justice Dharmesh Sharma

M/s. Spack Turnkey Projects (P) Ltd., in liquidation, was ordered to be dissolved due to the Official Liquidator's inability to proceed with the winding up process, attributed to a lack of funds and assets. It was deemed just and reasonable to dissolve the company, and the Official Liquidator was discharged from his duties.

AFZAL KHAN VS GOLF TECHNOLOGIES PVT. LTD. [CO.PET.-701/2015]
Judges: Justice Dharmesh Sharma
The winding up petition against Golf Technologies Pvt. Ltd. is at an early stage with no substantive orders issued. The petition will be transferred to the National Company Law Tribunal (NCLT) for further proceedings under the relevant legal provisions.

AJAY PURNANAND CHITNIS VS DSC LIMITED [CO.PET.-988/2015]
Judges: Justice Dharmesh Sharma
The company petition seeking winding up of DSC Limited for non-payment of dues should be transferred to the National Company Law Tribunal (NCLT) due to the absence of substantive orders and the relevance of the Insolvency and Bankruptcy Code, 2016, and the Companies Act, 2013. The petition is considered a "non-starter" as it is at an early stage.

AJMER SINGH VS GOVERNMENT OF NCT OF DELHI & ORS. [CONT.CAS(C)-487/2023]
Judges: Justice Dharmesh Sharma
The contempt petition was dismissed as the respondents complied with the previous order from 31.07.2018, making the required payments to the petitioner, including refunds for wrongful deductions from salary and gratuity, along with the mandated interest. The petitioner's calculation of the amount due was rejected due to no provision for charging interest on wrongful deductions. A detailed statement from the respondents confirmed the payments made.

ALLEGIS SERVICES (INDIA) PVT. LTD. VS OLIVE TELECOMMUNICATION PRIVATE LTD. [CO.PET.-594/2015]
Judges: Justice Dharmesh Sharma
A company petition for winding up should be transferred to the National Company Law Tribunal (NCLT) because the proceedings are at an early stage. The NCLT has the jurisdiction to handle such matters under the Insolvency and Bankruptcy Code, 2016.

AMIT ARORA VS MMR INFRASTRUCTURE DEVELOPERS PVT LTD [CO.PET.-920/2015]
Judges: Justice Dharmesh Sharma
The winding up petition against the respondent company was dismissed due to bona fide issues regarding deficiencies in services provided by the petitioner, which required evidence for resolution. The matter was deemed suitable for a competent civil court rather than a company court. The petitioner was granted the option to pursue appropriate proceedings in the Commercial Court and could seek condonation of delay under Section 14 of the Limitation Act for time spent on the winding up proceedings.

AMIT KATYAL VS DIRECTORATE OF ENFORCEMENT GOVERNMENT OFINDIA [BAIL APPLN.-2024/2024]
Judges: Justice Dharmesh Sharma
Interim bail for six weeks was granted to Amit Katyal on medical grounds due to his need for specialized dietary care following bariatric surgery and other health issues, which could not be adequately met in jail. The decision considered precedents related to medical bail and established that his condition justified the release. Conditions included a personal bond and a restriction on leaving the country, with no further relief available on similar grounds.

AMIT SAINI VS SANDEEP GAUTAM & ANR. [MAC.APP.-152/2021]

Judges: Justice Dharmesh Sharma

The Motor Accident Claims Tribunal awarded Rs. 12,10,000/- to the injured respondent due to the rash and negligent driving of the appellant's driver. The appellant, as the registered owner, remained liable despite claiming to have sold the vehicle before the accident. The interest on the compensation was reduced from 9% to 7.5% per annum because the delay in proceedings was not the appellant's fault. The appeal was dismissed except for the adjustment in the interest rate.

ANIKET PRAKASH VS UNION OF INDIA & ORS. [W.P.(C)-11551/2024]

Judges: Justice Dharmesh Sharma

The petitioner's writ petition was dismissed due to its maintainability, as the petitioner had previously approached the Debt Recovery Tribunal (DRT), which had dismissed objections and allowed Tata Capital Housing Finance Limited (TCHFL) to take possession of the petitioner's flat under the SARFAESI Act. The petitioner was advised to file an appeal before the Debt Recovery Appellate Tribunal (DRAT) for further relief, with TCHFL already in possession and preparing to auction the flat.

ANIL MADAN & ANR. VS RBL BANK LIMITED [W.P.(C)-13656/2024]

Judges: Justice Dharmesh Sharma

The writ petition by Anil Madan and another against RBL Bank Limited focused on whether they could be classified as "non-cooperative borrowers" without following the due process in the RBI Master Circular. The petitioners received a show-cause notice on April 5, 2024, regarding this classification and claimed they had made repayments and requested the realization of existing securities. The bank issued a notice on September 10, 2024, regarding the decision of an identification committee about their categorization, which the petitioners had not received. The bank clarified that this notice was related only to "non-cooperative borrowers" and a separate notice for "willful defaulters" was sent on August 13, 2024. Consequently, the petitioners were permitted to withdraw their writ petition and instructed to respond to the bank in line with the RBI circular within 15 days.

ANITA DEVI & ORS. VS UNION OF INDIA [FAO-169/2022]

Judges: Justice Dharmesh Sharma

The deceased was recognized as a bona fide passenger at the time of the incident, which was classified as an "untoward incident" under the Railways Act due to an accidental fall from the train. The previous dismissal of the claim petition was rejected, and a compensation of Rs. 8,00,000/- with 9% interest per annum was awarded to the deceased's widow, children, and mother, to be distributed among them.

ANKITA SINGH VS ANAND VIKRAM SINGH [CONT.CAS(C)-1322/2024]

Judges: Justice Dharmesh Sharma

The contempt petition filed by Ankita Singh against Anand Vikram Singh was dismissed as it was barred by limitation. The petition arose from the respondent's failure to comply with a settlement agreement dated 23.10.2017, which included a payment of Rs. 20 lakhs. The petition was filed over 2,054 days after the compliance deadline stipulated in the agreement, resulting in dismissal without prejudice, allowing the petitioner to seek other legal remedies.

ANKUR BERI VS THE INDIA ASSURANCE CO LTD & ORS [MAC.APP.-955/2017]

Judges: Justice Dharmesh Sharma

The driver's license was based on fake credentials, but the insurance company cannot recover from the registered owner due to the owner's lack of knowledge of the forgery. The insurance company's argument regarding the fake license does not exempt it from compensating the claimants. Compensation was re-assessed, resulting in a total of Rs. 12,32,797/- with interest at 7.5% from the filing date. The appeal by the insurance company was dismissed, the appeal by the registered owner was allowed, and the appeal by the claimants was partially allowed.

APPLE SPONGE AND POWER LIMITED VS PUNJAB NATIONAL BANK [W.P.(C)-8996/2024]

Judges: Justice Dharmesh Sharma

The writ petition by Apple Sponge and Power Limited against Punjab National Bank was dismissed, with observations indicating changes in the company's one-time settlement proposals over time and a lack of payment for the past five years. Ongoing recovery proceedings before the Debt Recovery Tribunal and pending insolvency proceedings before the National Company Law Tribunal contributed to the decision not to interfere.

ARABIAN OILFIELD SUPPLIERS & SERVICES VS GREKA DRILLING (INDIA) LIMITED [CO.PET.-88/2016]

Judges: Justice Dharmesh Sharma

A winding up petition against Greka Drilling (India) Limited, identified as a "foreign company" and an "unregistered company" under the Companies Act 1956, is maintainable under Section 583 of that Act. However, due to the early stage of the proceedings and the absence of substantive orders, the petition is to be transferred to the National Company Law Tribunal (NCLT) per the Companies Act 2013.

ARTI ANR ORS VS NAVEEN AND ORS [CM(M)-1062/2022]

Judges: Justice Dharmesh Sharma

The orders of the Motor Accident Claims Tribunal discharging the insurance company and dismissing the claimants' request to implead it were set aside. It was determined that assessing whether the deceased was a "gratuitous passenger" before recording evidence was premature. The insurance company was directed to be added as a necessary party, with the opportunity to file a fresh written statement and cross-examine witnesses. The matter was remanded for further proceedings.

ARTI GHOSH @ AROTI GHOSH VS GOVT OF NCT OF DELHI AND ANR [W.P.(C)-4194/2016]

Judges: Justice Dharmesh Sharma

The Delhi Development Authority (DDA) cannot require a Letter of Administration or a court decree for a registered will, as Indian law does not mandate probate for wills made by Hindus, Buddhists, Sikhs, or Jains outside the jurisdictions of Calcutta, Madras, and Bombay. The DDA must complete the mutation of the property in favor of the petitioner within four weeks and process the application for conversion from leasehold to freehold based on applicable rates at the time the writ petition was filed, to be completed within an additional four weeks.

ARVIND DHAM THROUGH PAIROKAR VS IDBI BANK LIMITED [W.P.(C)-11718/2024]

Judges: Justice Dharmesh Sharma

Interim relief was not granted to petitioner Arvind Dham, who sought to quash an order labeling him as 'fraud' by IDBI Bank's Fraud Examination Committee. The petitioner incorrectly claimed to be a non-executive director during the relevant period, as he was a Promoter-Director. Requests for certain documents were viewed as an attempt to delay proceedings, with relevant documents already provided in other cases. Although interim relief was denied at this time, the raised issues required further examination, and IDBI Bank was instructed to file a reply within four weeks. The matter will be re-notified on 08.01.2025.

ARYAN CONSTRUCTIONS THROUGH MR. AMIT SINGH YADAV (PROPRIETOR) VS PUNJAB NATIONAL BANK LTD. THROUGH ITS CMD & ORS. [W.P.(C)-10768/2024]

Judges: Justice Dharmesh Sharma

The writ petition by Aryan Constructions against Punjab National Bank and others was dismissed. The claim that JSW Steel was a 'related party' of Bhushan Steel & Power Ltd. was not supported, as JSW Steel disclosed necessary information and was deemed eligible under Section 29A of the Insolvency and Bankruptcy Code. An approved resolution plan is binding on all creditors and stakeholders, irrespective of their consent. The argument that the respondent banks should have sought property attachment by the Enforcement Directorate was rejected, as the approved resolution plan granted immunity to the corporate debtor and its assets under Section 32A of the IBC. No grounds for interference in the actions of the respondent banks were established.

ASHISH KUMAR VS TATA CAPITAL FINANCIAL SERVICES LTD & ORS. [W.P.(C)-11543/2024]

Judges: Justice Dharmesh Sharma

The writ petition by Ashish Kumar against Tata Capital Financial Services Ltd. is not maintainable, requiring the petitioner to approach the Debt Recovery Tribunal under Section 17 of the SARFAESI Act to challenge the SARFAESI proceedings regarding the property. The case involves conflicting sale deeds. The writ petition is dismissed without prejudice, allowing pursuit in the DRT.

ASSOCIATED BROADCASTING COMPANY PRIVATE LIMITED VS SREEDEVI DIGITAL SYSTEMS PRIVATE LIMITED & ORS. [CONT.CAS(C)-999/2024]

Judges: Justice Dharmesh Sharma

Contempt petitions filed by Associated Broadcasting Company Private Limited against various respondents for disrupting the telecast of the TV9 Telugu channel cannot be entertained due to pending petitions before the Telecom Disputes Settlement & Appellate Tribunal (TDSAT) on the same issue. The petitioner is permitted to withdraw the contempt petitions and is allowed to approach TDSAT for redressal, which may inquire into the matters raised and issue orders accordingly.

ATAMJIT SINGH & ORS. VS SPORTS FIT WORLD PVT. LTD. [CO.PET.-48/2016]

Judges: Justice Dharmesh Sharma

The company petition for the winding up of Sports Fit World Pvt. Ltd. should be transferred to the National Company Law Tribunal (NCLT) due to the enactment of the Insolvency and Bankruptcy Code, 2016, and the Companies Act, 2013. Winding up proceedings that have not significantly advanced should be redirected to the NCLT for further proceedings.

ATUL KUMAR JAIN VS IDBI BANK LIMITED & ANR. [W.P.(C)-9724/2024]

Judges: Justice Dharmesh Sharma

IDBI Bank's show cause notice to Atul Kumar Jain remains effective, but the bank cannot classify his account as "fraud" at this time. Jain will have the opportunity to inspect relevant records, including forensic audit reports, at his own expense. He has 10 days to reply after the inspection, and IDBI Bank must provide a hearing and make a decision within 21 days of receiving the response.

ATUL PUNJ VS IDBI BANK THROUGH THE DEPUTY GENERAL MANAGER [W.P.(C)-9461/2024]

Judges: Justice Dharmesh Sharma

The order classifying Atul Punj as a "fraud" by IDBI Bank regarding loans associated with Punj Lloyd Limited was quashed due to lack of a hearing, violating natural justice principles. The bank cannot unilaterally declare an account as "fraud" without the consent of at least 60% of the lending banks in the consortium, as stipulated by RBI Master Directions. The operation of the order is kept in abeyance, and the bank is allowed to report the matter to RBI and CBI/Police, with an opportunity to review its decision after hearing the petitioner. Further proceedings are scheduled for 17.09.2024.

AVTAR SINGH MANKOO VS DELHI DEVELOPEMNT AUTHORITY [W.P.(C)-14097/2009]

Judges: Justice Dharmesh Sharma

A batch of writ petitions challenged the cancellation of allotments under the DDA's New Pattern Registration Scheme, 1979, leading to a conclusion that the DDA must serve demand-cum-allotment letters to all available addresses of an applicant. Cancellation without a show cause notice or notification at an alternate address was considered arbitrary. Arguments regarding delay and laches were rejected, emphasizing that reasonableness should be assessed on a case-by-case basis. The DDA was directed to either allot flats to the petitioners at prevailing rates or provide compensation if allotment was not feasible due to the scheme's closure.

AYUSH AGARWAL VS M/S DIMENTIONS INNOVATION LABS PVT LTD [CO.PET.-9/2013]

Judges: Justice Dharmesh Sharma

The application by the official liquidator to dissolve M/s. Dimensions Innovation Labs Pvt. Ltd. was allowed due to the inability to recover any assets or funds. The registered office was occupied by others, bank accounts had no balance, and debtors could not be traced or denied claims. Continuing the winding-up proceedings was deemed unproductive, leading to the company's dissolution and the discharge of the official liquidator.

BABY NIKITA KUMARI VS PARHLAD SINGH & ORS (UNITED INDIA INSURANCE COMPANY LTD) [MAC.APP.-17/2016]

Judges: Justice Dharmesh Sharma

The appeal resulted in the total compensation being enhanced to Rs. 30,84,044/- due to incorrect calculation of the minor appellant's loss of future income and earning capacity, influenced by her 87% permanent disability. The notional income was established based on minimum wages for a graduate, with an additional 40% for future prospects and a multiplier of 15. Compensation was also increased for future medical expenses, disfiguration, loss of marital prospects, and pain and suffering. The insurance company must deposit the enhanced amount, with 70% held in a fixed deposit for the appellant until she reaches majority or gets married.

BABY YOGITA ARORA VS NEERAJ KUMAR VISHWAKARMA & ANR [MAC.APP.-311/2019]

Judges: Justice Dharmesh Sharma

The appeal was dismissed as the appellant failed to prove the involvement of the motorcycle in the accident. The investigation was criticized for being inadequate, particularly regarding the identification of the eyewitness. Initially, the registered owner admitted that respondent no. 1 was driving but later contradicted this claim. The appellant did not call her father or the eyewitness to support her case. No significant errors were identified in the previous decision.

BAIDYANATH MAHTO VS ANIL GOSWAMI & ORS [CONT.CAS(C)-760/2014]

Judges: Justice Dharmesh Sharma

Petitioners, recognized as freedom fighters during the Quit India Movement, are entitled to pension under the Swatantrata Sainik Samman Pension Scheme. However, the pension is payable from the date of filing the writ petition in 2010, not from their original applications in 1981. The claims lacked sufficient primary evidence and were accepted on the "benefit of doubt," leading to this decision on the payment timeline.

BAJAJ ALLIANZ GENERAL INSURANCE CO LTD VS LEELA DEVI & ORS [MAC.APP.-790/2017]

Judges: Justice Dharmesh Sharma

The accident was attributed to the rash and negligent driving of the offending vehicle's driver. Claims by the insurance company regarding a planted eyewitness and a fake driving license were rejected. The deceased's monthly income was corrected to Rs. 7,500 based on actual earnings. Compensation was revised, leading to a total amount of Rs. 12,75,000, to be paid by the insurance company with interest.

BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED VS SMT. KAVITA AND ORS [MAC.APP.-240/2024]

Judges: Justice Dharmesh Sharma

The Motor Accident Claims Tribunal found the driver of the Champion vehicle (registration no. DL-1LL-0980) responsible for a fatal accident due to rash and negligent driving, supported by testimony from eyewitness PW-2 Rinku and police investigation. The insurance company did not present evidence to contest these findings. The appeal by the insurance company was dismissed, and a statutory deposit of Rs. 25,000 was forfeited to the State.

BAJRANG PRASAD (DECEASED) THR LRS & ANR VS RAM NIWAS [C.R.P.-143/2014]

Judges: Justice Dharmesh Sharma

The dismissal of the plaintiff's suit under Section 6 of the Specific Relief Act stands due to the plaintiff's failure to prove essential elements of the claim. Discrepancies and inconsistencies were identified in the documentary evidence, including sale deeds and agreements. The plaintiff could not establish the date of dispossession from the property and failed to show prior possession within 6 months of the suit. Additionally, it was not proven that dispossession occurred "otherwise than in due course of law."

BALDEV SINGH & ORS VS NEHA BANSAL & ANR [CONT.CAS(C)-776/2019]

Judges: Justice Dharmesh Sharma

The land acquisition proceedings for the petitioners' land are deemed lapsed, rendering the notification under Section 4 of the Land Acquisition Act inapplicable. Necessary corrections must be made in the revenue records to reflect the petitioners as the landowners. Mutation by the Municipal Corporation of Delhi is not applicable to the primary issue of revenue record correction. The Deputy Commissioner is responsible for addressing errors in the revenue records and must complete the correction within 15 days, with potential contempt penalties for non-compliance.

BANK OF INDIA VS M/S SARVODYA PAPER MILLS LTD [CO.PET.-15/1987]

Judges: Justice Dharmesh Sharma

M/s. Sarvodya Paper Mills Ltd., currently in liquidation, should be dissolved under Section 481 of the Companies Act, 1956, due to the lack of any assets that could yield funds and the absence of a beneficial purpose in continuing the winding up process. The Official Liquidator confirmed that no further proceedings were feasible, leading to the decision for dissolution and the discharge of the Official Liquidator.

BAREILLY HIGHWAYS PROJECT LIMITED VS RESERVE BANK OF INDIA & ORS. [W.P.(C)-11150/2024]

Judges: Justice Dharmesh Sharma

The petitioner's application for an extension of an interim order regarding a One Time Settlement proposal was dismissed. The matter is pending before the National Company Law Tribunal, which is deemed more appropriate for addressing issues such as excessive interest calculations by the respondent banks and fairness in considering the OTS proposal. No opinion on the merits of the case was provided, and the parties were directed to appear on December 3, 2024.

BHAGWATI COOPERATIVE GROUP VS DELHI DEVELOPMENT AUTHORITY & ANR. [W.P.(C)-10033/2020]

Judges: Justice Dharmesh Sharma

The cancellation of the lease deed by the Delhi Development Authority (DDA) was deemed arbitrary and lacking proper consideration. Wrongdoing by former office bearers, convicted by the CBI, was not attributed to the entire society as it is a separate legal entity. Verification of the membership list showed that the majority of members were genuine. The findings of the CBI were not binding in civil matters. The DDA's cancellation order was set aside, directing the society to begin allotment of residential units to verified members under the Registrar of Cooperative Societies' supervision, and permission was granted to complete pending construction work.

BHIMAVARAM COMMUNITY NETWORK BCN VS M/S SUPER CASSETTES INDUSTRIES PVT. LTD. [C.R.P.-130/2024]

Judges: Justice Dharmesh Sharma

The civil revision petition by Bhimavaram Community Network BCN was dismissed. The trial court's order, which rejected the application under Order VII Rule 11 of the Civil Procedure Code, contained a technical flaw regarding the exemption request from mandatory pre-litigation mediation under the Commercial Courts Act, 2015. However, this flaw did not impact the case's merits. The petitioner/defendant was found to have engaged in continuous and recurring copyright infringement, with sufficient grounds for urgent relief in favor of the respondent/plaintiff. The petitioner/defendant's failure to respond to legal notices indicated a lack of intent for meaningful negotiation, leading to the dismissal of the petition.

BHURA VS UNION OF INDIA [FAO-363/2014]

Judges: Justice Dharmesh Sharma

The appeal by the father of the deceased was allowed, overturning the dismissal of the compensation claim by the Railway Claims Tribunal. Evidence confirmed that the deceased was a bona fide passenger with a valid ticket and that his death resulted from an "untoward incident" due to an accidental fall from a running train. The tribunal's conclusions were deemed flawed, relying on unreasonable conjectures. A statutory compensation of Rs. 8,00,000/- was awarded to be divided equally between the father and the deceased's mother, along with 9% annual interest from the date of the incident.

BIMLA SACHDEV VS SUBUR & ANR [CONT.CAS(C)-942/2019]

Judges: Justice Dharmesh Sharma

The respondent DDA and its officials demonstrated willful disobedience of court directions, constituting contempt. Instead of imposing direct punishment, unconditional apologies were accepted. The DDA was instructed to create a mechanism for timely dispute resolution with customers and litigants. Emphasis was placed on a solution-oriented approach and fair negotiations to minimize unnecessary litigation. A Review Committee was to be established to identify cases suitable for resolution through Lok Adalats or mediation, aiming to enhance DDA's credibility and alleviate the burden on the justice system.

CFM ASSET RECONSTRUCTION PRIVATE LIMITED VS NATIONAL HIGHWAYS AUTHORITY OF INDIA & ORS. [CONT.CAS(C)-1209/2024]

Judges: Justice Dharmesh Sharma

Contempt petitions filed by CFM Asset Reconstruction Private Limited are not maintainable due to lack of locus standi, as there is no privity of contract with NHAI. Any potential breach by NHAI occurred after the specified time limit, and the petitions filed beyond one year are barred. The argument that the breach constitutes a "continuing offence" was rejected based on precedent.

CHANDER BHAN VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-4587/2024]

Judges: Justice Dharmesh Sharma

The writ petition filed by Chander Bhan challenging the Delhi Development Authority's (DDA) construction of a boundary wall around approximately 8 bighas and 7 biswas of agricultural land at Khasra No. 16 in Village Chiragah Shumali was dismissed. The petitioner lacked a valid claim to the land, as the original temporary cultivation rights expired in 1964, and there was insufficient documentary evidence of ownership or continuous possession. The land was determined to belong to the DDA as government/public land, and it has the authority to protect it from encroachment. The petitioner concealed relevant facts by not disclosing a previous writ petition related to the same land, indicating a lack of clean hands. Costs of Rs. 25,000 were imposed on the petitioner, payable to the DDA.

CHANDER KANTA VS GYANESH BHARTI COMISSIONER MCD AND OTHERS [CONT.CAS(C)-804/2024]

Judges: Justice Dharmesh Sharma

Smt. Usha Rani is permitted to self-demolish the existing structure on her property and apply for a new building plan, while the rights and claims of the parties in an ongoing civil suit remain unaffected. The contempt petition by Chander Kanta against the Municipal Corporation of Delhi for non-compliance with previous orders was disposed of, as there are other legal remedies available to address the civil dispute regarding the property.

CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD VS KRISHAN CHANDER AND OTHERS [MAC.APP.-127/2024]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company against the compensation awarded to the parents of the deceased was dismissed. The deceased's monthly income was assessed at R.S. 25,000 with an additional 40% for future prospects. The assessment was deemed reasonable due to the deceased being a dental student with a promising career. The insurance company is required to deposit a total compensation of R.S. 38,50,000 with accrued interest within two weeks, or face a liability to pay 15% interest per annum.

CIVIL AND SESSIONS COURT STENOGRAPHERS ASSOCIATION (REGD) & ANR VS SHRI VIJAY KUMAR DEV [CONT.CAS(C)-204/2019]

Judges: Justice Dharmesh Sharma

Stenographers in Grade II and Grade I at Delhi District Courts are entitled to the same pay scales as those in the Delhi High Court, effective from 01.01.1996 to 31.07.2018. The argument that this was a new issue was rejected, as it was considered a clarification of an earlier order. The respondent must compute arrears and release payments within specified timelines. This matter involved multiple contempt petitions from various employee categories seeking implementation of the earlier order.

COLLEGE OF EDUCATION & ANR. VS PROF PANKAJ ARORA CHAIRPERSON & ANR. [CONT.CAS(C)-1382/2024]

Judges: Justice Dharmesh Sharma

The contempt petition filed by the College of Education against the NCTE Chairperson was dismissed due to a lack of willful disobedience of previous directions. The NCTE denied the College's request for a second unit of the B.Ed. course based on issues with the total built-up area. This decision or any inaction related to it cannot be the basis for contempt proceedings. The College's grievances regarding the NCTE's decision or subsequent representations do not constitute contempt.

THE ORIENTAL INSURANCE CO LTD VS D K JAIN & ORS [MAC.APP.-449/2017]

Judges: Justice Dharmesh Sharma

The cross-appeals from the insurance company and the claimant regarding compensation awarded by the Motor Accident Claims Tribunal were partly allowed. The assessment of the claimant's permanent disability was found to be incorrectly set at 83%; instead, it was assessed at 40%. Consequently, compensation for loss of earning capacity was reduced from Rs. 29,81,849 to Rs. 14,37,036. Compensation for other aspects such as pain and suffering, attendant charges, and special diet and conveyance was increased. Interest at 10% per annum on the total compensation from the date of filing the claim petition was upheld. The total revised compensation payable to the claimant is Rs. 36,92,373, along with 10% interest until realization.

DEEPAK AGGARWAL AND ANR VS GYAN CHAND SINCE DECEASED THROUGH LRS [C.R.P.-90/2022]

Judges: Justice Dharmesh Sharma

The civil revision petition filed by the petitioners/plaintiffs is not maintainable because the original order from 11.08.2017, which dismissed their application to bring the legal heirs of the deceased defendant on record, was appealable under Order XLIII of the CPC. The dismissal of their review application did not modify the original order. A review application's dismissal keeps the original order effective for appeal purposes, making a revision petition inappropriate. The petitioners/plaintiffs' request to withdraw the revision petition was denied due to lack of respondent consent and absence of delay in judgment. The civil revision petition was dismissed, allowing the petitioners/plaintiffs the option to file an appeal as permitted by law.

DELHI JAL BOARD & ANR VS CHANDRA KALA & ORS [MAC.APP.-293/2018]

Judges: Justice Dharmesh Sharma

The Motor Accident Claims Tribunal's decision was upheld, concluding that the DJB tanker driver acted rashly and negligently, leading to a fatal accident. Eyewitness testimony confirmed the tanker struck the deceased's motorcycle from behind. Arguments challenging the witness's presence and attributing fault to the deceased were rejected. The compensation amount of Rs. 47,83,000/- awarded to the claimants was deemed appropriate.

DELHI TECHNOLOGICAL UNIVERSITY VS CHANDER PRABHA [C.R.P.-153/2023]

Judges: Justice Dharmesh Sharma

The revision petition by Delhi Technological University (DTU) was allowed, resulting in the dismissal of a civil suit filed by Chander Prabha for recovery of Rs. 11,43,280 as it was barred by a three-year limitation period. The cause of action arose in 2013 with the submission of bills, but the suit was filed in 2020. Subsequent reminders and an RTI application did not extend the limitation period due to the absence of an unequivocal acknowledgment of debt by the university. An error was noted regarding the failure to frame an issue on the limitation question in the lower court's proceedings.

DELHI TECHNOLOGICAL UNIVERSITY VS MR CHANDER SHEKHAR [C.R.P.-155/2023]

Judges: Justice Dharmesh Sharma

The respondent's civil suit for recovery of Rs. 11,48,324/- was barred by limitation under Section 3 of the Limitation Act, 1963. The cause of action arose in February 2013, but the suit was filed in October 2020, exceeding the 3-year limitation period. Attempts to seek information through RTI and send demand letters did not extend the limitation period, and the petitioner University did not acknowledge any debt or liability. The suit was rejected as time-barred.

DEMAS DEVELOPERS PRIVATE LIMITED VS INDIAN OVERSEAS BANK & ORS. [W.P.(C)-15264/2024]

Judges: Justice Dharmesh Sharma

The issues raised by Demas Developers, Jiffy Realtors, Alvita Realtors, and Dev Rishab Real Estate regarding the resolution plan approved under the Insolvency and Bankruptcy Code (IBC) and proceedings under the SARFAESI Act should be addressed before the Debt Recovery Tribunal (DRT). The petitioners highlighted objections including alleged non-compliance with the SARFAESI Act and the impact of the resolution plan's approval on guarantors' obligations. The DRT is directed to consider these objections when deciding the securitization application. Findings from the lead case of Demas Developers Private Limited v. Indian Overseas Bank will also apply to the other petitions.

DEVI LAL GARG VS BALDEV SINGH [CONT.CAS(C)-1386/2024]

Judges: Justice Dharmesh Sharma

A contempt petition for willful disobedience of a civil court's decree is maintainable, but discretion exists to refuse jurisdiction if not warranted. Contempt jurisdiction should be invoked only in exceptional cases with contumacious or unconscionable conduct. The decree was executable, and the petitioner should have pursued the proper execution procedures rather than filing a contempt petition. The petitioner was allowed to withdraw the petition but had to pay costs of Rs. 10,000 to the Delhi High Court Legal Services Authority.

DHEERAJ GUPTA VS AJAY KUMAR & ANR (BHARTI AXA GENERAL INSURANCE CO. LTD) [MAC.APP.-614/2015]

Judges: Justice Dharmesh Sharma

The Motor Accident Claims Tribunal incorrectly attributed 50% contributory negligence to the claimant based solely on the police site plan, lacking evidence to show fault. The claimant, a 20-year-old, experienced a permanent 54% disability that affected future earning capacity. Compensation was significantly enhanced, totaling Rs. 37,06,560 for loss of future prospects, pain and suffering, loss of marital prospects, and future medical expenses, with 9% interest from the claim filing date to be paid by the insurance company.

DILIP KUMAR VS DHARMENDRA SINGH AND ORS [MAC.APP.-96/2023]

Judges: Justice Dharmesh Sharma

Dilip Kumar's appeal against the dismissal of his motor accident compensation claim under the Motor Vehicles Act was allowed. Delays in filing the appeal were condoned due to the appellant's hardships and the COVID-19 pandemic. The tribunal's original judgment was set aside, and the matter was remanded, providing the appellant with another chance to present evidence. A six-month timeline for trial completion was established, and fresh notices were to be issued to the respondents. The appellant was also to receive free legal aid services.

DILIP WAGHESHWARI VS AMIT KHARE & ORS. [CONT.CAS(C)-50/2021]

Judges: Justice Dharmesh Sharma

Withholding of annual increments during the petitioner's suspension period, without proven misconduct, was deemed illegal. The petitioner was previously directed to receive arrears for denied increments, though the exact amount remained disputed. Deprivation of legitimate financial benefits during the suspension was acknowledged. The respondents were instructed to treat the petitioner's reply affidavit as a fresh representation and issue a reasoned order within six weeks, with the option for the petitioner to initiate fresh legal proceedings if dissatisfied.

RAM PRATAP SINCE DECEASED THROUGH HIS LRS & ANR. VS SHAHID AHMED FEROZIE & ANR. [C.R.P.-36/2022]

Judges: Justice Dharmesh Sharma

The case addresses three main legal issues: the applicability of the Slum Areas (Improvement and Clearance) Act, the validity of an oral gift under Muslim law, and the assessment of property valuation and court fees. The Slum Areas Act is not applicable due to the absence of a landlord-tenant relationship, allowing the plaintiff to proceed without permission. The validity of the oral gift requires evidence from both parties and cannot be assessed at this stage. Questions regarding property valuation and court fees may also be resolved later. The decision pertains to two separate but similar suits, resulting in a common judgment for both.

DIOCESE OF DELHI-CNI VS MR. DEEPAK MARTIN CALEB [C.R.P.-46/2022]

Judges: Justice Dharmesh Sharma

The order allowing the respondent, son of the deceased original plaintiff, to be substituted as the plaintiff was set aside. The suit filed by the deceased was personal in nature, and the right to sue did not survive his death. The relief sought was personal to the deceased and did not pass to his legal heir, leading to the conclusion that the suit abated upon the original plaintiff's death.

DIRECTORATE GENERAL OF HEALTH SERVICES VS SOM PAN PRODUCT PVT. LTD. [FAO-84/2022]

Judges: Justice Dharmesh Sharma

The civil suits filed by the respondent companies against the Directorate General of Health Services regarding show cause notices are considered maintainable, as the actions do not fully align with the Cigarettes and Other Tobacco Products (Prohibition of Advertising and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003. Section 5 of COTPA prohibits direct and indirect advertisement of tobacco products, but using brand names registered under the Trade Marks Act, 1999, for non-tobacco products may not constitute indirect advertisement of banned tobacco products. This aspect necessitates evidence during the trial. Furthermore, the state government has not banned the sale or marketing of the respondent companies' pan masala products, which do not contain tobacco, indicating that the balance of convenience and potential for irreparable loss favors the respondent companies, justifying the interim injunction against the appellant.

DISRUPTIVE HEALTH SOLUTIONS PRIVATE LIMITED & ORS. VS KOTAK MAHINDRA BANK LIMITED & ANR. [W.P.(C)-13082/2024]

Judges: Justice Dharmesh Sharma

The writ petition from a registered MSME challenging the assignment agreement between a bank and an asset reconstruction company is not maintainable. The MSME failed to approach the Committee for Stressed Micro, Small and Medium Enterprises in a timely manner as per the RBI framework. The MSME cannot raise issues related to its status at a later stage after actions under the SARFAESI Act. Grievances should be addressed in the appropriate forum under Section 17 of the SARFAESI Act upon issuance of a notice under Section 13(4).

DLF HOMES RAJAPURA PVT LTD VS UNION OF INDIA & ORS [CM(M)-1333/2019]

Judges: Justice Dharmesh Sharma

The petitioner's challenge to the rejection of their objection regarding the maintainability of a consumer complaint was addressed. The issues are covered by a previous judgment that is currently under review by the Supreme Court. The Supreme Court has instructed the NCDRC to determine whether the complaint can proceed as a class action or a joint complaint. Respondents are allowed to pursue remedies before the NCDRC, with the issues from the petition open for future adjudication.

DLF HOMES RAJAPURA PVT LTD VS AMARDEEP SINGH TIWANA & ORS. [CM(M)-572/2022]

Judges: Justice Dharmesh Sharma

The petitioner's challenge to the maintainability of a consumer complaint under Section 12(1)(c) of the Consumer Protection Act is covered by the judgment in the Lucina Land Development Ltd. case. Respondents are directed to pursue the appropriate remedy as per the Supreme Court's judgment in Brigade Enterprise v. Anil Kumar Virmani, with all issues left open for adjudication according to the law. This pertains to a single consumer complaint.

DR PRAVEEN SINGH VS DR ASHISH GOYAL & ANR. [CONT.CAS(C)-77/2024]

Judges: Justice Dharmesh Sharma

The contempt petition by Dr. Praveen Singh against Dr. Ashish Goyal and the Government of NCT of Delhi was dismissed due to a lack of wilful disobedience of the previous order that set aside the termination of Singh's service. The Governing Council (GC) has the authority to make employment decisions based on conditions such as clearances from the Delhi Police and Delhi Medical Council. The GC's choice not to renew Singh's contract was justified by rational grounds, including reported misconduct and negligence leading to patient deaths. Additionally, Singh did not possess a vested right to the renewal of his expired contract, and the respondents' interpretation of the prior judgment was deemed reasonable.

DR VP MAINRA VS M/S DAWSONS LEASING LTD. & ORS. [CO.PET.-323/1999]

Judges: Justice Dharmesh Sharma

Ex-directors of a company in liquidation engaged in fraudulent concealment and misappropriation of funds by not disclosing the sale details of company property and the sale proceeds. They are required to pay Rs. 3,60,000 along with penal interest to the Official Liquidator within 30 days. Failure to comply may result in prosecution under Section 538 of the Companies Act.

DR. RAKESH KISHORE VS MR. NARESH SAXENA AND ORS [CONT.CAS(C)-754/2021]

Judges: Justice Dharmesh Sharma

Contempt was not established as the managing committee of the cooperative housing society was previously prohibited from charging entry fees or other payments per directives from the Registrar of Cooperative Societies. The petitioner alleged continued collection of fees in violation of this order. However, the Registrar has issued show-cause notices regarding the illegal charges, and further directives from the Registrar are anticipated. The contempt petition was dismissed, as the petitioner could not use contempt proceedings to advocate for others who opted to pay the fees.

E & M SPECIALTY CO.INC VS MR ANIL WAHAL (DIRECTOR) [CCP(CO.)-24/2016]

Judges: Justice Dharmesh Sharma

Company petitions for winding up Interdril Asia Ltd. should be transferred to the National Company Law Tribunal (NCLT) since NCLT has admitted an application for corporate insolvency resolution against the company. Winding up proceedings were in the early stage with no substantive orders, making the transfer appropriate to avoid duplication and ensure consistency. A contempt petition for non-compliance with a previous order was dismissed as the non-compliance was not willful; the company was attempting to revive itself and management had shifted to the Interim Resolution Professional due to ongoing insolvency proceedings.

EKANEK NETWORKS PVT. LTD. VS ADITYA MERTIA [C.R.P.-31/2024]

Judges: Justice Dharmesh Sharma

The civil revision petition filed by the defendant company was dismissed, maintaining that the dispute in question is not classified as a "commercial dispute" under the Commercial Courts Act, 2015. A contract of employment, which involves one party providing personal services under the supervision of the employer, does not fall within the definition of a "commercial dispute." The distinction between a "contract of service" and a "contract for service" indicates that service disputes are governed by master-servant laws, where specific performance is not applicable. High value or stakes in a contract of employment do not automatically place the dispute under the Act's jurisdiction, as the legislature did not intend for personal service contracts to be included.

ESTER INDUSTRIES LTD VS INDUS POLYFILMS SPECIALISTS PVT LTD [CO.PET.-320/2008]

Judges: Justice Dharmesh Sharma

The winding up petition filed by Ester Industries Ltd. against Indus Polyfilms Specialists Pvt Ltd is to be transferred to the National Company Law Tribunal (NCLT) due to its prolonged pendency without substantial orders for liquidation. The enactment of the Insolvency and Bankruptcy Code, 2016, and the Companies Act, 2013 supports this transfer, reflecting a precedent that such proceedings should be redirected to the NCLT at an early stage. The parties are directed to appear before the NCLT on 27.05.2024 for further proceedings.

FAST TRACK EXPRESS LLP VS GAS LOGISTICS LLP [C.R.P.-120/2024]

Judges: Justice Dharmesh Sharma

The dismissal of the defendant's application to set aside an ex parte judgment and decree was upheld due to it being filed after the 30-day limitation period set by Article 123 of the Limitation Act. The defendant did not demonstrate any "special circumstances" justifying the non-appearance, with arguments about being misled by the plaintiff and dealing with a family emergency deemed insufficient.

FORECH INDIA PVT LTD VS SHRI INDER PAL SINGH BINDRA SECRETARY COMPETITION COMMISSION OF INDIA & ANR. [CONT.CAS(C)-1371/2024]

Judges: Justice Dharmesh Sharma

The contempt petition filed by Forech India Pvt Ltd against the Competition Commission of India (CCI) was dismissed. The CCI had provided an undertaking to share investigation documents, allow cross-examination of witnesses, and provide confidentiality orders. It was determined that the CCI attempted to comply with prior directions without deviation. The CCI's independent powers to manage the investigation methodology and timeline were affirmed, and Forech's request for judicial review through the contempt petition was rejected. Forech was ordered to pay Rs. 1,00,000 for delaying tactics and attempting to obstruct the ongoing investigation.

FUTURE GENERALI INDIA INSURANCE CO LTD VS RAMESHWAR CHOUDHARY & ORS [FAO-545/2016]

Judges: Justice Dharmesh Sharma

The Employees' Compensation Commissioner granted ₹8,69,574 in compensation to the parents of a deceased workman, confirming that the deceased was employed by Respondent No. 3 and that the fatal accident occurred during his employment. Arguments from the insurance company asserting the deceased's employment elsewhere and lack of coverage under the Employees' Compensation Act were rejected. The insurance company was required to pay costs of ₹50,000, and the entire compensation amount was directed to be paid to the claimants.

FUTURE GENERALI INDIA INSURANCE COMPANY LTD VS ISHRAT & ORS [MAC.APP.-1041/2018]

Judges: Justice Dharmesh Sharma

The insurance company cannot challenge the validity of the insurance policy regarding a prior accident claim due to issue estoppel and constructive res judicata. Compensation for claimants Safeeya and Ishrat was increased for loss of income, pain and suffering, loss of amenities, and future medical expenses after evaluating the evidence and injuries. The insurance company is required to deposit the increased compensation amounts with the tribunal within a specified timeframe.

GAIL (INDIA) LIMITED VS JOSE P PHILIP [CONT.CAS(C)-852/2015]

Judges: Justice Dharmesh Sharma

Contempt petitions filed by GAIL (India) Limited against executives of Tecpro Systems Ltd. were dismissed. The respondents were linked to the consortium's actions, but the failure to renew bank guarantees was due to the consortium's insolvency, which was beyond their control. There was no evidence of intentional neglect in complying with a previous order.

GATEWAY INVESTMENT MANAGEMENT SERVICES LTD VS RESERVE BANK OF INDIA & ORS. [W.P.(C)-13278/2024]

Judges: Justice Dharmesh Sharma

The writ petition by Gateway Investment Management Services Ltd. challenging the rejection of its resolution plan for Helios Photo Voltaic Private Limited was dismissed. An alternative remedy exists for the petitioner to challenge the decision before the National Company Law Tribunal (NCLT), which has the jurisdiction to regulate the Committee of Creditors (CoC). The CoC is required to operate with objectivity, integrity, independence, and impartiality as per guidelines set by the Insolvency and Bankruptcy Board of India (IBBI). Judicial review was not exercised to avoid overstepping the NCLT's authority regarding the CoC's commercial decisions.

GAURAV KUMAR VS NIRMAL SINGH & ORS (NATIONAL INSURNACE CO) [MAC.APP.-512/2018]

Judges: Justice Dharmesh Sharma

The appellant's compensation claim was rejected due to contradictory testimony regarding his location during the incident. Initially, he stated he was on the tractor trolley, but later claimed to be on the divider when the truck struck him. The principle of res ipsa loquitur indicated the tractor trolley was at fault due to a loss of control after a tire burst, leading to the collision. The appellant failed to demonstrate the truck driver's rash and negligent driving.

GAURAV MANGLA & ORS VS ROHIT MANGLA [C.R.P.-72/2019]

Judges: Justice Dharmesh Sharma

The subsequent suit for partition of properties left by H.C. Mangla is not barred by res judicata or Order II Rule 2 of the Code of Civil Procedure. The previous suit only addressed disbursement of amounts related to an LIC policy and outstanding dues, and did not encompass all legal heirs or property partition. The cause of action for the current suit is distinct from the previous one. Additionally, the claim is not barred by limitation as it stems from the failure to deliver the agreed 1/5th share under a compromise deed. The civil revision petition was dismissed, affirming the trial court's decision to not reject the plaint under Order VII Rule 11 of the CPC.

GAUTAM MALHOTRA VS IDBI BANK LIMITED [W.P.(C)-11519/2024]

Judges: Justice Dharmesh Sharma

The order declaring the petitioner's account as "fraud" was quashed due to a lack of specific reasons for culpability and the absence of a hearing opportunity. The bank must maintain the status quo and allow the petitioner to inspect relevant records, including forensic audit reports. The petitioner is required to respond to the show cause notice within 10 days, after which the bank must conduct a hearing and make a decision within 21 days.

GE STRATEGIC INVESTMENTS INDIA PVT. CO. WITH ULTD LIABILITY VS .[CO.PET.-1/2024]

Judges: Justice Dharmesh Sharma

Necessary compliance with the provisions of the Companies Act, 1956 for the voluntary winding up of GE Strategic Investments India (Pvt. Company with Unlimited Liability) was completed. The affairs of the company were found not to have been conducted in a manner prejudicial to the interests of its members or the public. The company is ordered to be wound up and deemed dissolved effective from the date of the petition filing.

GOLDEN ASSETS HOLDINGS PVT LTD & ORS. VS SANJAY GUPTA & ANR. [FAO-300/2023]

Judges: Justice Dharmesh Sharma

The respondents/plaintiffs established a prima facie case for an interim injunction to prevent the appellants/defendants from interfering with their possession and use of the roof/open terrace of the property. The appellants/defendants' claim of adverse possession was dismissed, as their pleadings indicated that their use of the roof/open terrace was with the consent of the previous owner. The balance of convenience favored the respondents/plaintiffs, who had received approval from authorities for repairs and renovations.

GREENFIELD RESIDENTS WELFARE SOCIETY (GRSW) VS SUNNY KHANDELWAL ADVOCATE & ANR. [CCP(CO.)-2/2022]

Judges: Justice Dharmesh Sharma

Messages posted by the respondents on a WhatsApp group were deemed scandalous and demeaning to the majesty of the court. The respondents expressed remorse for their comments. The matter had been pending for over 40 years, and the residents' frustrations regarding unaddressed basic amenities contributed to their unsavory remarks about the court's functioning. Given the partial allowance of related appeals and the context of the longstanding issues, continuing with the contempt petition served no useful purpose, leading to the dismissal of the petition.

GURBAKHSH SINGH BA, BULIDERS PRIVATE LIMITED VS FORTIS HOSPITAL LIMITED ESCORT HEART INSTITUTE & RESEARCH CENTRE [CO.PET.-299/2015]

Judges: Justice Dharmesh Sharma

Winding up petitions filed by a petitioner company against a respondent company will be transferred from the High Court to the National Company Law Tribunal (NCLT). Following the Companies Act, 2013 and relevant interpretations, it was noted that no substantive proceedings had occurred towards the winding up, allowing for the transfer. Additionally, the decision to transfer can occur without a party's application, provided no irreversible steps have been taken.

HARE RAM SINGH VS RESERVE BANK OF INDIA & ORS. [W.P.(C)-13497/2022]

Judges: Justice Dharmesh Sharma

The petitioner became a victim of cyber fraud through a "vishing" attack, and the State Bank of India failed to take prompt action to block unauthorized transactions despite a timely complaint. The bank could not prove the petitioner's negligence as required under the RBI circular on customer liability. The Banking Ombudsman's order was set aside, and the bank was directed to compensate the petitioner for the full amount of unauthorized withdrawals, including interest and legal costs.

HDFC ERGO GENERAL INSURANCE CO LTD VS SEEMA & ORS [MAC.APP.-1107/2017]

Judges: Justice Dharmesh Sharma

The insurance company remains liable to pay compensation to the claimants as the vehicle was returning to Haryana after repairs and not in violation of permit conditions. The argument regarding route permit violation was rejected. Compensation was increased from R.S. 14,48,000 to R.S. 18,47,500 based on a higher notional income of the deceased and the application of the relevant multiplier.

HARENDER SINGH (HAWALDAR) VS KAVIT KUMAR [C.R.P.-118/2022]

Judges: Justice Dharmesh Sharma

The dismissal of the application to set aside a default judgment was upheld, with confirmation that summons were properly served on the defendant's wife in accordance with Order 5 Rule 15 of the Code of Civil Procedure. It was noted that the defendant attempted to improve his case at multiple stages and displayed a lack of bona fides, indicating no illegality or incorrect approach in the dismissal of the application.

MAGMA HDI GENERAL INSURANCE CO LTD VS HARISH KUMAR SUKHIJA & ORS [MAC.APP.-739/2017]

Judges: Justice Dharmesh Sharma

The claimant sustained injuries due to the rash and negligent driving of the vehicle's driver. Compensation was increased from Rs. 46,53,086/- to Rs. 67,56,086/-, covering attendant charges, pain and suffering, loss of amenities, and future medical treatment. The insurance company must deposit the enhanced compensation with 7.5% interest from the date of the Detailed Accident Report. Cross-appeals were filed by both the insurance company and the claimant.

HDFC ERGO GENERAL INSURACE CO LTD VS PAPMA DAS & ORS [MAC.APP.-931/2017]

Judges: Justice Dharmesh Sharma

The original tribunal judgment in a motor accident compensation case was modified, adjusting the loss of future prospects to 40% and revising non-pecuniary losses to Rs. 1,20,000 for loss of love and affection, Rs. 1,00,000 for loss of consortium, and Rs. 60,000 for loss of estate. The interest rate of 10% on the total compensation amount of Rs. 31,94,622 was upheld from the date of filing the petition until realization. The modification was made without referring the matter to a larger bench, focusing on the appeals case specifically.

HONEY KATYAL VS PUNJAB AND SIND BANK [W.P.(C)-10937/2024]

Judges: Justice Dharmesh Sharma

The petition by the guarantor challenging the enforcement of the suretyship obligation as time-barred is not sustainable. An acknowledgment of the debt by the corporate debtor before the three-year limitation period allows for the application under the Insolvency and Bankruptcy Code (IBC). The ongoing proceedings before the National Company Law Tribunal (NCLT) provide an opportunity for the petitioner to present arguments about the guarantee deed's binding nature or any novation of the original contract. The case laws cited by the petitioner are not applicable to the IBC, which is a self-contained statute.

IARI STENOGRAPHERS ASSOCIATION VS SANJAY GARG, THE SECRETARY, ICAR [CONT.CAS(C)-903/2022]

Judges: Justice Dharmesh Sharma

The Secretary of the Indian Council of Agricultural Research (ICAR) and the Secretary of the Department of Expenditure, Ministry of Finance, were found in contempt for failing to grant pay parity to Personal Assistants (PAs) and Private Secretaries (PSs) at ICAR institutes with their counterparts at ICAR headquarters. A review highlighted a 1997 Cabinet decision to unify pay scales and previous rulings supporting pay parity, rejecting the argument that unification of cadres was necessary for implementation. The respondents were directed to provide pay parity and financial benefits for the period from January 1, 2006, to December 31, 2022.

ICICI LOMBARD GENERAL INSURANCE CO LTD VS MAYA DEVI & ORS [MAC.APP.-480/2017]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company resulted in the recognition of shared negligence by the drivers of the Maruti Van and Scorpio, with liability apportioned equally. The calculation of the deceased's loss of dependency based on notional income was sustained, though compensation for non-pecuniary losses was reduced to align with precedent. The cross-objections from the Scorpio car owner were dismissed due to lack of participation and failure to provide evidence of a valid driving license. The total compensation was modified to Rs. 6,79,120/- with an interest rate of 10% per annum. Overall, the liability finding was upheld while changes were made to the compensation amount and distribution.

IFFCO - TOKIO GENERAL INSURANCE CO LTD VS NUPUR SINGH & ORS [MAC.APP.-344/2015]

Judges: Justice Dharmesh Sharma

There was composite negligence by the drivers of both the offending bus and car involved in the accident, with the car driver contributing by moving to the right side of the road. The Motor Accident Claims Tribunal's assessment of compensation was largely upheld, with minor modifications based on a Supreme Court judgment, resulting in a reassessed total compensation of Rs. 2,55,43,000/- plus interest at 7.5% from the claim petition filing date. The appeal from the insurer of the offending car was dismissed, although there were adjustments to the compensation amount discussed in the judgment.

IFFCO TOKIO GENERAL INS. CO. LTD. VS WASLIA & ORS. [MAC.APP.-357/2013]

Judges: Justice Dharmesh Sharma

The Motor Accident Claims Tribunal's decision to hold the insurance company primarily liable for compensation of Rs. 28,80,816/- with 9% interest is upheld, despite the driver having a fake license. The owner had reasonably checked the driver's credentials and did not fail to exercise due care. The compensation amount was modified, with a directive for the insurance company to deposit the enhanced amount within 4 weeks, or face 12% interest.

IFFCO TOKIO GENERAL INSURANCE CO. LTD VS ANJU DEVI@ANJU & ORS. [MAC.APP.-208/2022]

Judges: Justice Dharmesh Sharma

The insurance policy in question is a comprehensive policy that covers liability for death or injury to any person, including occupants of the insured vehicle, rather than being limited to the statutory minimum coverage. This case differs from prior cases involving truly limited policies. The Motor Accidents Claims Tribunal's order awarding compensation for the death of the pillion rider is upheld, and the insurance company is directed to deposit the full compensation amount with accrued interest.

INDERJEET SINGH TOSARIA VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-7596/2016]

Judges: Justice Dharmesh Sharma

The Delhi Development Authority's refusal to convert the payment method from hire-purchase to cash down and its imposition of additional interest charges of Rs. 3,87,358/- were deemed illegal, arbitrary, and unjust. The delay in payment was attributed to the DDA's failure to promptly accept the cash payment request. The DDA is directed to refund the interest paid by the petitioner with 8% interest from the date of payment, and failing this, must pay the amount with 12% interest.

INDEX HOSPITALITY LIMITED VS CONTITEL HOTELS AND RESORTS PVT LTD & ORS. [CONT.CAS(C)-1218/2024]

Judges: Justice Dharmesh Sharma

The petitioner company cannot initiate contempt proceedings against the respondents for willful disobedience of an earlier arbitration order. The appropriate remedy is to seek enforcement of the arbitral award under Section 31 of the Arbitration and Conciliation Act, 1996. Contempt jurisdiction should not be used when alternative legal remedies are available. The case involves the enforcement of a final arbitral award, which is addressed under Section 36 of the Arbitration Act. The contempt petition is dismissed, allowing the petitioner to pursue appropriate enforcement proceedings.

IQBAL KHAN VS SURJEE DEVI & ORS [FAO-366/2018]

Judges: Justice Dharmesh Sharma

The appeal by the employer against the imposition of a penalty under Section 4A(3)(b) of the Employees' Compensation Act, 1923 was dismissed. The Compensation Commissioner correctly initiated independent penalty proceedings, despite the penalty not being explicitly addressed in the earlier compensation award. The approach of the Compensation Commissioner was upheld, with a 40% penalty imposed on the employer based on the compensation amount awarded.

JAGJIT SINGH BHATIA VS ROOP RANI MEHRA [RC.REV.-621/2015]

Judges: Justice Dharmesh Sharma

The landlady demonstrated a bona fide requirement for additional accommodation under Section 14(1)(e) of the Delhi Rent Control Act. The tenant's claims of the landlady having alternative suitable accommodation were rejected, as she provided full disclosure of her current accommodation and its use by her family. The need to balance the landlord's right to possession with the tenant's opportunity to defend was emphasized, requiring tenants to show prima facie facts to contest eviction effectively.

JAGJOT SINGH VS OM PRAKASH & ANR [MAC.APP.-277/2019]

Judges: Justice Dharmesh Sharma

The appellant, who suffered 100% permanent locomotor disability due to an accident caused by the respondent's negligent driving, is entitled to enhanced compensation of Rs. 95,28,979. This amount includes increased compensation for future medical expenses, loss of earning capacity, loss of amenities and marriage prospects, pain and suffering, and attendant charges, addressing the lifelong impairment experienced by the appellant.

JAI SHARMA & ANR. VS RAMWATI & ANR. [C.R.P.-148/2023]

Judges: Justice Dharmesh Sharma

The revision petition filed by plaintiffs Jai Sharma and another was allowed, setting aside the trial court's order dismissing their application to include certain documents. It was concluded that the late filing of these documents would not prejudice the defendants, Ramwati and another. The trial court's failure to consider the broader context of the case was noted. The trial court was directed to permit the plaintiffs to submit the relevant documents, contingent upon the payment of costs to the defendants.

JAJATI KESHRI PATTANAYAK & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-8965/2024]

Judges: Justice Dharmesh Sharma

The writ petition filed by homebuyers against the bank was dismissed. The rights of the petitioners are governed by their contractual terms, and they have alternative statutory remedies available under the SARFAESI Act. Previous judgments indicated that such matters are unsuitable for writ jurisdiction due to the involvement of disputed facts and emphasized the necessity for borrowers to exhaust alternate remedies before approaching higher authorities. No opinion was expressed on the merits of the case to avoid affecting the rights of parties in ongoing multiple proceedings.

JAPNEET KAUR GHUMAN & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-8994/2024]

Judges: Justice Dharmesh Sharma

The writ petition by the homebuyers was dismissed on the grounds of non-maintainability in writ jurisdiction, as the rights and obligations were governed by the contract terms. The initiation of SARFAESI proceedings limited the homebuyers to remedies under Section 17 of the SARFAESI Act, necessitating adherence to the available statutory remedies without bypassing them. Homebuyers were advised to seek appropriate remedies in accordance with the law.

JASBIR SINGH VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-5420/2018]

Judges: Justice Dharmesh Sharma

The writ petition was dismissed, indicating that the petitioner is not entitled to calculate the premium for the allotted plot based on the original 1993 demand-cum-allotment letter. Doubts about the petitioner's bona fides were raised due to his past conduct, and the DDA had reconsidered the allotment as a "special case," which the petitioner accepted without protest. After taking possession of the property and executing the conveyance deed, the petitioner is neither legally nor equitably entitled to reclaim the premium or sale price based on the original letter.

JASVEER SINGH (DECEASED) THROUGH LRS VS DINKAR GUPTA [CONT.CAS(C)-775/2023]

Judges: Justice Dharmesh Sharma

Respondents did not compute the financial benefits due to deceased petitioner Jasveer Singh following his notional promotion to Additional Superintendent of Police in the NIA effective from 01.04.2017, leading to a finding of willful disobedience of a previous order. They must complete the computation of these benefits within four weeks and submit a compliance report. The existence of disciplinary proceedings against the petitioner does not affect his eligibility for promotion or the calculation of financial benefits.

JAYESH KUMAR JAIN VS DUGRA DUTT RAI AND ORS [MAC.APP.-186/2021]

Judges: Justice Dharmesh Sharma

The appellant's appeal against the rejection of his compensation claim was dismissed due to the lack of credible and reliable testimony as the sole eye-witness. Numerous unexplained gaps and contradictions in his account, along with delays in lodging the FIR and in providing details about the offending vehicle and its driver, raised doubts about the respondents' involvement. The findings indicated that the appellant failed to establish the liability of the respondents for the accident and injuries sustained.

KAILASH AGGARWAL VS ASHWANI SHARMA [C.R.P.-183/2023]

Judges: Justice Dharmesh Sharma

The suit filed by the plaintiff is not considered premature despite the conditions in the Agreement to Sell dated 14.10.2009 not being met. The analysis of the Indian Contract Act regarding contingent contracts indicates that if a dispute renders the condition for cheque encashment impossible, the condition becomes void. The question of whether the plaintiff has any remaining steps to obtain the consultancy fee will be addressed during the trial. The previous decision on the preliminary issue is set aside, and evidence will be presented on this along with other issues. No referral to a larger bench is made, and this case is not part of a batch matter.

KAMAL GARG DIRECTOR OF BREEK CONSTRUCTION PVT LTD VS SOUTH INDIAN BANK LTD & ORS. [W.P.(C)-10348/2024]

Judges: Justice Dharmesh Sharma

The Additional Chief Metropolitan Magistrate (ACMM) lacks jurisdiction to entertain an application under Section 340 of the Criminal Procedure Code while operating under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The role of the Magistrate in SARFAESI proceedings is ministerial, not adjudicatory, and does not require notice or a hearing for the borrower. The order by the ACMM that stayed the appointment of the Receiver under Section 14 of the SARFAESI Act was quashed.

KAMAL SINGH ALIAS KAMAL SINGH RAWAT VS JAI KUMAR SHARMA & ANR. [MAC.APP.-197/2022]

Judges: Justice Dharmesh Sharma

The appellant is entitled to claim compensation under the Motor Vehicles Act, 1988, despite receiving benefits under the Employees' State Insurance (ESI) Act, 1948. The bar under Sections 53 and 61 of the ESI Act applies only if the injuries were "employment injuries" in the context of a claim made as an employee. In this case, the injuries resulted from the negligence of a third party, not the appellant's employer. Therefore, the claim under the Motor Vehicles Act is maintainable, and the matter is remanded to the Tribunal for assessing the quantum of compensation while considering the ESI benefits already received. The analysis was based on a harmonious interpretation of both Acts.

KANHAIYA LAL VS DELHI DEVELOPMENT AUTHORITY AND ORS. [W.P.(C)-10311/2019]

Judges: Justice Dharmesh Sharma

The writ petition seeking to prevent the DDA from constructing a boundary wall on adjacent open space was dismissed. The claim that the petitioner's plot was a "corner plot" with additional rights was not supported by evidence. The petitioner concealed material facts about previous encroachments on the adjoining DDA land. The DDA has the right to construct the boundary wall as per the zonal development plan, and the petitioner has no legal entitlement or easement rights over the land.

KANTA PRASAD GAUTAM VS SHANTI ALIAS SARITA [CONT.CAS(C)-1288/2024]

Judges: Justice Dharmesh Sharma

The petitioner's contempt petition was dismissed due to a 12-year delay in filing without adequate justification. A Memorandum of Understanding from 2012 indicated the respondent's agreement to cooperate in filing a joint petition to quash a criminal FIR and withdraw a maintenance petition. The petitioner retains the right to approach the Allahabad High Court for redressal of grievances. The contempt petition was dismissed without prejudice.

KANWAL KISHORE MANCHANDA VS DELHI DEVELOPMENT AUTHORITY & ANR. [W.P.(C)-6222/2021]

Judges: Justice Dharmesh Sharma

The subject property was originally allotted to the sole proprietorship firm of the petitioner's father, Shri Ram Parkash Arora. The DDA's decision to cancel the mutation in favor of the petitioner and his sisters disregarded the final court decree of partition and was deemed arbitrary. The cancellation order has been set aside, and the DDA is directed to restore the mutation in accordance with the decree. The representations made by the respondent, grandson of Shri Ram Parkash Arora, lacked merit, and he was advised to seek an appropriate remedy in court.

KAPIL VS KRISHAN LAL SINCE DECEASE THROUGH HIS LRS AND ANR [C.R.P.-203/2022]

Judges: Justice Dharmesh Sharma

The revision petition by defendant Kapil was dismissed, as he had ceased appearing in the case well before the COVID-19 pandemic and delayed filing his application to set aside the ex parte order after the plaintiffs' evidence was recorded. The decision emphasized the unfavorable nature of the defendant's conduct.

KARAN AHUJA VS UNION OF INDIA & ANR. [W.P.(C)-1411/2024]

Judges: Justice Dharmesh Sharma

The writ petition filed by the homebuyer against HDFC is not maintainable, as the petitioner's rights arise from private contracts, specifically the buyer-developer agreement and the loan agreement. Contractual disputes should be addressed through alternative forums such as arbitration, consumer forums, NCLT, or under the SARFAESI Act. The SARFAESI Act offers a specific remedy for aggrieved borrowers, which the petitioner should pursue. No opinion on the merits of the case was expressed to avoid prejudice to the parties' rights in the appropriate forums.

KARAN TOMAR VS INSURANCE OMBUDSMAN & ANR. [W.P.(C)-10643/2024]

Judges: Justice Dharmesh Sharma

The award by the Insurance Ombudsman was quashed due to its failure to effectively address the claims and counter-claims of the parties. The award only noted the insurer's intention to provide unspecified "requisite documents," allowing arbitrary denial of the petitioner's claim. The Insurance Ombudsman is instructed to actively seek an amicable settlement and, if unsuccessful, to issue a proper award that includes findings, reasons, and recommendations. Additionally, the Ombudsman must assess the insurer's justification for not renewing the petitioner's medical insurance policy.

KARMYOGI BUILDERS PVT LTD VS REGISTRAR OF COMPANIES [CO.PET.-96/2012]

Judges: Justice Dharmesh Sharma

Karmyogi Builders Pvt Ltd must seek remedy at the National Company Law Tribunal (NCLT) under Chapter XXVII of the Companies Act, 2013, rather than the High Court. The Registrar of Companies acted in accordance with both the old Companies Act, 1956 (Section 560) and the new Companies Act, 2013 (Section 248) when striking off the company's name from the Register of Companies. The petition was dismissed, allowing the company to approach the NCLT for redress.

KHEM CHAND @ BITTU VS YOGENDRA SINGH & ORS. [MAC.APP.-55/2021]

Judges: Justice Dharmesh Sharma

The Motor Accident Claims Tribunal made a significant error by prioritizing the motor vehicle inspection report over the unchallenged testimony of the eyewitness claimant. The lack of vehicle damage noted by the Tribunal was deemed illogical, as even minor impacts can affect the maneuverability of a two-wheeler. The evidence indicated that the driver of the offending vehicle exhibited rash and negligent driving, leading to the claimant's permanent disability. The case was sent back to the Tribunal to evaluate the compensation amount, ensuring a fair hearing for all parties involved.

KIRTI GUPTA VS VINAY KUMAR AGGARWAL & ORS (NATIONAL INSURNACE CO TLD) [MAC.APP.-1127/2018]

Judges: Justice Dharmesh Sharma

The appeal by Kirti Gupta regarding the compensation awarded for injuries was dismissed. The findings confirmed that her minor son was driving the vehicle during the accident, and Gupta was responsible for permitting him to do so on a public road. A 35% deduction from the compensation was deemed appropriate due to her contributory negligence. The assessment of her disability at 25% and the calculation of loss of future income using the multiplier method were also upheld as fair and reasonable.

KONINKLIJKE PHILIPS N.V. & OTHERS VS S.K.BHALLA & ORS [CONT.CAS(C)-351/2014]

Judges: Justice Dharmesh Sharma

The contempt petition by Koninklijke Philips N.V. was dismissed due to insufficient foundational facts. The evidence presented, including a disputed invoice, did not establish a clear case of willful violation of the January 30, 2013 undertaking regarding the sale of Philips-branded products without consent. Allegations of a single sale were deemed inadequate, as compelling evidence of willful and dishonest disobedience was not demonstrated.

KOSTUB INVESTMENTS LTD. VS REINZ TALBROS LTD. [CO.PET.-222/2001]

Judges: Justice Dharmesh Sharma

The claims of Kostub Investments Ltd., a secured debenture holder, should be adjudicated up to the date of the appointment of the provisional liquidator on 25.02.2002, rather than the date of final winding up on 09.08.2012. The claims of another secured creditor, Bank of Baroda, were also adjudicated up to the same earlier date, indicating that there was no basis for treating Kostub Investments Ltd. differently. The application from Kostub Investments Ltd. was dismissed, affirming the previous order.

KOTAK MAHINDRA GENERAL INSURANCE CO. LTD VS AFROJ & ORS. [MAC.APP.-230/2024]

Judges: Justice Dharmesh Sharma

The Motor Accident Claims Tribunal's decision to award compensation to the injured claimant was upheld, with modifications to the compensation amount. The notional monthly income for the claimant was calculated based on minimum wages for a matriculate, set at Rs. 11,622. Compensation for pain and suffering was increased to Rs. 2.5 lakhs, and an additional Rs. 2.5 lakhs was granted for loss of marriage prospects due to the claimant's young age and permanent disability. The award of Rs. 8 lakhs for loss of amenities and enjoyment of life remained unchanged. An interest rate of 9% per annum was maintained from the date of filing the Detailed Accident Report.

LACHHMAN SINGH VS KAVITA DEVI & ORS(THE ORIENTAL INSURANCE CO LTD [MAC.APP.-921/2018]

Judges: Justice Dharmesh Sharma

The insurance company was deemed liable for compensating claimants because the registered owner lacked a valid permit to operate the goods vehicle in Greater Noida, where the accident occurred. The owner only had a permit for Delhi, and the road tax receipt did not serve as a valid entry permit for Uttar Pradesh. The insurance company was allowed to recover the compensation amount paid to the claimants from the registered owner.

LALIT KUMAR VS KOMAL SINGH AND ANR [C.R.P.-227/2023]

Judges: Justice Dharmesh Sharma

The revision petition filed by the defendant was dismissed, with the issues of property ownership deemed triable matters for the trial stage. The plaintiff seeks a declaration that the sale deed favoring the defendant is null and void and asserts that the property belongs to her deceased uncle. The plaintiff's argument, based on an agreement to sell in favor of her uncle, can be considered to support her possessory rights under Section 53A of the Transfer of Property Act. The determination of whether the documents cited by the parties relate to the disputed property will occur after the trial court's evidence recording. The defendant's petition was found to lack merit.

LAXMAN SINGH PRAJAPATI & ORS. VS MUNICIPAL CORPORATION OF DELHI & ORS. [W.P.(C)-10414/2024]

Judges: Justice Dharmesh Sharma

The writ petition by members of the Delhi Peasant Cooperative Multi-Purposes Society Ltd. was dismissed due to their status as unauthorized occupants, previously established by earlier decisions. The lease for the Society expired in 1967, and the petitioners could not demonstrate any independent rights over the land. A token cost of Rs. 5,000 was imposed on each petitioner for filing a misconceived writ petition and withholding material facts.

RAM NIWAS TYAGI VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-1817/2018]

Judges: Justice Dharmesh Sharma

Writ petitions filed by the brothers were dismissed as they had no legal right to seek a second chance for alternate plot allotment. Their original 1978 allotment was cancelled due to non-payment of premium, not voluntary surrender. A subsequent application for an alternate plot in 1982 was rejected, and they did not challenge these orders. The petitions, filed after 40 years, were barred by delay and laches, indicating the petitioners had neglected their rights for a prolonged period and were not entitled to relief.

LECHAMPS (SEA) PTE LTD VS ASHISH GUPTA & ANR [CONT.CAS(C)-631/2017]

Judges: Justice Dharmesh Sharma

Ashish Gupta committed willful disobedience of court orders by breaching the terms of a Memorandum of Understanding from April 27, 2017. He acknowledged personal liability regarding debts owed to the petitioner but failed to uphold his commitments. As a director of the contemnor-company, he can be held accountable for the company's actions taken with his knowledge and consent. Gupta was directed to appear for a hearing on the quantum of punishment.

M.B. FINMART PVT. LTD & ORS. VS REGISTRAR OF COMPANIES, NATIONAL & ANR. [W.P.(C)-12025/2024]

Judges: Justice Dharmesh Sharma

The writ petition by shareholders challenging the Registrar of Companies' order granting a 3-month extension for the company to hold its 40th Annual General Meeting was dismissed. The order did not explicitly state "special reasons" as required under Section 96(1) of the Companies Act, 2013; however, the Registrar is not mandated to conduct a detailed assessment of the reasons provided. The petitioners have alternative remedies under the Act, such as approaching the Tribunal for issues related to mismanagement or oppression, and a clear infringement of fundamental or legal rights was not established.

M/S A.B. CREATIONS & ANR. VS M/S BHAN TEXTILES PVT. LTD. [C.R.P.-151/2023]

Judges: Justice Dharmesh Sharma

The striking-off of a company's name from the Register of Companies under Section 248(5) of the Companies Act, 2013 does not invalidate its civil suit. Sections 248(6), 248(7), and 250 allow the company to pursue legal remedies for dues, and creditors can seek remedies against the company for liabilities, even after the name is removed from the register. The civil suit can continue despite the company's name being struck off.

M/S ALOK INDUSTRIES VS M/S JAI SHREE POLYPLAST PVT. LTD. [CO.PET.-296/2014]

Judges: Justice Dharmesh Sharma

The company petition for winding up M/s Jai Shree Polyplast Pvt. Ltd. filed by M/s Alok Industries should be transferred to the National Company Law Tribunal (NCLT) as it was deemed a "complete non-starter" without the appointment of a Provisional Liquidator or Official Liquidator. Winding up proceedings at an early stage and not progressed significantly should be addressed by the NCLT. The petition and any pending applications will be disposed of and sent to the NCLT for further consideration.

M/S BERNINA INTERNATIONAL PVT.LTD VS M/S PICCADILY HOTELS PVT.LTD [CO.PET.-34/2014]

Judges: Justice Dharmesh Sharma

Winding up petitions filed by petitioner companies against Piccadily Hotels Pvt. Ltd. for non-payment of dues amounting to Rs. 22-26 lakhs will be transferred to the National Company Law Tribunal (NCLT) due to their early stage, lacking substantive orders. The transfer aligns with the Insolvency and Bankruptcy Code, 2016, and the Companies Act, 2013, for further proceedings.

M/S DIMENSION INVESTMENT & SECURITIES LTD VS M/S KUBERSWAMY ASHUTOSH CONSULTANTS(P) LTD [CO.PET.-488/2013]

Judges: Justice Dharmesh Sharma

The application by the Official Liquidator for the dissolution of M/s. Kuberswami Ashutosh Consultants Private Limited was allowed due to the company's lack of assets and incurred expenses without available funds, making further liquidation proceedings futile. It was deemed just and reasonable to dissolve the company.

M/S GAYATRI WEBTECH PVT. LTD THROUGH SHRI RAJESH TRIPATHI DIRECTOR VS DELHI DEVELOPMENT AUTHORITY & ANR. [W.P.(C)-13947/2022]

Judges: Justice Dharmesh Sharma

The debarment of M/s Gayatri Webtech Pvt. Ltd. from participating in tenders by the Delhi Development Authority for three years was deemed unjustified. The contract did not require prior permission for terminating a plumber's services. Additionally, debarment guidelines necessitated a conviction for specific offenses, which did not apply in this situation. The debarment order was quashed.

M/S GROVER LEASING LTD. VS M/S RANK SUSPENSION PVT. LTD. [CO.PET.-128/1994]

Judges: Justice Dharmesh Sharma

The application by Rajinder Pal Marwaha for the release of Rs. 56,50,470.33 and Rs. 3,51,616.08 from the Reserve Bank of India, representing his alleged shareholding in M/s Rank Suspension Pvt. Ltd., was dismissed due to insufficient evidence. Marwaha did not provide original share certificates or relevant documents to support his claim and was aware of the company's winding-up proceedings but failed to appear regularly or satisfy the Official Liquidator's requirements. Consequently, the claim could not be substantiated.

M/S GUJRAL TOURS & TRAVELS PVT LTD VS EMPLOYEES STATE INSURANCE CORPORATION [FAO-119/2019]

Judges: Justice Dharmesh Sharma

The appellant company's petition challenging the ESIC's demand for contribution under the Employees' State Insurance Act, 1948 was dismissed. Evidence, including the inspection report and employee list, supported the conclusion that the company fell under the Act's purview. The appellant did not provide essential records like the attendance register and inspection book, while the submitted computer-generated payroll records were deemed inadmissible. Legal provisions regarding applicability based on employee count and salary levels were analyzed, confirming that the lower court's findings were valid.

M/S HINDUSTAN VEGETABLE OIL CORPN. LTD. VS ... [CO.PET.-49/2002]

Judges: Justice Dharmesh Sharma

Hindustan Vegetable Oil Corporation Ltd. (HVOC) has been ordered to dissolve after being declared a sick industrial company and recommended for winding up. The liquidation process is complete, which included selling movable assets and transferring immovable assets to the Ministry of Housing and Urban Affairs. Government liabilities towards HVOC have been waived, leaving minimal current liabilities.

M/S IMPERIAL PROMOTER PVT LTD VS R M SINGHARE MAGISTRATE SUB DIVISONAL MEHRAULI [CONT.CAS(C)-668/2019]

Judges: Justice Dharmesh Sharma

The contempt petition was deemed aimless, ill-motivated, and lacking cause of action. The petitioner already approached the competent authority for land demarcation under the Delhi Land Revenue Act, 1954, and had filed an appeal with the Divisional Commissioner. The contempt petition was dismissed, allowing the petitioner to pursue the remedy for land demarcation as per the law.

M/S INTELLI CARE VS M/S ROOTS MULTICLEAN LTD [C.R.P.-137/2024]

Judges: Justice Dharmesh Sharma

The petitioner's challenge to the territorial jurisdiction of the Delhi courts was dismissed. A substantial part of the cause of action arose in Delhi, where the plaintiff's branch office was located and payments were made, despite the consignment being dispatched from Coimbatore. The reasoning of the trial court showed no patent illegality, and the objection to jurisdiction was invalid even though the invoices cited Coimbatore courts.

M/S KAMDHENU ENTERPRISES VS STATE OF NCT OF DELHI & ANR. [CONT.CAS(C)-1043/2024]

Judges: Justice Dharmesh Sharma

State authorities were found guilty of willful disobedience of a prior order regarding the petitioner's land. An earlier order established that no subsisting land acquisition award existed for the petitioner's land, rendering the petition under Section 24(2) of the 2013 Land Acquisition Act non-maintainable. Despite this, the authorities rejected the petitioner's application for a 'No Objection Certificate' (NOC) under the Delhi Land Reforms Act, 1954, claiming the land was under acquisition proceedings. This was identified as a deliberate violation of the previous order, as the authorities had not updated their records. The respondents were directed to issue the NOC within three weeks; failure to comply would result in the concerned officials needing to appear for a hearing on punishment.

M/S KOTAK MAHINDRA BANK LTD. VS MANISHA PARIVAHAN (P) LTD [CO.PET.-430/2009]

Judges: Justice Dharmesh Sharma

The respondent company, Manisha Parivahan (P) Ltd., has been completely wound up with no knowledge of recoverable assets by the Official Liquidator. The company is dissolved, the Official Liquidator is discharged, and the publication of the final winding up citation is exempted. The closing of the company's books of accounts is permitted.

M/S MAA TARINI MINERALS VS M/S TECHNICAST ENGINEERS LTD. [CO.PET.-340/2010]

Judges: Justice Dharmesh Sharma

The pending winding up petition filed by Maa Tarini Minerals against Technicast Engineers Pvt. Ltd. will be transferred to the National Company Law Tribunal (NCLT). The merits of the case, including the maintainability of the petition and issues regarding limitation and lack of privity of contract, are reserved for consideration by the NCLT. This decision follows previous considerations about transferring similar pending winding up petitions to the NCLT.

M/S NEW INDIA ASSURANCE CO LTD VS DEEPAK & ORS. [MAC.APP.-41/2024]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company was dismissed on the basis that the driver of the offending vehicle was authorized to operate the bus under the Motor Vehicles Act, 1988. The vehicle was classified as a light motor vehicle due to its unladen weight, and the driver's license was valid for light motor vehicles, including transport vehicles up to 7,500 kg. Observations aligned with previous judgments, and no referral to a larger bench was made.

M/S MADRAS TRADING CO VS RAMJEET @ RAMAJEET & ANR [FAO-119/2017]
Judges: Justice Dharmesh Sharma
The appeal by Madras Trading Co. was dismissed following the compensation award of Rs. 8,67,640/- plus 12% interest to the parents of a deceased worker. The findings confirmed an employer-employee relationship and that the fatal accident occurred during employment, supported by reliable evidence like the FIR and co-worker testimony. The summary nature of proceedings under the Employees' Compensation Act means strict technicalities of the Evidence Act do not apply. No substantial questions of law were identified, leading to dismissal due to a lack of patent illegality or incorrectness in the Commissioner's order.

M/S MITMILAN ENTERPRISES VS M/S RAVINDRA DYECHEM PVT. LTD. [CO.PET.-199/1996]
Judges: Justice Dharmesh Sharma
M/s. Ravindra Dyechem Pvt. Ltd. has been completely wound up due to a lack of funds and assets. The Official Liquidator is unable to continue with the winding up process. The company has been ordered to be dissolved, and the Official Liquidator has been discharged from his duties.

M/S NATIONAL INSURANCE COMPANY LTD VS HEMA DEVI & ORS [MAC.APP.-753/2018]
Judges: Justice Dharmesh Sharma
Testimony from the claimant's witness and an eyewitness corroborated that the deceased was killed by a motorcycle driven recklessly. The deceased's monthly income was assessed at R.S. 10,000, leading to a multiplier of 14 based on his age of 41. Additional compensation was awarded for loss of love and affection, loss of consortium, funeral expenses, and loss of estate, resulting in a total compensation of R.S. 18,05,000 for the claimants.

M/S NATIONAL INSURANCE COMPANY LTD VS MS. SAVITA & ORS. [MAC.APP.-83/2024]
Judges: Justice Dharmesh Sharma
The Motor Accident Claims Tribunal's judgment-cum-award was upheld, establishing the involvement of vehicle registration no. RJ-02CB-8286 in the accident that resulted in the death of a motorcyclist. Evidence included credible testimonies from an eye-witness and the investigation officer, which were sufficient to reject claims of fabricated evidence. The appeal by the insurance company was dismissed, as no illegality or infirmity was found in the tribunal's decision.

M/S NEW INDIA ASSURANCE CO LTD VS HARIDWAR ALIAS HARIDWAR SINGH & ORS. [MAC.APP.-34/2024]
Judges: Justice Dharmesh Sharma
The appeals by New India Assurance Co. Ltd. against the compensation awarded to the widow and son of a deceased in a motor accident were dismissed. The driver of the offending light motor vehicle held a valid driving license. The case was distinguished from previous precedents cited by the insurance company. New India Assurance Co. Ltd. must deposit the full compensation amount with the tribunal within one month, or face an interest rate of 15% per annum from the appeal filing date until the amount is paid.

M/S NEWAGE SCAFFOLDINGS PVT. LTD., VS M/S PARAMOUNT INFRAVENTURE PVT. LTD. & ORS. [CO.PET.-303/2014]
Judges: Justice Dharmesh Sharma
The winding-up petition filed by M/s Newage Scaffoldings Pvt. Ltd. against M/s Paramount Infraventure Pvt. Ltd. was dismissed due to the existence of triable issues concerning a payable debt. The matter was deemed suitable for a commercial suit rather than adjudication of disputed facts. The petitioner is allowed to initiate proceedings in the appropriate commercial court and is granted the benefit of Section 14 of the Limitation Act, 1963 to address any filing delays. Observations made do not affect the rights of the parties involved.

M/S NIMBIT BUILDCON PVT LTD VS ANJALI SEHGAL [CONT.CAS(C)-496/2019]
Judges: Justice Dharmesh Sharma
Contempt petitions filed by the petitioner against the respondents are barred by limitation under Section 20 of the Contempt of Courts Act. The cause of action arose from the respondents' failure to deposit title deeds within the stipulated time in the MOU, with a three-year deadline for payment of the settlement amount expiring on 27.05.2016. Consequently, the one-year limitation period for filing contempt petitions began on that date and ended on 27.05.2017. The assertion that the breach constituted a "continuing wrong" was rejected, as mere continuation of damage does not make a wrong ongoing; a continuing breach of duty was not present. Although the respondents intentionally violated the MOU, the petitions were deemed non-maintainable due to limitation expiration. The petitioner may pursue appropriate civil proceedings to enforce the MOU's terms.

M/S PARAS LUBRICANTS LTD. VS PUNJAB NATIONAL BANK & ORS. [W.P.(C)-5899/2023]
Judges: Justice Dharmesh Sharma
Punjab National Bank (PNB) acted arbitrarily by classifying the petitioner company's account as "fraud" without following due process, lacking prior notice or an opportunity to be heard, thus violating natural justice principles. The actions taken against the petitioner company were quashed, requiring PNB to remove the "fraud" classification and inform State Bank of India and the Reserve Bank of India. PNB was ordered to pay Rs. 5,00,000 as token compensation for financial losses, reputational damage, and mental distress caused by its actions.

M/S PP JEWELLERS PVT. LTD. & ANR. VS DELHI DEVELOPMENT AUTHORITY & ANR. [W.P.(C)-5691/2024]
Judges: Justice Dharmesh Sharma
The petitioners presented contradictory claims regarding the ownership of a property, asserting rightful ownership in some cases while acknowledging the respondent's ownership in others. Evidence suggested an attempt by the petitioners to unlawfully acquire the property through adverse possession. The previous interim order preventing the Delhi Development Authority (DDA) from demolishing unauthorized construction was vacated, allowing the DDA to act as per the law. The DDA's claim that ownership issues should be settled by the National Company Law Tribunal was deemed inappropriate. Petitioners were instructed to respond to the respondent's application, with the matter scheduled for final hearing.

M/S SCINDIA POTTERIES AND SERVICES PVT. LTD. VS UNION OF INDIA & ORS. [C.R.P.-212/2022]
Judges: Justice Dharmesh Sharma
The right to sue for possession of property through adverse possession survived for the legal heirs of the deceased plaintiff, as it was not purely personal. The application to substitute the legal heirs and set aside the abatement was considered despite being filed beyond the time limit, taking into account the illiterate and impoverished background of the heirs and the impact of the COVID-19 pandemic. The revision petition was dismissed due to the absence of illegality or perversity in the decision regarding the substitution of legal heirs and abatement.

M/S SHARUN WIRES PVT LTD VS M/S M & A ORIENT ACCESSORIES PVT LTD [CO.PET.-436/2012]
Judges: Justice Dharmesh Sharma
The sale of mortgaged property by the company in liquidation to Ms. Pranjali Khanna for Rs. 7.75 crores was determined to be a bona fide transaction in the company's interest. Andhra Bank had the right to enforce its security interest through a private sale. The application by the Official Liquidator to set aside the sale was dismissed, and Ms. Khanna's application to de-seal the property was approved. Related applications by Ex-Director Mr. Prageet Sharma were declined as they fell outside the jurisdiction in winding up proceedings.

M/S THE NEW INDIA ASSURANCE CO LTD VS SUKHPAL KAUR & ORS [MAC.APP.-492/2016]

Judges: Justice Dharmesh Sharma

The driver of the Indica car was found negligent in causing an accident that led to a passenger's death. Issues arose with the lower court's calculation of the deceased's income for compensation purposes. After reexamining the evidence, the compensation was recalculated to be ₹49,29,860, significantly lower than the previously awarded ₹2,23,34,350. The insurance company was instructed to deposit the revised compensation amount with interest.

M/S USHA INDIA LIMITED VS UNION OF INDIA AND ANR. [W.P.(C)-16187/2023]

Judges: Justice Dharmesh Sharma

Usha India Limited, through its Resolution Professional, is entitled to the release of the Fixed Deposit Receipts (FDRs) held by the Debt Recovery Tribunal (DRT-1) contingent upon executing a bond to indemnify the respondent bank against future claims. The company challenged the auction of its properties under the SARFAESI Act, which was dismissed, and subsequently underwent Corporate Insolvency Resolution Process (CIRP) under the Insolvency and Bankruptcy Code. There are no legal obstacles to granting the relief requested by Usha India Limited.

M/S VOIR INDIA ELECTRONICS PVT LTD THROUGH ITS DIRECTOR VS M/S POLYBLENDS INDIA PVT LTD THROUGH ITS DIRECTOR [C.R.P.-69/2022]

Judges: Justice Dharmesh Sharma

The revision petition by M/s Voir India Electronics Pvt. Ltd. was dismissed regarding the rejection of its application under Order VII Rule 10 & 11 of the Civil Procedure Code. The trial court was determined to have jurisdiction over the suit based on the plaint's face value. The last payment from the defendant on 12.03.2015, along with dishonored cheques, constituted an acknowledgment of debt, which extended the limitation period. Thus, the suit filed by M/s Polyblends (India) Pvt. Ltd. was deemed to be within the limitation period.

M/S VR HYDROCHEM PVT. LIMITED VS M/S RUPANA PAPER MILLS LIMITED [CO.PET.-210/2014]

Judges: Justice Dharmesh Sharma

The affairs of M/s. Rupana Paper Mills Limited have been completely wound up, with no funds or assets remaining. The company is ordered to be dissolved, and the Official Liquidator is discharged from duties and exempted from publishing the citation of the final winding up.

MADHU CHAUHAN VS DDA AND ANR [W.P.(C)-2527/2011]

Judges: Justice Dharmesh Sharma

The cancellation of the lease deed and allotment of the property to the petitioner was deemed unsustainable. The interpretation of Clause 1(ii) of the Rohini Residential Scheme applies to individuals who purchased property from the open market, not just original allottees. The petitioner, having acquired the property from the open market and not being the original allottee, did not violate the scheme's terms. The order dated 24.03.2011 was set aside.

MAGICON IMPEX PVT LTD VS MEGNOSTAR TELECOMMUNICATIONS PVT. LTD. [CO.PET.-359/2009]

Judges: Justice Dharmesh Sharma

Winding up proceedings for Megnostar Telecommunications Pvt. Ltd. were terminated due to an inability to realize funds from the company's assets, with the funds position assessed as NIL after accounting for liquidation expenses. The company was ordered to be dissolved, and the Official Liquidator was discharged.

MAHANT SHRI NAGA BABA BHOLA GIRI THROUGH HIS SUCCESSOR AVINASH GIRI VS DISTRICT MAGISTRATE DISTRICT CENTRAL AND ORS [W.P.(C)-2377/2023]

Judges: Justice Dharmesh Sharma

The writ petition filed by Mahant Shri Naga Baba Bhola Giri for the demarcation of a property containing his shrine was dismissed. The property is owned by the government and is part of the Yamuna River floodplain, designated for ecological restoration and development according to the Zonal Development Plan. The petitioner has illegally encroached on government land and holds no legal rights or title over it. Allowing private shrines or shelters on public land would threaten larger public interests.

MAHAVIR GUPTA & ANR. VS DARSHAN GUPTA & ANR. [C.R.P.-157/2024]

Judges: Justice Dharmesh Sharma

The civil revision petition filed by the defendants, seeking to transfer their case due to alleged personal bias of the Additional District Judge and concerns over excessive costs for appointing a Local Commissioner, was dismissed. The petition was deemed to lack merit.

MAJOR SHUBHRA VERMA VS LIEUTENANT GENERAL GURBIRPAL SINGH [CONT.CAS(C)-1472/2024]

Judges: Justice Dharmesh Sharma

The Director General of the National Cadet Corps (DGNCC) is guilty of contempt for disobeying court directions. The DGNCC lacks the authority to serve as the Disciplinary Authority or Appellate Authority for a Group A employee. The DGNCC must refer the employee's representation to the appropriate Disciplinary Authority and allow her to be heard within three weeks, as per the Sexual Harassment of Women at Workplace Act, 2013. The DGNCC's actions raised concerns of bias and violated principles of natural justice. Failure to comply may result in a required appearance for a hearing on potential punishment.

MANAV MANDIR MISSION TRUST VS UNION OF INDIA & ORS. [W.P.(C)-2256/2024]

Judges: Justice Dharmesh Sharma

The review petition by the Manav Mandir Mission Trust was dismissed due to the land's classification as 'River Bed,' making the trust's claim for regularization under the Zonal Development Plan and DDA's advertisement unsustainable. Arguments regarding exclusion from land acquisition proceedings and the right to continue activities on the land were rejected.

MANAV MANDIR MISSION TRUST VS UNION OF INDIA & ORS. [W.P.(C)-2256/2024]

Judges: Justice Dharmesh Sharma

The Manav Mandir Mission Trust's claim for regularization of the premises is not legally valid, as the area is designated for ecological restoration along the Yamuna riverfront. The trust has not demonstrated legal rights or title to the land with valid documentation. The Zonal Development Plan for Zone "O" excludes religious and charitable institutions in the river bed from the regularization scheme. Previous challenges by the trust regarding land acquisition were dismissed by the Supreme Court, and the current petition is an indirect attempt to regain similar reliefs. The writ petition is dismissed, but the trust must receive 15 days' notice before any demolition action is taken.

MANDHIR KAUR VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-14536/2022]

Judges: Justice Dharmesh Sharma

The writ petition filed by Mandhir Kaur challenged the cancellation of an MIG plot allocation under the Rohini Residential Scheme 1981. The Delhi Development Authority (DDA) failed to prove proper service of the demand-cum-allotment and cancellation letters to the petitioner. The cancellation violated principles of natural justice due to the lack of a show cause notice. The DDA is directed to allot a comparable plot to the petitioner at the current cost and to pay costs to the petitioner.

MANGAL & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-7135/2019]

Judges: Justice Dharmesh Sharma

The petitioners have no legal right or title to the agricultural land, which is government land in the Yamuna floodplains. They were permitted to cultivate the land temporarily on humanitarian grounds in 1962 but lack authority for continued occupation. A previous judgment favoring the petitioners was based on summary proceedings and did not establish definitive title or rights. Given directives for the restoration and rejuvenation of the Yamuna river, the writ petition was dismissed with costs imposed on the petitioners.

MANIK AGGARWAL AND ANR. VS CANARA BANK AND ORS. [W.P.(C)-10526/2019]

Judges: Justice Dharmesh Sharma

The declaration of the petitioners' account as 'fraud' by the respondent banks was set aside due to the lack of opportunity for the petitioners, suspended directors, to be heard, violating principles of natural justice. The banks were granted the liberty to initiate appropriate proceedings afresh, ensuring the petitioners could make representations. The matter is part of a larger issue, with an existing order restraining the banks from taking any hasty actions against the borrowers.

MANISH GUPTA VS M/S P SINGH CHIT FUND PVT LTD [C.R.P.-128/2018]

Judges: Justice Dharmesh Sharma

The order dismissing the petitioner's application under Order IX Rule 13 of the Code of Civil Procedure was set aside. The summons were received by Mr. Satbir, a regular customer of the petitioner's shop, who was not necessarily an agent or employee. The petitioner claimed inadequate service of summons, and due to the respondent being a chit fund company, it was deemed appropriate to allow the petitioner an opportunity to defend the proceedings. The petitioner was directed to file an appearance within 10 days, with the matter scheduled for further proceedings in the trial court.

MANISH DABAS VS DELHI DEVELOPMENT AUTHORITY AND ANR [W.P.(C)-7203/2022]

Judges: Justice Dharmesh Sharma

The petition challenging the cancellation of the bidding on 19.04.2022 and the re-notification of the e-auction on 22.04.2022 was dismissed. The Delhi Development Authority (DDA) has broad discretionary powers to accept or reject bids and cancel the auction process at any stage without reason. Although multiple bids were received on 19.04.2022, the DDA's decision to conduct a re-auction, resulting in a higher price, was deemed within its powers and not arbitrary. The petitioner lacked a vested right in the property by being the highest bidder on the initial date.

MANVEER & ANR VS ANITA SADH & ORS [MAC.APP.-1121/2018]

Judges: Justice Dharmesh Sharma

The appellant, the driver of the offending vehicle, was found to have driven in a rash and negligent manner, leading to a fatal accident that resulted in injuries to the deceased. Compensation of Rs. 22,70,000 was awarded to the claimants, the deceased's widow and children, with liability primarily on the insurance company. Subsequently, the order was modified to relieve the appellants of any obligation to reimburse the insurance company. The case centered on establishing negligence and determining appropriate compensation.

MARTIN JEBARATHNA DOSS ANTONISAMY VS RESERVE BANK OF INDIA [W.P.(C)-12526/2024]

Judges: Justice Dharmesh Sharma

The compounding order passed by the Reserve Bank of India (RBI) against a US citizen and Overseas Citizen of India (OCI) cardholder for violating FEMA regulations was upheld. The petitioner purchased agricultural property in India without prior RBI permission and was directed to transfer the property to an eligible Indian citizen. Following compliance, the RBI initiated compounding proceedings and imposed a fine of Rs. 41,04,675/-. The penalty was calculated according to the prescribed Master Directions and Guidance Note, and the challenge to the compounding order was dismissed.

MASTER RUPENDRA SINGH @ RUPENDRA VS AJJAPPA & ORS. [MAC.APP.-227/2022]

Judges: Justice Dharmesh Sharma

The compensation awarded to a 4.5-year-old child with 90% permanent disability was deemed inadequate, leading to an increase from Rs. 6,82,000 to Rs. 34,61,762. The revised total considered loss of future earnings, pain and suffering, loss of amenities, disfigurement, and other expenses.

MD. SHAMIM VS DELHI DEVELOPMENT AUTHORITY (DDA) & ORS. [W.P.(C)-3659/2023]

Judges: Justice Dharmesh Sharma

The writ petition was dismissed due to being barred by delay and laches. The petitioner's hutment was demolished in 2006, and the allotment-cum-demand letter from the Delhi Development Authority granted only a limited right for five years, which has since expired. The petitioner failed to act within a reasonable timeframe, leading to a 17-year delay before filing the petition in 2023. Laxity in asserting legal rights precluded any revival of the lapsed cause of action.

MEGHANA T. V. VS UNION OF INDIA [W.P.(C)-6726/2024]

Judges: Justice Dharmesh Sharma

The writ petition is not maintainable due to lack of territorial jurisdiction, as the cause of action related to alleged cheating, misappropriation of funds, and defrauding of investors by M/s. Vikram Structures Pvt. Ltd. and its directors arose in Karnataka. Jurisdiction is conferred only if the cause of action occurs within the court's jurisdiction, and the presence of the respondent's head office in Delhi is insufficient for jurisdiction. The respondent has a regional office in Karnataka, and the petitioner can seek relief from the Karnataka High Court. The writ petition is therefore dismissed.

MGB FINLEASE PVT LTD VS KANWALJEET SINGH [CONT.CAS(C)-1143/2024]

Judges: Justice Dharmesh Sharma

Contempt proceedings are maintainable in this case, but the court will not exercise its contempt jurisdiction. It is emphasized that such proceedings should be invoked sparingly and typically, parties should seek execution of decrees as an alternative remedy. The petitioner is directed to pursue remedies before the Trial Court or Executing Court, which is tasked with ensuring compliance of its orders. The contempt petition has been disposed of with these directions.

MOHINDER SINGH RANDHAWA (GIANI) VS S. PADMANABHAN [CONT.CAS(C)-586/2000]

Judges: Justice Dharmesh Sharma

The contempt petition against the respondent was dismissed due to a lack of willful disobedience in complying with prior directions. The petitioner had previously stated he would not seek promotion following discharge, and promotions to higher ranks are merit-based rather than based on time served. Outdated Army Instructions cited by the petitioner were surpassed by later amendments. Consequently, the respondent provided the petitioner with the consequential financial benefits, negating grounds for contempt.

MOONMOON DHAR & ORS. VS KARUNA TANDON & ANR. [CM(M)-1648/2023]

Judges: Justice Dharmesh Sharma

The petitioners' challenge to the Motor Accident Claims Tribunal's order permitting the recall of witnesses was partially allowed. The discretionary power to recall witnesses cannot be used to fill gaps or introduce new facts. The recall of PW-1, the claimant's wife, was permitted to address new evidence regarding the deceased's salary income presented by PW-4, the deceased's employer. However, the recall of PW-2, an eye witness unrelated to the deceased's income, was not permitted. The order to recall PW-1 for further cross-examination was sustained.

MR. MOHAMAD IMRAN VS UNION OF INDIA & ORS. [W.P.(C)-9331/2024]

Judges: Justice Dharmesh Sharma

The writ petition was dismissed as the dispute was deemed contractual, with the petitioner having alternative remedies available, such as approaching the Debts Recovery Tribunal under the SARFAESI Act. Previous judgments indicated that such matters are governed by contract terms and are not suitable for writ petitions under Article 226 of the Constitution. No opinion was expressed on the merits of the case, and the petitioner was permitted to seek the appropriate legal remedy.

MRS. PRIYANKA ARORA AND ANOTHER VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-12018/2024]

Judges: Justice Dharmesh Sharma

The cancellation of the petitioners' 'authorization slip' for a property in an unauthorized colony in Delhi requires further examination. The failure to disclose the property's sealing for alleged misuse does not constitute fraudulent concealment, as it does not relate to the property's title. The Delhi Development Authority must file a reply, and no coercive action will be taken against the petitioners until the next hearing, provided they submit an affidavit ensuring no unauthorized construction or third-party interests are created in the property.

MS KHUKHRAIN BUILDERS & ORS. VS INDIAN BANK & ORS. [W.P.(C)-13094/2024]

Judges: Justice Dharmesh Sharma

The writ petition by MSME petitioners against a bank's action under the SARFAESI Act was dismissed. The petitioners did not raise the issue regarding MSMED Act guidelines in a timely manner after their loan account was classified as NPA, nor did they utilize the RBI Framework for Revival and Rehabilitation of MSMEs. Their delay and failure to exhaust available remedies contributed to the dismissal of the petition.

MS METROPOLITAN STOCK EXCHANGE OF INDIA VS MS ABHIPRA CAPITAL LIMITED & ORS. [C.R.P.-102/2023]

Judges: Justice Dharmesh Sharma

The trial court's dismissal of the defendant's application to reject the plaint for lack of territorial jurisdiction was upheld. The cause of action partly arose in Delhi, as the plaintiff applied for membership and made payments at the defendant's regional office there. The defendant also advertised in Delhi for membership applications. These facts are deemed sufficient to establish jurisdiction in Delhi, with the issue of territorial jurisdiction to be decided during the trial based on evidence. The precedents cited by the defendant were found to be inapplicable.

MS. RADHIKA S. ICHHPUNIANI & ANR. VS M/S SUDVIN FINVEST FAIRDEALS (P.) LTD. & ORS. [CO.PET.-662/2014]

Judges: Justice Dharmesh Sharma

Winding-up proceedings against the respondent company are at an early stage with no substantive orders issued. The winding-up petition and related applications will be transferred to the National Company Law Tribunal (NCLT) for resolution under the Insolvency and Bankruptcy Code, 2016. The parties must appear before the NCLT on the specified date, and electronic records of the case will be sent to the NCLT within one week.

MUKHTYAR SINGH & ORS. VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-7685/2016]

Judges: Justice Dharmesh Sharma

The acquisition proceedings by the Delhi Development Authority (DDA) under the Land Acquisition Act, 1894 have lapsed as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The DDA did not take physical possession of the land or pay compensation to the legal owners. A writ of prohibition was issued, directing the DDA not to disturb the petitioners' peaceful and physical possession of the land, except through due process of law.

NANDU RAM (SINCE DECEASED) THROUGH HIS LRS & ORS VS SH SOHAN SINGH & ORS. [MAC.APP.-186/2022]

Judges: Justice Dharmesh Sharma

The claim for personal injuries does not survive the death of the injured person, but legal representatives can pursue a claim for loss of estate. Compensation of Rs. 3,96,436/- with 9% interest per annum was awarded to the legal heirs, covering medical expenses, loss of income, conveyance, special diet, attendant charges, and loss of earning capacity.

NARINDER PAUL KAUSHIK & ORS. VS CHIEF SECRETARY & ORS. [CONT.CAS(C)-534/2021]

Judges: Justice Dharmesh Sharma

The respondents breached previous directives by denying the petitioners' rights to government contributions to their Contributory Provident Fund (CPF). The "last pay drawn" for the petitioners should include all allowances and the government's CPF contributions. The respondents must calculate and pay these contributions within four weeks, with officials required to appear if they fail to comply.

NATASHA GUJRAL VS SIDDHARTH GUJRAL [CONT.CAS(C)-1305/2024]

Judges: Justice Dharmesh Sharma

The petitioner-wife's contempt petition against the respondent-husband for failing to pay maintenance of Rs. 2,00,000 per month was dismissed. Contempt powers are applicable in exceptional cases of gross misconduct, and the petitioner should use the available legal remedy of executing the decree instead. The respondent-husband also failed to pay costs from a previous appeal, and the matter will proceed before the Joint Registrar regarding the payment of those costs.

NATIONAL INSURANCE CO LTD VS ASHOK KUMAR KOCHHAR & ORS [MAC.APP.-52/2017]

Judges: Justice Dharmesh Sharma

The compensation awarded by the Motor Accident Claims Tribunal was deemed unjustified because the claimant-husband was not financially dependent on the deceased wife. The assessment focused on loss to the deceased's estate, calculating compensation based on basic pay, dearness allowance, and future prospects. Two-thirds of the monthly income was considered, applying a multiplier of 9. Additionally, compensation for loss of consortium and funeral expenses was included, totaling Rs. 18,83,916/-, with interest set at 7.5% per annum from the claim filing date. The prior award was set aside, and the insurance company was required to pay the revised amount within four weeks, with a stipulation for 12% penal interest for non-compliance.

NATIONAL INSURANCE CO LTD VS ASIT KUMAR & ORS [MAC.APP.-440/2013]

Judges: Justice Dharmesh Sharma

The lower tribunal's award of compensation for loss of earning capacity was deemed unjustified. However, the specific circumstances of the case warranted an increase in compensation under other categories. The total compensation was enhanced to Rs. 33,12,000, payable by the insurance company with 7.5% interest. The assessment of the claimant's permanent disability must focus on the actual impact on functional abilities and earning capacity, rather than solely on the disability percentage.

NATIONAL INSURANCE CO LTD VS SH ANIL KUMAR & ORS [MAC.APP.-660/2013]

Judges: Justice Dharmesh Sharma

Manoj Yadav was found guilty of rash and negligent driving, leading to an accident that caused grievous injuries to the claimant. Compensation was raised to Rs. 13,02,546 with 7.5% interest. Both Yadav and the vehicle owner were deemed joint tortfeasors, with the insurance company liable to indemnify the owner. The insurance company's claim regarding the driver's fake license was rejected, as a genuine license was provided by the owner.

NATIONAL INSURANCE CO LTD VS SHEELA DEVI (DECEASED) THR LRS [MAC.APP.-360/2019]

Judges: Justice Dharmesh Sharma

The appeals by the National Insurance Company against the compensation awarded by the Motor Accidents Claims Tribunal were dismissed. The Tribunal was justified in finding the driver negligent based on the evidence from the claimants. The insurance company is liable to pay compensation for the insured number of passengers, even if the vehicle was overloaded, as established in the Supreme Court decision in Anjana Shayam. The calculation of compensation amounts by the Tribunal was deemed correct. The five related appeals were considered together, resulting in a unanimous decision without separate judgments.

NATIONAL INSURANCE COMPANY LIMITED VS NASREEN BEGUM AND OTHERS [MAC.APP.-269/2020]

Judges: Justice Dharmesh Sharma

The appeal by the National Insurance Company resulted in the correction of the deceased's year of birth from 1983 to 1978, impacting the compensation multiplier. The total modified compensation is set at Rs. 14,10,000 with 9% interest per annum. Of the originally awarded compensation, 90% has been disbursed to the claimants, and any shortfall will be paid to the first claimant, with no recovery of excess amounts from the claimants.

NEW INDIA ASSURANCE CO LTD VS SALIYA BEGUM @ SARLA & ORS [MAC.APP.-411/2017]

Judges: Justice Dharmesh Sharma

The appeal by the claimant resulted in increased total compensation from Rs. 7,43,377/- to Rs. 13,02,403/-, with interest at 9% per annum. Compensation was enhanced for loss of future earnings due to permanent disability, attendant charges, conveyance expenses, pain and suffering, and loss of amenities. The appeal by the insurance company was dismissed, leading to the forfeiture of a statutory deposit of Rs. 25,000/-.

NEW INDIA ASSURANCE CO. LTD VS SHWETA NAYYAR SHARMA & ORS [MAC.APP.-630/2014]

Judges: Justice Dharmesh Sharma

The driver of the offending vehicle was found responsible for the accident due to rash and negligent driving, resulting in the death of the deceased. Compensation awarded by the Tribunal was largely affirmed, with minor modifications to the loss of consortium and loss of love and affection. The insurance company must deposit the total compensation of Rs. 1,67,26,340/- with 7.5% interest within 4 weeks, or face a penal interest of 12% per annum.

NEW INDIA ASSURANCE CO. LTD. VS MAMTA & ORS. [MAC.APP.-29/2024]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company was dismissed as the driver of the offending vehicle possessed a valid license for a light motor vehicle, which included the bus involved in the accident according to the Motor Vehicles Act, 1988. The unladen weight of the bus did not exceed the limit for a light motor vehicle. Consequently, the insurance company is liable to pay the compensation awarded to the claimants by the Motor Accident Claims Tribunal and must deposit the amount within one month, with failure to do so resulting in an enhanced interest rate.

NEW INDIA ASSURANCE CO. LTD. VS MOHARMAN & ANR. [FAO-17/2021]

Judges: Justice Dharmesh Sharma

Compensation awards made by the Commissioner for Employee's Compensation were upheld for injured workmen assessed at 100% loss of earning capacity, despite lower medical disability percentages. The assessment was based on the impact of the disability on the ability to perform previous occupations, rather than solely on physical disability percentages. The analysis considered the nature of the workmen's jobs as cleaner and driver, confirming the injuries significantly affected their ability to work in those roles. Appeals by the insurance company were dismissed as lacking merit.

NEW INDIA ASSURANCE COMPANY LIMITED VS SH. WASEEM & ANR. [FAO-161/2021]

Judges: Justice Dharmesh Sharma

The claimant, a driver, suffered permanent disability to his left leg. Despite a medical assessment indicating only 22% physical disability, he was assessed as having a 100% loss of earning capacity. The assessment focused on the impact of the disability on his ability to perform driving duties, which he could no longer fulfill. Consequently, he was entitled to compensation for 100% functional disability.

NEW INDIA ASSURANCE COMPANY LTD VS SAURABH KHANNA & ORS [MAC.APP.-720/2014]

Judges: Justice Dharmesh Sharma

The award of compensation to the injured claimant was upheld, with enhancements based on reasonable medical evidence regarding future treatment costs and loss of income. Alleged deviations in the permit conditions did not excuse the insurance company from liability, with no evidence of a fundamental breach of the insurance policy by the driver or owner of the vehicle. The insurance company's appeal was dismissed, and it was directed to pay the enhanced compensation within four weeks, with a provision for penal interest if not complied with.

NEW INDIA ASSURANCE COMPANY LTD VS VINITA GUPTA & ORS [MAC.APP.-573/2014]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company was dismissed, affirming the award of compensation to the deceased's parents. The insurance company did not demonstrate negligence on the part of the deceased or that he was not a third-party concerning the vehicle owner. The insurance policy was classified as not being an "Act Only Policy," granting the deceased, a brother of the owner, the right to compensation as a third-party. The insurance company must deposit the full compensation amount with interest within four weeks, with potential penalties for late payment.

ORIENTAL INSUARCE CO LTD VS RAM DEVI & ORS (UNITED INDIA INSUARANCE COMPANY LTD) [MAC.APP.-1042/2017]

Judges: Justice Dharmesh Sharma

The claim petition filed by the respondents after an 18-year delay is maintainable under the benevolent provisions of the Motor Vehicles Act. The interest rate on the compensation amount was reduced from 9% per annum to 7.5% per annum due to the significant delay in filing the claim.

NISHIT BADOLA VS UNION OF INDIA THROUGH MINISTRY OF CORPORATE AFFAIRS & ANR. [W.P.(C)-174/2024]

Judges: Justice Dharmesh Sharma

The High Court of Delhi addressed applications related to the corporate insolvency resolution process (CIRP) of M/s Three C Shelters Pvt. Ltd. The Greenopolis Welfare Confederation's intervention application was accepted, prompting the Ministry of Corporate Affairs to update the company's status to "under CIRP" within two weeks. The Interim Resolution Professional (IRP) received authorization to safeguard the corporate debtor's assets by increasing security, taking possession of identified assets, and initiating action against those involved in asset diversion or sale. Additional applications regarding party impleadment and directions to the Insolvency and Bankruptcy Board of India were also considered, with some issues deferred for future hearings.

NITCO LOGISTIC PVT LTD VS RAJIV KUMAR & ORS (HDFC ERGO GENERAL INSURANCE CO LTD) [MAC.APP.-204/2019]

Judges: Justice Dharmesh Sharma

The liability to pay compensation lies with the insurance company, which cannot recover the amount from the registered owner of the offending vehicle. The owner is only required to verify the driver's skills and not the authenticity of the license. A report stating a fake license does not imply the owner was aware of its invalidity. Furthermore, the owner's failure to produce the vehicle's permit and fitness certificate cannot be held against them since the insurance company did not request these documents.

NOVEL TRADE LINKS LLP & ORS. VS DELHI DEVELOPMENT AUTHORITY & ORS. [W.P.(C)-17694/2022]

Judges: Justice Dharmesh Sharma

After Bakhtawarpur, Delhi was declared urbanized, the demarcation of the petitioners' 45.55-acre land is to be conducted by the Delhi Development Authority (DDA) with assistance from the revenue department. The Sub-Divisional Magistrate must send the land records to the DDA within four weeks, after which the DDA will carry out the demarcation process. Revenue authorities do not have jurisdiction over urbanized villages but must correct land records to reflect true ownership.

OCEAN PLASTICS AND FIBERS (P) LIMITED VS DELHI DEVELOPMENT AUTHORITY AND ANR. [W.P.(C)-176/2020]

Judges: Justice Dharmesh Sharma

Ocean Plastics & Fibers (P) Limited lacked a cause of action for the writ petition due to the determination of its perpetual lease by the Delhi Development Authority (DDA) in 2005 for property misuse. Eviction proceedings were initiated by DDA, and possession of the property was taken in 2016 following an eviction order. Previous challenges to the lease determination and eviction order by the petitioner were dismissed. The DDA's 2019 restoration scheme did not apply as it was intended for those still possessing the leasehold property, which the petitioner no longer had any legal rights to.

OMKAR & ANR VS UNION OF INDIA [FAO-498/2019]

Judges: Justice Dharmesh Sharma

The appeal for compensation by the appellants, following the death of their son in a railway accident, was dismissed due to failure to prove that the deceased was a bona fide passenger and that his death resulted from an "untoward incident" as per Section 124-A of the Railways Act. Evidence, including the post-mortem and DRM reports, did not support their claims, leading to the affirmation of the Tribunal's decision.

ORIENTAL INSURANCE CO LTD VS KASTURI LAL GUPTA & ORS [MAC.APP.-446/2015]

Judges: Justice Dharmesh Sharma

The appeal by the Oriental Insurance Company resulted in a reassessment of compensation following a motor accident. The initial award of Rs. 19,87,500/- was deemed excessive. The revised total compensation awarded to the claimants, consisting of the deceased's parents, son, and daughter, amounted to Rs. 14,50,500/-. This amount was calculated using established legal principles, including the appropriate multiplier and deductions for the deceased's personal expenses. Additional amounts were granted for funeral expenses, loss of estate, and loss of consortium.

ORIENTAL INSURANCE CO LTD VS PAWAN KUMAR SHARMA & ORS [MAC.APP.-426/2014]

Judges: Justice Dharmesh Sharma

The claimant husband was awarded total compensation of Rs. 14,00,380 for his wife's death in a motor accident. Since he was not financially dependent on her, the compensation was based on the loss to her estate. The calculation involved applying 40% for future prospects to her annual income of Rs. 14,133, deducting 1/3rd for personal expenses, and using a multiplier of 17. Additional amounts were included for loss of consortium and funeral expenses. Half of the compensation had already been released, and the insurance company was instructed to deposit the remaining amount within 4 weeks, with a stipulation for penal interest if delayed.

ORIENTAL INSURANCE CO LTD VS SARVESH & ORS (UNITED INDIA INSURANCE COMPANY LTD) [MAC.APP.-1041/2017]

Judges: Justice Dharmesh Sharma

An 18-year delay in filing a claim petition under the Motor Vehicles Act was recognized as substantial; however, an earlier order on the petition's maintainability became final due to lack of challenge from the insurance company. The interest rate on the compensation was adjusted from 9% to 7.5% per annum, effective from the date of filing the claim petition.

ORIENTAL INSURANCE CO. LTD. VS TASLIM PARVIN & ORS. [MAC.APP.-951/2015]

Judges: Justice Dharmesh Sharma

The accident was caused by the rash and negligent driving of the truck driver. Compensation awarded by the Motor Accident Claims Tribunal was revised, with reductions for loss of consortium, funeral expenses, and loss of estate, in accordance with a Supreme Court decision. The total compensation to the claimants is Rs. 5,17,430/- with interest at 7.5% from the claim petition filing date.

ORIENTAL INSURANCE COMPANY LTD VS ANIL KUMAR & ORS [MAC.APP.-2/2016]

Judges: Justice Dharmesh Sharma

Anil Kumar suffered grievous injuries in a road accident caused by a negligently driven scooter. The initial compensation awarded to him was deemed insufficient, particularly regarding his permanent disability and loss of future income. An assessment determined his future loss of income at 25% of his average annual earnings, resulting in total compensation of Rs. 8,79,337/- plus 12% interest from the date of filing the petition. The insurance company was held liable for the compensation, with the option to recover costs from the driver and owner of the vehicle.

PACIFIC CONVERGENCE CORPN. LTD. VS DATA ACCESS (INDIA) LTD. [CO.PET.-292/2004]

Judges: Justice Dharmesh Sharma

The application by SMS Textiles Limited for possession of a property and compensation was dismissed. The company was identified as a shell entity linked to Data Access (India) Ltd., with its main beneficiary, Mr. K.C. Palanisamy, implicated in siphoning off funds from the company in liquidation. The absence of key documentation and information indicated an attempt to wrongfully acquire the property, leading to the conclusion that the applicant had not acted transparently.

PALKA DHINGRA & ORS. VS BANK OF BARODA & ORS. [W.P.(C)-5616/2023]

Judges: Justice Dharmesh Sharma

Mrs. Seema Dhingra received permission to travel abroad for two months, specifically to Dubai, under conditions that include disclosing travel details, providing a fixed deposit, and giving an undertaking to return to India. This decision follows an earlier quashing of a clause related to lookout circulars by the Bombay High Court, although the Supreme Court stayed that decision, allowing certain individuals to seek permission to travel.

PANKAJ KATARIA & ORS VS UNION OF INDIA [FAO-14/2015]

Judges: Justice Dharmesh Sharma

Pankaj Kataria, claiming to be the adopted son of deceased passenger Madhu Kataria, was not entitled to compensation under the Railways Act, 1989. He failed to establish a valid adoption under the Hindu Adoption and Maintenance Act, 1956, and was not referred to as an adopted son in the deceased's will. Furthermore, the definition of "dependent" in the Railways Act excludes a nephew, and Kataria did not prove any economic or other forms of dependency on the deceased. The appeal for compensation was dismissed.

PARAS RAM DANGAL SOCIETY VS ESTATE OFFICER -IV DDA AND ANR [W.P.(C)-1980/2023]

Judges: Justice Dharmesh Sharma

The writ petition by the Paras Ram Dangal Society was dismissed due to over 7 years of delay in filing an appeal against the Estate Officer's order under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. The society was aware of the order but did not appeal within the statutory 12 days and failed to provide sufficient cause for the delay. The occupation of the land by the society was deemed unauthorized, based on a court-appointed committee's report. The society was instructed not to claim vested rights over the land and structure, and the merits of its claims were not examined due to the unresolved delay issue.

PARVEEN SINGHAL VS MOTIA RANI GHAI [C.R.P.-43/2024]

Judges: Justice Dharmesh Sharma

The plaintiff's revision petition was dismissed after the trial court rejected an application for judgment based on the defendant's alleged admissions. There were no clear or unequivocal admissions identified, and the issues presented were deemed triable and required evidence from both parties. The application was considered lacking in merit.

PAWAN KUMAR TANEJA VS KARUR VYASA BANK LTD & ANR. [W.P.(C)-13770/2021]

Judges: Justice Dharmesh Sharma

The dispute between the petitioner and the respondent bank was deemed outside the scope of the SARFAESI Act, allowing the writ petition to proceed despite ongoing Debt Recovery Tribunal proceedings. The respondent bank did not disclose property encumbrances to the petitioner prior to auction, leading to the quashing of the sale certificate. The bank must refund the petitioner's payment with interest and close the loan account. An inquiry against the bank for its actions was requested from the Reserve Bank of India, and exemplary costs were awarded to the petitioner.

PUNEET KAPUR VS RAJENDER KAUR & ORS. [MAC.APP.-169/2024]

Judges: Justice Dharmesh Sharma

Compensation of Rs. 2,50,000 with 6% annual interest was awarded to the respondent due to sufficient evidence of an accident caused by a vehicle driven recklessly. The registered owner, despite having sold the vehicle later, remains liable for compensation. The interest rate was reduced from 8% to 6% due to delays in proceedings caused by the claimant.

PHOOL SINGH VS RAJASTHAN STATE ROAD CORPORATION & ANR [MAC.APP.-537/2019]

Judges: Justice Dharmesh Sharma

Phool Singh suffered grievous injuries, including the amputation of his right thumb, in a motor vehicle accident. He received a total compensation of Rs. 4,45,000, which included Rs. 2,52,000 for a 30% loss of earning capacity due to the amputation. The compensation also included interest at 9% per annum from the date of filing the petition. It was acknowledged that the amputation would impede his hand's normal functioning and impact his driving capabilities. Appeals were filed by both Phool Singh and the RSRTC.

PHOOLWATI & ANR VS DEVENDER & ORS. [MAC.APP.-1265/2012]

Judges: Justice Dharmesh Sharma

The review petition filed by the wife and son of the deceased regarding a dismissed motor accident claims case was dismissed due to an unsatisfactory explanation for a 533-day delay in filing. Although there was an initial inclination to allow the review because the previous decision was made without hearing the appellants, any delay could not be condoned. Even if the delay were excused, there was no merit in modifying or enhancing the compensation amount awarded by the Tribunal.

PIVOT MULTIFAR INDUSTRIAL SERVICES LTD. VS DSC LIMITED [CO.PET.-510/2016]

Judges: Justice Dharmesh Sharma

The company petition for winding up of the respondent company is at an early stage with no substantive orders issued. The petition and any pending applications will be transferred to the National Company Law Tribunal (NCLT) per Section 434 of the Companies Act, 2013. The parties are to appear before the NCLT on 01.04.2024 for further consideration and appropriate orders.

PRACHEEN SHIV MANDIR AVAM AKHADA SAMITI VS DELHI DEVELOPMENT AND ORS. [W.P.(C)-12817/2023]

Judges: Justice Dharmesh Sharma

The writ petition by the Pracheen Shiv Mandir Avam Akhada Samiti was dismissed due to the Delhi Development Authority's legal authority to demolish the temple located on the Yamuna river floodplain. The petitioner failed to prove any legal rights or title over the land, and the temple was not recognized as a public temple. A directive was issued for the petitioner to remove idols and religious objects within 15 days, with the DDA authorized to act if non-compliance occurred. Demolition of the unauthorized structure was permitted.

PRADEEP SHARMA VS RAJIV GARG [FAO-190/2023]

Judges: Justice Dharmesh Sharma

The appeal by Pradeep Sharma against the vacated ex-parte injunction was dismissed due to his provision of a false address for respondent Rajiv Garg, constituting suppression of facts. Rajiv Garg previously secured an ex-parte decree in a separate suit, which was upheld by the Supreme Court. Pradeep Sharma also did not comply with the Supreme Court's requirement to deposit monthly charges for the disputed property. The dismissal was based on the lack of illegality or perversity in the trial court's decision to vacate the injunction.

PRAMOD KUMAR JAIN VS THE VICE CHAIRMAN DELHI DEVELOPMENT AUTHORITY AND ANR. [W.P.(C)-12807/2024]

Judges: Justice Dharmesh Sharma

The petitioner is recognized as the rightful allottee of Garage No. 257 and has completed all necessary formalities, including payment. The Delhi Development Authority has failed to provide possession of the garage, infringing on the petitioner's legal rights. The respondents are directed to treat the petition as the petitioner's final representation, provide an opportunity to be heard, and issue a reasoned decision promptly.

PRATIBHA MITTAL VS SURAJ PRAKASH & ORS (NATIONAL INSURNCE COMPANY LIMITED) [MAC.APP.-401/2017]

Judges: Justice Dharmesh Sharma

The common judgment-cum-award of the Motor Accident Claims Tribunal was set aside due to flaws that caused a miscarriage of justice. The Tribunal's dismissal of claims, solely based on the claimants' initial statement of no blame for the accident, was determined to be erroneous. The issue of tortious culpability and negligent driving was to be inferred from established facts. A re-examination of the case was ordered, requiring the Tribunal to summon the driver of the offending vehicle for crucial evidence regarding the highway conditions, vehicle speed, and driver's actions. The applicability of the res ipsa loquitur principle was also to be considered, which presumes negligence when the cause of the accident is unknown and within the knowledge of the defendant.

PRAVIN CHATTERJEE VS LAXMAN DASS BHATIA [C.R.P.-110/2024]

Judges: Justice Dharmesh Sharma

The civil revision petition by Pravin Chatterjee was dismissed, following the trial court's rejection of his application to stay the execution of a decree in favor of Laxman Dass Bhatia. Challenges to the conveyance deed regarding ownership were deemed irrelevant to the original suit and barred by res judicata, as these issues were not raised in prior proceedings. Furthermore, the outcome of any criminal proceedings against the respondent would not affect the civil case. Pravin Chatterjee was found to be abusing the legal process by filing multiple suits to delay litigation, resulting in an imposition of exemplary costs of Rs. 25,000 to be paid to the trial court.

PREMWATI VS UNION OF INDIA [FAO-391/2014]

Judges: Justice Dharmesh Sharma

The Railway Claims Tribunal's dismissal of the claim for compensation under the Railways Act was upheld. Evidence, including the station master's testimony and the post-mortem report, indicated that the deceased likely died after being hit by another train while attempting to cross the tracks, which does not qualify as an "untoward incident." The claimant did not establish that the death resulted from an untoward incident, and no errors were found in the Tribunal's approach. The appeal was dismissed.

PRIYA BHATIA VS AMIT BHATIA [CONT.CAS(C)-1324/2024]

Judges: Justice Dharmesh Sharma

The petitioner/wife cannot invoke contempt jurisdiction at this stage, as the Family Court has sufficient powers to enforce its interim maintenance order and ensure timely collection of arrears. Parties should first utilize the execution procedure as an effective alternative remedy. The Family Court is directed to expedite the hearing on the execution application and take necessary measures against the respondent/husband to recover outstanding maintenance dues. The contempt petition is disposed of without affecting the petitioner's rights to seek appropriate directions from the Family Court.

THE NEW INDIA ASSURANCE CO LTD VS PROMILA PRABHAKAR & ORS [MAC.APP.-265/2019]

Judges: Justice Dharmesh Sharma

The calculation of compensation was based on the UK minimum wage due to the deceased being a British national, rejecting the insurance company's claims for Indian minimum wages and tax deductions. The registered owner, driver, and insurance company were held jointly and severally liable for the compensation, based on the definition of "owner" under the Motor Vehicles Act. Interest was awarded at 7.5% per annum from the date of the accident until the compensation amount was realized, contrary to the Tribunal's limitation on interest up to an earlier judgment date.

PROMILA RASTOGI & ORS. VS D.D.A. & THR. ITS CHAIRMAN [W.P.(C)-241/2001]

Judges: Justice Dharmesh Sharma

The Delhi Development Authority (DDA) is liable for the collapse of a balcony in the petitioner's flat, which resulted in the death of the petitioner's husband. Latent construction defects were identified as the cause, with negligence presumed under the doctrine of res ipsa loquitur. Compensation of Rs. 11,44,908 was awarded to the petitioners for loss of financial dependency, loss of consortium, loss of estate, funeral expenses, and medical expenses.

PURNIMA SINGH VS DELHI DEVELOPOMENT AUTHORITY AND ORS [W.P.(C)-2389/2013]

Judges: Justice Dharmesh Sharma

The writ petition challenging the allotment of land for a Gurudwara was dismissed. The land was not designated as a green area or park in the Master Plan or Zonal Development Plan. The Delhi Development Authority's decision to allot part of the land for the Gurudwara and reserve the rest for a playfield was consistent with its powers and did not violate laws or public interest. The layout plan can be modified by the DDA without adhering to the procedure under Section 11A of the Delhi Development Act, provided it aligns with the Master Plan and Zonal Development Plan.

PURVI DELHI VAIDEHI TRUST (PDVT) VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-12585/2024]

Judges: Justice Dharmesh Sharma

The writ petition by the Purvi Delhi Vaidehi Trust (PDVT) challenging the Delhi Development Authority's (DDA) cancellation of a public park booking for religious functions was dismissed. There is no legal right for individuals to book public parks for such purposes, and usage is contingent upon meeting specific criteria set by the Supreme Court. The petitioner's reasons for the booking were unclear and inconsistent, and the guidelines for booking were not followed. The DDA's decision to cancel the booking was upheld.

RADHA GOYAL VS GAURAV GOYAL & ANR. [C.R.P.-100/2024]

Judges: Justice Dharmesh Sharma

The trial court's dismissal of the plaintiff's third application to amend the plaint was upheld due to the proposed amendments being aimed at undervaluing the reliefs sought to evade proper court fees. The plaintiff's repeated amendment attempts were deemed an abuse of the process of law, making the trial court's decision valid and appropriate.

RADHE SHYAM VS SHRI GOVIND MOHAN & ORS. [CONT.CAS(C)-1406/2024]

Judges: Justice Dharmesh Sharma

The petitioner's contempt petition for willful disobedience of a prior order was deemed maintainable. The earlier order had allowed the petitioner, an ASI (Pharmacist) in the BSF, to remain in Delhi for the treatment of his daughter suffering from Cerebral Palsy until ATO-2023. The daughter's treatment is at AIIMS, Delhi, and the petitioner can reach her due to air cargo availability. The respondents committed to sympathetically consider the petitioner's case when his current unit moves, leading to the petitioner's decision to withdraw the writ petition.

RAHUL KAUL VS MANOJ KUMAR & ORS (UNITED INDIA INSURANCE COMPANY LTD.) [MAC.APP.-296/2018]

Judges: Justice Dharmesh Sharma

The appeal by Rahul Kaul resulted in an enhanced compensation of Rs. 23,60,672/- for injuries sustained in an accident, with interest at 7.5% per annum from the petition filing date. The assessment included 78% permanent disability in the right lower limb and considered full salary, including conveyance allowance, for income calculations. Compensation was also increased for pain and suffering, loss of enjoyment of life, disfigurement, future medical treatment, and loss of marriage prospects.

RAHUL NARULA VS UNION OF INDIA & ORS. [CONT.CAS(C)-1338/2024]

Judges: Justice Dharmesh Sharma

The contempt petition by a practicing lawyer against the respondents, concerning alleged wilful disobedience of directions about animal use in a wedding event, was dismissed. There was no prima facie evidence of inhumane treatment of animals, with reliance solely on a newspaper report deemed insufficient. The petitioner failed to gather independent evidence and was cautioned against making scandalous allegations regarding the High-Powered Committee overseeing the event, leading to the dismissal of the petition as frivolous.

RAJ KUMAR TIWARI VS M/S ICICI LOMBARD GENERAL INSURANCE CO. LTD. AND ANR. [W.P.(C)-12749/2024]

Judges: Justice Dharmesh Sharma

The petitioner's writ petition seeking indemnification for the loss of an insured vehicle and challenging the rejection of an insurance claim by ICICI Lombard General Insurance Co. Ltd. should be treated as a fresh complaint to the Insurance Ombudsman. The Ombudsman is to decide on the complaint within four weeks of receiving the order and a copy of the writ petition.

RAJ RANI VS DDA & ORS. [W.P.(C)-11903/2009]

Judges: Justice Dharmesh Sharma

The DDA's cancellation of the conveyance deed in favor of the petitioner was unjustified, as the petitioner was a bona fide purchaser who acted in good faith. The DDA violated principles of natural justice by not allowing the petitioner an opportunity to be heard. A registered conveyance deed cannot be unilaterally cancelled, and the DDA failed to follow its circular from October 1, 2007, regarding the regularization of properties obtained through false affidavits. The cancellation orders were quashed, and the conveyance deed was upheld, with the DDA permitted to take action against the original allottee, Smt. Bimla Jain, as per the law.

RAJENDER PAL & ANR VS ANITA KANTHWAL & ANR [MAC.APP.-401/2013]

Judges: Justice Dharmesh Sharma

The appeal of the registered owner and driver of the offending vehicle was allowed, resulting in the setting aside of the previous judgment. Despite the offending vehicle being driven by a minor without a valid license, deemed a fundamental breach of the insurance policy, the insurance company was initially held liable for compensation. The principles from the Swaran Singh case were applied, stating that the insurer must prove negligence related to the unlicensed driver for seeking to avoid liability. The insurance company was directed to pay the victim compensation initially, with the option to recover the amount from the owner and driver later.

RAJENDRI DEVI & ORS VS UNION OF INDIA & ANR [FAO-514/2019]

Judges: Justice Dharmesh Sharma

The family of a deceased railway passenger sought Rs. 8,00,000 in compensation after he fell from a train on September 12, 2018. The deceased had a valid Monthly Season Ticket for travel between Khurja junction and Shakurbasti. Key evidence included reports from passengers to a duty porter about the fall, the nature of injuries in the post-mortem aligning with a fall, and the presence of a valid ticket. Despite a lack of direct witnesses and unknown train details, circumstantial evidence indicated an accidental fall. Initially, the claim was rejected, but on appeal, the family received Rs. 8,00,000 plus 9% interest from the date of the accident, demonstrating that circumstantial evidence can be sufficient in railway accident cases.

RAJIV OBEROI VS RAJESH GUPTA [CONT.CAS(C)-488/2019]

Judges: Justice Dharmesh Sharma

Rajesh Gupta committed contempt by making payments to Jatinder Oberoi on 28.06.2018, 03.07.2018, and 11.07.2018, despite being aware of a court order that prohibited such actions. His conduct was deemed deliberate and willful, indicating a disregard for the court's authority.

RAJKUMAR SUKHDEVSINHJI & ANR. VS IDBI BANK [W.P.(C)-9298/2024]

Judges: Justice Dharmesh Sharma

The show-cause notice issued by the respondent bank against the petitioners, former independent directors of a corporate borrower, requires further examination due to potential legal vulnerabilities. The bank failed to provide the petitioners an opportunity to be heard before classifying the account as fraudulent, despite a favorable forensic audit. The initiation of insolvency proceedings against the corporate borrower in April 2018 may also affect the legality of the notice. The bank must file a response and provide the complete forensic audit report, while the operation of the notice is temporarily suspended.

RAJNI ANAND VS COSMIC STRUCTURES LTD [CO.PET.-152/2016]

Judges: Justice Dharmesh Sharma

The transfer of shareholding in the applicant company to the respondent company (in liquidation) prior to winding-up proceedings was found to be a genuine commercial transaction conducted in the ordinary course of business. There was no evidence of collusion or bad faith from the applicant company. The Official Liquidator was directed to de-seal and hand over vacant possession of the property to the applicant company, with the condition that the applicant covers the security charges incurred during the liquidation. No referral to a larger bench or separate judgments were issued.

RAKESH CHANDER CHADDA VS SHRI VINOD KUMAR AGGARWAL [C.R.P.-124/2024]

Judges: Justice Dharmesh Sharma

The trial court granted the defendant conditional leave to defend a suit for the recovery of Rs. 4,57,500, requiring a deposit of Rs. 3 lakhs as an FDR with the court. The trial court considered the defendant's claims, including alleged forgery of the promissory note and cheque, concluding there were sufficient grounds for conditional leave to defend, which would be established in trial. A revision petition by the defendant was dismissed, confirming no jurisdictional error in the trial court's order.

RAKESH CHANDER CHADDA VS SHRI VINOD KUMAR AGGARWAL [C.R.P.-125/2024]
Judges: Justice Dharmesh Sharma
The defendant was granted conditional leave to defend a summary suit for the recovery of a loan of Rs. 13.5 lakhs. Evidence, including a promissory note and a dishonored cheque, supported the plaintiff's case, while the defendant's claims of fabrication lacked convincing merit. Granting leave to defend is typically the norm, and a revision petition was dismissed due to no jurisdictional error in the leave order.

RAKESH KISHORE VS NARESH SAXENA & ORS. [CONT.CAS(C)-814/2022]
Judges: Justice Dharmesh Sharma
The contempt petition was dismissed because the society had complied with the Delhi Cooperative Tribunal's order from 2006, which included cancelling the previous decision on garbage chutes and refunding amounts to members. The dismissal was also based on the petition being barred by limitation under the Contempt of Courts Act.

RAKESH SACHDEVA VS RAJESH SACHDEVA [C.R.P.-217/2023]
Judges: Justice Dharmesh Sharma
The revision petition by Rakesh Sachdeva was dismissed regarding the lower court's order that disallowed his request to cross-examine certain witnesses who were summoned to produce documents. According to Section 139 of the Indian Evidence Act, those producing documents do not qualify as witnesses and cannot be cross-examined unless formally called as such. The witnesses were only presenting documents and not testifying on facts at issue, leading to the conclusion that the petitioner lacked a legal right to cross-examine them. The dismissal of the petition confirmed the lower court's decision.

RAM SINGH DECEASED THROUGH HIS LRS VS PANKAJ ROY GUPTA & ORS. [CONT.CAS(C)-1046/2022]
Judges: Justice Dharmesh Sharma
Contempt petitions were dismissed on the grounds that the respondents' actions in taking possession of agricultural land did not constitute contempt. The petitioners' appeal regarding bhumidari rights was pending, but the land was notified as urbanized under the Delhi Municipal Corporation Act, rendering previous orders based on the Delhi Land Reforms Act legally irrelevant. Additionally, the later contempt petition was likely barred by limitation since the alleged dispossession occurred over a year prior. Thus, the respondents' actions were not considered contemptuous due to the change in land status.

RAMESH LAKHWANI (DECEASED) THROUGH HIS LEGAL REPRESENTATIVES VS SHRI MANISH KUMAR GUPTA [CONT.CAS(C)-609/2022]
Judges: Justice Dharmesh Sharma
Officials of the Delhi Development Authority (DDA) committed wilful disobedience of a previous order to process the petitioner's application for conversion of leasehold property to freehold. The DDA's justifications for inaction were deemed legally untenable. A four-week period was set for the DDA to initiate the conversion process at its own expense, with a compliance report due in six weeks. Failure to comply would result in legal consequences for the officials.

RAMINDER SINGH & ANR. VS SURENDER PAL SINGH & ORS. [CONT.CAS(C)-1439/2024]
Judges: Justice Dharmesh Sharma
The contempt petition filed by the petitioners against the respondents was dismissed. The petitioners had previously agreed to treat the respondents well in exchange for a share of assets. It was noted that longstanding disputes require time for resolution, and contempt jurisdiction cannot be used to assess the petitioners' respectful conduct, as the respondents claimed to still be experiencing distress.

RATUL PURI VS BANK OF BARODA [W.P.(C)-2765/2023]

Judges: Justice Dharmesh Sharma

The classification of Ratul Puri as a "fraud" by Bank of Baroda was invalid due to the failure to follow principles of natural justice. The bank did not provide a show-cause notice, relevant documents, or a hearing prior to the classification. Consequently, the order from June 20, 2019, was quashed, and the bank was instructed to remove his name from the Central Fraud Registry within 15 days.

RAVI GUPTA VS DELHI DEVELOPMENT AUTHORITY AND ORS [W.P.(C)-1493/2019]

Judges: Justice Dharmesh Sharma

The petitioner was not entitled to a permanent license for the kiosk, as the land belongs to the Delhi Development Authority (DDA). Originally allotted for stamp vending, the petitioner used the kiosk for other purposes, violating the allotment terms. The DDA has the authority to revoke the license and cancel the allotment. The situation allows the DDA to auction the site for increased revenue. The writ petition was dismissed due to lack of merit.

RAVINDER KUMAR JAIN VS DELHI DEVELOPMENT AUTHORITY & ORS. [W.P.(C)-11037/2022]

Judges: Justice Dharmesh Sharma

The petitioner was deemed eligible for allotment of a plot under the Rohini Residential Scheme (RRS) 1981, despite a prior allotment under the New Patterned Registration Scheme (NPRS) 1979. Clause 4 of the RRS does not require eligibility to depend solely on transfer from other schemes. The petitioner had cancelled his NPRS allotment and informed the authority, establishing his eligibility for RRS 1981. The authority's prior confirmation of the petitioner's eligibility in 2014 and participation in the 2016 draw further solidified this position. The authority was directed to issue the allotment letter and provide possession of the plot, or offer an equivalent plot at 2016 rates, along with costs of Rs. 1 lakh to the petitioner, due to significant delays and harassment experienced.

RBG LEASING AND CREDIT LIMITED VS RESERVE BANK OF INDIA & ANR. [W.P.(C)-8603/2020]

Judges: Justice Dharmesh Sharma

The orders of the Reserve Bank of India and the Appellate Authority cancelling the Certificate of Registration of a Non-Banking Financial Company for not maintaining the required Net Owned Fund were set aside. The matter must be re-examined afresh by the Reserve Bank within 15 days, considering the material submitted by the petitioner, with all rights and contentions of the parties remaining open.

RE- ARC CEMENT LTD. VS .... [CO.PET.-134/1995]

Judges: Justice Dharmesh Sharma

The application by the Official Liquidator for the dissolution of ARC Cement Ltd. was allowed. The company’s affairs were concluded, and the Official Liquidator could not continue due to insufficient funds and assets. The Official Liquidator was discharged from duties with instructions to transfer any available balance to the Common Pool Fund and close the company's accounts.

RE- M/S CATMOSS RETAIL PVT. LTD. VS .... [CO.PET.-36/2013]

Judges: Justice Dharmesh Sharma

All complaints filed under Section 138 of the Negotiable Instruments Act against the corporate debtor and its directors after the winding up order dated 28.02.2013 cannot continue and will remain in abeyance. Criminal proceedings under Section 138 NI Act are classified as "suit" or "other legal proceedings" as per Section 446(1) of the Companies Act. The previous view regarding these proceedings is now outdated. Criminal proceedings cannot proceed since the company's records are with the Official Liquidator, preventing the directors from mounting a defense.

RE-IN THE MATTER OF COTINENTAL TEXTILES MILLS LTD. VS ... [CO.PET.-188/1999]

Judges: Justice Dharmesh Sharma

The application by M/s. Jupiter Laminators Pvt. Ltd. to remove unauthorized occupants from property purchased in an e-auction was dismissed. The auction was conducted on an "as is where is and whatever there is basis," and the applicant had ample opportunity to assess the status of the property prior to bidding. It was noted that the responsibility to address unauthorized occupants does not fall on the Official Liquidator under these circumstances. The applicant may seek other legal remedies.

RE-IN THE MATTER OF M/S MORADABAD SYNTEX LTD VS . [CO.PET.-72/1997]

Judges: Justice Dharmesh Sharma

The application by the Official Liquidator for the dissolution of M/s Moradabad Syntex Ltd. was granted. The company's affairs were completely wound up, with no remaining assets or funds for further liquidation proceedings. It was deemed just and reasonable to order the dissolution of the company.

RE-IN THE MATTEROF M/S DREAM CITY BUILDERS P.LTD. VS . [CO.PET.-197/1990]

Judges: Justice Dharmesh Sharma

The application by the Official Liquidator under Section 481 of the Companies Act, 1956 resulted in the dissolution of M/s. Dream City Builders P. Ltd. The Official Liquidator was unable to seize any assets of the company as they were either vacated or not owned by the company, and no claims were received from creditors. With no funds or assets available and the company's affairs completely wound up, the decision was made to dissolve the company and discharge the Official Liquidator.

RE-M/S LUMAX AUTO PVT LTD VS ... [CO.PET.-319/2005]

Judges: Justice Dharmesh Sharma

Winding up proceedings of M/s. Lumax Auto Pvt. Ltd. ended due to the Official Liquidator's report indicating no assets for realization and a negative funds position, making further proceedings unfeasible. The company was dissolved, and the Official Liquidator was discharged.

RE-SARAF PAPER MILLS LTD. VS . [CO.PET.-201/1990]

Judges: Justice Dharmesh Sharma

The application filed by the Official Liquidator under Section 481 of the Companies Act, 1956, for the dissolution of M/s. Saraf Paper Mills Ltd. (in liquidation) was allowed. The liquidation process had been completed, with all claims settled, remaining funds distributed to shareholders, and unclaimed amounts transferred. The dissolution was ordered due to the complete winding up of the company's affairs, and the Official Liquidator was discharged.

REKHA GUPTA VS PARAMJIT SINGH & ORS. [C.R.P.-154/2022]

Judges: Justice Dharmesh Sharma

The order of the Motor Accident Claims Tribunal dismissing the petitioners' claims for compensation related to a bus accident was set aside due to inadequate opportunity for the petitioners to present relevant documents, including the certified copy of the charge-sheet. The matter was remanded for a fresh hearing with instructions for the petitioners to provide all necessary documents before the next hearing.

REKHA VERMA VS SHRI ATUL KUMAR GOEL AND ORS [CONT.CAS(C)-1665/2024]

Judges: Justice Dharmesh Sharma

The contempt petition filed by Rekha Verma against officials of Punjab National Bank and Indian Overseas Bank was dismissed. Although there was a deviation from prior directions regarding detailed information about auctioned properties, no prejudice to the bidders was established as they would have conducted due diligence. The legality of the auction is pending before the Debt Recovery Tribunal, and the petitioner's action was viewed as an attempt to circumvent those proceedings.

RELIANCE GENERAL INSURANCE CO LTD VS JAGDISH & ORS [MAC.APP.-1016/2015]

Judges: Justice Dharmesh Sharma

The deceased was found guilty of contributory negligence for riding a motorcycle with three passengers on the pillion seat, violating the Motor Vehicles Act. The excess weight and improper seating likely contributed to the accident. Compensation awarded to the deceased's parents was reduced by 50% due to this negligence.

RELIANCE GENERAL INSURANCE CO LTD VS JAGDISH PRASAD AGGARWAL & ORS [MAC.APP.-826/2017]

Judges: Justice Dharmesh Sharma

Compensation awarded by the Motor Accident Claims Tribunal was modified to reflect the deceased's aggregate annual income, resulting in a loss of financial dependency calculated at Rs. 23,30,880. An additional token amount of Rs. 40,000 was granted for loss of consortium for a posthumous child. The interest rate was reduced from 9% to 7.5%, and the total compensation was set at Rs. 25,60,880, with distribution to claimants as previously determined by the Tribunal.

RELIANCE GENERAL INSURANCE CO LTD VS SANTOSH DEVI & ORS [MAC.APP.-775/2015]

Judges: Justice Dharmesh Sharma

The deceased died due to the rash and negligent driving of the offending vehicle, as established by eyewitness testimony and the deceased's wife. The amount of compensation awarded was reduced, with recalculations for loss of financial dependency, funeral expenses, loss of estate, and loss of consortium. The total compensation was set at Rs. 5,60,000/- with interest at 9% per annum from the date of filing the petition.

RELIANCE GENERAL INSURANCE CO LTD VS VIJAY LAXMI SHARMA & ORS [MAC.APP.-340/2019]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company resulted in the compensation for loss of income and future income/functional disability being set aside, as the claimant was a retired government employee receiving a pension. Compensation for pain and suffering, loss of general amenities, and attendant/nursing charges was enhanced due to the severity of the injuries. The interest rate was reduced from 9% to 7.5% per annum, resulting in a total compensation of Rs. 42,89,628/- with interest at the revised rate.

RESIDENTS DEVELOPMENT AND WELFARE GROUP VS DELHI DEVELOPMENT AUTHORITY AND ANR [W.P.(C)-4384/2023]

Judges: Justice Dharmesh Sharma

The main issue in the case involved unauthorized entry gates to a public park, misused by antisocial elements. The Delhi Development Authority (DDA) and the Municipal Corporation of Delhi (MCD) received a directive to close any entry/access gates that contravene the layout plan within six weeks. It was emphasized that the park serves the general public in the neighboring area, not just the local colony. The petition was disposed of after addressing this matter, as previous concerns regarding encroachments and unauthorized structures had been resolved.

RISHU KANT SHARMA VS UNION OF INDIA AND ORS [W.P.(C)-7266/2017]

Judges: Justice Dharmesh Sharma

The area of 4000 square meters in the District Park is designated for "multipurpose ground activities" according to the Master Plan of Delhi (MPD-2021), allowing public and social functions. Permission was granted to hold Dussehra and Ramleela religious functions for 30 days. The DDA is required to ensure the park is used for recreational purposes as intended, with future oversight planned for development measures.

S.B TRIPATHI VS DR PUNIT KUMAR GOEL & ANR [CONT.CAS(C)-677/2018]

Judges: Justice Dharmesh Sharma

The petitioner's contempt of court applications were dismissed, as the respondents were taking adequate measures to regulate the weekly Sunday market according to previous directives. A review of the case history and status reports indicated compliance with earlier orders. The respondents were instructed to manage the market without obstructing vehicular traffic or pedestrian movement.

SACHHIN SAPRA AND FAMILY HUF VS VISHAL MANOCHA [CONT.CAS(C)-1331/2024]

Judges: Justice Dharmesh Sharma

Not every breach of a court order leads to contempt proceedings; such actions should be used sparingly and in exceptional cases. In this instance, the tenant admitted to being in arrears and committed to paying by July 2024 but failed to do so. The trial court should explore coercive measures to enforce the tenant's commitment and recover the outstanding rent, instead of initiating contempt proceedings.

SAHIL VIKLANG SAHAYTARTHA SAMITI & ANR. VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-9537/2024]

Judges: Justice Dharmesh Sharma

The Delhi Development Authority (DDA) cannot deny the petitioner society's request to hold a religious festival at the District Park in Janakpuri, as the Master Plan Delhi-2021 permits the use of a designated "multipurpose ground" for public functions. Despite earlier directives for park beautification, the DDA failed to establish adequate recreational facilities. The petitioner society is allowed to organize the festival with specific safeguards to protect existing plantations at the site. The decision referenced previous considerations regarding the use of the district park.

SAMAR AMUSEMENT AND EDUCATION VS DELHI DEVELOPMENT AUTHORITY AND ORS [W.P.(C)-12637/2024]

Judges: Justice Dharmesh Sharma

Samar Amusement and Education's writ petition to cancel the booking of a DDA ground for Ram Leela and Dusshera Mahotsav was dismissed. The petitioner lacked the legal standing to seek cancellation, was aware of the DDA's Standard Operating Procedures for online bookings, and failed to apply within the designated timeframe. The respondent, Bal Utsav Ramleela Samiti, a recognized organizer, secured the site on a 'first come first served' basis after the petitioner's missed deadline.

SANDEEP YADAV VS THE NEW INDIA ASSURANCE CO LTD [MAC.APP.-39/2022]

Judges: Justice Dharmesh Sharma

The owner of the offending vehicle is not liable to reimburse the insurance company for compensation paid to claimants, as there is no evidence of awareness regarding the driver's fake license. The owner is not required to verify the genuineness of a license that appears valid on its face. The insurance company did not prove that the owner knew the license was fake while allowing the driver to operate the vehicle. Consequently, the recovery rights of the insurance company against the owner were set aside.

SANJAY MITTAL & ORS (PH) VS URBAN IMPROVEMENT CO PVT LTD & ORS [CO.A(SB)-45/2011]

Judges: Justice Dharmesh Sharma

The appeal by Sanjay Mittal & Ors. was dismissed regarding their successful bids in a tender process for residential and cinema complex plots conducted by Urban Improvement Co. Pvt. Ltd. The tender process was characterized as unfair and non-transparent, violating an interim order from the Company Law Board that restrained the sale of the plots. The Board of Directors approved the allotment contrary to these directions. Despite the irregularities, Sanjay Mittal & Ors. were not held accountable and are entitled to a refund of earnest money and any installments paid, along with accrued interest from the respondent company.

SANJEET GAHLOT VS ARUN GOEL [CONT.CAS(C)-895/2016]

Judges: Justice Dharmesh Sharma

The Delhi Development Authority (DDA) is in willful defiance of previous directives to include the petitioner's name in the next draw for an alternative 80 sq. yd. plot in Dwarka within three months. Inconsistencies in DDA's affidavits regarding plot availability and allotments to other petitioners were noted. The Vice Chairman and Director (Land Disposal) of DDA must appear personally or via video conferencing to explain the non-compliance and suggest measures to address the contempt. The matter will be re-notified for the DDA officials' appearance on a specific date.

SAROJ VS DELHI DEVELOPMENT AUTHORITY & ORS. [W.P.(C)-10305/2024]

Judges: Justice Dharmesh Sharma

The interim relief sought by petitioner Saroj against the relocation and demolition of the Jhuggi Jhopri cluster near RML Hospital is not granted. In-situ rehabilitation is deemed impossible, and the timeline for the RML Hospital infrastructure project has commenced. The balance of convenience favors the respondents. The application is dismissed based on legislative intent under Sections 20A and 41(h) of the Specific Relief Act, 1963, which prohibits injunctions for infrastructure projects.

SEETA SHAH VS RESERVE BANK OF INDIA & ANR. [W.P.(C)-11196/2024]

Judges: Justice Dharmesh Sharma

A writ petition was disposed of involving a corporate guarantor for a loan taken by a corporate debtor from ICICI Bank. The debtor's account was classified as a non-performing asset, leading the bank to invoke the corporate guarantee. The debtor entered corporate insolvency resolution proceedings, and a resolution plan was approved. The bank initiated CIRP against the guarantor for failing to honor the guarantee, claiming Rs. 34.66 crores. A direction was issued for the NCLT to decide on the applicability of clause 33 of the corporate guarantee deed, which limits the guarantor's financial liability, within four weeks of the hearing scheduled for 22.08.2024.

SH DADASO JAGTAP AND ANR VS SMT SATWANT KAUR SARNA AND ORS [C.R.P.-19/2022]

Judges: Justice Dharmesh Sharma

The trial court's order permitting the plaintiff to amend the plaint was set aside due to the proposed amendment introducing a new cause of action against additional parties. The initial suit involved only defendants no. 1 and 2, and the amendment related to a sale document with defendant no. 5 would significantly alter the case's nature. The trial court was instructed to continue with the suit as originally framed, and the plaintiff was allowed to initiate separate actions against the other defendants as allowed by law.

SH. DEEPAK MAURYA VS MAHOTSAV SANCHALAN SAMITI [C.R.P.-5/2024]

Judges: Justice Dharmesh Sharma

The current suit filed by the plaintiff is not barred by Order 23 Rule 1 of the CPC. The previous suit involved representatives of an unregistered society, and statements made in that suit do not bind the registered plaintiff society. The cause of action regarding hindrances in organizing the annual Shobha Yatra is considered a fresh cause of action for the registered plaintiff. The petitioner's Civil Revision Petition was dismissed.

SH. TILAK RAJ VS HARVINDER SINGH & ORS. [C.R.P.-93/2024]

Judges: Justice Dharmesh Sharma

The revision petition by the defendant was dismissed, affirming the trial court's rejection of the application to dismiss the plaintiff's plaint. The plaint indicated a semblance of a cause of action, with the plaintiff alleging deception in the purchase of a disputed property, including concealment of prior complaints against the property transfer by the defendants' brothers. The defense presented by the defendant could not be considered at this stage, and the determination of whether the plaintiff was deceived will occur at trial.

SHAFEENA BEGUM VS RAJENDER SINGH SISODIA [CONT.CAS(C)-1441/2024]

Judges: Justice Dharmesh Sharma

The contempt petition by Shafeena Begum against Rajender Singh Sisodia for willful disobedience of a prior judgment was dismissed. The petition was deemed not maintainable, with the appropriate remedy for the petitioner being to file execution proceedings to recover misuse charges or mesne profits. The petitioner was permitted to withdraw the contempt petition while retaining the right to seek redress through the Trial Court.

SHAHI IDGAH MANAGING COMMITTEE VS DELHI DEVELOPMENT AUTHORITY & ORS. [W.P.(C)-12524/2024]

Judges: Justice Dharmesh Sharma

The Shahi Idgah, measuring 31,601 square yards, is owned by the Delhi Waqf Board, while the surrounding parks and open grounds are owned by the Delhi Development Authority (DDA). The Shahi Idgah Managing Committee lacks legal standing to challenge the DDA and Municipal Corporation of Delhi's proposed statue installation on DDA land. The Delhi Minority Commission's order to maintain the status quo was deemed without jurisdiction since the surrounding areas do not belong to the petitioner. The writ petition by the Shahi Idgah Managing Committee was dismissed.

SHAKIR ALI VS RAJ KUMAR & ORS [MAC.APP.-729/2018]

Judges: Justice Dharmesh Sharma

The appeal by Shakir Ali, the registered owner of the vehicle involved in an accident, was dismissed regarding compensation awarded to the injured claimant, Raj Kumar. Ali's claim of selling the vehicle before the accident does not relieve him of liability under Section 50 of the Motor Vehicles Act, as he remained the registered owner. The tribunal's decision to hold Ali and the driver jointly and severally liable for compensation of Rs. 2,55,100/- was upheld.

SHAKUNTALA DEVI & ORS. VS SUNIL [MAC.APP.-382/2013]

Judges: Justice Dharmesh Sharma

The appeals by the vehicle owner and driver against compensation awarded to claimants Sunil and Vijay were partly allowed. The claimants were found to be 50% contributorily negligent for riding three people on a motorcycle, violating traffic laws. While the offending vehicle's driver fled the scene, establishing his culpability, the vehicle owner was deemed vicariously liable. The compensation awarded to Sunil and Vijay was reduced to Rs. 59,000 and Rs. 35,800, respectively, with interest set at 6% per annum.

SHALINI THAKUR VS SHASHANK THAKUR [CONT.CAS(C)-1293/2024]

Judges: Justice Dharmesh Sharma

Not every breach of a judicial order justifies contempt proceedings; such powers are to be used sparingly and in exceptional cases. The petitioner should first approach the Metropolitan Magistrate to enforce the order requiring the respondent to deposit Rs. 1,98,011.80 into the petitioner's bank account. The contempt petition was dismissed, allowing the petitioner to seek appropriate enforcement directions from the Metropolitan Magistrate.

SHARAD KUMAR JHA VS A MANIMEKHALAI AND ORS [CONT.CAS(C)-491/2024]

Judges: Justice Dharmesh Sharma

The petitioner's application to restore a contempt petition was dismissed due to the failure to report for duty as per a previous order. As an MTS employee, the petitioner was required to perform duties as directed by the reporting officer and could not dictate employment terms. The bank committed to assigning appropriate duties and treating the petitioner similarly to other staff. The petition was not restored due to the petitioner's non-compliance with reporting for duty.

SHARAD MOHAN KRISHNA VS ANKIT KUMAR [C.R.P.-169/2024]

Judges: Justice Dharmesh Sharma

The application by the Official Liquidator for the dissolution of M/s. Kuberswami Ashutosh Consultants Private Limited was approved due to the company's negative funds and absence of realizable assets. Liquidation proceedings were deemed just and reasonable to conclude. The Official Liquidator was instructed to close the accounts after settling liquidation expenses and to notify the Registrar of Companies.

SHARMA ENTERPRISES VS THE BANKING OMBUDSMAN & ANR. [W.P.(C)-3042/2021]

Judges: Justice Dharmesh Sharma

The writ petition filed by Sharma Enterprises against the Banking Ombudsman and the respondent bank was dismissed. The Banking Ombudsman had jurisdiction over the complaint, but the petitioner was not entitled to the requested relief due to a lack of integrity. Evidence showed that sales proceeds were diverted to another bank account, violating the sanction letter terms, which demonstrated misconduct. Consequently, the petition was dismissed, and exemplary costs of Rs. 50,000 were imposed on the petitioner for wasting time.

SHARMILA JAIN VS DELHI DEVLOPMENT AUTHORUTY [W.P.(C)-12744/2024]

Judges: Justice Dharmesh Sharma

The petitioner, Sharmila Jain, was not given an opportunity to respond to new grounds cited by the Delhi Development Authority (DDA) regarding the cancellation of her sub-lease and conveyance deed. The DDA must substantiate allegations of fabricated documents and misrepresentation from its latest cancellation order, as the petitioner did not have a hearing after an earlier favorable order was recalled. Given her status as a senior citizen and widow, the DDA has been directed to refrain from any coercive actions against her related to the cancellation order until further notice.

SHASHI BALA GUPTA VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-15035/2023]

Judges: Justice Dharmesh Sharma

The writ petition filed by Shashi Bala Gupta for an alternate flat from the DDA was dismissed due to significant delay and laches. Gupta filed an RTI application in 2015, five years after her husband's death, to inquire about his allotted flat but did not take timely action after receiving a 2016 response indicating the cancellation of the allotment due to non-compliance. The inaction and prolonged delay in seeking legal remedies led to the dismissal of her petition.

SHEOJI KUMAR PATHAK VS AJAY SURI [CONT.CAS(C)-688/2018]

Judges: Justice Dharmesh Sharma

DAV College & Management Society (DAVCMC) qualifies as a "public authority" under the Right to Information Act and is required to provide requested information. An initial refusal to comply with a prior order resulted in a finding of contempt, but subsequent provision of the requested documents remedied the situation.

SHRI RAJ KUMAR VS SHRI ANISH DAYAL SINGH & ORS. [CONT.CAS(C)-1600/2024]

Judges: Justice Dharmesh Sharma

The contempt petition filed by Shri Raj Kumar against the CRPF authorities is barred by the limitation period as per Section 20 of the Contempt of Courts Act, 1971. The breach regarding the failure to reconsider the petitioner's case within the time stipulated in a 2010 order is not regarded as a continuous breach. The act of omitting to consider the case was complete by the end of 2010, leading to the dismissal of the contempt petition.

SHRI RAM GEN. INS. CO. LTD. VS MUKESH DEVI & ORS. [MAC.APP.-116/2024]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company against the compensation awarded by the Motor Accident Claims Tribunal (MACT) was dismissed. The MACT's findings confirmed that the accident resulted from the negligent driving of the offending vehicle's driver, with the deceased not being contributorily negligent. The compensation amount calculated by the MACT aligned with the parameters established in the Pranay Sethi case.

SHRI RASHTER KUMAR VS DELHI DEVELOPMENT AUTHORITY AND ANR. [W.P.(C)-10989/2017]

Judges: Justice Dharmesh Sharma

The writ petition was dismissed on the grounds that there is no absolute right to the allotment of an alternative plot under the Delhi Development Authority (Disposal of Developed Nazul Land) Rules, 1981. A recommendation from the Delhi Administration for allotment does not constitute a legal obligation for the allotment. The petitioner cannot claim a specific plot in a desired area, even with recommendations from other authorities, as these are contingent on the availability of plots with the DDA.

SHRI SURINDER SINGH YADAV, VS ORIENTAL INSURANCE COMPANY LIMITED, [CONT.CAS(C)-31/2024]

Judges: Justice Dharmesh Sharma

The petitioner's contempt petition was dismissed due to the respondent company's lack of deliberate violation of prior directions. The consent order did not guarantee the petitioner's automatic promotion to higher scales, as eligibility and performance must align with the company's promotion policy. The respondent complied with instructions to reconsider the petitioner's candidature for Scale-III promotion for the 2009-10 exercise. It was noted that the petitioner failed to disclose important facts, including not participating in the Fast Track Channel Promotion examination, which affected considerations for higher-scale promotions.

SHRIRAM GENERAL INS CO LTD VS MEENA UPPAL & ORS [CM(M)-1229/2016]

Judges: Justice Dharmesh Sharma

The Motor Accidents Claims Tribunal (MACT) dismissed the insurance company's applications to include the driver and owner of the victim vehicle and to summon witnesses from JP Infratech Limited, citing the applications as belated and lacking merit. The discretion to choose parties to be impleaded rests with the claimants. Even in contributory negligence cases, joint tortfeasors carry joint and several liabilities, and the insurance company remains obligated to indemnify the insured. The sought information from JP Infratech Limited was deemed immaterial. The insurance company's writ petition was dismissed, showing no errors in the MACT's order.

SHRIRAM GENERAL INSURACE CO LTD VS DEEPAK KUMAR & ORS [MAC.APP.-992/2017]

Judges: Justice Dharmesh Sharma

The driver of the offending vehicle was found primarily at fault for the accident that resulted in the death of a 15-year-old. The deceased was deemed contributorily negligent for driving without a valid license and helmet. Compensation awarded to the deceased's parents was reduced by 50%, assessed at Rs. 8,55,001 with interest at 7.5% from the date of filing the claim petition.

SHRIRAM GENERAL INSURANCE CO LTD VS NISHA DEVI & ORS [MAC.APP.-631/2014]

Judges: Justice Dharmesh Sharma

The decision of the Motor Accident Claims Tribunal was upheld, confirming that the deceased was not a gratuitous passenger and was covered under the insurance policy, which exceeded statutory requirements. Eyewitness testimony established the cause of death as the result of negligent driving by the truck driver. The compensation awarded by the Tribunal was deemed fair, leading to the dismissal of the insurance company's appeal.

SHYAM SUNDAR SETHI VS DELHI DEVELOPMENT AUTHORITY & ANR. [W.P.(C)-10299/2023]

Judges: Justice Dharmesh Sharma

The petitioner's claim for a plot under the Rohini Residential Scheme was rejected due to his voluntary cancellation of registration in 1991, which was accepted by authorities. The attempt to revive the claim after over 13 years was barred by delay, laches, and promissory estoppel. Erroneous inclusion in the 2012 draw of lots did not confer any legal right. Authorities were directed to refund the petitioner's initial deposit with interest.

SHYAM SUNDER KAUSHIK VS DDA AND ANR [W.P.(C)-11653/2024]

Judges: Justice Dharmesh Sharma

The writ petition filed by Shyam Sunder Kaushik for a No Objection Certificate and building plan regularization from the DDA was dismissed as non-maintainable. The issues raised could be addressed before the Appellate Tribunal, Municipal Corporation of Delhi, which will decide the matter according to the law. There was no opinion expressed on the merits of the case.

SMT. BIMLA DEVI & ANR. VS SHRI SUNIL & ORS. [MAC.APP.-119/2023]

Judges: Justice Dharmesh Sharma

The Motor Accident Claims Tribunal's finding of rash and negligent driving by the offending vehicle's driver was upheld, attributing sole responsibility for the fatal accident. In two appeals concerning the deaths of Sonu Singh and Neelam, the approach to calculating compensation was deemed broadly correct, resulting in awards of Rs. 57,88,000/- with 9% interest for Sonu Singh's dependents and Rs. 44,00,205/- with 9% interest for Neelam's minor child, effective from the date of filing the petitions. This case involved two appeals stemming from the same motor accident incident.

SMT. GAURI BHALLA VS SH. ASHISH BHALLA & ORS. [CONT.CAS(C)-1385/2023]

Judges: Justice Dharmesh Sharma

Ashish Bhalla did not intentionally violate the Settlement Agreement or court order. He moved out of the matrimonial home due to a complaint of sexual assault by Gauri Bhalla and continues to provide financial support, including paying house installments, utilities, and a monthly allowance of 1000 Australian Dollars. Divorce proceedings are underway in Australia, and he pledged to pay Gauri Bhalla Rs. 7,75,000/- when the matter is addressed in the Australian court. The application for restoration of the Contempt Petition and modification of the previous order was dismissed.

SMT. KAMLESH VS SMT. SUNITA SHARMA, [C.R.P.-202/2022]

Judges: Justice Dharmesh Sharma

The civil revision petition filed by the defendant was dismissed, affirming the trial court's judgment in favor of the plaintiff under Section 6 of the Specific Relief Act. The plaintiff demonstrated rightful ownership and possession of the ground, second, and third floors of the property through valid sale documents. The defendant's claim of exclusive rights based on an oral family settlement was unsubstantiated. The plaintiff was recognized as having a superior title and entitlement to possession of the disputed portions.

SMT. USHA JAIN & ANR. VS M/S VIGNESHWARA DEVELOPWELL P. LTD. [CO.PET.-145/2014]

Judges: Justice Dharmesh Sharma

The petitioners' right to refund from the "Buy Back Plan" existed prior to the winding up order. The application for release of the deposited amount was dismissed because the petitioners did not provide the necessary FEMA certificate and acknowledged their intention to file claims with the Official Liquidator. The Official Liquidator was instructed to reclaim the deposited amount with interest for the benefit of secured stakeholders, while the petitioners were permitted to submit their claims within 30 days.

SONY INDIA PRIVATE LIMITED VS IRIS WORLDWIDE INTEGRATED PRIVATE LIMITED [FAO-91/2021]

Judges: Justice Dharmesh Sharma

The arbitral award in favor of Iris Worldwide Integrated Private Limited was upheld, with the analysis of evidence and correspondence supporting the decision that Sony India Private Limited was liable for an agency fee of ₹51,11,479 under invoice no. 165. The interpretation of contract terms was deemed reasonable, and there was no basis for re-assessment of evidence. Additionally, Sony India Private Limited was held accountable for prolonged litigation, leading to an order to pay exemplary costs of ₹5,00,000 to Iris Worldwide Integrated Private Limited within one month. No grounds existed to challenge the arbitral award.

SOUMI CHAKRABORTY VS REKHA & ORS (M/S BHARTI AXA GENERAL INSUARNCE CO) [MAC.APP.-720/2018]

Judges: Justice Dharmesh Sharma

The appellant, the driver and registered owner of the offending vehicle, was responsible for causing an accident that resulted in the death of the deceased. Testimony from an eyewitness confirmed that the appellant jumped a red light and collided with the deceased's scooter. The appellant could not prove the validity of her driving license at the time of the accident, with evidence from the insurance company indicating that the license was forged. The appellant did not present any witness from the Licensing Authority to counter this evidence, thus failing to demonstrate the authenticity of her license.

SPARSH DHIR VS ESHA DHIR [CONT.CAS(C)-1461/2024]

Judges: Justice Dharmesh Sharma

The contempt petition filed by the father against the mother was disposed of without substantive orders. Previous modifications by the Family Court allowed the father to physically meet the child every Saturday. Although the issues raised were serious, further proceedings were deemed unnecessary. Both parties were urged to act responsibly and ensure that meeting rights were exercised in a suitable environment for the child's well-being. The Family Court was directed to interact with the child and counsel the parties for compliance with existing orders.

SRIDEV SHARMA VS ANUPAM MATHUR [C.R.P.-378/2023]

Judges: Justice Dharmesh Sharma

The plaintiff's suit presents a valid cause of action despite some gaps in the pleadings. The issue of privity of contract requires examination at trial rather than at the threshold stage. The application to dismiss the suit under Order VII Rule 11 of the Code of Civil Procedure was rejected, as no illegality or infirmity was identified in the lower court's decision.

ST. STEPHEN COLLEGE VS VIKASH GUPTA AND ORS [CONT.CAS(C)-1145/2024]

Judges: Justice Dharmesh Sharma

University of Delhi officials were found guilty of willful disobedience for delaying the admission of students selected by St. Stephen College for PG courses, despite the acceptance of the University's position on the absence of a separate quota for Christian minority students. The delay was deemed unacceptable, leading to a directive for the Registrar and Dean of Admissions to appear and explain potential legal consequences.

SUBHASH GARG VS S K SRIVASTAVA [CONT.CAS(C)-561/2016]

Judges: Justice Dharmesh Sharma

The contempt petition against the Rehabilitation Council of India (RCI) was dismissed due to insufficient evidence of willful non-compliance with a previous order. The RCI took steps to address complaints about individuals practicing without qualifications and was found to have acted in good faith despite jurisdictional overlaps with local authorities. Consequently, the RCI was advised to reach out again to state authorities for appropriate action against the individuals involved.

SUDERSHAN PATHAK VS KRISHAN KUMAR (DEAD) THR LRS [C.R.P.-209/2019]

Judges: Justice Dharmesh Sharma

The civil revision petition by Sudershan Pathak was dismissed. The trial court's dismissal of his application to set aside the abatement of the suit was upheld, as it was filed more than a year after the respondent's death without sufficient cause for the delay. Multiple appeals by the petitioner had also been dismissed. Additionally, the petitioner rejected a settlement offer from the respondent's legal representatives, leading to the dismissal of the revision petition.

SUDERSHAN VS KIRAN BAKHLA & ORS [MAC.APP.-14/2011]

Judges: Justice Dharmesh Sharma

The deceased's death resulted from the composite negligence of the RTV bus driver and the DTC bus driver. Evidence, including eyewitness testimony and a medical report, indicated that the deceased was hit and crushed by the RTV bus. The appellant's accountability for the accident alongside the DTC bus driver was established.

SUDHIR KUMAR DHINGRA VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-3001/2016]

Judges: Justice Dharmesh Sharma

The cancellation of the petitioner's flat allotment by the Delhi Development Authority (DDA) was invalid due to failure to serve the show-cause notice at the petitioner's recorded occupational address and lack of satisfactory evidence for serving it at the residential address. The DDA's claim regarding the delay in filing the writ petition was dismissed as unreasonable given the lengthy processing time of the allotment application. The cancellation order was quashed, and the DDA was instructed to allot a similar flat to the petitioner at the current market rate without interest, as the original flat had been allocated to another party.

SUDHIR RAO VS UNION OF INDIA THROUGH THE SECRETARY MINISTRY OF HOUSING AND AFFAIRS & ORS. [W.P.(C)-11552/2024]

Judges: Justice Dharmesh Sharma

The writ petition by Sudhir Rao against Tata Capital Housing Finance Limited for loan recovery under the SARFAESI Act was dismissed due to lack of maintainability, as the petitioner had already approached the Debt Recovery Tribunal (DRT), which dismissed his objections. The petitioner was advised to seek relief from the Debt Recovery Appellate Tribunal (DRAT), with the option to pursue statutory remedies upheld. The Supreme Court had granted interim relief to homebuyers in similar cases involving "subvention plans".

SUJATA KULSHRESHTRA VS TRIVENI MEDIA LTD [CO.PET.-16/2012]

Judges: Justice Dharmesh Sharma

The winding up petition against Triveni Media Ltd. was determined to be transferred to the National Company Law Tribunal (NCLT) since the proceedings were in the early stages without substantive orders issued. The parties were instructed to appear before the NCLT, which will consider the matter on its merits and make appropriate decisions.

SUMAN GUPTA (PROPRIETOR BAKSON GAS SERVICE) VS INDIAN OIL CORPORATION LIMITED [O.M.P.(I) (COMM.)-209/2024]

Judges: Justice Dharmesh Sharma

Indian Oil Corporation Limited could not suspend Suman Gupta's LPG distributorship without adhering to proper procedures outlined in the Marketing Discipline Guidelines 2022. The inquiry into a fire incident lacked shared documentation and did not provide Gupta an opportunity to be heard. Recognizing Gupta's long-standing status as a distributor since 1974, it was emphasized that fair treatment was necessary. As an interim measure, Indian Oil was directed to continue supplying gas cylinders to Gupta until the end of July 2024, while retaining the right to conduct further inquiry and reach a decision in accordance with the law. The matter is set for another hearing on July 31, 2024.

SUNITA DEVI & ORS VS SATISH KUMAR CHAUDHARY & ANR (NEW INDIA ASSURANCE CO LTD) [MAC.APP.-249/2016]

Judges: Justice Dharmesh Sharma

The Motor Accident Claims Tribunal dismissed the claim petition due to the testimony of the sole eyewitness, PW-4/Mukesh Rawat, being unreliable and inconsistent with the case's facts. The respondent, identified as the driver-cum-owner, denied involvement of his vehicle, which was not considered an admission of the accident. The lack of credible evidence regarding the offending vehicle led to the dismissal of the claim petition.

SURENDER SINGH VS UNION OF INDIA AND ORS. [CONT.CAS(C)-704/2024]

Judges: Justice Dharmesh Sharma

The respondents did not willfully disobey prior orders, as their resumption of the second stage of inquiry proceedings was an attempt to comply with laws and guidelines. The petitioner was aware of the allegations and the evidence against him. The inquiry is to proceed in accordance with the law, with no implications on the merits of the case.

SURESH CHANDER CHADHA & ORS. VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-4746/2016]

Judges: Justice Dharmesh Sharma

Delhi Development Authority (DDA) must process the petitioners' request to convert their leasehold property to freehold due to the absence of legal impediments. The property had been mutated in the petitioners' favor, and the interim order in a related civil suit was vacated. The DDA is required to consider the conversion application within 6 weeks, contingent upon the petitioners executing an indemnity bond. Additionally, a token cost of Rs. 25,000 was imposed on the DDA for its legally misconceived cautious approach, which could have been resolved amicably.

SURESH CHANDRA GUPTA VS UNION OF INDIA [CONT.CAS(C)-209/2019]

Judges: Justice Dharmesh Sharma

The contempt petition filed by Suresh Chandra Gupta was dismissed. Although a substantial quantity of goods was seized from Gupta, the respondents did not account for their whereabouts. The contempt proceedings were considered an inappropriate forum to address this issue, and Gupta was allowed to initiate separate legal proceedings against the respondents for damages or other relief.

SURESH KUMAR SHARMA & ANR VS UNION OF INDIA THR GM [FAO-77/2015]

Judges: Justice Dharmesh Sharma

The claim for compensation was not maintainable because evidence did not establish that the deceased was a bonafide passenger on the train during the incident. No journey ticket was found, and the eyewitness testimony was deemed unreliable. The death was not classified as an "untoward incident" under the Railway Claims Tribunal Act, as it occurred while the deceased was walking along the railway tracks rather than falling from the train. The appeal was dismissed.

SURESH KUMARI VS REGISTRAR OF COMPANIES & ORS. [W.P.(C)-1567/2024]

Judges: Justice Dharmesh Sharma

Evidence suggests manipulation of records and siphoning of funds by promoters and ex-directors of 'Three C Shelters Private Limited' to shell companies. The Registrar of Companies and the Ministry of Corporate Affairs have not acted despite being informed. Inquiries and investigations under the Companies Act, 2013, are to be initiated. Appropriate legal action is to be taken to trace diverted funds and preserve the assets of the company and related entities, aiming to protect the interests of home buyers and creditors. Separate civil appeals regarding the legality of the Corporate Insolvency Resolution Process against the company are pending.

T N CHOPRA & ANR VS DELHI DEVELOPMENT AUTHORITY & ORS. [W.P.(C)-2479/2014]

Judges: Justice Dharmesh Sharma

In a writ petition by T N Chopra & Anr against the Delhi Development Authority, it was established that the area in the 'Bank Enclave' colony is designated as a public park according to the layout plan of the PNB Staff Cooperative Housing Building Society. Respondents No. 3 and 4, a married couple, were instructed to submit complete and legible copies of their title deeds or sale documents within 15 days; failure to do so may result in adverse inference.

T.R. SAWHNEY SHOPPING PVT. LTD. VS NAGENDER SINGH & ANR. [C.R.P.-26/2024]

Judges: Justice Dharmesh Sharma

The respondents/plaintiffs were not entitled to exclude time under Section 14 of the Limitation Act for the period spent in the wrong forum, as they did not exercise due diligence or act in good faith. Their commercial purchase excluded them from the definition of "consumer" under the Consumer Protection Act. The order allowing the exclusion of time was set aside, and the plaint was rejected as time-barred.

TATA AIG GENERAL INSURANCE COMPANY LTD. VS SMT. PREETI WIFE OF DECEASED & ORS. [MAC.APP.-117/2024]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company was dismissed due to sufficient testimony from eyewitness PW-1 Shishpal and the investigating officer, which confirmed the Bolero Jeep's involvement in the accident leading to the deceased's death. The insurance company's claims of contradictions in witness testimony and cell phone records were ineffective, as it did not properly address the witness's prior statements. The insurance company was ordered to deposit the full compensation amount with the Tribunal within two weeks.

TEENA RANA VS SH. NARESH KUMAR & ORS. [CONT.CAS(C)-255/2023]

Judges: Justice Dharmesh Sharma

The action initiated by the Tehsildar against the petitioner's OBC-NCL certificate was deemed illegal, leading to the quashing of reports and notices. Any disputes regarding the certificate must be presented to the competent District Level Caste Scrutiny Committee as mandated by the Supreme Court. The Deputy Secretary (Services) was found in contempt for not complying with a previous order and was directed to appear in person to explain why he should not be sentenced under the Contempt of Courts Act.

THE NATIONAL INSURANCE CO. LTD. VS SANJAY KUMAR DASS @ SANJAY KUMAR SINGH & ANR. [FAO-172/2021]

Judges: Justice Dharmesh Sharma

The Commissioner assessed the loss of earning capacity for the claimant at 100%, despite a medical disability assessment of 40%. The claimant, who suffered an amputation of his left foot and was a driver, was deemed unable to continue his previous employment. The appeal of the insurance company was dismissed, deemed to lack merit.

THE NEW INDIA ASSURACE CO LTD VS SUJATHA AND ORS [MAC.APP.-27/2016]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company led to a recalculation of compensation awarded for loss of financial dependency. The assessment adjusted the deceased's monthly income by deducting transport allowance and ration money, applied a 50% increase for future prospects, and deducted one-third for personal expenses. Consequently, total compensation was reduced from Rs. 61,38,568/- to Rs. 52,79,792/-, with a revised interest rate of 7.5% per annum.

THE NEW INDIA ASSURANCE CO LTD VS DHARAM PAL & ORS [MAC.APP.-156/2018]

Judges: Justice Dharmesh Sharma

The offending vehicle lacked a valid fitness certificate at the time of the accident, breaching insurance policy terms. Despite this, the insurance company remains liable to compensate the claimants under Section 149 of the Motor Vehicles Act. The registered owner, having sold the vehicle without notifying authorities, is still accountable for compensation. The insurance company may seek reimbursement from the registered owner and the driver after paying the claimants.

THE NEW INDIA ASSURANCE CO LTD VS NEELAM & ORS [MAC.APP.-884/2018]

Judges: Justice Dharmesh Sharma

The appeal by New India Assurance Co. Ltd. against the MACT's compensation award to claimants was dismissed. The insurance company did not prove that the registered owner was aware of the driver's forged license, which is required to avoid liability. Legal precedents indicate that owners are not obligated to independently verify driver's licenses, and insurers remain liable unless it is demonstrated that the owner knowingly permitted an unlicensed driver. Since the full compensation amount had already been paid to the claimants, the appeal was dismissed.

THE NEW INDIA ASSURANCE CO LTD VS VINOD KUMAR & ORS [MAC.APP.-410/2013]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company resulted in a revised compensation amount of Rs. 16,34,713/- for the claimants, with a 40% increase for future prospects and a 1/3rd deduction for the deceased's personal expenses. The interest rate was set at 7.5% per annum from the date of filing until realization. The argument regarding liability due to the driver's fake license was rejected due to lack of evidence of the driver's knowledge about the forgery. The remaining compensation was directed to be released to the claimants, while the statutory deposit was to be released to the insurance company.

THE NEW INDIA ASSURANCE CO. LTD. VS SHUBHANK SINGH BHADAURIA & ORS. [MAC.APP.-209/2024]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company resulted in the recalculation of compensation initially awarded for a motor accident. The assessment of the deceased's monthly income was corrected from minimum wages to R.S. 9,825 based on testimony. Adjustments were made to the compensation for loss of financial dependency and conventional heads such as 'loss of estate', 'funeral expenses', and 'loss of consortium' to align with established legal precedents. An interest rate of 8% per annum was maintained due to delays attributed to the COVID-19 pandemic. The final compensation awarded to the claimant-parents was R.S. 16,09,540.

THE NEW INDIA ASSURANCE COMPANY LTD VS SUNITA NAGPAL & ORS. [MAC.APP.-114/2024]

Judges: Justice Dharmesh Sharma

The decision of the Motor Accident Claims Tribunal is upheld, attributing responsibility for the death to the driver of the offending truck due to rash and negligent driving. Testimony from the car driver indicated that the distance of 10-12 feet between the car and truck was not insufficient, considering the car's speed and the truck's sudden braking. The insurance company did not include the driver-cum-owner of the car, despite possible composite negligence. The appeal by the insurance company is dismissed, with no identified illegality or perversity in the Tribunal's ruling.

THE ORIENTAL INSURANCE CO LTD VS KHUSHANUMA AND ORS [MAC.APP.-954/2015]

Judges: Justice Dharmesh Sharma

The accident was attributed to the rash and negligent driving of the truck driver. A total compensation of Rs. 9,62,631/- was awarded to the claimants, covering loss of financial dependency, loss of consortium, funeral expenses, and loss of estate. The insurance company was deemed liable for the compensation, with the right to recover the amount from the truck's driver and owner. Compensation amounts were adjusted in accordance with established legal precedents.

THE ORIENTAL INSURANCE CO LTD VS MS. SEEMA & ORS. [MAC.APP.-132/2024]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company against the compensation awarded to the injured-claimant was deemed without merit. The injured-claimant sustained 85% permanent disability due to the amputation of her right arm above the elbow from an accident involving a Haryana Roadways bus. A total compensation of ₹67,65,238 was awarded, covering pain and suffering, loss of marriage prospects, and the cost of a prosthetic limb and its maintenance. The insurance company must deposit the compensation within four weeks or incur a penal interest of 12% per annum.

THE ORIENTAL INSURANCE CO. LTD VS HEMLATA & ORS. [MAC.APP.-73/2024]

Judges: Justice Dharmesh Sharma

The appropriate rate of interest on the compensation amount is set at 7.5% per annum from the date of filing the claim petition until realization. This decision considers previous rulings indicating no fixed interest rate under the Motor Vehicles Act, allowing for case-by-case determination. A two-year delay due to the COVID-19 pandemic contributed to the reduction from an initially awarded 9% per annum, aligning the rate with prevailing nationalized bank fixed deposit interest rates.

THE ORIENTAL INSURANCE CO. LTD VS SMT YOGITA DEVI & ORS. [MAC.APP.-268/2024]

Judges: Justice Dharmesh Sharma

The insurance company's appeal against a compensation award of Rs. 43,15,340 to the wife, children, and parents of the deceased was dismissed. The deceased's monthly income was correctly assessed at Rs. 17,800 based on evidence, including testimony from a company director. The calculation of the compensation amount was deemed fair and just, with appropriate legal principles applied.

THE ORIENTAL INSURANCE CO. LTD. VS SH. SHIV PRASAD INDRAMANI@ SHIV PRASAD SHARMA@SHIV PRASAD BHATT & ORS. [MAC.APP.-194/2021]

Judges: Justice Dharmesh Sharma

The Motor Accidents Claims Tribunal was justified in converting the claim petition from Section 166 to Section 163-A of the Motor Vehicles Act. The tribunal correctly concluded that the bus driver was not negligent, as the deceased alighted from the moving bus at his own risk. Under Section 164 of the Motor Vehicles Act, the insurer is liable to pay a statutory compensation of Rs. 5 lakhs for death without proving negligence. The total compensation was modified to Rs. 5 lakhs, plus interest.

THE ORIENTAL INSURANCE CO. LTD. VS SOHAN LAL (FATHER) & ORS. [MAC.APP.-70/2024]

Judges: Justice Dharmesh Sharma

There is no fixed rate of interest under the Motor Vehicles Act, 1988 for compensation in motor accident cases. The appropriate interest rate should be determined on a case-by-case basis, taking into account factors such as inflation, prevailing bank rates, the duration of the case, and the nature of injuries and losses. In this instance, a 9% interest rate awarded by the Tribunal was deemed too high given the 5-year duration of the case, leading to a reduction to 7.5% per annum as a more reasonable rate aligned with prevailing bank deposit rates. The discretion to award interest remains with the Tribunal based on case-specific circumstances.

THREAD AND NEEDLES AND ANR VS CANARA BANK AND ANR [W.P.(C)-86/2024]

Judges: Justice Dharmesh Sharma

The respondent bank cannot retain title deeds provided as collateral for one loan to recover dues from another loan. Section 171 of the Indian Contract Act and Section 60 of the Transfer of Property Act support the right of the mortgagor against the bank's general lien in this instance. A writ of mandamus requires the bank to release the title deeds to the petitioners within one month.

TIMES INNOVATIVE MEDIA LTD. VS SPACE TURTLE PVT. LTD. [CO.PET.-761/2015]

Judges: Justice Dharmesh Sharma

The winding-up petition filed by the petitioner company against the respondent for non-payment of dues was at an early stage, with no Provisional/Official Liquidator appointed. Due to the enactment of the Insolvency and Bankruptcy Code, 2016, and Section 434 of the Companies Act, 2013, the petition was transferred to the National Company Law Tribunal for further proceedings.

TRENCHLESS ENGINEERING SERVICE PRIVATE LIMITED VS PUNJAB NATIONAL BANK & ORS [W.P.(C)-12438/2018]

Judges: Justice Dharmesh Sharma

The forfeiture of the earnest money deposit (EMD) of Rs. 24.80 lakh by Punjab National Bank was deemed unjustifiable due to failure to inform the petitioner about the change in property possession status. The bank violated the Security Interest (Enforcement) Rules, 2002 by forfeiting the EMD within 5 days instead of the required 15 days post-sale confirmation. A refund of the EMD along with 12% interest from the date of the first refusal, plus costs of Rs. 1 lakh, was ordered to be awarded to the petitioner.

UDAY KAUSHISH VS DELHI DEVELOPEMNT AUTHORITY AND OTHERS [W.P.(C)-1602/2023]

Judges: Justice Dharmesh Sharma

The Delhi Development Authority (DDA) is bound by the terms of the original lease deed from 17.09.1931, which allows for a 90-year lease with options for three renewals. The property is not classified as "nazul land" under the DDA Act and Nazul Rules, as the lease predated these regulations. The lease deed is interpreted in favor of the lessee, with DDA prevented from treating the lease as expired due to prior delays in processing a conversion application. The DDA must renew the lease for an additional 20 years and convert the leasehold to freehold, applying the original conversion rates from the time uncertainty was first raised. Additionally, the DDA is ordered to pay costs to the petitioner, emphasizing the contract's primacy over statutory arguments based on public interest.

UMA SINGHANIA AND ANR VS MANOJ CHHIBBER AND ANR [CONT.CAS(C)-1086/2024]

Judges: Justice Dharmesh Sharma

The petitioners have a prima facie case for reclaiming possession and recovering rent arrears. The appropriate remedy is to execute the consent decree from the lower court under Order XXI of the Code of Civil Procedure. The use of contempt power should be limited, and parties should typically pursue execution of the decree as an effective alternative. The contempt petition is disposed of with permission for the petitioners to approach the trial court for the decree's execution.

UNITED INDIA INSURANCE CO LTD VS BHAWNA & ORS [MAC.APP.-573/2016]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company resulted in a revision of the compensation awarded by the Motor Accident Claims Tribunal. The deduction for personal use and expenses was changed from 1/3rd to 1/2, as the deceased's daughter was the only financially dependent child. The interest rate was reduced from 9% to 7.5% per annum, bringing the total compensation to Rs. 36,59,000, with distribution among the claimants as previously ordered.

UNITED INDIA INSURANCE CO LTD VS JAGAT & ORS [MAC.APP.-55/2012]

Judges: Justice Dharmesh Sharma

The crane involved in the accident qualifies as a "motor vehicle" under the Motor Vehicles Act, making the insurance company's third-party liability statutory according to Section 147. Arguments regarding limited coverage under a Contractor's Plant and Machinery policy were rejected. Recovery rights for the insurance company from the vehicle's registered owner were affirmed due to the driver's fake license. Compensation for the claimant was increased from Rs. 7,24,200 to Rs. 38,02,000, deemed insufficient.

UNITED INDIA INSURANCE CO LTD VS VEERBAL & ANR [FAO-599/2016]

Judges: Justice Dharmesh Sharma

The accident involving the claimant, Veerbal, occurred during his employment as a driver for Ravi Katyal. The insurance company, United India Insurance, could not establish a fundamental breach of policy terms. The compensation awarded by the Employees' Compensation Commissioner and the 12% per annum interest rate were deemed reasonable. The appeal by the insurance company was dismissed.

UNITED INDIA INSURANCE CO.LTD VS SMT SOMTI DEVI AND OTHERS [MAC.APP.-305/2021]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company was dismissed, confirming that the claimants, including the deceased's wife, children, and mother, were entitled to compensation under Section 163A of the Motor Vehicles Act, 1988. The accident involved the deceased in an uninsured three-seater auto rickshaw colliding with a parked bus, which was deemed to be in "use" under the Act. Claimants were not required to prove negligence or fault by the bus driver or owner. Compensation of Rs. 7,70,000 was upheld.

UNITED INDIA INSURANCE COMPANY LIMITED VS SARLA & ORS [MAC.APP.-712/2018]

Judges: Justice Dharmesh Sharma

The appeal by the insurance company was dismissed, confirming that the registered owner, DTC, took reasonable care in verifying the driver's license. The absence or invalidity of the license does not serve as a complete defense, and the insurance company must demonstrate the owner's negligence in license verification. DTC fulfilled its duty, and the insurance company remains liable to pay compensation to the claimant.

UPSRTC & ANR VS SANJAY KUMAR [MAC.APP.-615/2015]

Judges: Justice Dharmesh Sharma

The accident resulted from the appellant/driver's sole negligence while operating the vehicle recklessly. Evidence, including witness testimony and medical reports, supported this conclusion. Compensation was reassessed and increased from the original amount granted by the Tribunal to Rs. 18,24,238, covering loss of earning capacity, medical expenses, and pain and suffering. The appellant/UPSRTC was instructed to deposit the enhanced amount with the Tribunal within 4 weeks.

USHA DEVI & ORS VS PRADEEP KUMAR & ORS (FUTURE GENERALI INDIA INS CO LTD) [FAO-233/2016]

Judges: Justice Dharmesh Sharma

The appeal filed by the claimants against the Labour Commissioner's rejection of their compensation claim under the Employees' Compensation Act, 1923, was dismissed. The claimants did not provide sufficient evidence to establish an employer-employee relationship between the deceased and the respondents. Additionally, there was no proof that the deceased held a valid driving license for the three-wheeled vehicle involved in the fatal accident. Consequently, the matter was deemed outside the scope of the Employees' Compensation Act and potentially subject to the Motor Vehicles Act, 1988. The appeal had no merit and was dismissed.

USHA RANI VS CHANDER MOHAN GAUTAM & ORS. [C.R.P.-311/2023]

Judges: Justice Dharmesh Sharma

The civil revision petition was allowed, and the plaint filed by the respondents was rejected. The cause of action alleged by the respondents was deemed illusory, and the suit was barred by limitation based on the plaint's averments. Additionally, the respondents appeared to have concealed material facts through drafting, with the continuation of the suit likely to burden the justice delivery system.

USHA VS KANTA [C.R.P.-11/2024]

Judges: Justice Dharmesh Sharma

The suit filed for recovery of a loan of Rs. 3.12 lakhs, advanced in August 2015, was barred by limitation. The plaintiff's request for repayment in May 2020 indicated that the three-year limitation period under Article 21 had expired by the time the suit was filed in 2021. As a result, the application to reject the plaint was granted.

UTTAR PRADESH STATE ROAD TRANSPORT CORPORATION UPSRTC) VS PUNIT KUMAR @ ASHISH AND ANR [CM(M)-2178/2024]

Judges: Justice Dharmesh Sharma

The Motor Accident Claims Tribunal (MACT) allowed an amendment to a claim petition to correct the registration number of the offending bus from UP-16P-0659 to UP-32CN-0659 based on findings from a criminal investigation. Despite the amendment being sought later than ideal, the approach of the MACT was deemed appropriate. A petition by the Uttar Pradesh State Road Transport Corporation (UPSRTC) contesting this decision was dismissed.

VANTAGE CONSTRUCTION PRIVATE LIMITED & ANR. VS NPS CHAWLA & ORS. [CO.A(SB)-59/2015]

Judges: Justice Dharmesh Sharma

The shares held by the late Smt. Ram Piari Chawla were classified as part of her "movable properties" in her will, granting her children a 1/3 share each. Additional shares allotted to the late HPSC were deemed invalid due to improper meeting procedures under the Companies Act. Appeals from the appellants were dismissed, and the appellant companies were instructed to transmit shares to the respondents and cancel the additional shares allotted to the late HPSC.

VEENA KHURANA & ORS VS AMAN VERMA & ANR [MAC.APP.-240/2015]

Judges: Justice Dharmesh Sharma

Respondent No. 1 drove the vehicle in a rash and negligent manner, causing a fatal accident that injured the deceased. A compensation of Rs. 9,24,104 was initially awarded, but an additional Rs. 4,00,692 was granted to cover medical expenses, bringing the total compensation to Rs. 13,24,796, along with 9% interest.

VINEET GOEL VS RUSHMI GOEL [C.R.P.-347/2023]

Judges: Justice Dharmesh Sharma

The petitioner's application to submit certified copies of documents was reinstated, allowing the submission of these relevant documents at a later stage as permitted under Order VII Rule 14 of the Civil Procedure Code. The documents, being public records, would not alter the core cause of action, and the technical delay in filing was not considered significant. The petitioner must file the certified copies within 15 days and pay costs to the respondent, without any implications on the case's merits.

VINOD YADAV & ORS. VS MAMTA YADAV [C.R.P.-357/2023]

Judges: Justice Dharmesh Sharma

The civil revision petition by the petitioners/defendants was dismissed regarding their application to set aside a judgment and decree in favor of the respondent/plaintiff. The petitioners/defendants did not demonstrate "special circumstances" required for setting aside the decree, as they were served with summons but failed to appear on time. No valid grounds were provided to contest the merits of the plaintiff's claim. The question of the petitioners/defendants' liability as legal representatives may only be addressed in execution proceedings.

VIPIN KUMAR TYAGI VS NIDHI PANDEY [CONT.CAS(C)-1301/2024]

Judges: Justice Dharmesh Sharma

The contempt petition was dismissed, with no evidence of wilful disobedience to prior directions. The petitioner's representation was already considered and rejected, and non-selection for an award does not warrant judicial intervention without proof of mala fide or procedural anomalies. A related judgment made similar observations.

VISHNU DUTT MITTAL VS MAHESH & ORS. [MAC.APP.-414/2013]

Judges: Justice Dharmesh Sharma

The appeal resulted in the modification of compensation awarded for a motor accident. The initial calculation of notional income and loss of earning capacity was correct, but the loss of future prospects was not considered. Compensation for pain and suffering, future medical expenses, loss of amenities, and disfigurement was increased. Total compensation rose from Rs. 6,25,776/- to Rs. 9,19,276/-, with 7.5% interest from the claim petition's filing date.

VISHNU GOPAL VASHISHT VS DDA [W.P.(C)-1643/2011]

Judges: Justice Dharmesh Sharma

The writ petition challenging the DDA's rejection of the petitioner's request for an alternative site after the demolition of property at Kudsiya Ghat was dismissed. The petitioner could not provide evidence of ancestral rights or continuous possession before the cut-off date of 31.12.1998, as required by the relocation policy. The property was used for commercial purposes by the Paras Ram Dangal Society, disqualifying it as a residential jhuggi cluster eligible for alternative allotment. Consequently, the petitioner had no legal right or interest in the property, resulting in a dismissal of the petition with costs of Rs. 50,000.

VISHWANATH KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-11549/2024]

Judges: Justice Dharmesh Sharma

The writ petition was dismissed as not maintainable. The petitioner sought a prohibition on Tata Capital Housing Finance Limited from taking adverse action for non-payment of EMIs and aimed to challenge proceedings under the SARFAESI Act due to a RERA order. Since the Debt Recovery Tribunal had dismissed the petitioner's objections and allowed possession of the flat, the appropriate recourse was to approach the Debt Recovery Appellate Tribunal for relief.

VISHWANATHA ESWARAN VS UNION OF INDIA & ORS. [W.P.(C)-11544/2024]

Judges: Justice Dharmesh Sharma

The petitioner's request to prevent Tata Capital Housing Finance Limited from taking adverse actions due to non-payment of EMIs was dismissed. The prior decision of the Debt Recovery Tribunal, which rejected the petitioner's objections and allowed possession of the flat, rendered the writ petition not maintainable. The petitioner was advised to seek relief from the Debt Recovery Appellate Tribunal.

YASHPAL VS RAKESH KUMAR & ANR [MAC.APP.-368/2017]

Judges: Justice Dharmesh Sharma

The claimant's appeal was allowed in part, with the quantum of compensation modified. The tribunal's use of a lower multiplier and failure to consider future prospects were identified as errors, while the assessment of permanent disability at 17% was upheld. A total compensation of Rs. 8,34,185/- was awarded, including 10% interest from the date of filing the claim petition.

YASIN MALIK VS LOK PAL SINGH & ORS (M/S SBI GENERAL INSURANCE CO LTD) [MAC.APP.-403/2018]
Judges: Justice Dharmesh Sharma
The appeal resulted in an increased compensation for the appellant to Rs. 21,17,574 with interest at 7.5% per annum from the date of filing. Permanent disability was assessed at 22%, and enhancements were made for future earnings, pain and suffering, and loss of enjoyment of life.

AAKASH EDUCATION SERVICES LTD VS M/S LOTUS EDUCATION & ORS. [ARB.P.-1114/2023]
Judges: Justice Dinesh Kumar Sharma
The arbitration clause between the parties remains valid despite previous awards being set aside. A new sole arbitrator was appointed to adjudicate the disputes, with all issues, including arbitrability, preliminary objections, and merits, open for consideration. The arbitral tribunal is responsible for deciding the issue of limitation, unless a claim is obviously time-barred, and will also determine the service of notice under Section 21 of the Arbitration and Conciliation Act, 1996 based on evidence. This involved four petitions filed under Section 11 of the Act.

ASHISH KAUSHAL RANJAN VS PARMESH CONSTRUCTION CO. LTD [ARB.P.-358/2024]
Judges: Justice Dinesh Kumar Sharma
The disagreement concerning the appointment of an arbitrator was not subject to the jurisdiction of the High Court of Delhi because the builder-buyer agreements stipulated that disputes would be exclusively addressed in Noida. Given that the agreements were executed and the cause of action arose in Noida, the petitions were dismissed.

AMAN KATHPAL VS UNION OF INDIA & ANR. [CRL.M.A.-2007/2024]
Judges: Justice Dinesh Kumar Sharma
Welfare of the child is the paramount consideration in custody matters, even amidst conflicting orders from different jurisdictions. An application to vacate an interim stay on a US Superior Court's order granting sole custody to the father was dismissed. The child has resided in India for over 29 months and is well-settled. Allegations of abuse by the father were not adequately addressed by the US court. Discretion is exercised based on the child's welfare, leading to the continuation of the stay pending further deliberation on the writ petition.

NARENDRA MEHTA @ NAREN MEHTA VS STATE & ORS [CRL.REV.P.-157/2018]
Judges: Justice Dinesh Kumar Sharma
Criminal proceedings against Anil Rastogi and Jugal Kishore Gupta, accused of being attesting witnesses to a forged will dated 18.01.2011, were not allowed to continue due to a pending civil suit regarding the will's validity. It was determined that a criminal prosecution for forgery would not be appropriate while the civil matter is unresolved. The charges under Sections 467, 471, and 120B of the IPC were set aside, and the accused were discharged. The revision petition from the complainant Naruto Mehta was dismissed.

ANTRIKSH BHAWAN FLAT OWNERS AND OCCUPANTS WELFARE SOCIETY REGD. VS GOPAL ANSAL HUF & ORS. [CS(COMM)-157/2023]
Judges: Justice Dinesh Kumar Sharma
The suit against Defendant No. 4 is not maintainable due to the plaintiff's failure to serve the mandatory notice under Section 140 of the Delhi Police Act. The argument that the notice was not required because the suit was filed within three months of the alleged act was rejected. For Defendant Nos. 2 and 3, the failure to file written statements within the prescribed time limit under the Commercial Courts Act resulted in their right to file being closed and their defense being struck off.

ARUNIMA AUTOMOBILES THROUGH ITS PARTNERS SUDHAKAR SINHA AND PRAVEER SINHA VS MARUTI UDYOG LIMITED NOW MARUTI SUZUKI INDIAN LIMITED [ARB.P.-1166/2022]

Judges: Justice Dinesh Kumar Sharma

Arunima Automobiles Pvt. Ltd. had claims against Maruti Udyog Ltd. regarding a non-assignable MASS agreement from April 1, 2004. The partnership firm converted to a private limited company, violating the agreement. Arunima Automobiles Pvt. Ltd. lacked standing to make claims, as it was not a party to the original agreement. The petition for appointment of an arbitrator was dismissed.

ASEEM KHANNA VS AKANKSHA DUA [TR.P.(CRL.)-23/2024]

Judges: Justice Dinesh Kumar Sharma

Proceedings under the Protection of Women from Domestic Violence Act, 2005, filed by the respondent against the petitioner cannot be transferred from the Magistrate's Court to the Family Court, despite a pending divorce petition in the Family Court. The DV Act and the Family Courts Act operate in different spheres, with the Magistrate's Court having exclusive jurisdiction over applications under Section 12 of the DV Act. The Family Court lacks the authority to handle such applications, though it can provide relief under Sections 18-22 of the DV Act in matrimonial disputes. The conflicting interpretations from the Bombay and Kerala High Courts were noted, favoring the Kerala High Court's view that transferring DV Act proceedings to the Family Court contradicts the legislative intent of the DV Act. The transfer petition was dismissed.

AXIS BANK LTD VS UV ASSETS RECONSTRUCTION CO [O.M.P. (COMM)-89/2023]

Judges: Justice Dinesh Kumar Sharma

The arbitral award was upheld based on the arbitrator's thorough consideration of the issues and compliance with the law. No patent illegality was present to justify interference under Section 34 of the Arbitration and Conciliation Act. The arbitrator's interpretation of the assignment agreement and findings on the maintainability of the arbitration and the issue of limitation aligned with established legal principles.

BALAJI STEEL TRADE VS FLUDOR BENIN S.A. & ORS. [CS(COMM)-544/2023]

Judges: Justice Dinesh Kumar Sharma

The arbitration agreement in Article 11 of the Buyer Seller Agreement and Article 5 of the Addendum between the plaintiff and defendant no. 1 is valid. The Buyer Seller Agreement and Addendum are separate from the Sales Contracts and High Sea Sales Agreements involving defendants no. 2 and 3. Disputes under the BSA and Addendum are to be resolved through arbitration in Benin. The plaintiff's suit is dismissed, allowing arbitration proceedings in Benin to continue, with the plaintiff permitted to seek remedies under the BSA and Addendum.

BHARAT PETROLEUM CORPORATION LIMITED VS PUNJ LLOYD LTD. [O.M.P. (T) (COMM.)-12/2024]

Judges: Justice Dinesh Kumar Sharma

The mandate of the sole arbitrator expired under the terms of the arbitration agreement, which required the award to be published within 2 years, with a possible 12-month extension. The arbitrator was deemed unable to perform their functions, leading to the termination of their mandate. A new sole arbitrator, Justice Anil R. Dave, was appointed to conduct the proceedings, with all rights and contentions of the parties remaining open for future adjudication. Multiple previously appointed arbitrators had resigned at different times.

BITHAI RAI VS THE STATE (NCT OF DELHI) [BAIL APPLN.-674/2024]

Judges: Justice Dinesh Kumar Sharma

Bithai Rai's bail application was dismissed after being charged under Sections 20 and 29 of the NDPS Act for possessing a commercial quantity of ganja. Evidence linked Rai to the contraband, and procedural irregularities claimed regarding search and seizure did not invalidate the bail decision. The stringent conditions of Section 37 of the NDPS Act were not satisfied, as there were no reasonable grounds to believe Rai was not guilty or unlikely to reoffend if released.

CENTRAL BUREAU OF INVESTIGATION VS A RAJA & ORS [CRL.L.P.-185/2018]

Judges: Justice Dinesh Kumar Sharma

Leave was granted for the CBI to appeal the acquittal order based on arguable points that warranted a deeper examination of the evidence. The trial court primarily disbelieved prosecution witnesses while favoring defense witnesses, raising concerns about whether this assessment aligned with legal standards and factual accuracy. The approach taken by the trial court, which dismissed oral evidence due to a lack of documentary support and accepted defense testimonies uncritically, was deemed perverse. Additionally, the trial court failed to effectively use Section 165 of the Indian Evidence Act, missing opportunities to gather necessary evidence for a fair judgment. Detailed reasons for granting leave are not required to avoid potential prejudice, while reasons must be provided if leave is denied.

DEEPAK CHAUDHARY VS STATE & ANR [CRL.M.C.-355/2011]

Judges: Justice Dinesh Kumar Sharma

The FIR against the petitioners under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was quashed due to allegations not meeting the essential requirements of the Act. The communications from the petitioners were found to be neither false nor frivolous, and there was no evidence of injury or annoyance to the complainant related to caste. Investigations by multiple committees indicated the allegations were unfounded and rooted in professional rivalry rather than caste-based victimization. Continuing the proceedings would result in a miscarriage of justice.

DIRECTORATE OF ENFORCEMENT VS RAHIL HITESHBHAI CHOVATIA [CRL.M.C.-5481/2022]

Judges: Justice Dinesh Kumar Sharma

The order granting bail to Rahil Hiteshbhai Chovatia was deemed not illegal or perverse. Although the case involved serious allegations of a large-scale money laundering scam, the trial court properly considered relevant material when granting bail. At the bail stage, only a broad examination of the case is required, not a detailed review of evidence. The Directorate of Enforcement's petition to cancel the bail was rejected due to lack of evidence suggesting that the bail decision was based on irrelevant considerations. Observations made in the bail order were clarified not to affect the final trial.

EIT SERVICES INDIA PRIVATE LIMITED VS INDIA POST PAYMENTS BANK LIMITED [ARB.P.-882/2023]

Judges: Justice Dinesh Kumar Sharma

The petition under Section 11 of the Arbitration and Conciliation Act, 1996 for the appointment of an arbitrator is maintainable. Clause 8.3 of the Master Services Agreement regarding an independent expert for technical disputes requires mutual consent, thus it is not mandatory. The absence of the required committees under the Governance Schedule renders Clause 8.1 redundant. The precedent cited by the respondent is distinguished, leading to a decision to refer the disputes to arbitration, with a former Supreme Court judge appointed as the sole arbitrator.

ESSAR EXPLORATION AND PRODUCTION INDIA LIMITED VS NAYARA ENERGY LIMITED [O.M.P.(I) (COMM.)-399/2023]

Judges: Justice Dinesh Kumar Sharma

The dispute over the utilization of an advance amount of INR 866.34 crores is to be decided by an arbitrator. The respondent is required to deposit INR 214.72 crores with the court registry as a temporary measure to secure the disputed amount until the arbitrator's final determination. This arrangement does not affect the merits of the case, allowing the arbitrator to assess the issues independently.

FAKHRUDDIN MEMORIAL CGHS LTD VS M/S MAHALAKSHMI INFRAENGINEERS PVT LTD & ANR. [O.M.P. (COMM)-145/2024]

Judges: Justice Dinesh Kumar Sharma

The petition to set aside an arbitral award favoring the respondent was dismissed. The grounds for challenging the award under Section 34 of the Arbitration and Conciliation Act are limited, and the arbitrator's decision did not violate the fundamental policy of Indian law. The arbitral award is well-reasoned, showing no illegality or perversity regarding the respondent's claims for non-payment of the final bill, release of the security deposit, payment for extra work, and awarded interest. The principles of "fundamental policy of Indian law" require adherence to a judicial approach, principles of natural justice, and avoidance of perverse findings.

GEETA GANDHI VS CENTRAL BUREAU OF INVESTIGATION & ANR. [W.P.(CRL)-710/2024]

Judges: Justice Dinesh Kumar Sharma

The High Court of Delhi has jurisdiction under Article 226 of the Constitution to transfer the investigation of FIR No. 01/2024, concerning Sections 279/337 IPC registered at PS Nubra, Leh, to the Delhi Police Crime Branch. The conspiracy is alleged to have originated in Delhi, warranting the involvement of the Delhi Police for a comprehensive investigation. While the option to transfer the case to the CBI exists, it should only be considered in exceptional circumstances. The Delhi Police Crime Branch is instructed to initiate the investigation anew and examine the conspiracy allegations made by the petitioner.

HARMANDER KAUR VS STATE (GOVT OF NCT OF DELHI) AND ORS [TEST.CAS.-64/2021]

Judges: Justice Dinesh Kumar Sharma

Harmander Kaur proved the execution of the wills of her late parents, Shri Ajit Singh Ahuja and Smt. Amrit Kaur Ahuja, in accordance with the Indian Succession Act and the Indian Evidence Act. No suspicious circumstances were found surrounding the wills, confirming their genuineness. Probate of both wills dated 12.10.2011 was granted to her as the sole beneficiary.

HCL INFOSYSTEMS LIMITED VS OIL & NATURAL GAS CORPORATION LIMITED [O.M.P. (COMM)-212/2019]

Judges: Justice Dinesh Kumar Sharma

The Arbitral Award favored Oil & Natural Gas Corporation Limited (ONGC) over HCL Infosystems Limited, rejecting HCL's main claims. Key findings included that end-user monitoring and online data replication were included in the contract, HCL was not entitled to additional payments due to failure in the change order process, ONGC's imposition of liquidated damages for project delays was justified, and HCL had a right to reimbursement of service tax with interest as per the contract terms. The review process did not allow for reinterpretation of contract clauses or reevaluation of evidence, confirming the arbitrator's conclusions regarding the OEC report.

INDIAN STRATEGIC PETROLEUM RESERVES LIMITED ISPRL VS SK ENGINEERING COMPANY KARAM CHAND THAPAR JOINT VENTURE SKEC-KCT JV [OMC-238/2022]

Judges: Justice Dinesh Kumar Sharma

Petitions by Indian Strategic Petroleum Reserves Limited against arbitral awards in the Mangalore and Padur projects were dismissed. The arbitrator's decision to award compensation to the contractor, despite a waiver clause in the contract, was deemed a plausible interpretation and did not breach the fundamental policy of Indian law. The scope of judicial intervention under Section 34 of the Arbitration and Conciliation Act, 1996, is limited, and mere errors in law application are insufficient to set aside an international commercial arbitration award.

JASPAL SINGH REYATT VS STATE NCT OF DELHI [BAIL APPLN.-4176/2021]

Judges: Justice Dinesh Kumar Sharma

Anticipatory bail was granted to Jaspal Singh Reyatt in a case under sections 420, 467, 468, and 471 of the Indian Penal Code concerning two disputed wills of Sadhu Singh Reyatt dated 28.10.1988 and 28.08.2002. The dispute is primarily civil, involving property rights and relying on documentary evidence. Reyatt's age of approximately 76 years and absence of criminal history were considered. Bail conditions include cooperation with the investigation, no tampering with evidence, and no travel outside the country without permission. Assumptions about the potential to abscond cannot solely limit the right to freedom under Article 21 of the Constitution. Violation of conditions can lead to prosecution remedies under the Code of Criminal Procedure.

KALYAN TOLL INFRASTRUCTURE LTD VS UNION OF INDIA & ORS. [ARB.P.-1243/2023]

Judges: Justice Dinesh Kumar Sharma

The panel of arbitrators proposed by the respondent comprised only retired officials from government departments and public sector undertakings, which was deemed restrictive and not aligned with established neutrality and impartiality principles. The proposal to appoint an arbitrator from this panel was considered a violation of these principles. Disputes between the parties were referred to a sole arbitrator, Justice G. S. Sistani, with administration under the Delhi International Arbitration Centre (DIAC). All rights and contentions of the parties, including arbitrability and other preliminary objections, were left open for the arbitrator's adjudication.

KHERA BUILDCON PVT. LTD. AND ANR. VS B.K.BANSAL [ARB.A.-1/2023]

Judges: Justice Dinesh Kumar Sharma

The appeal by Khera Buildcon Pvt. Ltd. against the arbitrator's order under Section 17 of the Arbitration and Conciliation Act, 1996 was dismissed. The arbitrator's order was detailed, well-reasoned, and addressed the contentions of both parties. The limited jurisdiction under Section 37 necessitated a circumspect approach, and the arbitrator's decision was deemed sustainable while adequately protecting the appellant's interests. Thus, there was no basis for intervention.

LANDMARK PROPERTY DEVELOPMENT AND COMPANY LTD. & ORS. VS ANSAL PROPERTIES & INFRASTRUCTURE LTD. & ORS. [EX.APPL.(OS)-942/2023]

Judges: Justice Dinesh Kumar Sharma

The applications by the Judgment Debtors to record the adjustment, discharge, and satisfaction of the Arbitral Award dated September 7, 2018 were dismissed. The submitted documents did not relate to the Arbitral Award and pertained to earlier agreements. The applications were deemed time-barred, as they exceeded the 30-day limitation period under Article 125 of the Limitation Act, 1963, with the general limitation period under Section 47 of the Code of Civil Procedure not applicable in this case.

M/S APEX BUILDSYS LIMITED VS IRCON INTERNATIONAL LIMITED [ARB.P.-373/2023]

Judges: Justice Dinesh Kumar Sharma

The procedure for appointing the arbitral tribunal in the arbitration clause was deemed invalid due to its restrictive nature, violating principles of neutrality, counter-balancing, and broad-based selection. The issue of limitation was recognized as a mixed question of law and fact, appropriate for the arbitral tribunal to decide. A notice invoking arbitration was considered sufficient despite technical objections, leading to the appointment of a sole arbitrator to resolve the disputes between the parties.

M/S B.L. MEHTA CONSTRUCTIONS PVT. LTD VS UNION OF INDIA THROUGH THE SECRETARY & ORS. [ARB.P.-1075/2022]

Judges: Justice Dinesh Kumar Sharma

The petitions filed by M/s B.L. Mehta Constructions Pvt. Ltd. under Section 11(6) of the Arbitration and Conciliation Act, 1996 were dismissed due to lack of territorial jurisdiction. The cause of action arose in Gwalior, Madhya Pradesh, and the respondents' principal office is also located outside Delhi. Without an agreed seat of arbitration in the agreements, the appropriate forum is determined to be the High Court of Madhya Pradesh, allowing the petitioner to seek recourse there.

M/S DHAWAN BOX SHEET CONTAINERS PVT. LTD. VS M/S SHREYANSH HEALTHCARE PVT. LTD. [ARB.P.-1196/2023]

Judges: Justice Dinesh Kumar Sharma

The invoices issued by the petitioner included a valid arbitration clause that remained effective despite the parties entering into a settlement agreement on 12.06.2023. The argument that the settlement agreement novated the original contract, thereby extinguishing the arbitration clause, was rejected. The settlement agreement did not indicate an intention to replace the original contract, so the arbitration clause continued to apply. A sole arbitrator was appointed to resolve the dispute between the parties.

M/S TECHNO COMPACT BUILDERS THROUGH MR. ZULFIQUAR ALI, SOLE PROPRIETOR VS RAILTEL CORPORATION OF INDIA LIMITED [ARB.P.-1230/2023]

Judges: Justice Dinesh Kumar Sharma

The proposed panel of arbitrators by RailTel Corporation of India Limited is not sufficiently diverse, comprising mainly retired government officials and lacking professionals like lawyers and accountants. The appointment process does not fulfill the requirement for counter-balancing. Justice Kurian Joseph has been appointed as the sole arbitrator to adjudicate the disputes, with all rights and contentions, including arbitrability and preliminary objections, left open for his decision.

MANIPAL HOSPITALS (DWARKA) PRIVATE LIMITED VS DR SANJEEV BAGAI [O.M.P. (COMM)-418/2023]

Judges: Justice Dinesh Kumar Sharma

The arbitral award established that the respondent/claimant was entitled to Rs. 16.02 crores for the remaining lock-in period due to the illegal termination of employment, which breached the agreement. However, the award of Rs. 15 crores for terminal benefits was set aside because the contract did not authorize this payment when the agreement was terminated before the 7-year term. The principle of minimal judicial interference in arbitral awards was applied, allowing the setting aside of severable and independent parts of the award without altering the overall award.

MATRIX CELLULAR INTERNATIONAL SERVICES LIMITED AND ORS. VS STATE NCT OF DELHI [W.P.(CRL)-2073/2024]

Judges: Justice Dinesh Kumar Sharma

The FIR and proceedings against Matrix Cellular International Services Limited and others will not be quashed at this stage due to a pending investigation. Serious allegations involve the sale of defective oxygen concentrators at inflated prices during the COVID-19 pandemic, potentially harming patients. Issues regarding non-compliance with regulatory standards and the petitioners' knowledge of such non-compliance require further investigation. Petitioners may approach the appropriate forum after the investigation is complete, with their contentions remaining open for later consideration.

MOHD. DANISH VS STATE (GOVT. OFNCT DELHI) [CRL.A.-312/2022]

Judges: Justice Dinesh Kumar Sharma

The appeal from the accused regarding his conviction under multiple sections of the IPC and the Arms Act resulted in a modification. While the evidence supported conviction for robbery under Section 394/34 IPC, significant contradictions surrounding the recovery of the country-made pistol raised reasonable doubts. Consequently, the conviction was adjusted to only include Section 394/34 IPC, leading to a reduced sentence. The review highlights the importance of thorough evaluation and rationale in appellate judgments as essential to the appeal process.

MRVS VALUE STRAIGHT PRIVATE LIMITED AND ANR. VS BRIGHTSTAR RESTAURANTS PRIVATE LIMITED (CARLS JR.) AND ORS. [ARB.P.-128/2023]

Judges: Justice Dinesh Kumar Sharma

The petition by MRVS Value Straight Private Limited and another for the appointment of an arbitrator was dismissed because they were not parties to the original Memorandum of Understanding (MoU) executed on 14.08.2018 between Mr. Vaibhav Gupta, Shalini Tyagi, and Cybiz Brightstar Restaurants Pvt. Ltd. As non-signatories, they could not invoke the arbitration clause in the MoU. Additionally, the existence of a subsequent business partnership agreement that could have superseded the MoU was disputed. Without a valid arbitration agreement, the petition was dismissed.

MR. VIKAS VIJ & ANR. VS MR. VIKRAM VIJ & ORS. [CS(OS)-185/2024]

Judges: Justice Dinesh Kumar Sharma

The suit filed by the plaintiffs is maintainable despite objections from the defendants. The withdrawal of the previous suit is interpreted as implicitly allowing the filing of a new suit. Provisions of Order XXIII Rule 1(3) and Rule 4(b) of the CPC were examined, supporting this interpretation. The objection regarding the pecuniary jurisdiction will be addressed during the trial. The case is scheduled for further proceedings before the appropriate bench.

PNB HOUSING FINANCE LIMITED VS JAYESH PRAVIN CHOUDHARY & ORS. [OMI-360/2023]

Judges: Justice Dinesh Kumar Sharma

Disputes between the parties will be referred to a sole arbitrator, Mr. Justice G.S. Sistani. The petitioner's application under Section 9 of the Arbitration and Conciliation Act, 1996 was converted to a petition under Section 17, with instructions for the arbitrator to expedite the matter. The respondents must maintain the status quo regarding the mortgaged property or any property related to the loan transaction until the arbitrator decides the Section 17 application, preserving the rights and contentions of both parties for the arbitrator's future adjudication.

MUMBAI INTERNATIONAL AIRPORT LIMITED VS AIRPORTS AUTHORITY OF INDIA [O.M.P. (COMM)-268/2023]

Judges: Justice Dinesh Kumar Sharma

The arbitral award was upheld, confirming that the tribunal's interpretation of the OMDA and lease deed was reasonable and aligned with public policy. The OMDA and lease deed excluded "existing leases" from the "demised premises" to be transferred to the petitioner, with this specific provision taking precedence over any general clauses regarding existing contracts and agreements. There was no re-appreciation of evidence or interference with the tribunal's decision-making.

NTPC LIMITED VS LARSEN AND TOUBRO LIMITED [O.M.P. (COMM)-9/2024]

Judges: Justice Dinesh Kumar Sharma

The 2017 notification by the Ministry of Labour and Employment, which increased daily minimum wages, constitutes a "change in law" under Clause 10.4.3 of the General Conditions of Contract (GCC). The price adjustment clause in the contract does not adequately compensate the contractor for the rise in labor costs. The challenge to the arbitral award was rejected, as the Arbitral Tribunal's interpretation of the contract terms was plausible and met the limits defined under Section 34 of the Arbitration and Conciliation Act, 1996. No applicable grounds for interference were identified, leading to the dismissal of the petition.

NTPC LTD VS K N INTERNATIONAL LIMITED [O.M.P. (COMM)-6/2024]

Judges: Justice Dinesh Kumar Sharma

The petition by NTPC Ltd. to set aside the arbitral award dated 30.08.2023 was dismissed. NTPC Ltd. failed to establish any grounds under Section 34 of the Arbitration and Conciliation Act to interfere with the award. The merits of the case were not reviewed, and there was no indication of perversity or procedural irregularity in the arbitral tribunal's decision.

PANKAJ SINGH VS BASHIR AHMED HAROON & ORS. [ARB.P.-1010/2023]

Judges: Justice Dinesh Kumar Sharma

The petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of an arbitral tribunal was dismissed. The petitioner's intention to resolve the dispute through arbitration was deemed doubtful due to a prior civil suit on the same matter that did not invoke arbitration. Subsequent partnership deeds lacked arbitration clauses, and there was no evidence of a clear intent by the parties to continue resolving disputes through arbitration. Consequently, no valid arbitration agreement existed for this case.

PURVANCHAL HATHKARGHA SAHAKARI SANGH LTD VS ALL INDIA HANDLOOM FABRICS SOCIETY AND ANR [ARB.P.-75/2024]

Judges: Justice Dinesh Kumar Sharma

Section 84 of the Multi-State Cooperative Societies Act, 2002 enables the Central Registrar to appoint an arbitrator for disputes concerning the constitution, management, or business of a multi-state cooperative society. A notice to the Central Registrar requesting an arbitrator under Section 84 satisfies the notice requirement under Section 21 of the Arbitration and Conciliation Act, 1996. The Central Registrar is to appoint an arbitrator within three weeks, with all other issues to be resolved by the arbitrator.

QUADRANT TELEVENTURES LIMITED VS ATC TELECOM INFRASTRUCTURE PVT. LTD. & ANR. [O.M.P. (COMM)-396/2019]

Judges: Justice Dinesh Kumar Sharma

The arbitral award in favor of ATC Telecom Infrastructure Pvt. Ltd. remains intact, as the challenge by Quadrant Televentures Limited under Section 34 of the Arbitration and Conciliation Act was rejected. The interpretation of contract terms and evidence assessment by the arbitrator was deemed reasonable, with no evidence of patent illegality or public policy violation. The limited review scope under Section 34 prohibits re-appreciation of evidence or alternative contract interpretations. Corporate insolvency proceedings against Videocon Telecommunications Limited led to the adjournment of arbitration proceedings involving it.

R.S.KHANNA AND SONS VS RITES LTD. THROUGH ITS EXECUTIVE DIRECTOR & ANR. [ARB.P.-255/2023]

Judges: Justice Dinesh Kumar Sharma

The petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 for the appointment of a sole arbitrator is considered premature and not maintainable. Preliminary objections indicated that the petitioner did not exhaust the mandatory dispute resolution procedure in Clause 25 of the agreement. The procedure outlined in Clause 25 is mandatory, requiring compliance before invoking the arbitration clause. The petitioner failed to meet the prerequisites specified in Clause 25(1) and both RITES Ltd. and Ramjas College are necessary parties to the arbitration proceedings. The petition is dismissed, with a directive for the petitioner to follow the remedies under Clause 25 before seeking court intervention.

RACHIT KAPOOR VS UNION OF INDIA THROUGH PRIME MINISTERS OFFICE MR PK MISHRA [W.P.(CRL)-2377/2024]

Judges: Justice Dinesh Kumar Sharma

The writ petition under Articles 226 and 227 of the Constitution was dismissed due to the availability of alternative remedies under the criminal procedure code, such as filing a complaint under Sections 156(3) or 200 Cr.P.C. or a revision petition to the Sessions Court. The petition was deemed not maintainable because it involved disputed questions of fact, and investigation could not be directed without fact examination. The petitioner was permitted to pursue other available remedies.

RAFFLES EDUCATION CORPORATION LTD VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-5108/2022]

Judges: Justice Dinesh Kumar Sharma

Allegations in the private complaint do not disclose the essential ingredients of cheating under Section 420 of the Indian Penal Code. The dispute is civil in nature, stemming from non-fulfillment of contractual obligations, and a mere breach of contract cannot constitute a criminal offence. Dishonest or fraudulent intent from inception must be shown to sustain a charge of cheating, and the allegations fail to demonstrate such intent. The order to set aside the summoning order is upheld.

RAIL LAND DEVELOPMENT AUTHORITY VS PARSVNATH DEVELOPERS LIMITED & ANR. [O.M.P. (COMM)-519/2023]

Judges: Justice Dinesh Kumar Sharma

The petition by Rail Land Development Authority (RLDA) challenging the arbitral award favoring Parsvnath Developers Limited was dismissed. The tribunal identified that RLDA's development agreement was affected by fraud and misrepresentation, specifically regarding undisclosed information about land demarcation and sub-division, which rendered the contract void due to failure of consideration. RLDA's claims of res judicata, constructive res judicata, Order 2 Rule 2 of CPC, and limitation were rejected. The tribunal's thorough decision was upheld, emphasizing the limited scope for judicial intervention under Section 34 of the Arbitration and Conciliation Act.

RAILTECH INFRAVENTURE PVT. LTD. VS RAIL LAND DEVELOPMENT AUTHORITY [ARB.P.-546/2023]

Judges: Justice Dinesh Kumar Sharma

There is a valid and enforceable agreement between the parties that includes an arbitration clause. The Letter of Acceptance (LOA) dated 29.07.2022 serves as a binding contract for executing the Lease Agreement, with bid documents such as the General Conditions of Lease Agreement (GCLA) and Special Conditions of Lease Agreement (SCLA) being read in conjunction with the LOA. A dispute exists regarding encroachments on the site and compliance with Clause 17 of the SCLA, leading to the appointment of a sole arbitrator to adjudicate the matter.

RAJA HALDER VS STATE NCT OF DELHI [CRL.A.-288/2021]

Judges: Justice Dinesh Kumar Sharma

The conviction of the appellant for sexual assault under Section 18 of the POCSO Act was upheld, with the sentence modified from 20 years to 10 years of rigorous imprisonment. The victim's testimony, while not of "sterling quality," was deemed sufficient to establish the incident, and the prosecution effectively demonstrated the victim's minor status at the time of the offense. An investigation officer's failure to protect the victim's identity violated POCSO and IPC provisions, necessitating the implementation of appropriate measures.

RAJESH NARULA AND ORS VS DANESH MEHTA [CS(OS)-476/2021]

Judges: Justice Dinesh Kumar Sharma

The will dated 12.07.1992 executed by Som Nath Narula is valid and binding. The plaintiffs and defendant are declared owners of their respective portions of the properties as per the will, which mandates partition by metes and bounds. A permanent injunction is in place to prevent interference with each other's shares. The principle of "law of election" applies, as the parties are bound by the accepted will, and probate is not required for Hindus in Delhi.

RELIANCE COMMERCIAL FINANCE LIMITED VS TARAASHNA FINANCIAL SERVICES LIMITED [O.M.P. (COMM)-276/2023]

Judges: Justice Dinesh Kumar Sharma

The petition filed by Reliance Commercial Finance Limited under Section 34 of the Arbitration and Conciliation Act, 1996, was dismissed due to being barred by limitation. The petitioner initially stated the arbitral award was received on 05.02.2023 but later changed the date to 06.02.2023. The argument regarding improper service was rejected, as the award was sent to the petitioner's last known address. The petition, filed beyond the three-month statutory period under Section 34(3), was dismissed.

SAHAMAL SINGH VS CONTAINER CORPORATION OF INDIA LIMITED [ARB.P.-512/2023]

Judges: Justice Dinesh Kumar Sharma

The issue of limitation is a mixed question of fact and law, reserved for the arbitrator unless a claim is clearly time-barred. The dispute over the petitioner's claims related to VMT equipment costs, trailer reductions, and idle driver salaries was referred to a sole arbitrator. Claims concerning deductions made in 2016 were deemed time-barred and not referred.

STATE (NCT OF DELHI) VS NARESH KUMAR [CRL.L.P.-38/2020]

Judges: Justice Dinesh Kumar Sharma

Leave was granted to the State (NCT of Delhi) to appeal an acquittal in a case involving Sections 279 and 304A of the Indian Penal Code. The acquittal was based on the sole eyewitness's lack of support for the prosecution during cross-examination, despite earlier testimony. The existence of facts requiring further consideration prompted the allowance for a fresh appeal.

SANJAY BHANDARI VS DIRECTORATE OF ENFORCEMENT [CRL.M.C.-1002/2020]

Judges: Justice Dinesh Kumar Sharma

The petition filed by Sanjay Bhandari challenging proceedings under the Fugitive Economic Offenders Act, 2018 is dismissed. Requirements under Sections 2(1)(f) and 2(1)(m) of the Act are met, as the Enforcement Directorate provided sufficient grounds to believe Bhandari is a fugitive economic offender with proceeds of crime exceeding Rs. 100 crores. Proper procedure was followed in filing the application, and the issuance of a notice to Bhandari under Section 10 is affirmed. Bhandari's lack of disclosure of his current address in the UK was noted, emphasizing that he approached the matter without clean hands. The Fugitive Economic Offenders Act is deemed a special statute, and the petition is dismissed, allowing Bhandari the option to appear before the Special Court as per Section 11 of the Act.

SANJAY BHANDARI VS INCOME TAX OFFICE [CRL.M.C.-805/2020]

Judges: Justice Dinesh Kumar Sharma

The petition by Sanjay Bhandari to quash a criminal complaint under Section 51(1) of the Black Money Act was dismissed. The assessment and prosecution proceedings under the Act are independent, and completion of the assessment is not required before initiating prosecution for willful tax evasion. There is prima facie evidence of Bhandari's involvement in fabricating documents to conceal undisclosed foreign assets. At the summons stage, only a preliminary opinion on sufficient grounds is necessary, not a determination of guilt. The contention that the complaint should be under Section 50 instead of Section 51 was rejected, as the offenses are distinct. Bhandari's failure to disclose his UK address demonstrated unclean hands in his approach to the court.

SAURABH NIGAM VS STATE OF NCT OF DELHI [TEST.CAS.-86/2021]

Judges: Justice Dinesh Kumar Sharma

The petitioner proved the execution of the will dated January 1, 2016, meeting the requirements of the Indian Succession Act and the Indian Evidence Act. The testatrix was of sound mind during execution, and no suspicious circumstances were present. Probate of the will was granted to the petitioner, the sole beneficiary.

SHIVAM VS STATE GOVT. OF NCT OF DELHI [CRL.A.-930/2024]

Judges: Justice Dinesh Kumar Sharma

The appeal by Shivam resulted in the conviction and sentence under the POCSO Act and IPC being set aside due to material inconsistencies in the victim's statements. The prosecution's case was weakened by the failure to cross-examine critical witnesses and the improper recording of the accused's statement. These procedural lapses and the absence of reliable evidence led to the acquittal of the accused and his release from jail.

SHRI HARDEEP SINGH SAFRI VS SARDAR GURDYAL SINGH [I.A.-15840/2021]

Judges: Justice Dinesh Kumar Sharma

The status of the defendant as a tenant or unauthorized occupant is unresolved pending appeal RFA 409/2010. Any order on use and occupational charges could unfairly affect either party. The parties must await the appeal's decision, while the plaintiff may pursue appropriate legal actions. Evidence in the suits has not been recorded, and tenancy documents are still under review by the appellate court. Consequently, the applications are disposed of without ruling on use and occupational charges.

SPLENDOR BUILDWELL PVT LTD & ANR. VS RAJESH KUMAR PASRICHA [O.M.P. (COMM)-157/2024]
Judges: Justice Dinesh Kumar Sharma
A petition challenging an arbitral award was dismissed based on the conclusion that the arbitrator's decision complied with legal standards. The scope for contesting an arbitral award under Section 34 is limited. The arbitrator provided detailed reasoning regarding the agreement's interpretation, issues of delay, and the granting of interest. There were no grounds to interfere with the decision, which was not seen as perverse or contrary to the fundamental policy of Indian law.

SPML INFRA LIMITED VS POWER GRID CORPORATION OF INDIA LIMITED [O.M.P. (T) (COMM.)-79/2023]
Judges: Justice Dinesh Kumar Sharma
Unilateral enhancement of arbitrator fees by the arbitral tribunal, without party consent, is not permissible. The petitioner's request for substitution of the tribunal due to perceived bias was denied because the issue was not raised before the tribunal. The mandate of the tribunal had expired but was extended until 30.03.2025, with instructions for the parties to continue proceedings based on the originally agreed fees. Two petitions from the same petitioner were disposed of in a common judgment.

VINGRO DEVELOPERS PVT. LTD. VS NITYA SHREE DEVELOPERS PVT. LTD. THROUGH ITS PRINCIPAL OFFICER & ORS. [ARB.P.-667/2023]
Judges: Justice Dinesh Kumar Sharma
The dispute between Vingro Developers Pvt. Ltd. and Nitya Shree Developers Pvt. Ltd. regarding builder-buyer agreements can proceed to arbitration due to the existence of a prima facie arbitration agreement. Directors of Nitya Shree Developers Pvt. Ltd. are excluded from arbitration, as they are agents and not bound by the agreement without specific intent. A sole arbitrator has been appointed to resolve the disputes, with jurisdiction and arbitrability issues to be addressed by the arbitrator.

WASIM KHAN VS UNION OF INDIA AND ORS. [W.P.(CRL)-703/2022]
Judges: Justice Dinesh Kumar Sharma
The writ petition seeking police investigation and FIR registration against accused police officials was dismissed. Two inquiries had been conducted: a preliminary vigilance inquiry established allegations of custodial torture and illegal detention, while a detailed departmental inquiry exonerated the accused. The writ jurisdiction under Article 226 was not deemed appropriate to override findings from these inquiries. The petitioner has a statutory remedy under Section 200 CrPC to file a private complaint before a magistrate, leaving the petitioner's claims available for consideration in that venue.

ACHLA MALHOTRA VS DELHI STATE NPEF CGHS LTD. AND ORS. [RFA-452/2022]
Judges: Justice Girish Kathpalia
The suit for recovery of Rs. 1,12,50,000 was dismissed as barred by limitation. The cause of action arose on April 23, 2014, when Rs. 50,00,000 was paid, with the remaining amount promised. The appellant filed the suit on July 12, 2019, exceeding the 3-year limitation period. There was no written acknowledgment of liability to extend this period, leading to the dismissal of the appeal.

AJAY AGGARWAL (SINCE DECEASED) THROUGH HIS LRS VS M/S BRITANNIA INDUSTRIES LTD [RFA-873/2023]

Judges: Justice Girish Kathpalia

The appeal filed by the legal representatives of the original plaintiff was dismissed as time-barred due to insufficient justification for the delay. Explanations for the delay were considered vague and unsatisfactory, with issues like the delay in obtaining certified copies and counsel's illness arising after the limitation period had expired. The law of limitation is substantive, granting a definite right to the respondent after the limitation period, which cannot be routinely disregarded without proper justification. Consequently, the applications for condonation of delay and the appeal were dismissed.

ANEY PAL SINGH VS ASHOK KUMAR KHOLI [RC.REV.-174/2018]

Judges: Justice Girish Kathpalia

The petitions filed by landlords challenging the dismissal of their eviction petitions under Section 14(1)(e) of the Delhi Rent Control Act were allowed. The expiry of the lease does not prevent landlords from filing eviction petitions. The impugned orders of the Additional Rent Controller were set aside, and the matters were remanded for fresh adjudication, allowing both parties to present their arguments.

ASHOK RANI VS KEWAL ARORA [RC.REV.-205/2019]

Judges: Justice Girish Kathpalia

The landlord is entitled to recover possession of the premises from the tenant, as the tenant failed to raise any triable issues regarding the eviction application under Section 14(1)(e) of the Delhi Rent Control Act. The tenant admitted the landlord-tenant relationship and the landlord's ownership of the premises, and claims about alternative accommodation and business plans lacked evidential support. The order allowing the tenant to contest has been set aside, and an eviction order is in favor of the landlord with a six-month execution stay.

CHARANJEET SINGH VS VIVEK JAIN [RC.REV.-128/2020]

Judges: Justice Girish Kathpalia

The order of the Additional Rent Controller dismissing the tenant's application for leave to contest the landlord's eviction petition was upheld. The landlord established a bona fide requirement for the premises to expand his business and accommodate his sons, with no reasonably suitable alternate accommodation available. The tenant's claims regarding the employment status of the landlord's sons and the existence of vacant space were rejected, as no triable issue was present. The definition of dependence was interpreted broadly, validating the landlord's desire to involve his sons in the business as a legitimate ground for eviction.

DR ARUN PURI & ANR VS RAJINDER KUMAR AGGARWAL [RC.REV.-560/2019]

Judges: Justice Girish Kathpalia

The order of the Additional Rent Controller, which dismissed the tenants' application to contest eviction proceedings under Section 14(1)(e) of the Delhi Rent Control Act, was upheld. The landlord's claim for the premises for his company, JCBL Limited, and his daughter's business was considered bona fide, encompassing emotional and accommodation-based dependence. It was demonstrated that the landlord lacked suitable alternate accommodation, as the tenants' claimed properties were either not owned by the landlord or were under renovation for residential use. A technical argument by the tenants regarding the specifics of alternate accommodation was rejected. The order remained intact, and the tenants' petition was dismissed.

GURU DARSHAN MAHENDRU VS VIJAY KUMAR AGGARWAL & ANR [RC.REV.-571/2018]

Judges: Justice Girish Kathpalia

Subsequent events proposed by tenants during revision petitions challenging eviction orders cannot be considered under the Delhi Rent Control Act, as it contradicts the Act's scheme. The Act's summary procedure prevents appellate scrutiny of eviction orders, and revisional powers are limited to determining if an order was made according to the law, without re-evaluating facts. Applications from tenants to introduce new events were dismissed, as accepting them would undermine the legislative intent of the summary procedure and prolong proceedings.

GULSHAN KUMAR VS INDU SONI [RFA-828/2024]

Judges: Justice Girish Kathpalia

The partial decree granted in favor of the landlord for possession of the tenanted property was upheld. The tenant admitted to the tenancy relationship and the applicable rent exceeded statutory protection. The tenancy was properly terminated through a quit notice. The unresolved security deposit did not invalidate the tenant's admissions regarding these legal points, leading to the dismissal of the tenant's appeal.

HARDIAL SINGH VS VIVEK GUPTA [RC.REV.-339/2016]

Judges: Justice Girish Kathpalia

The order of the Rent Controller dismissing the tenant's application for leave to contest the landlord's eviction petition was upheld. The landlord's requirement for the tenanted premises to establish an IT consultancy business was deemed bona fide, with plans to use the front for the office and the rear for a back office. Arguments from the tenant regarding alternative spaces already available to the landlord were rejected. No errors or issues within the Rent Controller's order warranted further review.

HARJEET SINGH KALRA VS N RAJESH & ORS. [RFA-896/2024]

Judges: Justice Girish Kathpalia

The appeal was dismissed, upholding the trial court's rejection of the appellant's claim for recovery of money transferred from his bank account to the respondents. The appellant did not challenge the Additional Chief Metropolitan Magistrate's orders, which justified the transfer, nor did he contest the freezing of his bank accounts during the investigation. The decision indicated an attempt to circumvent judicial orders, showing no errors in the trial court's decision.

HIMANSHU DAWER VS HEMCHAND & ORS. [RC.REV.-18/2023]

Judges: Justice Girish Kathpalia

The eviction order was set aside due to invalid service of summons, which required simultaneous delivery through both ordinary process and registered post. The argument regarding the tenant's awareness of the proceedings did not negate the necessity for proper service. The matter was remanded for further proceedings in accordance with the law.

HOTEL CORPORATION OF INDIA VS SUDESH KUMAR JULKA & ORS. [W.P.(C)-20000/2004]

Judges: Justice Girish Kathpalia

The domestic inquiry against the respondent workman was flawed and violated principles of natural justice due to the lack of access to key documents and the failure to examine the audit team members involved in the raid. A late request from the petitioner management to present fresh evidence on misconduct charges was rejected, as it was submitted over a decade after the initial application. The writ petition challenging the Industrial Tribunal's orders was dismissed.

JITENDER KUMAR TOMAR VS JITENDER SINGH [RFA-790/2024]

Judges: Justice Girish Kathpalia

The trial court's order in a money recovery suit under Order XXXVII of the Code of Civil Procedure was upheld. The appellant's claim that the summons for judgment were not personally served was rejected since he had provided his counsel's address for service. The suit was deemed maintainable as it was based on a cheque mentioned in the plaint.

KAMAL KUMAR BAHARI VS MOTI LAL JAIN SINCE DECEASED THROUGH LRS [RC.REV.-290/2023]

Judges: Justice Girish Kathpalia

The order of the Additional Rent Controller was upheld, dismissing the tenant's application for leave to contest an eviction petition under Section 14(1)(e) of the Delhi Rent Control Act. The landlord demonstrated a superior title to the premises, while the tenant provided no documentary evidence to support ownership claims. Vague assertions about the landlord having suitable alternate accommodation were deemed insufficient for contesting the eviction. The importance of balancing the rights of both parties in summary eviction proceedings was emphasized, indicating that allowing leave to contest would undermine the principles of the summary procedure established by the Act.

KANTA GUPTA VS GOVERDHAN DASS DAGA (DECEASED) THR LRS [RC.REV.-131/2020]

Judges: Justice Girish Kathpalia

The dismissal of the landlord's eviction petitions under Section 14(1)(e) of the Delhi Rent Control Act was upheld due to the landlord's concealment of material facts regarding available accommodation and her son's business. This concealment affected the claimed bona fide requirement for eviction, making the findings of the Additional Rent Controller reasonable and lawful. The landlord's revision petitions were dismissed, with the impugned orders deemed free from any infirmity.

KHADI GRAMODYOG BHAWAN VS SATVINDER KAUR AND ANR [RC.REV.-223/2023]

Judges: Justice Girish Kathpalia

The eviction order favoring the landlords under Section 14(1)(e) of the Delhi Rent Control Act was upheld. The tenant did not provide reliable evidence to support claims of property partition, failing to establish a challenge to the landlord-tenant relationship. The need of the landlords for the premises and lack of alternative accommodation were also confirmed. The eviction order was found to be lawful, leading to the dismissal of the revision petition.

KULWANT SINGH VS VIKAS AHUJA [RC.REV.-248/2023]

Judges: Justice Girish Kathpalia

The eviction order against the petitioner-tenant was upheld due to the tenant's failure to file a leave application despite proper service of summons. Summons were received by the tenant's brother at the rented premises, contradicting the tenant's claim of non-service. The tenant's inaction led to the pleadings in the eviction petition being deemed admitted, validating the eviction order.

M/S GYAN SALES CORPORATION VS RAJENDRA PRASAD [W.P.(C)-17174/2024]

Judges: Justice Girish Kathpalia

The order under the Delhi Shops and Establishment Act 1954 required the petitioner management to pay Rs. 29,400 in due wages and Rs. 5,000 as compensation to the respondent workman. The order was made after the petitioner failed to appear or file a written statement despite being served summons. The petitioner's argument of being under a bonafide impression regarding the case was dismissed, as evidence showed prior engagement with the proceedings and receipt of the claim application.

M/S JAINSONS LIGHTS (PVT) LTD VS ASHRAF [RFA-150/2020]

Judges: Justice Girish Kathpalia

The dismissal of the appellant's suit for recovery of Rs. 3,08,343/- was upheld due to the appellant's failure to provide reliable evidence of business transactions with the respondent. The appellant did not prove that goods were supplied from Delhi to Ernakulam, Kerala, or that any outstanding amount was owed. The burden of proof rested with the appellant, and without establishing the case, no requirement existed for the respondent to disprove it. The trial court's judgment was free of errors.

M/S NUTRI SHINE MANAGEMENT PVT. LTD. VS SHRI SHIV RAM AND ORS. [W.P.(C)-15806/2024]

Judges: Justice Girish Kathpalia

The order of the Competent Authority under the Delhi Shops and Establishments Act, 1954, required the management to pay unpaid wages and compensation to the workmen. The management's claim of the workmen voluntarily abandoning their jobs lacked evidence, as it did not cross-examine the workmen or present counter-evidence. The decision was based on unchallenged evidence from the workmen, warranting no interference.

M/S PROGRESSIVE CONSTRUCTION LTD VS HIMADRI SHANKAR ROY & ANR. [RFA-797/2024]

Judges: Justice Girish Kathpalia

The application for condonation of a delay exceeding 12 years in filing an appeal against a money recovery decree was dismissed. The appellant, a corporate entity, could not attribute the delay solely to the misconduct of its previous counsel without taking action against them. The proceedings under Order IX Rule 13 CPC were not pursued in good faith. The case was not deemed suitable for condoning such a significant delay, leading to the dismissal of the appeal as barred by limitation.

MADHULIKA GUPTA VS M/S SAFEWAY ENTERPRISES PRIVATE LIMITED [RC.REV.-99/2023]

Judges: Justice Girish Kathpalia

The Additional Rent Controller's order dismissing the tenant's application for leave to contest the landlord's eviction proceedings under Section 14(1)(e) of the Delhi Rent Control Act was upheld. The tenant admitted to the landlord's ownership and the tenancy agreement, which supported the landlord's case. Documents submitted by the tenant were deemed inadmissible due to improper certification and late filing. It was noted that the tenant could not expect to live separately from the landlord's family, and the absence of specific claims about the landlord's alternate accommodation did not undermine the eviction petition. The order was deemed legally sound.

MAYA DEVI & ORS VS SUSHILA DEVI [RC.REV.-404/2018]

Judges: Justice Girish Kathpalia

The decision of the Rent Controller to dismiss the tenants' application for leave to contest the landlord's eviction petition was upheld. The landlord sufficiently explained her bona fide need for the premises for herself and her family. The tenants' claims that the eviction petition was barred under Section 14(6) of the Delhi Rent Control Act and that the site plan was incorrect were rejected since these issues were not raised before the Rent Controller. This matter involved a single judge and was not part of a batch decision.

MITHAN LAL SINGHAL VS PANCHAYATI DHARAMSHALA TRUST [RC.REV.-233/2023]

Judges: Justice Girish Kathpalia

The order of the Additional Rent Controller dismissing the tenant's application for leave to contest eviction proceedings under Section 14(1)(e) of the Delhi Rent Control Act was upheld. At this stage, the tenant must show prima facie facts that could prevent eviction, rather than establish a strong case. The assessment of the landlord's bona fide requirement for the premises cannot be substituted. The Rent Controller's finding that the alternate accommodation proposed by the tenant was unsuitable for the landlord was upheld.

MOHD IRFAN VS SHAINA AFTAB & ORS. [RC.REV.-293/2023]

Judges: Justice Girish Kathpalia

The eviction order issued by the Rent Controller was upheld, confirming the landlord's bona fide necessity for operating a boutique in the tenanted premises, which remained intact despite the landlord's daughter's marriage to a Pakistani national. The tenant is estopped from challenging the landlord's title, given the absence of disputes over the authenticity of the rent receipts. Additionally, the absence of reasonably suitable alternative accommodation for the landlord to run the boutique was affirmed. The tenant's revision petition was dismissed.

MOHD. IRFAN VS HASAN MIAN SINC DECEASED THROUGH HIS LEGAL HEIRS & ANR [RFA-785/2024]

Judges: Justice Girish Kathpalia

The landlord's suit for recovery of possession of the tenanted property was upheld due to the tenant's clear admission of the tenancy relationship and agreed monthly rent above the statutory ceiling. The tenancy expired over time, and any oral extension resulted in a month-to-month tenancy that was effectively terminated by the quit notice and the filing of the suit. Service of the suit summons was deemed sufficient to end the month-to-month tenancy without needing a separate quit notice.

MS GODAMBARI RATURI VS EMPLOYEE STATE INSURANCE CORPORATION LTD. & ANR. [W.P.(C)-16407/2022]

Judges: Justice Girish Kathpalia

The deceased workman, who died from Covid-19, qualified as an "employee" under Section 2(9) of the Employees' State Insurance Act, with monthly wages of Rs. 19,585/-, which is below the Rs. 21,000/- limit. The argument to include a special incentive of Rs. 2,674/- in his wages was rejected, favoring a benevolent interpretation in line with social welfare legislation. The decision to deny benefits under the ESIC Covid-19 Relief Scheme to the workman's widow was quashed, and the respondents were directed to provide all benefits to her within 4 weeks.

NAVEEN VS AKSHMA DEVI [RC.REV.-527/2018]

Judges: Justice Girish Kathpalia

The application for leave to contest the eviction proceedings filed by tenant Naveen was dismissed due to late filing, as it was submitted on 03.05.2013, after the required deadline following the service of summons on 06.03.2013. Naveen did not provide sufficient reasons for the delay, and the grounds raised in his application had already been rejected in a prior case involving the same landlord. The revision petition was dismissed.

NEM CHAND JAIN VS SANJAY KUMAR JAIN & ANR [RC.REV.-405/2014]

Judges: Justice Girish Kathpalia

The eviction order against the tenant was upheld, with the landlords found to have properly disclosed their available properties. The classification of some areas as "godowns" did not constitute concealment. The landlords' intention for their children to operate a business from the disputed premises, located in a prime commercial area, was deemed bona fide. There was no obligation for the landlords to use less suitable upper-floor premises instead of the ground-floor shop. The eviction order was in accordance with the law and did not require any interference.

PANCHSHILA COOPERATIVE HOUSE BUILDING SOCIETY VS ASSISTANT PROVIDENT FUND COMMISSIONERS & ANR. [W.P.(C)-3033/2019]

Judges: Justice Girish Kathpalia

The dismissal of the petitioner's Review Application under Section 7B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 without a hearing was deemed invalid. The lack of a hearing prejudiced the petitioner, who could have presented arguments regarding mistakes in the original order. The principles of natural justice necessitate a hearing before rejecting a Review Application. The impugned order has been set aside, and the matter is remanded for a fresh order after hearing both parties.

PANCHSHILA COOPERATIVE HOUSE VS ASSISTANT PROVIDENT FUND COMMISSIONER, DELHI (SOUTH) AND ANR. [W.P.(C)-1443/2019]

Judges: Justice Girish Kathpalia

The dismissal of a petitioner's review application under Section 7B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, without a hearing, was invalid due to resulting prejudice. The principles of natural justice require that the applicant be given a reasonable opportunity to present their case. The impugned order was set aside, and the matter was remanded for a fresh order with both sides being heard.

RAJESH KUMAR VS GAURAV ANAND [RFA-670/2024]

Judges: Justice Girish Kathpalia

The trial court's decision to grant specific performance of agreements to sell three properties to Gaurav Anand was upheld. The appellants, Paryag Raj and Rajesh Kumar, failed to file written statements on time after receiving summons, lacking valid reasons for the delay. The trial court properly exercised its discretion to decree the suits in favor of the respondent.

PRAVEEN KUMAR MALHOTRA (THROUGH SPA) VS ARUN KUMAR [RC.REV.-331/2023]

Judges: Justice Girish Kathpalia

The delay in a tenant's application for leave to contest an eviction petition can be condoned when the tenant was unable to file on time due to not receiving a legible copy of the documents. A substantial case was made for the application to be considered on merits. The eviction order was set aside, and the matter was remanded to the Rent Controller for fresh consideration of the tenant's application.

RAJ KUMA VERMA & ORS VS LATE NANAK CHAND THR LRS [RC.REV.-570/2015]

Judges: Justice Girish Kathpalia

The eviction order for the tenants was based on the landlord's bona fide requirement for the premises. Evidence showed that the landlord and his elderly, paralytic wife could not use the first-floor rooms occupied by other tenants, and the landlord's sons needed space due to the loss of their business premises. The need for separate residential and commercial spaces was deemed justified, affirming the legality of the decision-making process and dismissing the tenant's petition.

RAJAN VARMANI VS KAMAL CHAND JAIN [RC.REV.-63/2024]

Judges: Justice Girish Kathpalia

The order of the Additional Rent Controller to dismiss the tenant's application for leave to contest eviction proceedings was upheld. The landlord's claim of a bona fide requirement for the premises for his wife and daughter's business was justified, supported by the larger shop generating substantial rental income while the smaller premises provided minimal rent. Landlords have discretion in choosing which premises to vacate to meet their requirements. The tenant's arguments regarding information concealment and alternate premises were not valid, and challenges to the landlord's medical condition were irrelevant to the need for the premises.

RAJIV KUMAR & ANR VS CHAMAN LAL & ORS [RC.REV.-358/2016]

Judges: Justice Girish Kathpalia

The Rent Controller's order dismissing the tenants' application for leave to contest the landlords' eviction petition under Section 14(1)(e) of the Delhi Rent Control Act was upheld. The tenants failed to establish a prima facie case to prevent the eviction, lacking documentary evidence to substantiate claims of landlords owning other properties, with mere affidavits deemed insufficient. The landlords' prior filing under Section 14(1)(a) did not cast doubt on the legitimacy of their current need under Section 14(1)(e). Arguments presented by the tenants were found unpersuasive, and no infirmity was identified in the decision-making process.

RAKESH KUMAR VS KAMLESH & ORS [RC.REV.-5/2016]

Judges: Justice Girish Kathpalia

The order of the Rent Controller dismissing the tenant's application for leave to contest eviction proceedings was upheld. The landlord's eviction petition under Section 14(1)(e) was deemed maintainable, allowing for demolition and reconstruction after eviction. The tenant's argument for an eviction petition under Section 14(1)(g) was rejected, as the landlord's need was for personal residential use and not solely for reconstruction. The landlord's bona fide requirement for more space, based on family size, was considered valid.

RAVINDER MANDAL VS M/S D.L.F. UNIVERSAL LTD. [W.P.(C)-15094/2024]

Judges: Justice Girish Kathpalia

The Labour Court's award against the petitioner worker was upheld, affirming that the transfer from Delhi to Chennai was a valid exercise of the company's discretion and not punitive. The worker's failure to comply with the transfer order constituted serious misconduct. Allegations linking the transfer to a refusal to assist in currency conversion post-demonetization were deemed unconvincing. The petition was dismissed with no errors identified in the Labour Court's decision favoring the company.

SANJAY AGGARWAL VS GOVT. OF NCT OF DELHI AND ORS. [W.P.(C)-7298/2018]

Judges: Justice Girish Kathpalia

The Authority under the Delhi Shops and Establishments Act ordered Sanjay Aggarwal to pay wages and compensation to former employees, respondents 3 and 4. Aggarwal did not adequately participate in the proceedings, failing to appear or submit necessary documentation, and the cross-examination did not invalidate the claims of the respondents. The impugned order was deemed valid, and the petition was dismissed.

SANTOSH KUMARI VS ROHIT GULATI [RFA-320/2022]
Judges: Justice Girish Kathpalia
The plaintiff is entitled to recover Rs. 15,00,000 from the defendant, along with pendente lite and future interest at 8% per annum, based on the defendant's handwritten admissions and videographed confession of stealing the plaintiff's jewelry. The case was established on the preponderance of probabilities, despite the trial court's dismissal of the suit.

SAPNA & ANR. VS SHIVESH GARG [RFA-861/2024]
Judges: Justice Girish Kathpalia
The trial court's dismissal of the appellants' application for leave to defend a summary suit was upheld. The appellants admitted to receiving a loan of Rs. 5,00,000 and executing a loan agreement, but their assertion of having repaid the entire amount was deemed unconvincing and frivolous. The lack of a substantial defense or genuine triable issues led to the refusal of leave to defend, allowing the plaintiff to obtain judgment immediately.

SAROJ RANI VS LALIT KUMAR & BROTHERS [RC.REV.-393/2019]
Judges: Justice Girish Kathpalia
The dismissal of the landlord's eviction petition under Section 14(1)(e) of the Delhi Rent Control Act was upheld. The landlord's claim of a bona fide requirement for her son to start a business was negated by evidence showing he was already engaged in the family's existing cattle feed and food grains business. The landlord did not demonstrate a truthful need for expansion and had failed to utilize a vacant shop that was previously occupied. Overall, the requirement for the tenanted premises was not considered genuine, and it was established that the landlord had suitable alternate accommodation available but chose not to use it.

SATISH KUMAR VS HOLISTIC CHILD DEVELOPMENT INDIA AND OTHERS [W.P.(C)-5664/2010]
Judges: Justice Girish Kathpalia
The petitioner failed to prove that the respondent organization qualifies as an "industry" under the Industrial Disputes Act or that an employer-employee relationship existed. Evidence, including witness testimony, indicated the respondent is a charitable institution. No reliable documentary evidence supported the existence of an employer-employee relationship. The petition was dismissed.

SATPAL SHARMA & ANR. VS SADHNA ARORA [RC.REV.-203/2023]
Judges: Justice Girish Kathpalia
The eviction order against the petitioners/tenants was upheld based on the landlord's proof of ownership through a registered sale deed and a family settlement document. The requirement for eviction was met by establishing a better title than the tenant. Arguments regarding the landlord's other properties and the validity of the family settlement document were rejected due to the petitioners' failure to challenge the landlord's evidence adequately.

SATPAL SINGH SARNA & ORS VS SATYA PRAKASH BANSAL [RC.REV.-626/2019]
Judges: Justice Girish Kathpalia
The order of the Rent Controller was set aside, allowing the landlords' eviction petition under Section 14(1)(e) of the Delhi Rent Control Act. The landlords' intention to return to India and settle in their own premises during old age was deemed a genuine requirement, with the tenant failing to provide evidence to counter this claim. It was noted that landlords should not be required to conclude their affairs abroad before eviction proceedings are completed. The execution of the possession order was stayed for six months.

SAUJANYA PRINTING PRESS VS DYPUTY LABOUR COMMISSIONER & ANR. [W.P.(C)-4299/2024]
Judges: Justice Girish Kathpalia
The order under the Minimum Wages Act requiring the petitioner management to pay the respondent workman the difference in minimum wages and a one-time penalty was upheld. The petitioner management failed to contest the workman's testimony or provide evidence disputing his denial of resignation and full and final settlement, leading to the dismissal of their petition.

SCON FINANCIAL SERVICES PVT LTD VS S C KAURA [RC.REV.-358/2023]
Judges: Justice Girish Kathpalia
The dismissal of the tenant's application for leave to contest the landlord's eviction petition under Section 14(1)(e) of the Delhi Rent Control Act was upheld. The tenant was required to provide reliable evidence to support claims regarding the landlord's possession of suitable alternate accommodation, instead of mere allegations. The tenant did not successfully rebut specific denials from the landlord regarding ownership and suitability of the properties cited. It was emphasized that granting leave to contest necessitates supporting evidence beyond the tenant's affidavit to maintain the integrity of the summary procedure outlined in the Act.

SH RAMNIK SINGH VS DELHI DEVELOPMENT AUTHORITY & ORS. [W.P.(C)-11462/2022]
Judges: Justice Girish Kathpalia
Orders for eviction of the petitioners from the disputed premises under the Public Premises (Eviction of Unauthorized Occupants) Act were upheld. The petitioners did not establish eligibility under any regularization scheme despite multiple opportunities over several years. Payments made by the petitioners to the DDA were deemed as damages for unauthorized occupation rather than license fees, confirming their status as unauthorized occupants subject to eviction. All writ petitions filed by the petitioners were dismissed.

SHEHNAZ BEGUM & ORS VS KARAMVIR SAINI & ANR [RC.REV.-564/2015]
Judges: Justice Girish Kathpalia
The eviction order against the tenants was upheld, confirming the landlord's ownership of the premises and the genuine need for the property to support the landlord and his brother's business activities. The landlord's assessment of his requirements was deemed valid, and the tenants' challenge to the eviction order was dismissed.

SHRAWAN SULTANIA VS AVNEET GOYAL [RC.REV.-454/2016]
Judges: Justice Girish Kathpalia
The eviction order against the petitioner/tenant under Section 14(1)(e) of the Delhi Rent Control Act was upheld. Summons were properly served through multiple methods, including registered post, affixation, and publication, as the petitioner/tenant was avoiding service. The argument for service through concurrent civil court proceedings was rejected, as the specific procedure of the Rent Control Act was followed. There was no infirmity found in the eviction order, and the petition was dismissed.

SMT NIRMAL VS SMT GUNWANT KAUR SETHI [RC.REV.-91/2022]
Judges: Justice Girish Kathpalia
The order of the Rent Controller for the eviction of the tenant under Section 14(1)(e) of the Delhi Rent Control Act was upheld. The tenant failed to file an application for leave to contest the eviction petition within the designated time, despite receiving proper summons. The scope of revisional jurisdiction was examined, confirming that substitution of views was not justified unless findings were unreasonable. No infirmity was found in the Rent Controller's order, and the revision petition was dismissed.

SMT. GEETA & ORS. VS RAJKIYA SARVODAYA KANYA VIDYALAYA AND ANR. [W.P.(C)-5204/2022]
Judges: Justice Girish Kathpalia
The Industrial Tribunal's award was set aside due to the petitioners, a group of workmen, not being given a fair opportunity to present their case and evidence regarding their demand for regularization of employment as Ayas/House Keeping staff with appropriate pay and benefits. The matter was remanded for a fresh opportunity to record evidence and resolve the dispute within 6 months.

SMT. SATYAWATI VS MUNICIPAL CORPORATION OF DELHI [W.P.(C)-9339/2024]
Judges: Justice Girish Kathpalia
The workman's claim for reinstatement with back wages and benefits was dismissed due to failure to complete his chief examination or provide supporting evidence, despite multiple opportunities. He chose to close his evidence, likely acknowledging the forgery of his appointment documents. The decision of the Labor Court was upheld, and the workman's petition was dismissed.

SUKHVINDER KUMAR BHARDWAJ VS SMT VINITA [RFA-798/2024]
Judges: Justice Girish Kathpalia
The trial court's order granting a preliminary decree for restoration of possession of property to the landlord was upheld. The tenant's arguments regarding jurisdiction and lack of a formal application were rejected. It was affirmed that the tenancy was for residential purposes, confirming the civil court's jurisdiction. The principle established was that a party cannot contradict or modify a document's terms through oral evidence.

SUMIT KHURANA & ANR VS MOHD IBRAHIM [RC.REV.-138/2019]
Judges: Justice Girish Kathpalia
The landlord's requirement for the tenanted premises under Section 14(1)(e) of the Delhi Rent Control Act was deemed bona fide. The sale of other shops in the building prior to the eviction petition did not imply that the landlord's need for the premises was self-created. The date for assessing bona fide requirement is the date of filing the petition. The lower court's dismissal of the tenants' application to contest the eviction proceedings and the subsequent eviction order were upheld.

SURESH CHAND VS VIJAY SHANKAR [RC.REV.-210/2018]
Judges: Justice Girish Kathpalia
The orders of the Additional Rent Controller were upheld, dismissing the tenant's applications for leave to contest eviction petitions filed by the landlord. The landlord's requirement for the premises for his son's handicraft export business was deemed bona fide. The tenant failed to present sufficient evidence of reasonably suitable alternate accommodation and merely asserted that the landlord owned other properties without demonstrating their suitability for the stated purpose. Legal principles highlighted the need to balance the landlord's right to expeditious eviction against the tenant's right to defend against eviction proceedings.

SURINDER KUMAR PAWAN KUMAR THR SHRI SURINDER KUMAR VS LAXMAN DAS DHANWARIA [RC.REV.-90/2015]
Judges: Justice Girish Kathpalia
The eviction order issued by the Additional Rent Controller against the petitioner/tenant was upheld. The decision to consider it a case of deemed service of summons was supported due to the petitioner's deliberate avoidance of the process server, and the explanation provided by the petitioner regarding late awareness of the proceedings was deemed not credible.

TIGER 4 INDIA LTD VS ASHOK KUMAR RAJAK [W.P.(C)-12670/2024]

Judges: Justice Girish Kathpalia

The order of the Competent Authority under the Delhi Shops and Establishments Act, 1954, required Tiger 4 India Ltd to pay worker Ashok Kumar Rajak Rs. 40,752 in earned wages for February, April, and June 2018. The petitioner company did not contest the proceedings after being served summons. The petition from the company was dismissed, and it was instructed to comply with the payment order within one week.

VANDANA GUPTA VS SURENDER KUMAR SINCE DECEASED THR LRS [RC.REV.-274/2023]

Judges: Justice Girish Kathpalia

The landlord is deemed the best judge of the suitability of her premises for bona fide requirements. The direction to use a garage as a shop instead of for parking was deemed perverse. The order granting the tenant leave to contest the eviction proceedings was set aside, and the eviction petition was allowed, although the tenant has six months before needing to vacate under the Delhi Rent Control Act.

YAMA MERAJUDDIN VS USHA RATHI & ANR. [RFA-891/2024]

Judges: Justice Girish Kathpalia

The compromise decree based on a mediation settlement was upheld, and the appeal was deemed not maintainable under Section 96(3) of the Civil Procedure Code. The argument regarding the suit being barred by Section 50 of the Delhi Rent Control Act was rejected, as the rent amount was specified in a registered rent deed. The appeal was dismissed as frivolous, with costs imposed on the appellant.

YATTI DAWAR AND ORS. VS ASHOK KR. GUPTA [RC.REV.-120/2022]

Judges: Justice Girish Kathpalia

The order of the Additional Rent Controller, which dismissed the tenants' applications for leave to contest eviction proceedings and granted eviction under Section 14(1)(e) of the Delhi Rent Control Act, was upheld. The tenants did not provide grounds or affidavits to support their contest. There was no reason to doubt the landlord's claim for the premises for his son's garment business, despite the son being involved in the steel business. The eviction order was upheld, and the petition was dismissed.

M/S INNOVATIVE FACILITY SOLUTIONS PVT LTD VS M/S AFFORDABLE INFRASTRUCTURE AND HOUSING PROJECTS PVT LTD & ANR. [O.M.P.(I) (COMM.)-369/2024]

Judges: Justice Jasmeet Singh

The negative covenant in the Service Agreement, which required maintaining status quo during arbitration, is enforceable. Enforcement of this negative covenant does not imply enforcement of a positive covenant, as the parties agreed on this dispute resolution mechanism. The amended Specific Relief Act, 2018 does not apply retrospectively to the 2016 agreement. Parties must maintain status quo regarding the Service Agreement until arbitration is completed or the agreement term expires.

M/S PRADEEP VINOD CONSTRUCTION CO. VS UNION OF INDIA [OMP (ENF.) (COMM.)-36/2024]

Judges: Justice Jasmeet Singh

The executing court has the power under Section 47 of the Civil Procedure Code to resolve execution-related questions, even when an award has become final post-statutory challenge period under the Arbitration and Conciliation Act. A typographical error in referencing the decree holder as a registered company instead of a partnership firm does not impact the award's merits. The claim that only the arbitrator could correct this error was rejected due to the expiry of the 30-day correction period under Section 33 of the Arbitration Act. Additionally, the objection that the decree holder, being an unregistered partnership firm, cannot enforce the award under Section 69 of the Partnership Act was dismissed, as it had not been raised previously before the arbitrator or in a Section 34 petition.

VANDNA RANI VS INDIAMART INTERMESH LTD [O.M.P.-7/2024]

Judges: Justice Jasmeet Singh

The petition challenging the arbitral award affirming the termination of the petitioner's employment was dismissed. The petitioner did not raise the violation of Section 30 of the Delhi Shops and Establishment Act, 1954 in the statement of claim, leading to its exclusion from consideration. The issue of violation was determined to be non-arbitrable, with jurisdiction resting with the Magistrate of the First Class as per Section 45 of the Act. Additionally, interference under Section 34 of the Arbitration Act is restricted, supporting the validity of the arbitrator's findings.

M/S CHETANYA BUILDCON PVT. LTD. VS SHRI LALIT MOHAN TEWARI & ORS. [CS(OS)-2103/2007]

Judges: Justice Jasmeet Singh

The plaintiff's suit for specific performance was dismissed because time was essential to the contract, and the plaintiff did not make payments on time despite several opportunities. The plaintiff was not prepared to fulfill its obligations, failing to demonstrate available funds or communicate about prepared pay orders. Additionally, the consent of certain defendants was obtained through fraud and misrepresentation regarding the consideration paid to other parties. The agreements were validly rescinded, leading to the dismissal of the suit and an award of exemplary costs of Rs. 2 lakhs to each defendant.

IRCON INTERNATIONAL LTD VS AFCONS INFRASTRUCTURE LTD [O.M.P. (COMM)-315/2024]

Judges: Justice Jasmeet Singh

The petition by IRCON International Ltd. under Section 34 of the Arbitration and Conciliation Act, 1996, was dismissed, affirming the interim award of the Arbitral Tribunal. The Tribunal directed IRCON to return performance bank guarantees totaling Rs. 22,41,17,116/- to AFCONS Infrastructure Ltd. IRCON acknowledged that work was completed on 12.12.2019, with no defects identified since then, which precluded the withholding of the guarantees.

UNION OF INDIA VS M/S VISHVA SHANTI BUILDERS(INDIA) PVT LTD [O.M.P. (COMM)-179/2016]

Judges: Justice Jasmeet Singh

Discharge of the appellants from charges under Sections 420 and 120B IPC was valid due to lack of evidence for deliberate withholding of information or conspiracy to deceive. The AICTE approved the 'Business School of Delhi' with knowledge of the bank loan and land mortgage, with no officials implicated in misconduct. The CBI's petition under Section 482 Cr.P.C was maintainable but unsuitable, as a statutory remedy under Section 397 Cr.P.C was available. This case involved multiple appeals addressed in a single judgment.

AZURE HOSPITALITY PVT. LTD. VS M/S. PURUSHA HOSPITALITY & ORS. [O.M.P.(I) (COMM.)-176/2024]

Judges: Justice Jasmeet Singh

The petition by Azure Hospitality Pvt. Ltd. for an interim injunction against M/s. Purusha Hospitality to continue operations of the "Mamagoto" restaurant was dismissed. The franchise agreement lacked an explicit negative covenant suitable for enforcement through an injunction. A notice terminating the agreement had been issued by the respondent, allowing the petitioner to claim only damages for inadequate notice, not for operations. This case was distinguished from a previous case due to the absence of clear negative covenants in the agreement. A sole arbitrator was appointed to resolve disputes, including claims for outstanding dues and access to accounts.

ANAND KUMAR SALUJA VS GIRISH KAKAR & ANR [RC.REV.-179/2018]

Judges: Justice Jasmeet Singh

The eviction decree was upheld in favor of the landlords against the tenant under Section 14(1)(e) of the Delhi Rent Control Act. A valid landlord-tenant relationship exists, with the landlords as successors-in-interest and the tenant estopped from challenging their title. The landlords demonstrated a bona fide requirement for the premises for their business. Claims of alternate accommodation made by the tenant were examined and found to be either not owned by the landlords or already sold, indicating a lack of suitable alternate accommodation for the landlords.

SHYAM SUNDER BATRA & ANR VS GIRISH KAKAR & ANR [RC.REV.-178/2018]

Judges: Justice Jasmeet Singh

The eviction order in favor of the landlords and against the tenants was upheld. A valid landlord-tenant relationship was established, and the landlords demonstrated a bona fide need for the premises for their residence and growing family. The tenants did not present any triable issues to challenge the eviction.

NIRMALA KUMARI & ORS VS GIRISH KAKKAR & ANR [RC.REV.-156/2018]

Judges: Justice Jasmeet Singh

The eviction order favoring the landlords was upheld based on the established landlord-tenant relationship, with tenants unable to dispute the landlords' title. The landlords' need for the premises for their own residential use was deemed bona fide, and the tenants did not provide evidence of suitable alternate accommodation. The determination of how landlords manage their family was not subject to scrutiny. The original order was maintained without any identified illegality or infirmity.

TARUN KUMAR VS AJAY KUMAR [CS(OS)-186/1980]

Judges: Justice Jasmeet Singh

The application by Defendant Nos. 3 and 4 for the rejection of the plaintiff's plaint was dismissed. The suit is not barred by Order XXIII Rule 3A of the CPC, as the earlier 1973 partition suit was withdrawn without a decree. The plaintiffs, minor children of Defendant No. 1, have established a prima facie case to challenge prior partitions and alienations of joint family properties, claiming they are unfair and detrimental to their interests as coparceners. The plaintiffs possess the right to seek partition and declaration regarding joint family properties, including those sold by Defendant Nos. 1-4 without legal necessity. Territorial jurisdiction is confirmed as part of the cause of action occurred in Delhi, including property purchases and loans taken by Defendant No. 1.

UNION OF INDIA, THROUGH DEPARTMENT OF POSTS VS M/S. TECH MAHINDRA LTD. [O.M.P. (COMM)-135/2024]

Judges: Justice Jasmeet Singh

The Arbitral Award in favor of M/S. Tech Mahindra Ltd. was upheld, with no evidence of patent illegality. The issues surrounding the provision of Service Level Agreements, payment for Milestone 7, and component costs for Milestone 8 were appropriately addressed. The scope of interference with an Arbitral Award under Section 34 of the Arbitration and Conciliation Act was noted, leading to the dismissal of the petition by the Union of India.

AKSH OPTIFIBRE LIMITED VS NANTONG SIBER COMMUNICATION CO LTD [O.M.P. (COMM)-68/2023]

Judges: Justice Jasmeet Singh

The arbitral award was upheld, establishing a live dispute between the parties despite the petitioner's admission of liability, as the respondent rejected the reasons for delayed payment. The decision to award interest at 8% per annum on the amount of $194,336.91 was deemed appropriate, with no jurisdiction to modify the interest rate under Section 34 of the Arbitration and Conciliation Act.

KELAWATI VS DDA [W.P.(C)-15808/2006]

Judges: Justice Jasmeet Singh

The respondent authority (DDA) canceled the allotment made in favor of the petitioner because she did not exercise her vested right for the allotment within the required time frame specified in a previous order. The earlier proceedings focused on the rate for allotment, not the allotment itself. There was no violation of the petitioner's rights or arbitrary action by the DDA in this cancellation, which complied with legal and procedural requirements. The petitioner's writ was dismissed.

MR. SUNIL SETHI VS M/S HERO FINCORP LTD. [O.M.P. (COMM)-398/2022]

Judges: Justice Jasmeet Singh

The ex parte arbitral award issued by a sole arbitrator appointed unilaterally by the respondent was set aside due to violations of principles established in prior cases, specifically regarding the restriction on unilateral appointments under Section 12(5) and the Seventh Schedule of the Arbitration and Conciliation Act, 1996. Precedent established in "Geeta Poddar vs. Satya Developers Private Limited" supported this conclusion.

M/S UPPER INDIA TRADING CO. PVT. LTD VS M/S HERO FINCORP LTD [O.M.P. (COMM)-399/2022]

Judges: Justice Jasmeet Singh

An ex parte arbitral award against M/s Upper India Trading Co. Pvt. Ltd. was set aside due to the invalid unilateral appointment of the Sole Arbitrator by M/s Hero Fincorp Ltd. This appointment contradicts the principle that a party with an interest in the dispute cannot unilaterally appoint an arbitrator. Consequently, the arbitration proceedings were deemed legally invalid under Section 12(5) of the Arbitration and Conciliation Act, 1996.

EKTA ABBOT VS ANKUR ABBOT [CONT.CAS(C)-467/2022]

Judges: Justice Jasmeet Singh

The respondent cannot invoke the Mental Healthcare Act, 2017 to avoid compliance with an interim maintenance order, lacking a necessary declaration of mental illness from a competent authority. The argument that a pending execution petition bars contempt proceedings is rejected, as contempt is a separate issue. The respondent is guilty of willfully disobeying the maintenance order due to partial payments and unconvincing claims of inability to pay. A show-cause notice is issued regarding potential punishment for contempt.

VIJAY KUMAR AGARWAL VS MS KADAMBARI AWASTHI [CONT.CAS(C)-1580/2023]

Judges: Justice Jasmeet Singh

The issuance of non-bailable warrants against the petitioner was found to be contrary to established principles, as the petitioner had previously appeared in court and requested an adjournment. The decision to issue the warrants was deemed unwarranted, but no contempt proceedings were initiated due to the lack of allegations of misconduct. Non-bailable warrants and the notice to the surety were stayed for 8 weeks, allowing the petitioner to challenge or seek their recall.

ABB INDIA LTD VS POWER FINANCE CORPORATION LIMITED & ANR. [CS(COMM)-648/2021]

Judges: Justice Jasmeet Singh

The plaint filed by ABB India Ltd. against Power Finance Corporation Limited and another discloses a cause of action and is not subject to rejection under Order VII Rule 11 of the Code of Civil Procedure. The June 2017 Minutes of Meeting impose binding obligations on the defendants to make monthly payments to the plaintiff from the Trust and Retention Account. Arguments that the June 2017 MoM is unstamped and inadmissible, as well as claims of limitation, are rejected. The suit is classified under the Commercial Courts Act, 2015, pertaining to a construction and infrastructure contract.

ADAVYA PROJECTS PVT. LTD. VS M/S VISHAL STRUCTURALS PVT. LTD & ORS. [ARB. A. (COMM.)-24/2024]

Judges: Justice Jasmeet Singh

Arbitration proceedings against respondents 2 and 3 are not maintainable due to the petitioner's failure to serve a notice under Section 21 of the Arbitration and Conciliation Act, 1996 before initiating arbitration. A Section 21 notice is mandatory, and the arbitral tribunal can address issues regarding non-signatory parties. The petitioner only included respondent 1 in the Section 11 petition for appointing an arbitrator and cannot later seek to include respondents 2 and 3 when filing the statement of claim. This matter stands independently and is not part of a batch of cases.

ADEPT POWER PVT LTD VS BEAUX ARTS CONSTRUCTION SERIVCES COMPANY [O.M.P. (T) (COMM.)-112/2022]

Judges: Justice Jasmeet Singh

The petition by Adept Power Pvt Ltd for termination of the arbitral tribunal's mandate was dismissed. The existence of an arbitration agreement could not be re-agitated, as it had been previously established. Regarding Section 29A of the Arbitration and Conciliation Act, since arbitration proceedings were initiated before the 2015 amendment, the earlier provisions applied, making Section 29A inapplicable. The arbitral tribunal's decision to continue the proceedings was upheld.

ADITYA BIRLA FINANCE LIMITED VS M/S ANOOP OSWAL HOSIERY AND ORS [ARB.P.-203/2023]

Judges: Justice Jasmeet Singh

The petition by Aditya Birla Finance Limited under Section 11 of the Arbitration and Conciliation Act, 1996 for the appointment of an arbitrator is maintainable, even with ongoing SARFAESI proceedings, as both can coexist. The petition was properly signed and verified, supported by the authorized representative's ratified letter of authority and board resolution. A common arbitration proceeding is valid since all loan facility agreements and the Deed of Guarantee relate to the same loan document dated 29.10.2019. A sole arbitrator was appointed to resolve disputes between the petitioner and respondent Nos. 1 to 5, with all parties' rights and contentions left open for future determination.

AHLUWALIA CONTRACTS INDIA LIMITED VS UNION OF INDIA THROUGH EXECUTIVE ENGINEER CPWD & ANR. [O.M.P.(MISC.)(COMM.)-477/2024]

Judges: Justice Jasmeet Singh

The fees of the sole arbitrator must be calculated separately for the claimant's claims and the respondent's counterclaims, following the Supreme Court's judgment in ONGC Ltd. v. Afcons Gunanusa JV. The previous determination of fees by the arbitrator, based on a now-overturned High Court judgment, is overruled. The parties are instructed to pay the correct amounts to the arbitrator, who will then publish the award.

ANJANA KUMAR VS VIVEK GOEL & ANR. [CS(OS)-290/2022]

Judges: Justice Jasmeet Singh

The plaintiff is entitled to a preliminary decree of partition, granting her a 1/3rd undivided share in the property. The defendants' claim of an oral partition in 2002 was rejected due to the lack of strong documentary evidence. The decision emphasized the high burden of proof required to establish an oral partition and was based on admissions on record, negating the need for a full trial.

ASHOK JAIN AND ORS. VS RAJESHWAR NATH GUPTA AND ORS. [CS(OS)-2069/1998]

Judges: Justice Jasmeet Singh

Property No. 4, Cavalry Lines, measuring 3504.57 sq. metres, was deemed capable of partition. It was established that the property was divided between the Gupta family and the Jain family at the time of the Agreements to Sell executed in 1983. The Perpetual Lease Deed did not prohibit such division, and documents from 1983, including site plans, supported this division. Factors such as separate construction, mutations, and lease rent payments affirmed the partition. The purdah wall built by the Jain family was found to be a partitioning measure. Subsequent sale deeds from 2000 further confirmed the division. The suit filed by the Gupta family was dismissed, while the Jain family was granted a declaration of ownership and possession over the North-Eastern half of the property, along with an injunction against the Gupta family.

ASSETS CARE AND RECONSTRUCTION ENTERPRISE LIMITED VS DOMUS GREENS PRIVATE LIMITED & ORS. [ARB. A. (COMM.)-78/2022]

Judges: Justice Jasmeet Singh

Assets Care and Reconstruction Enterprise Limited has registered charges over the projects "ATS Picturesque Reprieves" and "ATS Dolce" under the Companies Act, 2013, which take precedence over any unregistered charge claimed by Dalmia Group. The appeal filed by Assets Care under Section 37 of the Arbitration and Conciliation Act, 1996, challenging orders of the Sole Arbitrator, is maintainable, consistent with a prior judgment in Asset Reconstruction Co. India Ltd. v. ATS Infrastructure Ltd.

BAL KISHAN GUPTA VS D.D.A. [W.P.(C)-10285/2005]

Judges: Justice Jasmeet Singh

The petitioner demonstrated settled possession of the property, having purchased it from the legal heirs of the previous occupant, Mr. Jiwan Mal. The respondent DDA conducted a demolition without providing a show cause notice or the opportunity for the petitioner to present his case, violating principles of natural justice. While the title of the property remained undetermined, the petitioner's settled possession prevented the DDA from proceeding with demolition without due process. A writ of prohibition was issued to restrain the DDA from demolishing the petitioner's house or dispossessing him without following lawful procedures.

BHAGWAN DASS VS DELHI DEVELOPMENT AUTHORITY & ORS [W.P.(C)-6883/2016]

Judges: Justice Jasmeet Singh

The petitioner was entitled to an LIG Flat No. 93 at the old allotment rate of 1994 due to the Delhi Development Authority's failure to send allotment letters to the correct address. The DDA cannot benefit from its mistake by charging the petitioner the prevailing rate from 2016.

BHAYANA BUILDERS PVT. LTD. VS HINDUSTAN INFRASTRUCTURE CONSTRUCTION & ANR. [O.M.P. (COMM)-23/2019]

Judges: Justice Jasmeet Singh

The petition by Bhayana Builders Pvt. Ltd. to set aside the arbitral award dated 29.09.2018 was dismissed. The arbitrator did not address the personal dealings between the petitioner and Mr. Kamal Kumar, which was the key issue raised. The scope for interference under Section 34 of the Arbitration and Conciliation Act is limited and does not allow for re-appreciation of evidence. No grounds for interference with the arbitral award were established.

BIJENDER SINGH VS STATE OF NCT OF DELHI [CRL.A.-292/2020]

Judges: Justice Jasmeet Singh

The lower court's order to register an FIR against the investigating officer violated procedural safeguards under the SC/ST Act by not obtaining the required administrative inquiry report. The allegations against the investigating officer were examined and found to be unmeritorious, as the investigation was deemed fair. The lower court was unable to interfere with the discretion of the investigating officer. The lower court's order was set aside.

CENTRAL BUREAU OF INVESTIGTATION VS MAHESH AGARWALLA & ANR. & ORS. [CRL.M.C.-1331/2023]

Judges: Justice Jasmeet Singh

The petition filed by the Central Bureau of Investigation (CBI) was allowed, and the orders passed by the Special Judge were set aside. Applications from the accused under Section 91 of the Criminal Procedure Code for copies of request letters from the CBI to the Ministry of Home Affairs were deemed non-maintainable at the pre-charge stage. It was established that the accused does not have the right to seek document production during charge framing, as their defense is not pertinent at that time. The trial court is limited to examining documents included in the chargesheet for charge framing. The CBI claimed privilege over the requested documents under Sections 123 and 124 of the Indian Evidence Act, but this claim was not addressed due to the non-maintainability of the applications.

DEEPA CHAWLA VS RAHEJA DEVELOPERS LTD [CS(OS)-416/2023]

Judges: Justice Jasmeet Singh

The dispute is not subject to the arbitration clause in the Flat Buyer's Agreement because the claims are based on a separate Second Agreement, which takes precedence and lacks an arbitration clause. The Second Agreement stipulates the defendant's obligation to refund the sale consideration if the flat is not handed over, making it outside the scope of the arbitration clause. The application to refer the dispute to arbitration is dismissed.

DELHI JAL BOARD VS M/S ENVIROTECH OVERSEAS INDIA LTD. [O.M.P. (COMM)-513/2018]

Judges: Justice Jasmeet Singh

The petition filed by the Delhi Jal Board to set aside the arbitral award dated 31.12.2017 was dismissed. The arbitrator's decision to allow the respondent's claims for the release of the security deposit and payment of outstanding bills was upheld, supported by the issuance of a completion certificate by the petitioner and continued use of the respondent's maintenance services. The petitioner's counter-claims were rejected due to lack of supporting documentation. The challenge to the arbitral award was dismissed, and the enforcement of the award was ordered.

DEPARTMENT OF LAND RESOURCES VS MUKESH AND ASSOCIATES [O.M.P. (COMM)-591/2020]

Judges: Justice Jasmeet Singh

The petition filed by the Department of Land Resources to set aside the arbitral award in favor of Mukesh and Associates was dismissed. The arbitrator's findings on factual irregularities and lack of competent approval were deemed reasonable, and internal irregularities within the government department were not grounds for invalidating the contract. The interpretation that benefits under the Micro, Small and Medium Enterprises Development (MSMED) Act, 2006, including interest, are independent of Section 18 was accepted. No merit was found in the reasons for setting aside the award under Section 34 of the Arbitration and Conciliation Act, 1996.

GANNON DUNKERLEY AND COMPANY LIMITED VS UNION OF INDIA MINISTRY OF ROAD TRANSPORT AND HIGHWAYS [ARB.P.-1073/2022]

Judges: Justice Jasmeet Singh

The petitioner's prior writ petitions filed before the Gauhati High Court do not constitute a waiver of the arbitration clause, especially since the petitions have been withdrawn in favor of pursuing arbitration. Under Section 11 of the Arbitration and Conciliation Act, 1996, only the existence of the arbitration agreement is examined, while issues of arbitrability will be addressed by the arbitral tribunal. A sole arbitrator has been appointed to handle the disputes, with all contentions regarding arbitrability remaining to be resolved by the tribunal.

GARG BUILDERS VS HINDUSTAN PREFAB LIMITED & ANR. [ARB.P.-699/2023]

Judges: Justice Jasmeet Singh

Garg Builders is entitled to appoint a Sole Arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996, due to Hindustan Prefab Limited and the National Disaster Response Force's failure to appoint an arbitrator after the arbitration clause was invoked. This case differs from others involving conditional arbitration clauses, allowing for an arbitrator's appointment despite inaction. A retired judge, Justice G.S. Sistani, was appointed as the Sole Arbitrator to resolve the disputes.

GARG TRADING CO VS VIJAY MEHRA & ORS [RC.REV.-45/2015]

Judges: Justice Jasmeet Singh

The eviction petition filed by the landlords under the Delhi Rent Control Act was maintainable against the tenants/sub-tenants. A valid landlord-tenant relationship was established, along with a genuine and bonafide need for the premises for residential and commercial purposes, and a lack of suitable alternate accommodation. Arguments from the tenants/sub-tenants against the eviction petition were rejected, leading to the upholding of the eviction order.

GROWTH TECHNO PROJECTS LIMITED VS ISHWAR INDUSTRIES LIMITED [OMP (ENF.) (COMM.)-224/2023]

Judges: Justice Jasmeet Singh

The enforcement petition for the arbitral award dated July 17, 2007 was deemed to be within the limitation period, calculated from October 23, 2015, following the amendment to Section 36 of the Arbitration and Conciliation Act, 1996. The pre-amendment version imposed an automatic stay on enforcement upon filing a Section 34 challenge, which was lifted by the 2015 amendment. Consequently, the limitation period resumed on October 23, 2015, with the period from October 30, 2007, to October 23, 2015, excluded for limitation calculation under Section 15(1) of the Limitation Act.

IIDL(IFCI INFRASTUCTURE DEVELOPMENT LTD) VS SUBIR ENGINEERING WORKS (P) LTD & ANR. [O.M.P. (COMM)-227/2018]

Judges: Justice Jasmeet Singh

The Arbitral Award regarding the reimbursement of VAT bills claimed by the contractor was upheld. The Sole Arbitrator thoroughly examined the evidence and arguments presented. The earlier Letters of Intent indicated that the contractor's rates were exclusive of taxes, entitling the contractor to VAT reimbursement until the LOI dated 17.09.2012, which stated rates as inclusive of taxes. The contractual terms bind the parties, including the earlier LOIs. The petitioner's argument about non-payment of VAT was not presented to the Arbitrator, which limited the ability to address it. No issues of perversity or illegality were identified in the decision on Claim No. 3.

INDIAN RAILWAYS CATERING AND TOURISM CORP LTD VS BRANDAVAN FOOD PRODUCTS [OMC-411/2022]

Judges: Justice Jasmeet Singh

The arbitral award was partially set aside, with findings on the claim for reimbursement of the price differential for the second Regular Meal deemed erroneous and an improper rewriting of the contract. The findings regarding the reimbursement of the cost of the Welcome Drink were upheld due to valid reasoning. The issues of limitation, exclusion of time under Section 14 of the Limitation Act, and the maintainability of claims despite the lack of challenge to commercial circulars were also upheld. This matter involved various connected petitions.

INTERNATIONAL AIR TRANSPORT ASSOCIATION THROUGH ITS HEAD IATA INDIA BRANCH MR RODNEY AUGUSTINE D CRUZ VS SPRING TRAVELS PVT LTD THROUGH ITS MANAGING DIRECTOR MR MANDEEP SINGH ANAND [O.M.P.(EFA)(COMM.)-1/2023]

Judges: Justice Jasmeet Singh

The enforcement of a foreign arbitral award against Spring Travels Pvt. Ltd. (STPL) was upheld, requiring STPL to pay the International Air Transport Association (IATA) over R.S. 124 crores, plus interest and costs, for failing to remit ticket sale proceeds. The Arbitral Tribunal properly addressed its jurisdiction, STPL's waiver of pre-conditions, and STPL's ability to present its case. STPL's objections related to limitation, non-joinder of parties, and evidentiary requirements were rejected as well. The Tribunal's findings were considered either correct or plausible, and the merits of the case could not be re-examined.

ISHWAR CHAND JAIN VS DELHI DEVELOPMENT AUTHORITY & ANR [W.P.(C)-7714/2014]

Judges: Justice Jasmeet Singh

The DDA failed to send the Demand-cum-Allotment Letter to the petitioner's last known address, violating its duty. The petitioner cannot be penalized for this mistake. Previous arguments about delay and laches were dismissed, with the petitioner acting promptly after learning of the allotment in 2013. The DDA is directed to allot an equivalent flat to the petitioner at 1996 rates within 4 weeks, as the actions of the DDA were deemed arbitrary and malafide, and the petitioner is entitled to the allotment based on the 1979 registration.

JEGER ALI OAGAZ VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-2849/2024]

Judges: Justice Jasmeet Singh

Jeger Ali Oagaz was not guilty under Section 25 of the Arms Act, 1959 for possessing a cartridge, as he lacked conscious possession of it. He had borrowed a bag from his brother, a Lieutenant Colonel, in which the cartridge was inadvertently left. Evidence indicated he was unaware of the cartridge's presence and did not possess it intentionally. A cost of Rs. 15,000 was ordered for causing police action, after which the FIR was quashed.

KARMYOGI SHELTERS PVT. LTD. VS BENARSI KRISHNA COMMITTEE & ANR. [OMP (ENF.) (COMM.)-208/2022]

Judges: Justice Jasmeet Singh

Judgment-debtor No. 1 tendered a decretal amount of Rs. 41 lakhs with interest to the decree-holder, who refused to accept the payment. Interest ceased to run from the date of the tender despite the refusal. Arguments from the decree-holder regarding the inapplicability of Order XXI CPC and the execution petition being time-barred were rejected. Judgment-debtor Nos. 2A to 2C were not parties to the arbitral proceedings and could not be included in the execution petition.

KINGS FURNISHING AND SAFE COMPANY VS CENTRAL UNIVERSITY OF JHARKHAND [OMC-12/2023]

Judges: Justice Jasmeet Singh

Filing a petition under Section 34 of the Arbitration and Conciliation Act, 1996 does not require a pre-deposit of 75% of the awarded amount as mandated by Section 19 of the Micro, Small and Medium Enterprises Development Act, 2006. However, consideration of the petition is contingent upon the petitioner making the required pre-deposit. The respondent's application for dismissal of the petition was rejected, and the petitioner was granted four weeks to deposit the shortfall and six weeks to deposit 25% of the remaining balance.

KKH FINVEST PRIVATE LIMITED & ANR. VS JONAS HAGGARD & ORS. [ARB.P.-38/2024]

Judges: Justice Jasmeet Singh

The arbitration clause in the Memorandum of Settlement can bind respondent nos. 2-5, who were non-signatories but significantly involved in its performance. Respondent no. 6 is not bound by this clause due to a severance clause in the Share Purchase Agreement. There is no basis to bind respondent nos. 7-9 to arbitration due to a lack of direct contractual relationship. Justice T.S. Thakur appointed as sole arbitrator for disputes between the petitioners and respondent nos. 2-5, with all legal objections reserved for the arbitral tribunal. No direction regarding the consolidation of proceedings with ongoing arbitration was issued as the issue was considered premature.

KMP EXPRESSWAYS LTD VS IDBI BANK LIMITED [O.M.P.(MISC.)(COMM.)-553/2023]

Judges: Justice Jasmeet Singh

A petition by KMP Expressways Ltd under Section 29A(4) and 29A(5) of the Arbitration and Conciliation Act, 1996, for an extension of time to make an arbitral award until 25.09.2024 has been accepted. An application for extension can be submitted even after the arbitral tribunal's mandate has expired, based on a purposive interpretation of Section 29A. This interpretation considers the substantial time and resources invested by the parties and aims to prevent further delays and costs associated with starting new proceedings. Previous contrary views in earlier decisions were not followed, relying instead on established precedents.

LAKHAN SINGH & ANR. VS DELHI DEVELOPMENT AUTHORITY & ANR. [W.P.(C)-6362/2013]

Judges: Justice Jasmeet Singh

The writ petition by the legal heirs of a deceased minor child is maintainable under Article 226 of the Constitution. The Delhi Development Authority (DDA) is vicariously and absolutely liable for the child's death due to negligence in maintaining sewer manholes and ensuring public safety. Compensation of Rs. 23,95,760 is to be paid to the petitioners, including standard compensation of Rs. 3,70,760 and pecuniary loss of Rs. 20,25,000, along with 9% interest from the date of filing until payment. The issue of DDA's recovery of the compensation from the private contractor is left for future adjudication.

M/S DEEPAK AND CO. VS INDIAN RAILWAY CATERING AND TOURISM CORPORATION LTD. [OMF-98/2022]

Judges: Justice Jasmeet Singh

The Final Award by the Sole Arbitrator favoring the respondent-claimant was upheld. The welcome drink, including wet tissues, was deemed part of the contract, entitling the respondent to production charges, service charges, and service tax. The arbitrator's interpretation regarding these charges was deemed reasonable. An implied contract for service charges and service tax on the welcome drink was recognized. The arbitrator's decision on the respondent's entitlement to GST was well-reasoned and based on the evidence. The award of interest and costs fell within the arbitrator's discretion. The challenge to the Arbitral Award was dismissed.

M/S RCC INFRAVENTURES LTD & ORS. VS M/S DMI FINANCE PVT LTD & ORS. [O.M.P.(MISC.)(COMM.)-41/2024]

Judges: Justice Jasmeet Singh

The petitioners demonstrated sufficient cause for the delay in arbitral proceedings, leading to an extension of the sole arbitrator's mandate by one year. The delay was deemed not inordinate, all pleadings were completed, and the petitioners had paid the full fees of the arbitrator, indicating their intent to conclude the proceedings. The regularized period was set from 31.08.2023 until the date of the judgment.

M/S STAR SHARES & STOCK BROKERS LTD VS PRAVEEN GUPTA & ANR. [O.M.P. (COMM)-516/2019]

Judges: Justice Jasmeet Singh

Star Shares & Stock Brokers Ltd. is liable to pay Praveen Gupta a security deposit of Rs 20 lakhs plus interest at 18% per annum until the date of award. The Arbitral Tribunal based its decision on findings from the High Court of Bombay and awarded future interest at 12% per annum if the amount is not paid within 30 days. Other claims by the respondent were rejected as time-barred. The petition from the petitioner company against the arbitral award was dismissed, with findings supported by evidence and limited jurisdiction under Section 34 of the Arbitration and Conciliation Act, 1996.

M/S SURYA ENGINEERS VS NETAJI SUBHAS UNIVERSITY OF TECHNOLOGY [OMP (ENF.) (COMM.)-8/2024]

Judges: Justice Jasmeet Singh

The arbitral award in favor of Surya Engineers was upheld, rejecting NSIT's challenge. Delay in the construction project was attributed to NSIT's actions, including late issuance of drawings and brick approvals. The rescission of the contract by NSIT was deemed unjust and illegal. The interpretation of contract terms, especially regarding price escalation, was considered reasonable. The quantification of claims, interest, and litigation costs awarded to Surya Engineers remained unchanged. Surya Engineers' execution petition against NSIT was also allowed.

M/S TODAY REALTY PRIVATE LIMITED AND ANR. VS GUNVEEN SINGH [CS(COMM)-458/2022]

Judges: Justice Jasmeet Singh

The defendant's application for leave to defend a suit under Order XXXVII of the Code of Civil Procedure was rejected due to the defense being considered frivolous and lacking genuine triable issues. The plaintiffs were granted a decree for amounts paid to the defendant under two agreements, along with 9% per annum interest.

MADHURI KUMAR VS KARAN KAPOOR [CS(OS)-638/2023]

Judges: Justice Jasmeet Singh

The plaintiff's application to amend the plaint was dismissed due to inconsistencies with the original plaint, as the proposed amendments related to payments of R.S. 60 lakhs and R.S. 1.5 crores would cause injustice to the defendants and alter the cause of action. The defendant's application for rejection of the plaint was rejected, with the plaintiff adequately pleading readiness and willingness to perform the contract, and the enforceability of agreements had not yet been examined. Two suits were consolidated, with an additional issue framed regarding the enforceability of the Agreements to Sell dated 25.05.2017 and 30.12.2017. A local commissioner was appointed to record evidence, and trial completion was directed within five months. The matter is scheduled for final arguments on 09.07.2024.

MOHD. AMIN (DECEASED) THROUGH LRS & ORS. VS MOHD. IQBAL (DECEASED) THROUGH LRS & ORS. [O.M.P. (COMM)-250/2021]

Judges: Justice Jasmeet Singh

The petition challenging the arbitral award under Section 34 of the Arbitration and Conciliation Act, 1996 was dismissed. The findings on the applicability of Section 14 of the Limitation Act, the award of compensation for demolished structures, and the rejection of the counter-claim were deemed well-reasoned and justified. No misconduct or excess of jurisdiction by the arbitrator was identified, affirming the validity and reasoning of the award.

MR AMIT AGARWAL VS MR TANUJ AGARWAL [CS(OS)-135/2022]

Judges: Justice Jasmeet Singh

The plaintiff is declared the owner of half the undivided share of the suit property, supported by the defendant's clear admission of a registered sale deed favoring the plaintiff. The defendant's claim of having paid the entire consideration does not invalidate the sale deed, as there was no counter-claim to cancel it. A Local Commissioner has been appointed to recommend methods for partitioning the property.

MRS. PRABHA MANDAL VS WTC, NOIDA DEVELOPMENT COMPANY PVT. LTD. & ANR. [ARB.P.-76/2024]

Judges: Justice Jasmeet Singh

The appointment of an arbitrator by a promoter with an interest in the dispute is impermissible under Section 12(5) and Schedule VII of the Arbitration and Conciliation Act, 1996. A sole arbitrator was appointed to adjudicate the disputes between the parties, who were directed to approach the arbitrator within two weeks.

NATIONAL HIGHWAYS AUTHORITY OF INDIA VS GURUVAYOOR INFRASTRUCTURE PVT. LTD. [OMP (ENF.) (COMM.)-97/2024]

Judges: Justice Jasmeet Singh

The interim order dated 02.05.2024 requires the respondent to maintain a minimum balance of Rs. 100 crores in the escrow account and make monthly payments of Rs. 10 crores towards the negative grant owed to the petitioner. The order aligns with the waterfall mechanism in the Concession and Escrow Agreements. Arguments regarding the respondent's right to collect toll fees and the effect on project O&M expenses lacked merit. The existence of pending contempt proceedings before the arbitral tribunal does not impede enforcement proceedings. This matter involves applications for modification of the aforementioned interim order in connection with an enforcement petition against Guruvayoor Infrastructure Pvt. Ltd.

NHPC LTD VS APAAR INFRATECH PVT LTD [O.M.P. (COMM)-219/2024]

Judges: Justice Jasmeet Singh

The arbitrator's decision on the banning order and the award of damages for loss of profit was upheld, based on the termination of the contract falling under the arbitration clause. The award of damages was deemed justified in light of Supreme Court precedents regarding wrongful termination. However, the award of interest from the date of reference to the date of the award was set aside, as it contradicted the contract's terms stating that no interest shall be payable on disputed amounts.

PARVEZ AHMED VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-1859/2024]

Judges: Justice Jasmeet Singh

The offence of money laundering under section 3 of the Prevention of Money Laundering Act (PMLA) was not applicable to the petitioners. Merely collecting funds to commit a future scheduled offence does not qualify as "proceeds of crime," as the funds must originate from criminal activity related to the scheduled offence. The petitioners' role was limited to collecting and depositing funds without having dominion over alleged "proceeds of crime." Additionally, the petitioners' lengthy incarceration of over 2 years and the potential for a prolonged trial violated their fundamental right to liberty under Article 21 of the Constitution, leading to the granting of bail under specific conditions.

PERNOD RICARD INDIA PRIVATE LIMITED VS KHAO GALI RESTAURANTS PRIVATE LIMITED & ANR. [CS(COMM)-281/2023]

Judges: Justice Jasmeet Singh

Pernod Ricard India Private Limited, as the surety, is entitled to recover Rs. 35,88,59,676.11 debited by HSBC upon invoking the corporate guarantee issued for a loan to Khao Gali Restaurants Private Limited. Arguments from Khao Gali Restaurants for leave to defend were rejected as they did not raise any triable issues.

PULIN COMTRADE LIMITED VS THE HANDICRAFTS AND HANDLOOMS EXPORTS CORPORATION OF INDIA LTD [O.M.P. (COMM)-81/2024]

Judges: Justice Jasmeet Singh

Pulin Comtrade Limited's petition under Section 34 of the Arbitration and Conciliation Act, 1996 successfully challenged the sole arbitrator's decision regarding the non-grant of interest for the period from April 1, 2015, to March 31, 2017. The arbitrator did not consider the contractual terms, particularly Clause 8.4, which required the crediting of term deposits and accrued interest to the petitioner. The reasoning for denying interest was found to lack valid grounds and contradicted the agreement's express terms. The petitioner is entitled to pursue further legal actions, and all relevant issues can be addressed in a fresh petition under Section 11 of the Arbitration Act.

RAM NATH VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-2544/2011]

Judges: Justice Jasmeet Singh

The cancellation of the flat allotment to the petitioner by the Delhi Development Authority (DDA) was deemed illegal and a violation of natural justice. The DDA later restored the allotment and updated the records in the petitioner's name, nullifying the earlier cancellation. The DDA did not produce evidence of the cancellation letter and failed to issue a show cause notice prior to the cancellation. Consequently, the cancellation order dated 12.07.2010 was quashed, and the DDA was instructed to send a final demand letter and provide possession of the flat. If the original flat was unavailable, the DDA was required to allot a Category-II SFS flat in Jasola to the petitioner.

S C GUPTA & ANR VS DELHI DEVELOPMENT AUTHORITY & ANR [W.P.(C)-143/2012]

Judges: Justice Jasmeet Singh

The cancellation of the petitioner's lease by the Delhi Development Authority (DDA) was found to be faulty due to a lack of proper show-cause notice specifying the area of misuse. The DDA's reports on the extent of misuse varied between 12.71 sq. meters and 109.48 sq. meters. It was established that the petitioner misused 19.34 sq. meters for storage and office purposes, violating lease terms. The DDA was instructed to calculate misuser charges for this area from January 15, 1986, until the cancellation date, and the petitioner was permitted to pay these charges to restore the lease and convert the property from leasehold to freehold. Inconsistencies in the DDA's stance on the misuse were highlighted as part of the analysis.

SH. ASHISH JAIN AND ANR. VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-10621/2017]
Judges: Justice Jasmeet Singh
The rejection of the building plan by the Delhi Development Authority (DDA) was deemed arbitrary and lacking valid reasons. The conveyance deed specified "two level parking with commercial component as per MPD 2021," and the DDA could not rescind this arrangement due to a typographical error. The Master Plan of Delhi 2021 (MPD 2021) allows a maximum of 25% commercial component in multi-level parking projects, binding the DDA to comply with its provisions. A writ of mandamus was issued for DDA to sanction the building plan according to the conveyance deed terms.

SH. HARI KRISHAN AGGARWAL VS TECHNOLOGY DEVELOPMENT BOARD [O.M.P. (COMM)-301/2022]
Judges: Justice Jasmeet Singh
The arbitration award dated 06.10.2021 was set aside due to the unilateral appointment of the sole arbitrator by the Chairperson of the Technology Development Board, which violates the Arbitration and Conciliation Act, 1996. An express written agreement is required to waive the applicability of Section 12(5) of the Act regarding arbitrator ineligibility due to interest in the dispute; mere conduct or oral statements are insufficient for a valid waiver.

SH. MOHAN MURTI SHANDILYA VS BANK OF BARODA AND ORS. [CS(OS)-1154/1993]
Judges: Justice Jasmeet Singh
The lawsuit by NRI business owners against the defendant bank was maintainable and within the limitation period. The plaintiffs failed to prove allegations of the bank illegally transferring R.S. 2 crores from their NRE account. Inconsistencies in the plaintiffs' pleadings, continued dealings with the bank post-allegation, and admission of signing discrepancies undermined their claims. Reliance on an RTI reply from the RBI lacked proper evidence as per the Evidence Act. Despite concerns about the bank's practices, the plaintiffs did not establish fraud or forgery, resulting in the dismissal of the suit with no recovery awarded.

SHARAD GUPTA & ORS. VS SHRI VINAYAK INFRALAND PVT. LTD. & ORS. [CS(COMM)-266/2023]
Judges: Justice Jasmeet Singh
The application by defendant No. 1 under Section 8 of the Arbitration and Conciliation Act, 1996 to refer the dispute to arbitration was dismissed. The suit included claims against defendant No. 5, who is not part of the arbitration agreement, making the referral improper as the Arbitration Act does not permit splitting parties or issues. Additionally, defendant No. 1 had previously invoked the arbitration clause in 2018 but failed to make further progress, leading to potential limitation issues.

SIMMI SETHI VS M/S HERO FINCORP LTD [O.M.P. (COMM)-400/2022]
Judges: Justice Jasmeet Singh
The ex parte arbitral award dated 17.05.2022 in favor of M/s Hero Fincorp Ltd against Simmi Sethi was set aside. The unilateral appointment of the sole arbitrator by the respondent was invalid under principles established by the Supreme Court and barred under Section 12(5) of the Arbitration and Conciliation Act, 1996. As a result, the entire arbitration proceedings were considered non-est in law.

SPRNG ENERGY PRIVATE LIMITED VS FS INDIA SOLAR VENTURES PRIVATE LIMITED [O.M.P.(I) (COMM.)-261/2024]

Judges: Justice Jasmeet Singh

The dispute regarding the interpretation of "Confirmed Volume" and "Purchase Orders" under the MSA requires detailed pleadings and evidence, falling outside the scope of a Section 9 petition. The bank guarantee operates as an independent contract, and its invocation does not depend on the terms of the MSA. Restraint on invoking the bank guarantee is permissible only in cases of egregious fraud or irretrievable harm, which were not established. The contention that an additional Rs. 45 crore held by the respondent affects the invocation of the bank guarantee was also rejected, as the guarantee stands apart from other securities. The petition was dismissed, and the prior stay on the invocation of the bank guarantee was vacated.

SUBIR ENGINEERING WORKS (P)LTD. VS IIDL (IFCL INFRASTRUCTURE DEVELOPMENT LTD) & ANR. [O.M.P. (COMM)-331/2018]

Judges: Justice Jasmeet Singh

Interference under Section 34 of the Arbitration and Conciliation Act, 1996 has a limited scope, with no power to modify an arbitral award. The sole arbitrator's decisions on the quantum of claims and interest rate were deemed discretionary, not perverse or illegal. A petition seeking partial setting aside of the arbitral award was dismissed.

SUPREME INFRASTRUCTURE INDIA LTD VS CENTRAL PUBLIC WORKS DEPARTMENT [O.M.P. (COMM)-442/2018]

Judges: Justice Jasmeet Singh

The arbitral award dated 05.06.2018 was set aside due to the invalid appointment of the sole arbitrator by the Chief Project Manager of the Central Public Works Department. This appointment was deemed invalid under Section 12(5) of the Arbitration and Conciliation Act, 1996, as the Chief Project Manager had a controlling influence over the respondent, making them ineligible to appoint the arbitrator.

TATA CAPITAL HOUSING FINANCE LIMITED VS BEENA SHARMA & ANR. [ARB.P.-339/2024]

Judges: Justice Jasmeet Singh

Tata Capital Housing Finance Limited validly invoked the jurisdiction of Delhi courts to appoint an arbitrator under the arbitration clause in its loan agreement with Beena Sharma and another. The loan agreement allowed the petitioner to select the seat of arbitration from several cities, and the petitioner chose Delhi, leading to the filing in the Delhi High Court. The argument that Jaipur should have jurisdiction due to the execution of the agreement and the residence of the respondents was rejected. A sole arbitrator was appointed to resolve the disputes, with the arbitration to take place under the Delhi International Arbitration Centre.

UNION OF INDIA EXECUTIVE ENGINEER A-DIVN. CPWD. VS M/S ROSHAN REAL ESTATE PVT. LTD. [O.M.P. (COMM)-480/2023]

Judges: Justice Jasmeet Singh

The Arbitral Tribunal awarded the respondent's claim for extra items executed under a contract, recognizing both parties' failure to comply with Clause 12.2.A of the General Condition of Contract. The Tribunal determined the rates for these items based on submitted evidence and approved rates from the Engineer-in-Charge and Superintending Engineer. The decision was deemed reasonable and justified, leading to the dismissal of the petition with no grounds found for interference with the Arbitral Award.

USHA RANI GUPTA VS D.D.A. & ANR [W.P.(C)-8598/2007]

Judges: Justice Jasmeet Singh

The writ petition seeking to quash the rejection of a petrol pump site resitement and request for an alternate site was dismissed. The petitioner lacked locus standi due to no privity of contract with the Delhi Development Authority (DDA). Both the petitioner and the second respondent concealed material facts about a site cancellation from 1997, which was confirmed by their own correspondences. The 1997 site cancellation was deemed valid as it remained unchallenged for 10 years and was not modified by the DDA. The DDA rightfully rejected the resitement application since the site had been cancelled and did not qualify as an "existing" petrol pump site under the resitement policy.

VANDANA BATRA VS ANUPAM GUPTA & ANR. [CS(OS)-289/2022]

Judges: Justice Jasmeet Singh

The amendment application by Defendant No. 1 to add additional properties in the written statement was allowed, as these properties were already part of Defendant No. 2's written statement, and their inclusion would not prejudice the Plaintiff. The decision clarified that the merits of proposed amendments need not be addressed at the amendment stage, emphasizing a liberal approach to amendments, particularly in written statements. The issue of limitation regarding the inclusion of properties can be addressed separately to reduce litigation complexity.

VIMAL KIRTI GUPTA VS RAJAN GUPTA [CONT.CAS(C)-233/2022]

Judges: Justice Jasmeet Singh

The respondent is guilty of willful disobedience of a maintenance order from 19.02.2021, despite having financial means to comply. Ownership of properties and operation of a business indicate financial ability. The respondent received a sentence of 1 month of simple imprisonment and a fine of Rs. 2,000 for contempt of court. The pending appeal against the order does not exempt compliance in the absence of a stay.

A AND A AUTOMOBILES PRIVATE LIMITED VS STATE AND ANR [CRL.M.C.-1978/2024]

Judges: Justice Jyoti Singh

The order of the Metropolitan Magistrate dismissing the petitioner's application under Section 311 of the Criminal Procedure Code was upheld. The reason for the dishonor of the cheques was identified as "payment stopped by the drawer," not insufficient funds or exceeding the arrangement. The petitioner's concerns were deemed misplaced, and no issues were found in the Magistrate's order, leading to the disposal of the petition and pending application.

A.K. MALIK VS STATE BANK OF INDIA & ORS. [W.P.(C)-2576/2023]

Judges: Justice Jyoti Singh

The petitioner is not entitled to pensionary benefits after being compulsorily retired from the State Bank of India without completing 25 years of pensionable service. The penalty of compulsory retirement is valid, and the amended Pension Rules only apply to voluntary retirements. The petitioner did not fulfill the criteria of 20 years of pensionable service with 50 years of age or 25 years of pensionable service. An opportunity is provided for the petitioner to seek condonation of the remaining period of less than 3 months to complete 25 years of pensionable service, which will be considered in accordance with the law.

ADITYA SINGH (MINOR) VS CONSORTIUM OF NATIONAL LAW UNIVERSITIES [W.P.(C)-17138/2024]

Judges: Justice Jyoti Singh

The Petitioner's objections regarding the answer key for questions 14 and 100 in the Common Law Admission Test-2025 were validated due to clear errors. A revision of the Petitioner's result is to be made accordingly. However, challenges to other questions were not addressed as their correctness requires expert examination, highlighting the limited scope of intervention in academic examination matters.

AJAY KUMAR GULATI VS STATE BANK OF BIKANER & JAIPUR [W.P.(C)-7773/2002]

Judges: Justice Jyoti Singh

The departmental inquiry proceedings, inquiry report, and penalty order against the petitioner were quashed due to flaws in the inquiry process, including the denial of access to defense documents, which breached natural justice principles. The inquiry report and penalty order improperly relied on findings from a previously set aside inquiry. The bank is directed to reinstate the petitioner notionally from the date of discharge and to release the arrears of pension.

GOPAL SINGH VS INDRAPRASTHA POWER GENERATION COMPANY LIMITED & PRAGATI POWER COROPORATION LIMITED & ANR [W.P.(C)-13277/2018]

Judges: Justice Jyoti Singh

Petitioners are entitled to promotions to Deputy Manager (Technical) retroactive to the date their juniors were promoted, due to the upgrading of their Annual Confidential Reports (ACRs) from 'Average' to 'Good'. The respondents failed to initially communicate the 'Average' ACRs and did not conduct a review DPC after the upgrades. The argument that the upgradation should be considered only in future DPCs was rejected. A review DPC must be conducted based on the upgraded ACRs, and if the petitioners qualify, their seniority should be restored along with all consequential benefits.

AJMER SINGH VS DIRECTOR OF EDUCATION & ORS [W.P.(C)-5741/2017]

Judges: Justice Jyoti Singh

Ajmer Singh's writ petition was allowed, leading to the quashing of the Delhi School Tribunal's judgment, charge memo, inquiry proceedings, and penalty order. Violations of natural justice and procedure during the departmental inquiry were identified, particularly the deprivation of the right to cross-examine witnesses, which caused prejudice. The inquiry report was criticized for using a "reverse engineering" approach to implicate Singh without proper evidence analysis. The Director of Education incorrectly recommended compulsory retirement, lacking the authority to modify punishment. Singh, having reached the age of superannuation, was granted notional reinstatement with all consequential retiral benefits.

AKIL VS STATE (NCT OF DELHI) [CRL.A.-117/2022]

Judges: Justice Jyoti Singh

Akil and Mohd Yasin were convicted under Sections 489B and 489C of the Indian Penal Code for possessing and using counterfeit currency notes. A substantial quantity of counterfeit notes was recovered from them, and their inability to provide a reasonable explanation for this possession indicated their knowledge and intention to use the notes as genuine. Testimonies from police witnesses and an FSL report confirmed the notes were counterfeit, supporting the conviction. The appeals against their conviction and sentence lacked merit.

AMARJIT SINGH CHHABRA (A.S.CHHBRA) VS FOOD CORPORATION OF INDIA & ORS. [W.P.(C)-629/2010]
Judges: Justice Jyoti Singh
The petitioner, a retired Executive Director of the Food Corporation of India (FCI), could not claim ignorance of FCI circulars regarding guest house stays and House Rent Allowance (HRA). Evidence showed the petitioner overstayed in guest houses beyond the allowed two months on two occasions, justifying the deduction of amounts from his salary and retirement benefits. Allegations of discrimination were dismissed, as similar recoveries were made from other officers for similar discrepancies. The writ petition was dismissed.

AMARJIT SINGH VS PUNJAB & SIND BANK [W.P.(C)-1289/2015]
Judges: Justice Jyoti Singh
The charge sheet issued to the retired petitioner by the General Manager (P) was illegal as this authority did not qualify as the Competent Authority under the Pension Regulations. Disciplinary proceedings after retirement must be initiated only by the CMD for officers in Scale-IV and above. The charge sheet, inquiry proceedings, and penalty order were quashed because the initial charge sheet was void due to lack of jurisdiction and could not be ratified by subsequent actions.

AMIT KUMAR SHARMA VS NTPC AND ANR [W.P.(C)-8331/2010]
Judges: Justice Jyoti Singh
The writ petition challenging the selection process for the Law Officer-E1 position at NTPC was dismissed. The selection process adhered to NTPC's Recruitment Policy, allowing the Selection Board to assess candidates based on qualifications, experience, test performance, professional competence, and overall personality. The Board deemed the petitioner unsuitable for the position, and this decision could not be challenged without allegations of bias or arbitrariness. Furthermore, when the petition was filed in 2010, the vacancies had been filled, and the petitioner could not claim the remaining vacancy as it was reserved for the OBC category, which did not include the petitioner.

APOORVI SOOD VS NETAJI SUBHAS INSTITUTE OF TECHNOLOGY AND ORS. [W.P.(C)-10664/2018]
Judges: Justice Jyoti Singh
The appointments of the petitioners as Assistant Professors are to be considered regular and permanent, despite being initially offered on a contractual basis. A Supreme Court judgment established that appointments following a regular selection process should be treated as substantive, regardless of initial contract language. The Selection Committee's decision to categorize selected candidates into regular and contractual groups was deemed arbitrary, as the job advertisement did not indicate any contractual appointments. The petitioners' appointments will be treated as regular and permanent along with all corresponding benefits.

RANJANA TREHAN VS RAMJAS SCHOOL ANAND PARVAT SENIOR WING THROUGH ITS V CHAIRMAN MR VINOD GUPTA & ORS. [W.P.(C)-12603/2023]
Judges: Justice Jyoti Singh
The suspension orders against the petitioner teachers from Ramjas School were deemed invalid due to non-compliance with Section 8(4) of the Delhi School Education Act and Rules, 1973, as prior approval from the Director of Education was not obtained. The claim that the school, being an unaided private institution, was exempt from this requirement was rejected. The suspension orders were quashed, and the school was instructed to pay the petitioners their full salaries and benefits for the suspension period.

ARUN G S VS DR RAM MANOHAR LOHIA HOSPITAL & ANR. [W.P.(C)-12470/2024]

Judges: Justice Jyoti Singh

The writ petition by Arun G S for a relieving order from Dr. Ram Manohar Lohia Hospital to pursue an M.Sc. Nursing Psychiatric course was dismissed. The hospital's denial of study leave was justified under the guidelines set forth in a circular dated 05.03.2024, which governed such requests. Arun's notification regarding his exam rank was deemed insufficient as an application for study leave. Additionally, the hospital had already approved study leaves for 15 other applicants prior to Arun's request, and granting his application at that point would disrupt the hospital's operations due to nursing staff shortages.

ASHOK KUMAR SHRIMALI VS UOI & ORS. [W.P.(C)-10451/2006]

Judges: Justice Jyoti Singh

The petitioner is entitled to consideration for promotion to the posts of Advisor and Senior Advisor, despite the winding up of the Indian Investment Centre. A Departmental Promotion Committee must be convened to evaluate the petitioner's case for promotion according to the draft Recruitment Rules, with all consequential benefits. The argument that the petitioner was estopped from claiming promotion after voluntarily retiring was rejected, as the petitioner sought the implementation of a prior favorable judgment.

ASHOK KUMAR YADAV AND ORS. VS GOVT OF NCT OF DELHI AND ORS. [W.P.(C)-9067/2019]

Judges: Justice Jyoti Singh

The petitioners, contractual staff nurses at the Maulana Azad Institute of Dental Sciences, are entitled to the benefits of the 19.11.2012 pay fixation order from the date of its issuance in November 2012. The implementation date of 01.02.2014 set by MAIDS lacks justification, and no formal resolution was provided for the delay. The 19.11.2012 order was based on a prior judgment addressing equal pay for equal work for contractual employees. MAIDS is directed to extend the benefits from November 2012 and pay arrears accordingly.

BALA RANI BHATIA VS DIRECTORATE OF EDUCATION & ORS. [W.P.(C)-13207/2024]

Judges: Justice Jyoti Singh

The petitioner, a retired employee of Guru Harkrishan Public School, is entitled to benefits from the 6th and 7th Central Pay Commissions and revised retiral benefits under Section 10(1) of the Delhi School Education Act and Rules. The school must re-fix the petitioner's salary according to the 6th and 7th CPCs and pay arrears, pending a decision on the modalities for disbursing the 7th CPC benefits. The school is also required to pay the remaining 40% of the petitioner's salaries and revised retiral benefits within 12 weeks, along with 6% interest per annum.

BALBIR SINGH INSPECTOR VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-1896/2022]

Judges: Justice Jyoti Singh

Directions to suspend a police inspector and initiate disciplinary action were found to exceed jurisdiction and violate the separation of powers principle. It is recognized that while defects in an investigation or misconduct can be pointed out, the authority to take disciplinary action rests solely with the executive. Furthermore, prior to making remarks affecting a public servant's reputation, an opportunity for explanation must be provided. Consequently, the disparaging remarks against the inspector were expunged, and the directive to initiate disciplinary action was set aside.

BALJEET SINGH @ AMAN VS STATE [CRL.REV.P.-312/2024]

Judges: Justice Jyoti Singh

The accused is not entitled to default bail under Section 167(2) Cr.P.C. because the charge sheet was filed within the 180-day statutory limit, despite the Forensic Science Laboratory (FSL) report not being included. The non-filing of the FSL report does not render the charge sheet incomplete, as it serves only as corroborative evidence. The application for default bail was dismissed.

BALVINDER KAUR & ORS. VS UNIVERSITY OF DELHI THROUGH VICE CHANCELLOR & ORS. [W.P.(C)-9467/2024]

Judges: Justice Jyoti Singh

The writ petition filed by the legal heirs of Dr. Sanjeev Kumar Verma was dismissed due to delay and laches. Dr. Verma did not pursue legal action regarding his promotion to Reader from 2010 and the petitioners delayed their approach after his death in 2018. The doctrine of delay and laches prevents the consideration of stale claims, particularly in promotion matters that affect other employees' seniority. Furthermore, Dr. Verma was ineligible for promotion, having not completed the required Refresher Course.

BERWAL TAKDIR SINGH VS INDIAN BANK [W.P.(C)-459/2024]

Judges: Justice Jyoti Singh

The writ petition challenging the transfer orders from Indian Bank was dismissed. Transfer is considered an incident of service, and the bank can transfer employees based on administrative needs unless proven to be mala fide or against statutory rules. The petitioner's frequent transfers were not found to be due to mala fides, and the bank confirmed a suitable position would be provided for the petitioner's scale-IV officer status. The limited scope of judicial review in transfer matters did not warrant interference with the transfer orders.

BHIMA ALIAS MANOJ VS STATE (GOVT. OF NCT OF DELHI) [CRL.A.-643/2022]

Judges: Justice Jyoti Singh

The sentences of Bhima alias Manoj, Ravi @ Anil, and Munesh have been suspended while they appeal their convictions under Sections 307/34 IPC. Material contradictions in the prosecution's evidence were noted, alongside the significant duration of their trial and their clean backgrounds. Their release on bail is conditioned and does not imply any judgment on the case's merits.

BIJENDER & ORS. VS STATE (GOVT. OF NCT OF DELHI) [W.P.(CRL)-1268/2024]

Judges: Justice Jyoti Singh

The Sentence Review Board's decision to reject the Petitioners' pleas for premature release under the 2018 Delhi Prison Rules was set aside. The applicable remission policy was determined to be the 2004 Policy, based on a previous Supreme Court judgment. Petitioner No. 4's case will be considered under either the 2000 Government Orders or the 2004 Policy. The Respondent is instructed to reassess the Petitioners' cases using the relevant factors from the 2004 Policy that the SRB overlooked. No opinion on the merits of the cases was expressed, and the Petitioners retain the option to seek further remedies.

BIMLA VIRMANI VS UNIVERSITY OF DELHI & ORS [W.P.(C)-6517/2019]

Judges: Justice Jyoti Singh

Bimla Virmani is entitled to Second Time Upward Movement (STUM) from 02.01.1998 instead of 09.08.1999, as per the Executive Council Resolution dated 23.08.2001. She qualified for STUM after completing 12 years from her initial upward movement, having received One Time Upward Movement (OTUM) before the cut-off date of 08.04.1998. The Respondents are required to implement the EC Resolution and grant STUM from 02.01.1998, along with all associated benefits.

C.J. ARORA VS PUNJAB NATIONAL BANK & ORS. [W.P.(C)-6696/2003]

Judges: Justice Jyoti Singh

The order of the Disciplinary Authority for a de novo inquiry was deemed arbitrary and in violation of regulations, as it relied on unsubstantiated apprehensions regarding the original inquiry report. The authority's power to remit cases for further inquiry must be exercised based on justifiable reasons related to the charges. The illegal nature of the re-inquiry order compromised subsequent inquiry proceedings, including the dismissal punishment. Consequently, the charge sheet, inquiry report, punishment order, and all appellate orders were quashed, and the petitioner was to be reinstated notionally from the date of the punishment order until superannuation.

PUNEET MEHTA VS UOI & ANR. [W.P.(C)-958/2005]

Judges: Justice Jyoti Singh

Writ petitions against Air India Limited are not maintainable under Article 226 of the Constitution, as the company has ceased to be a public authority following privatization. After nearly 19 years of pending petitions, the privatization ended the government's control, disqualifying AIL from being considered a "state" or "authority." Delays in the proceedings do not justify continuing them against a private entity. Petitioners may seek remedies in the appropriate forum, with the pending period excluded from the limitation period.

CHANDAN SAWHNEY AND OTHERS VS GOVERNMENT OF NCT OF DELHI AND OTHERS [W.P.(C)-8846/2024]

Judges: Justice Jyoti Singh

The registration of a sale deed cannot be denied due to the absence of a land status report, as this is not a statutory requirement. Objections by third parties were dismissed since the vendors were confirmed as the undisputed owners of the 16 bighas 16 biswas of land sold, and these objections did not challenge their ownership. The Sub-Registrar was directed to register the sale deed, with the petitioners required to file a rectification deed to correct a discrepancy regarding the total land area.

CHANDER KANT JHA VS STATE OF NCT OF DELHI [W.P.(CRL)-2272/2022]

Judges: Justice Jyoti Singh

The punishment ticket and judicial appraisal order against the petitioner were set aside due to non-compliance with the mandatory procedures outlined in the Delhi Prison Rules, 2018. The prison authorities did not issue a written show-cause notice as required by Rule 1272, and the confessional statement lacked the necessary witnesses per Rule 1273. The matter was remanded to the authorities for procedural compliance if a new inquiry is initiated.

CHANDI PRASAD AND ORS. VS UNION OF INDIA AND ORS. [W.P.(C)-3481/2019]

Judges: Justice Jyoti Singh

Petitioners appointed on a daily wages or temporary basis before January 1, 2004, and later regularized after that date are entitled to coverage under the Old Pension Scheme (OPS). Their entire past service from the initial appointment date counts towards qualifying service for pension, as previous judgments support the inclusion of continuous service, regardless of the initial temporary status. Despite an appeal pending on one cited judgment, its operation remains unaffected, allowing implementation for the petitioners. The respondent university is directed to issue necessary orders for their inclusion in the OPS.

CITIZEN WATCH CO. LTD. VS DINESH KUMAR LAXMAN BHAI VIRDA [CS(COMM)-56/2015]

Judges: Justice Jyoti Singh

The plaintiff is the registered owner of the trademark CITIZEN in Class 07 for machines and machine tools since 1961. The defendant's use of the trademarks CITIZEN and C-TIZEN for lathe machines constitutes infringement due to the deceptive similarity of the marks and identical nature of the goods. The plaintiff demonstrated prior adoption, extensive use, and a strong reputation for the CITIZEN trademark, which supports a claim of passing off against the defendant for dishonest adoption of the marks. Arguments from the defendant regarding delay, laches, and acquiescence were dismissed, and issues of territorial jurisdiction and suppression of facts were not pursued. A permanent injunction was issued against the defendant for using CITIZEN or C-TIZEN or any similar marks, alongside an award of nominal damages of Rs. 10 lakhs and an order for the defendant to cover the plaintiff's legal costs.

COMMUNICATION COMPONENTS ANTENNA INC. VS MOBI ANTENNA TECHNOLOGIES(SHENZHEN) CO LTD & ORS. [CS(COMM)-977/2016]

Judges: Justice Jyoti Singh

The plaintiff's patent IN'893 is valid, with the defendant unable to establish grounds for revocation. The defendant's products infringe claims 1 and 10 of the patent, as their beam patterns match the asymmetrical designs disclosed in the patent and can replace the sector antennas described. Compensatory damages of USD 260,45,250 (approximately Rs. 217,47,78,375) are awarded for the period from 2011 to 2014, with a 5% annual interest rate, after reducing the claimed amount due to uncertainty in market share. A permanent injunction prohibits the defendant from any activities related to products infringing the patent. The defendant's counter-claim for patent revocation is dismissed.

D.P. KALYAN VS NATIONAL TEXTILE CORPORATION LIMITED [W.P.(C)-5081/2013]

Judges: Justice Jyoti Singh

The charges against D.P. Kalyan were established based on evidence. The payment of incentive to Divisional Office employees was unauthorized, as the order from the Municipal Corporation of Delhi was procured by the Corporate Office, with no involvement from DDO employees. The testimony of the Director (Finance) indicated that incentives are only payable to those involved in procuring orders. Kalyan, as the Deputy General Manager (Commercial) of the DDO, lacked the authority to order a payment of Rs. 8.55 lakhs in incentives without the approval of the Competent Authority. The dishonor of a cheque for Rs. 7.27 lakhs to Finlay Mills was primarily due to the unauthorized incentive payment, for which Kalyan was responsible. The inquiry was conducted properly, and findings were supported by evidence, with no grounds to interfere with the decisions of the Disciplinary Authority and the Appellate Authority.

DAIHRII DAVID HRAILU VS JOINT RECRUITMENT CELL LOK SABHA SECRITARIAT PARLIAMENT OF INDIA AND ANR. [W.P.(C)-2992/2019]

Judges: Justice Jyoti Singh

The writ petition by Daihrii David Hrailu challenging his non-selection for the Executive/Legislative/Committee/Protocol Officer position in the Lok Sabha Secretariat was dismissed. The 16th vacancy was reserved for the Persons with Disabilities (PwD) category, and as no qualified PwD candidates emerged, this vacancy was carried forward to the next recruitment year. Two ST candidates, including Hrailu, were interviewed, with the selected candidate scoring higher marks. There was no identified issue with the selection process.

RAGHUVIR SINGH VS GURU HARKRISHAN PUBLIC SCHOOL AND ORS [W.P.(C)-10/2024]

Judges: Justice Jyoti Singh

The petitioners, retired employees of Guru Harkrishan Public School, are entitled to benefits under the 6th and 7th Central Pay Commission according to Section 10(1) of the Delhi School Education Act, 1973. The school must re-fix the salaries and emoluments as per these pay commissions, with arrears to be paid within 12 weeks, including simple interest at 6% per annum.

DEEPAK VS GENERAL MANAGER DELHI CO-OPERATIVE BANK AND ANR & ANR. [W.P.(C)-16741/2023]

Judges: Justice Jyoti Singh

The writ petition for compassionate appointment was dismissed due to a delay of nearly 18 years. The petitioner's claim was deemed barred as the financial condition of the family at the time of the employee's death was no longer relevant after such a long lapse. The significant delay undermined the purpose of compassionate appointment, which is to provide immediate relief to families in distress following the loss of a breadwinner.

DELHI ADMINISTRATION VS BALAK RAM [CRL.L.P.-399/2015]

Judges: Justice Jyoti Singh

The trial court acquitted Balak Ram of charges under the Prevention of Food Adulteration Act due to non-compliance with the mandatory provision of providing a copy of the Public Analyst's report, affecting the accused's right to defend himself. A marginal difference of 0.2% in Milk Solids Not Fat content could be attributed to technical errors or natural causes, warranting the benefit of doubt for the accused. The decision to uphold the acquittal was based on these factors, leading to the dismissal of the State's petition to appeal.

DELHI ADMINISTRATION VS RAJ KUMAR GUPTA [CRL.L.P.-328/2015]

Judges: Justice Jyoti Singh

The trial court acquitted Raj Kumar Gupta due to non-compliance with Section 10(7) of the Prevention of Food Adulteration Act, which mandates the presence of independent witnesses during food sample collection. The prosecution failed to demonstrate that genuine efforts were made to secure witnesses. The trial court's finding was deemed plausible, leading to the dismissal of the appeal and the quashing of the FIR against Gupta.

DINESH CHAND SHARMA VS RUKMANI DEVI JAIPURIA PUBLIC SCHOOL & ANR. [W.P.(C)-682/2022]

Judges: Justice Jyoti Singh

The Rukmani Devi Jaipuria Public School, an unaided private school recognized by the Directorate of Education, must adhere to Section 10(1) of the Delhi School Education Act, 1973. This section applies to all recognized private schools, including unaided and minority institutions. A former employee of the school is entitled to leave encashment and the remaining gratuity amount. The school is required to address the employee's pending dues and make the payments within established timelines.

DR ANJALI VINOCHA THROUGH HER AUTHORIZED REPRESENTATIVE DR ARUN WADHAWAN VS GOVT OF NCT OF DELHI & ANR. [W.P.(C)-15417/2023]

Judges: Justice Jyoti Singh

The writ petition by the Assistant Professor for rejoining the Delhi State Cancer Institute was dismissed. The petitioner's contract was subject to availability of a vacancy, a condition she accepted when taking sabbatical leave. As a contractual employee, she had no automatic right to renewal and was only entitled to consideration in the selection process for the vacancy. Her absence from the interview conducted for the position precluded any claim to the post.

DR MONIKA BANSAL VS LT GOVERNOR OF DELHI & ORS. [W.P.(C)-13626/2024]

Judges: Justice Jyoti Singh

The petitioner is entitled to receive arrears of pay for promotions from Assistant Professor (AGP Rs.7000) to Assistant Professor (AGP Rs.8000), Associate Professor, and Professor, due to unreasonable delays by the respondents. A meeting must be convened within 3 weeks to establish the process for releasing the outstanding arrears within 3 months. The petitioner can also request interest on the delayed payment of arrears.

DR VIJAY KUMAR SHARMA VS UNITED INDIA INSURANCE CO LTD. [W.P.(C)-13096/2022]

Judges: Justice Jyoti Singh

The respondent authority improperly rejected the petitioner's claim for compassionate allowance based solely on disciplinary allegations, neglecting the special circumstances of the case. The petitioner's long service, medical condition, and prior court observations must be considered. The authority is instructed to reconsider the claim and release any outstanding dues owed to the petitioner.

DR. ANITA AGARWAL VS UNIVERSITY OF DELHI & ORS. [W.P.(C)-3806/2022]

Judges: Justice Jyoti Singh

The petitioner, appointed as a lecturer on a temporary basis in 1995 and later confirmed and promoted, is entitled to benefits under the Old Pension Scheme (OPS). Previous interpretations of "new entrants" under the New Pension Scheme (NPS) exclude those who joined before January 1, 2004, regardless of temporary status. The respondents acknowledged the petitioner's service from 1995 for promotion purposes, indicating she is not considered a "new entrant." According to the Central Civil Services (Pension) Rules, 1972, the petitioner's qualifying service for pension begins from her initial appointment, allowing her entire service from 1995 to count towards her OPS benefits.

DR. ARCHANA VERMA VS UNIVERSITY OF DELHI AND ORS. [W.P.(C)-12597/2019]

Judges: Justice Jyoti Singh

The petitioner, initially appointed temporarily before January 1, 2004, and later regularized, is entitled to the Old Pension Scheme (OPS) rather than the New Pension Scheme (NPS). It is established that employees who served prior to January 1, 2004, even in temporary roles, have their entire service considered for qualifying service in pension calculations. The relevant statutes support this decision by including temporary service as qualifying for pension benefits. Thus, the petitioner will be governed by the OPS, excluding her from the NPS.

DR. ASHOUTOSH DEV KAUSHIK VS UNION OF INDIA AND ORS. [W.P.(C)-9548/2017]

Judges: Justice Jyoti Singh

The National Institute of Disaster Management (NIDM) must evaluate the petitioner's eligibility to count past service from January 1, 1999, for regularization, promotions, pension, and other benefits. The petitioner was appointed at the National Centre for Disaster Management (NCDM) before it became NIDM. NIDM must also determine if the petitioner can be required to join the New Pension Scheme instead of the Old Pension Scheme. Immediate retiral benefits due to the petitioner should be released regardless of pending issues.

DR. CHAYAN JAIN VS MUNICIPAL CORPORATION OF DELHI & ORS. [W.P.(C)-12452/2024]

Judges: Justice Jyoti Singh

The writ petition filed by Dr. Chayan Jain was dismissed due to a lack of merit. The Municipal Corporation of Delhi rejected his request for study leave and permission to join the PG course at Army Hospital (R&R), citing Dr. Jain's history of dropping out of various PG courses, which led to seat wastage. Granting his request would further waste a DNB seat at Hindu Rao Hospital, where he was already enrolled in a sponsored course. Dr. Jain had also utilized 10 months of study leave, and the Central Civil Services (Leave) Rules limit study leave to 36 months.

DR. PHANI KUMAR P VS FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA AND ORS [W.P.(C)-10890/2022]

Judges: Justice Jyoti Singh

Dr. Phani Kumar P was deemed eligible for the position of Deputy Director (Technical) with the Food Safety and Standards Authority of India (FSSAI) as he met the specified experience criteria. The experience requirements were interpreted as alternative rather than cumulative. Dr. Kumar provided the necessary experience certificate with his application, and FSSAI's late request for additional documents did not disqualify him. FSSAI was directed to invite him for an interview and issue an appointment letter with benefits if successful.

DR. RAISA PARVEEN VS THE PRINCIPAL, SATYAWATI COLLEGE MORNING (DELHI UNIVERSITY) & ORS. [W.P.(C)-1262/2022]

Judges: Justice Jyoti Singh

Dr. Raisa Parveen is entitled to retirement gratuity for her service from 22.07.2008 to 31.10.2021 under the Payment of Gratuity Act, 1972. Pension and gratuity are regarded as valuable rights of employees. The respondent college must pay her 8% simple interest on the gratuity amount from the date it became due until actual payment, as the delay was not her fault.

DR. YOGIETA S MEHRA VS LT. GOVERNOR OF DELHI & ORS. [W.P.(C)-13630/2024]

Judges: Justice Jyoti Singh

Dr. Yogieta S Mehra is entitled to arrears of pay following her promotions to Associate Professor in 2014 and to Professor in 2017 and 2021. The College, University of Delhi, and Directorate of Higher Education failed to release these arrears due to budgetary constraints, which were deemed unacceptable. A meeting is to be convened within 3 weeks to establish how to release the arrears within 3 months, and the petitioner may request interest on the delayed payment.

G.P. SOTI VS THE PRINCIPAL DEEN DAYAL UPADHYAY COLLEGE AND ORS [W.P.(C)-10133/2015]

Judges: Justice Jyoti Singh

The writ petition filed by G.P. Soti was dismissed. The University of Delhi's decision to grant him the second financial upgradation under the Modified Assured Career Progression (MACP) Scheme in PB-3 with a Grade Pay of Rs. 5400/- was found to align with the MACP Scheme guidelines. The MACP Scheme states that the Grade Pay of Rs. 5400/- in PB-2 and PB-3 is treated as separate for financial upgradation. The petitioner was initially granted the first financial upgradation in the scale of Rs. 8000-13500/- and subsequently placed in PB-2 with GP of Rs. 5400/-. This placement justified the decision to grant him the second upgradation in PB-3 with GP of Rs. 5400/-.

GEETA MONGA VS GNG STOCK HOLDING PVT. LTD THROUGHT ITS MANAGING DIRECTOR SH. SUMIT GUPTA [CRL.M.C.-356/2024]

Judges: Justice Jyoti Singh

The trial court properly awarded 20% interim compensation to the complainant under Section 143A of the Negotiable Instruments Act. The petitioner engaged in dilatory tactics by seeking repeated adjournments, which delayed the trial. The petitioner admitted her signatures on the dishonored cheque, and the presumption under Section 139 favored the complainant, supporting the interim compensation. The petition challenging these findings was dismissed.

GURUPADA MAJI VS ENFORCEMENT DIRECTORATE [BAIL APPLN.-3595/2022]

Judges: Justice Jyoti Singh

Gurupada Maji received regular bail under the Prevention of Money Laundering Act despite the usual twin conditions. He had been in custody for over 27 months, with the trial unlikely to start soon, impacting his right to a speedy trial. Although evidence from the Enforcement Directorate was acknowledged, there was no detailed examination of its merits. Bail was granted with strict conditions to mitigate concerns about flight risk and evidence tampering.

H K SHARMA VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-8895/2020]

Judges: Justice Jyoti Singh

The petitioner is entitled to interest on the delayed payment of gratuity, as pension and gratuity are recognized as valuable employee rights, not merely state benefits. There was a delay in the payment of gratuity, with the respondents aware of the FIR's quashing since 09.10.2018, yet the gratuity was not released until 23.10.2019. Therefore, simple interest at 8% per annum on the gratuity amount of Rs. 10 lacs is payable from 03.01.2019 until the payment date of 23.10.2019.

HARJEET SINGH KOHLI VS M/S GOOD MARKETING & SALES PVT LTD [CRL.M.C.-599/2018]

Judges: Justice Jyoti Singh

The summoning order and complaint against the petitioner directors under Section 138 of the Negotiable Instruments Act were quashed. The complaint did not include specific averments necessary to establish vicarious liability under Section 141(1), particularly regarding the directors' involvement in the company's day-to-day affairs at the time of the offense. General allegations of responsibility were deemed insufficient, leading to the dismissal of the summoning order.

HARKRISHAN KUMAR NARULA VS AIRPORTS AUTHORITY OF INDIA & ANR [W.P.(C)-5405/2019]

Judges: Justice Jyoti Singh

Harkrishan Kumar Narula is eligible for consideration for promotion to General Manager (Cartography) as his prior service as Additional General Manager (Cartography) counts towards the eligibility criteria. His appointment as Joint General Manager was deemed a placement in the same pay scale and not a promotion. The argument regarding delay in filing the petition was rejected, and the Airports Authority of India is required to form a Departmental Promotion Committee to evaluate Narula's promotion case within eight weeks.

HARSPAL SINGH NEGI VS ST MARY SCHOOL SARDARJUNG ENCLAVE AND ORS [W.P.(C)-16578/2024]

Judges: Justice Jyoti Singh

The petitioner must challenge the termination order before the Delhi School Tribunal under Section 8(3) of the Delhi School Education Act, 1973. The challenge to the minority certificate issued to the school should be directed to the National Commission for Minority Educational Institutions under Section 12C of the National Commission for Minority Educational Institutions Act, 2004. The writ petition was dismissed without any opinion on the merits of the case.

INDERJEET SINGH VS KAMALA NEHRU COLLEGE & ORS. [W.P.(C)-10829/2024]

Judges: Justice Jyoti Singh

The dissent of the subject expert member in the Selection Committee was found to be illegal and contrary to the eligibility criteria outlined in the UGC Regulations 2018 and the advertisement, which permitted candidates with either a Master's degree (55% marks) or a Ph.D. degree. The direction to re-advertise the post in the OBC category due to this dissent was deemed flawed, as the University's Ordinances did not require re-advertisement in such cases. The College's Governing Body is to consider the selection panel recommended by the Selection Committee, disregarding the subject expert's dissent.

INDIAN INSTITUTE OF PLANNING AND MANAGEMENT VS STATE (NCT OF DELHI) AND ANR. [CRL.M.C.-1144/2023]

Judges: Justice Jyoti Singh

The order directing the registration of an FIR against the Indian Institute of Planning and Management (IIPM) and others was set aside. The disputes were identified as civil in nature, stemming from commercial contracts and transactions, without any indication of a cognizable criminal offense. The decision concluded that the lower court acted mechanically, neglecting detailed police investigation reports that found no cognizable offense. The FIR against IIPM was quashed.

JITENDER YADAV VS UNION OF INDIA & ORS [W.P.(C)-12014/2015]

Judges: Justice Jyoti Singh

The final result dated November 6, 2013, confirmed Tej Pal's selection as Staff Car Driver under the OBC category. Tej Pal's age relaxation as an OBC candidate was correctly applied, necessitating his appointment to be counted against the OBC vacancy according to established principles. The review dismissed the petitioner's claims, affirming the correctness of the prior Division Bench judgment.

JUVENILE SH VS THE STATE NCT OF DELHI [CRL.A.-359/2024]

Judges: Justice Jyoti Singh

An appeal by a juvenile for bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 was allowed after the lower court's denial was deemed insufficient. The main adult co-accused had been acquitted due to lack of evidence, and the established criteria for denying bail, such as association with criminals or risk of danger, were not met. Bail was granted with conditions for a personal bond and oversight by a probationary officer.

K.A.GUPTA VS UOI & ORS. [W.P.(C)-14063/2006]

Judges: Justice Jyoti Singh

The disciplinary inquiry against the petitioner was invalidated because three prosecution witnesses also served on the board that imposed the dismissal penalty. This situation breached the principle that a witness cannot also act as the decision-maker, introducing bias that compromised the inquiry. The orders and revised penalty were quashed, and the respondents were instructed to make a new decision regarding the petitioner's suspension and emoluments within three months.

K.K. SONI & ORS VS UNION OF INDIA & ORS [W.P.(C)-7524/2013]

Judges: Justice Jyoti Singh

The seniority list of Managers (ATC) in the Airports Authority of India, dated 11.01.2011, complies with the AAI (Recruitment and Promotion) Regulations, 2005. Promotees who were promoted from 2005 to 2009 were placed above direct recruits, including those who joined in 2010, in accordance with established principles. Petitioners who joined in 2010 cannot claim seniority from 2007, as they were not part of the cadre at that time. The seniority list is deemed legally valid.

NABA KUMAR MANDAL VS IRCON INTERNATIONAL LTD. [W.P.(C)-7404/2008]

Judges: Justice Jyoti Singh

The petitioners were employed on a casual/ad-hoc basis for specific projects with IRCON, not as regular employees. Previous judicial scrutiny upheld the termination orders of the petitioners. The writ petitions were dismissed due to a lack of merit in the claims of regular employment.

KANHIYA LAL VS THE LD DISTRICT & SESSIONS JUDGE (HQ) TIS HAZARI [W.P.(C)-473/2017]

Judges: Justice Jyoti Singh

The penalty of withholding one increment with cumulative effect imposed on the petitioner is classified as a major penalty. This penalty is considered a reduction in the time scale of pay under applicable rules. Consequently, the petitioner is not entitled to full pay and allowances for the suspension period, as the competent authority has discretion over such determinations.

KAVINDER SINGH VOHRA VS LOK SABHA SECRETRIAT AND ANR. [W.P.(C)-8177/2018]

Judges: Justice Jyoti Singh

Kavinder Singh Vohra's writ petition challenging the cancellation of his candidature for the Security Assistant (Technical) Grade-II position in the Lok Sabha Secretariat was dismissed. The applicable DoPT Office Memorandums clarified that the recruiter follows the Lok Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1955. Vohra's previous regular appointment with the Cabinet Secretariat negated his claim of temporary status. As he had already utilized his ex-serviceman status, he was ineligible to claim it again for this recruitment. The cancellation of his candidature was upheld.

KAWALJEET KAUR VS DIRECTORATE OF EDUCATION & ORS. [W.P.(C)-10600/2024]

Judges: Justice Jyoti Singh

Retired employees of Guru Harkrishan Public School are entitled to arrears of salaries, allowances, and retiral benefits due to pay revisions under the 6th and 7th Central Pay Commissions, including the release of 40% of their pending salaries. The petitioners' claims align with a prior judgment that mandated implementation of the CPC recommendations for employee benefits. Ongoing separate proceedings are addressing the implementation of the 7th CPC benefits, with the school's current stance accepted. This decision addresses two writ petitions simultaneously.

KHAZAN CHAND VS NATIONAL BAL BHAWAN & ORS [W.P.(C)-8711/2007]

Judges: Justice Jyoti Singh

The inquiry proceedings and penalty order against the petitioner were invalid due to bias of the disciplinary authority, who had a personal interest in the matter and should have recused herself. The mandatory procedure of issuing a disagreement note and providing an opportunity for a hearing was not followed when the inquiry officer partially upheld a charge. As a result, the charge memorandum, inquiry report, dismissal order, and appellate authority order were quashed, with an instruction to release all consequential benefits to the petitioner within three months. Respondents were also ordered to pay costs of Rs. 50,000 to the petitioner.

KRISHAN BIDHURI VS KALYAN SINGH [CRL.L.P.-221/2017]

Judges: Justice Jyoti Singh

The trial court acquitted the accused under Section 138 of the Negotiable Instruments Act, establishing a probable defense that countered the presumption in favor of the holder of the dishonored cheques. The accused presented evidence, including documents related to property transfer as loan security and photocopies of those documents, which challenged the complainant's claims. With the presumption under Section 139 rebutted, the burden of proof returned to the complainant, who did not sufficiently demonstrate the existence of a legally enforceable debt or liability. The trial court's decision was deemed plausible based on the evidence provided.

KUNAL KASHYAP, THROUGH PAIROKAR/ GUARDIAN VS STATE OF NCT OF DELHI [CRL.M.C.-375/2024]

Judges: Justice Jyoti Singh

The Sessions Court must decide the Petitioner's application under Section 105 of the Mental Healthcare Act, 2017 before issuing a sentence, as this provision requires referral to the Mental Health Review Board if evidence of mental illness is presented. Additionally, the Sessions Court should address the Petitioner's application under Section 4 of the Probation of Offenders Act, 1958, as these matters may influence sentencing. The previously issued order on sentencing has been set aside due to the pendency of these applications.

KUNAL ROY VS BUREAU OF INDIAN STANDARDS & ORS. [W.P.(C)-327/2023]

Judges: Justice Jyoti Singh

The Bureau of Indian Standards (BIS) cannot enforce service bonds against petitioners resigning to join the Power System Operation Corporation Limited (POSOCO), as per the Department of Personnel and Training (DoPT) Handbook. This handbook states that service bonds are not applicable when transferring to another government organization, requiring only a fresh bond. BIS's demand for bond amounts as a condition for resignation acceptance is quashed, and BIS is instructed to release the bond money and withheld salaries to the petitioners.

KUSUM SHARMA VS FOOD CORPORATION OF INDIA [W.P.(C)-11095/2024]

Judges: Justice Jyoti Singh

Kusum Sharma's writ petition challenging the rejection of her candidature for the AG-III (Hindi) post at the Food Corporation of India was dismissed. The essential qualification required was a degree with Hindi as the main subject for all three years, which Sharma did not possess; she held a B.Sc. with Hindi as an additional subject. The qualifications were not equated with the advertised requirements, emphasizing that academic standards set by experts should not be interfered with. The rejection of her candidature by FCI was deemed valid.

LAKSHMI SETHI AND ORS VS DARBARI LAL DAV MODEL SCHOOL & ORS. [W.P.(C)-12419/2021]

Judges: Justice Jyoti Singh

Darbari Lal DAV Model School must pay its employees scales of pay, allowances, and benefits equivalent to those of government school employees as mandated by Section 10(1) of the Delhi School Education Act, 1973. The school's arguments regarding delay, insufficient funds, and lack of fee hikes were rejected. The school is required to implement pay revisions according to the 7th Central Pay Commission effective January 1, 2016, and to pay the corresponding arrears with interest. The matter of Dearness Allowance is to be addressed through a representation to the school, which must also provide regular salary slips to employees.

LT. COL. SHAILESH CHANDRA CHATURVEDI VS CENTRAL WAREHOUSING CORPORATION & ANR. [W.P.(C)-2116/2022]

Judges: Justice Jyoti Singh

The premature retirement orders against the two petitioners were invalidated. The petitioners had excellent service records with no negative feedback and were recommended for retention by a review committee. The Competent Authority's decision lacked sufficient justification and displayed bias due to failure to recuse after union allegations. The orders were quashed, and the Competent Authority was instructed to reconsider the cases following proper procedures and considering the petitioners' complete service records.

M.C. AGGARWAL VS UNION BANK OF INDIA & ORS [W.P.(C)-10867/2015]

Judges: Justice Jyoti Singh

The penalty of dismissal from service imposed on the petitioner was deemed disproportionate and inconsistent with punishments given to co-delinquents. The application of the doctrine of equality under Article 14 of the Constitution was affirmed, emphasizing that the principle of parity in punishment must be considered. The appellate authority is directed to reassess the dismissal, accounting for mitigating factors and the need for consistency with co-delinquents' penalties.

M.G. HUSAIN VS JAMIA MILLIA ISLAMIA & ORS [W.P.(C)-1943/2016]

Judges: Justice Jyoti Singh

The Inquiry Officer committed two legal errors: dismissing defense witnesses' testimonies as irrelevant without proper consideration, violating natural justice principles, and accepting documents from the Presenting Officer as evidence without oral testimony, contrary to legal standards. The inquiry proceedings and the penalty of compulsory retirement were quashed, leading to the petitioner's notional reinstatement until the date of superannuation with all consequential benefits.

M.P. KANTH VS INDIAN COUNCIL OF HISTORICAL RESEARCH & ORS. [W.P.(C)-11044/2009]

Judges: Justice Jyoti Singh

The petitioner, appointed temporarily by the Indian Council of Historical Research, is not entitled to financial upgradation under the Assured Career Progression (ACP) Scheme or benefits from the GPF-cum-pension Scheme. The ACP Scheme requires "regular service" for eligibility, which excludes temporary and ad-hoc employees. Despite periods of quasi-permanent status, the petitioner's appointments were co-terminus with specific projects and did not qualify as "regular service." Arguments for treating the service as regular were rejected since no request for regularization was made. Previous judgments affirm that ad-hoc or temporary service does not count towards the ACP residency requirements, even after regularization.

MAHESH SHARMA @ CHINTU VS STATE (GOVT. OF NCT OF DELHI) [W.P.(CRL)-230/2024]

Judges: Justice Jyoti Singh

The petitioner, convicted under Sections 302/34 IPC and sentenced to life imprisonment, must have their case considered for premature release under the 2004 Policy applicable at the time of conviction, rather than the 2018 Rules used by the Sentence Review Board. The Respondent is directed to reevaluate the petitioner's case under the 2004 Policy, taking into account specified factors. The plea for extension of interim furlough is denied, stating that furlough must comply with statutory rules.

MAHIPAL SINGH VS UNION OF INDIA & ORS. [W.P.(C)-3504/2024]

Judges: Justice Jyoti Singh

The writ petition challenging the DFCCIL recruitment exam was dismissed based on the expert opinion that Question No. 74 was clear and had a single correct answer. Restraint is necessary in academic matters, especially regarding exam assessments, and intervention is only warranted for glaring errors. The expert opinion aligned with textbook references, and due process was followed by DFCCIL in finalizing answer keys after reviewing candidate objections. The petition lacked merit.

MALVINDER KUAR VS DIRECTOR OF DIRECTOR OF EDUCATION & ORS [W.P.(C)-487/2019]

Judges: Justice Jyoti Singh

The petitioner's appointment as a PRT and promotion to TGT were declared illegal and void due to lack of necessary educational qualifications. Consequently, she is not entitled to salary, terminal benefits, gratuity, or arrears under the 6th Central Pay Commission. The acceptance of the termination order without legal challenge further invalidated her claims, leading to the dismissal of the writ petition.

MANDEEP KAUR VS DIRECTORATE OF EDUCATION & ORS. [W.P.(C)-13208/2024]

Judges: Justice Jyoti Singh

A retired employee of Guru Harkrishan Public School is entitled to benefits from the 6th and 7th Central Pay Commissions, along with revised retiral benefits, as mandated by Section 10(1) of the Delhi School Education Act and Rules, 1973. Private recognized schools, including unaided minority schools, must provide pay and benefits equivalent to those of government school employees. The school is required to re-fix the petitioner's salaries under the 6th and 7th CPCs and pay the resulting arrears with interest. A separate bench is reviewing the modalities for disbursement of 7th CPC benefits, which the petitioner will receive according to that decision. Additionally, the school must decide on the petitioner's claims for transport and dearness allowances within the specified timeframe.

MEIDEN T AND D INDIA LIMITED. VS PCI LIMITED [O.M.P. (COMM)-513/2022]

Judges: Justice Jyoti Singh

The arbitral award was upheld, confirming the arbitrator's jurisdiction over the dispute regarding non-payment of service and utility charges under the Service Facility Agreement (SFA), which fell within the arbitration clause's scope. The claim for set-off against the service charges was rejected, as the debit notes cited pertained to a separate commercial contract unrelated to the SFA. The arbitrator's award of costs in favor of the respondent was also not contested.

MOHD ENAMUL HAQUE THROUGH HIS PAIROKAR ABDUL HANNAN VS DIRECTORATE OF ENFORCEMENT THROUGH ASSISTANT DIRECTOR [BAIL APPLN.-1869/2022]

Judges: Justice Jyoti Singh

Bail was denied to Mohd Enamul Haque in a PMLA case due to sufficient prima facie evidence of his involvement in money laundering connected to cattle smuggling. The applicant did not meet the mandatory conditions under Section 45 of PMLA, failing to demonstrate innocence and the unlikelihood of committing further offenses while on bail. Evidence included statements under Section 50 of PMLA, diary entries, cash deposit slips, and the statutory presumption under Section 24 of PMLA. The seriousness of economic offenses was emphasized, highlighting that releasing the applicant could interfere with the ongoing investigation.

MOHD SHAKIR & ORS. VS DELHI PUBLIC LIBRARY & ANR. [W.P.(C)-14116/2022]

Judges: Justice Jyoti Singh

The advertisement by the Delhi Public Library inviting applications for 13 Library Clerk posts solely on deputation was contrary to the Recruitment Rules, which require promotion as the first option. Petitioners, appointed as Multi-Tasking Staff in 2018 with three years of regular service, were eligible for promotion, but the advertisement did not include this option. The advertisement was quashed, allowing for a re-advertisement that aligns with the applicable Recruitment Rules.

MR. J. CHAKRABORTY VS M/S GAIL (INDIA) LIMITED & ANR. [W.P.(C)-9356/2022]

Judges: Justice Jyoti Singh

The writ petition was dismissed after the downgrading of the petitioner's performance appraisal reports (PARs) for 2018-19 and 2020-21 from 'Outstanding' to 'Very Good' was deemed justified. The downgrading resulted from the company's policy to limit 'Outstanding' ratings to a maximum of 15% as per Department of Public Enterprises guidelines, not from non-performance. The company's Performance Management System did not mandate mid-year reviews if performance remained satisfactory. No challenge to the company's moderation policy was presented, leading to a refusal to interfere with the PARs.

MR. LALIT BHASIN VS PAWAN TRADE CONNECT PVT LTD. [CRL.M.C.-503/2024]

Judges: Justice Jyoti Singh

Summoning orders and complaints under Sections 138 and 141 of the Negotiable Instruments Act against the petitioner, an independent non-executive director, were not sustained due to the absence of specific averments demonstrating the petitioner's responsibility for the company's business at the relevant time. Compliance with statutory requirements under Section 141 is necessary to establish vicarious liability, and general allegations are insufficient. As the complaints lacked the required specificities, the summoning orders and complaints were quashed, without commenting on the merits concerning other accused individuals.

MR. RAKESH KUMAR BHAGAT & ORS. VS GURU HARKISHAN PUBLIC SCHOOL & ORS. [W.P.(C)-16437/2023]

Judges: Justice Jyoti Singh

Employees of Guru Harkishan Public School are entitled to the benefits of the 6th and 7th Central Pay Commissions, similar to government school employees, based on Section 10(1) of the Delhi School Education Act and Rules. Previous judgments and directives from the Directorate of Education support this entitlement. The school is required to re-fix salaries and pay arrears within specified timelines, while modalities for disbursing the 7th CPC benefits are under review.

MS. BABITA VS NATIONAL CAPITAL TERRITORY OF DELHI AND ANR. [W.P.(C)-13438/2019]

Judges: Justice Jyoti Singh

The Recruitment Notice from Janakpuri Super Speciality Hospital aimed at replacing existing contractual staff nurses is contrary to the Supreme Court's judgment in Piara Singh v. State of Haryana. The current nurses were appointed through a proper selection process and had no complaints regarding their performance. The Hospital lacks provisions for regular appointments, and the nursing staff's work is of a perennial nature. The plan to replace them was deemed arbitrary and a violation of their right to livelihood under Article 21 of the Constitution. The Recruitment Notice was quashed, and the Hospital was directed to continue the existing nurses' employment on an annual renewal basis.

MUKESH SAIN VS PRAGATI POWER CORPORATION LIMITED [W.P.(C)-16470/2024]

Judges: Justice Jyoti Singh

The challenge to the combined seniority lists and posts of PPCL and IPGCL employees was previously dismissed due to delay, laches, and acquiescence. The Petitioners withdrew their appeal with the option to contest the 2012 Policy responsible for the combined seniority lists. However, challenging the 2012 Policy was effectively a challenge to the previously dismissed combined seniority lists. The issue had attained finality and could not be re-opened. The writ petition was dismissed based on the preliminary objection raised by the Respondents.

MUNENDRA KUMAR VS GOVERNMENT OF NCT DELHI & ORS. [W.P.(C)-7266/2024]

Judges: Justice Jyoti Singh

The suspension order against Munendra Kumar was valid and did not lapse automatically due to a delay in issuing the chargesheet. The argument based on the Supreme Court's judgment in Ajay Kumar Choudhary was rejected, as that judgment did not establish an absolute rule for automatic lapse after three months. Reasons for delay and the seriousness of allegations can be examined to decide on suspension continuation. The suspension was reviewed and extended by the competent authority within the initial 90 days, adhering to CCS (CCA) Rules. The writ petition was dismissed, but outstanding subsistence allowance owed to the petitioner was to be released.

NARENDRA PRASAD RAI VS VICE-CHAIRMAN, DELHI AGRICULTURAL MARKETING BOARD AND ANR. [W.P.(C)-12998/2019]

Judges: Justice Jyoti Singh

The petitioner is entitled to the same relief as Rajender Singh, as both faced identical conspiracy allegations and penalties. Since the co-conspirators were acquitted, the charge of conspiracy against the petitioner is unsustainable. The penalty imposed on the petitioner is set aside, and all consequential reliefs are to be granted.

NAVEEN YADAV VS STATE [BAIL APPLN.-4258/2023]

Judges: Justice Jyoti Singh

The anticipatory bail application of Naveen Yadav was dismissed due to his status as a proclaimed offender. He failed to demonstrate exceptional circumstances that would justify granting bail. The serious nature of the allegations against him and his declaration as an absconder were key factors in this decision.

NAVNEET VS UNION OF INDIA AND ANR [W.P.(C)-11849/2024]

Judges: Justice Jyoti Singh

The National Education Society for Tribal Students (NESTS) canceled the petitioner's candidature for the Trained Graduate Teacher (Mathematics) position due to the lack of a Bachelor's degree in Physics, which was a mandatory qualification alongside a Bachelor's degree in Mathematics. The qualifications were clearly stated in the advertisement, and the eligibility criteria were not ambiguous. The decision to cancel the candidature was therefore upheld.

NEETU YADAV VS UNION OF INDIA AND ANR. [W.P.(C)-15474/2024]

Judges: Justice Jyoti Singh

Neetu Yadav's writ petition challenging the cancellation of her candidature for the TGT (Maths) position was dismissed. The essential qualification required was a Bachelor's degree in Mathematics, which Yadav did not possess, as she has a B.Tech. and M.Tech. degree. The decision to cancel her candidature was deemed valid, as the qualifications set by the employer were clear and aligned with recruitment rules.

NILESH KUMAR CHAUDHARY VS UNION OF INDIA AND ANOTHER [W.P.(C)-8888/2024]

Judges: Justice Jyoti Singh

The petitioner correctly answered a specific question in the Computer Based Test conducted by the Airports Authority of India for the Junior Executive (Air Traffic Control) position. An expert committee confirmed this assessment, leading to an order for the AAI to grant the petitioner an additional raw score for the question. The AAI was instructed to allow the petitioner to participate in subsequent tests, and upon successful completion, to offer an appointment with associated benefits. AAI's counsel received commendation for their fair approach to the case.

NISHANT ARORA @ NONI VS LIEUTENANT GOVERNOR OF DELHI, GNCTD & ANR. [W.P.(CRL)-1432/2024]

Judges: Justice Jyoti Singh

The externment order against Nishant Arora by the Lieutenant Governor of Delhi and the Additional Deputy Commissioner of Police was upheld. Sufficient material supported the order, and the decision-making process was appropriate under the provisions of the Delhi Police Act. The argument that externment can only apply to "habitual offenders" with more than three recent criminal cases was rejected, as the criteria are not universally applicable. The externment orders were reasoned and based on the evidence, necessitating no interference.

OM PRAKASH CHAUHAN (THR. LRS) VS UNION OF INDIA AND OTHERS [W.P.(C)-17449/2022]

Judges: Justice Jyoti Singh

The writ petition filed by the legal heirs of late Shri Om Prakash Chauhan was allowed, leading to the rejection of a prior order denying his claim for an alternative plot. The land of petitioner's grandfather was fully acquired between 1964-66, and Shri Om Prakash Chauhan applied for an alternative plot in 1987 after receiving compensation. Earlier claims had been rejected based on delay and lack of documentation, which higher authorities had set aside. A new argument regarding the ownership of a residential property was deemed invalid as the policy disqualifies only those with houses or plots outside the village abadi. This case involved complete land acquisition, unlike the referenced cases with partial acquisitions. The petitioners could not be expected to remain homeless during their 34-year pursuit of this claim. The authorities are directed to process the petitioners' application for an alternative plot within 4 months, in line with the relevant rehabilitation policy.

P. K. DAS AND ANR VS MMTC LTD. AND ANR. [W.P.(C)-12237/2022]

Judges: Justice Jyoti Singh

The recovery of electricity charges and reimbursed wages from senior executives at MMTC is invalid. The reimbursements were approved by the MMTC Board of Directors without any fraud or misrepresentation. Recovery of payments made more than five years ago is considered harsh and arbitrary. Show-cause notices and recovery letters issued to the executives are quashed, and MMTC is directed to refund the amounts with interest.

PANKAJ KUMAR PRASAD VS NATIONAL SEEDS CORPORATION LTD. [W.P.(C)-5724/2020]

Judges: Justice Jyoti Singh

The upgradation of the petitioner's pay scale from E-6 to E-7 level was valid, as it received approval from the Board of Directors and the Ministry of Agriculture. The recovery of excess payments made to the petitioner over the past 9 years was deemed iniquitous and arbitrary. Orders directing the petitioner to deposit the recovery amount were quashed, and the release of the petitioner's terminal benefits without any deduction was mandated.

PARVEZ AHMED VS GOVT OF NCT OF DELHI & ANR. [W.P.(C)-17090/2024]

Judges: Justice Jyoti Singh

The Department of Education (DoE) must hold Departmental Promotion Committee (DPC) meetings regularly to fill vacant positions, following the guidelines from the Department of Personnel and Training (DoPT). Vacancies, such as the Vice Principal post that has remained unfilled for five years, necessitate timely promotions and career progression for eligible employees. The DoE is required to convene a DPC for the Vice Principal position within three months.

PRADOSH PANDA VS LOK SABHA SECRETARIAT & ANR [W.P.(C)-13102/2018]

Judges: Justice Jyoti Singh

The writ petition was dismissed due to delay and laches, emphasizing that established seniority should not be disturbed after a significant time, as it affects the vested rights of others. Mere representations do not extend the limitation period or justify the delay. The seniority rules in the Lok Sabha Secretariat, which assign seniority based on the date of joining, were correctly applied following the merger of different streams. There is no indication of disagreement among judges or referral to a larger bench, indicating this is an individual matter.

PRAGATI KESHARWANI VS UNION OF INDIA & ORS [W.P.(C)-13068/2018]

Judges: Justice Jyoti Singh

Oil and Natural Gas Corporation Limited (ONGC) rejected the petitioner's application for the Assistant Executive Engineer (Electronics) position due to failure to meet the required medical standards, including normal binocular vision and the capability to handle high voltages and hazardous equipment. The position was designated for individuals with disabilities specifically in the OH-OL and HH categories. The petitioner's reduced vision and lack of binocular vision rendered her unfit according to ONGC's rules. The argument for accommodation in a computer-based role was dismissed, as the job requirements could not be altered. Additionally, the recommendation from the Commissioner for Persons with Disabilities did not bind ONGC, which had informed the Commissioner of its decision. This case was treated as an individual matter.

PREMODYA KHAKHA VS STATE (GOVT. OF NCT DELHI) [CRL.M.C.-1482/2024]

Judges: Justice Jyoti Singh

The charge sheet filed by the investigation agency was complete according to Section 173(2) of the Criminal Procedure Code, despite the pending semen analysis report. The filing of the charge sheet within the statutory period extinguished the accused's right to default bail under Section 167(2). The absence of the semen analysis report does not render the charge sheet incomplete, as it serves as corroborative evidence. Additionally, procedures like vasectomy are not foolproof, and the issue of the accused's reproductive capacity will be addressed at trial.

PRINCE BEN NNAKA VS STATE NCT OF DELHI & ANR. [W.P.(CRL)-21/2024]

Judges: Justice Jyoti Singh

The continued detention of a Nigerian national in a deportation center was deemed illegal, violating his fundamental right under Article 21 of the Constitution. Detention cannot be mandated for foreign nationals as part of bail or other judicial orders. The petitioner was directed to be released immediately, contingent upon providing his permanent address and mobile number to the FRRO, and he must report to the local police station weekly. The FRRO was instructed to consider the petitioner's new visa application per legal guidelines.

PRIYADARSHANI VS PUNJAB NATIONAL BANK [W.P.(C)-14953/2023]

Judges: Justice Jyoti Singh

The inquiry against the petitioner was invalid due to the bank's failure to examine witnesses to support the relied-upon documents, contrary to regulatory requirements. Without oral evidence, the charges were not proven. The orders for removal from service were quashed, allowing the bank to conduct a new inquiry with the presentation of oral evidence. If the bank cannot produce witnesses, the petitioner will be reinstated with full benefits.

PROF SACHIDANAND SINHA VS JAWAHARLAL NEHRU UNIVERSITY [W.P.(C)-16488/2024]

Judges: Justice Jyoti Singh

The petitioner, a retired professor from Jawaharlal Nehru University, is entitled to receive leave encashment benefits with 9% interest per annum due to the university's failure to issue a specific order to withhold these benefits. Interest on delayed payment of retiral benefits is permissible even in the absence of a specific rule. The petitioner can claim gratuity in a separate writ petition.

PROF. MADAN MOHAN VS UNIVERSITY OF DELHI AND ORS. [W.P.(C)-1387/2020]

Judges: Justice Jyoti Singh

The University of Delhi must pay interest at a statutory rate of 10% per annum on the petitioner's retirement gratuity, which was delayed by over five years following the petitioner's superannuation on 31.03.2018. Pension and gratuity are recognized as valuable rights of employees, warranting compensation for delayed payments. The University's argument regarding the petitioner's entitlement under the Payment of Gratuity Act, 1972 was rejected, as this issue had been previously settled.

PURAN SINGH@ VIPIN VS STATE (NCT OF DELHI) [W.P.(CRL)-377/2024]

Judges: Justice Jyoti Singh

The requirement of a 1-month gap between the date of surrender after the previous furlough and the application for subsequent furlough, as outlined in paragraph 13 of Standing Order No. 1/2019, is valid and enforceable. This provision does not conflict with Rule 1212 of the Delhi Prison Rules, 2018, which specifies a 1-month gap between parole and the last furlough. The competent authority must decide the petitioner's pending furlough application within 2 weeks, and the petitioner may submit a fresh application after the cooling period specified in the standing order. No opinion on the merits of the petitioner's case for furlough has been expressed.

RADHE SHIAM SHARMA VS RAJYA SABHA SECRETARIAT [W.P.(C)-10532/2022]

Judges: Justice Jyoti Singh

The writ petitions filed by retired government employees engaged as consultants by the Rajya Sabha Secretariat and Lok Sabha Secretariat were dismissed. Consultancy fees were fixed as per the contract terms, with no provision for revision based on increases in pensions from the 7th Central Pay Commission and 5th Parliamentary Pay Committee recommendations. The fee-setting formula, based on the last drawn pay minus basic pension, adhered to guidelines from the Department of Expenditure. Consultancy agreements established fixed fees that were non-revisable during the contract period. Claims for parity with other consultants were rejected due to differences in last pay drawn at retirement.

RAJ KUMAR SAINI & ORS VS GOVERNMENT OF NCT OF DELHI & ORS [W.P.(C)-8902/2015]

Judges: Justice Jyoti Singh

The writ petition filed by contractual employees of various societies working under the Directorate of Health Services, Government of NCT of Delhi was allowed. The petitioners are entitled to the minimum pay scale extended to regular employees in similar positions, based on their rigorous selection process, long tenure of 10-15 years, and performance of identical duties. The previous judgment in Stuti Ranjan & Ors. was distinguished due to the binding precedent set in a Supreme Court case. The respondents are directed to re-fix the petitioners' salaries at the minimum pay scale for regular employees and provide arrears resulting from this re-fixation.

RAJ KUMAR WADHERA VS CANARA BANK & ORS. [W.P.(C)-12359/2021]

Judges: Justice Jyoti Singh

The petitioner's medical condition of AVSD with severe pulmonary hypertension does not qualify as a "disability" under the 1995 or 2016 Acts, leading to the rejection of the claim for disability status. However, the bank's deduction of Rs. 9,01,327/- from the petitioner's salary without allowing an opportunity to explain unauthorized leave taken during the COVID-19 pandemic violated principles of natural justice. The bank is ordered to return the deducted amount to the petitioner's account, while retaining the option to pursue legal action regarding the unauthorized leave.

RAJESH KUMAR BHALLA VS THE NEW INDIA ASURANCE CO. LTD. & ORS. [W.P.(C)-8629/2015]
Judges: Justice Jyoti Singh
The Petitioner's claim for three stagnation increments is not maintainable due to his voluntary retirement under the Voluntary Retirement Scheme (VRS). The VRS is a contractual arrangement, and by opting for it and accepting the associated benefits, including an ex-gratia payment, the Petitioner forfeits any claims to past dues or rights, such as stagnation increments. The distinction between this case and previous judgments regarding statutory claims is noted, emphasizing that stagnation increments were part of the VRS package accepted by the Petitioner. Consequently, the claim for stagnation increments is dismissed following the acceptance of the VRS benefits.

RAJESH KUMAR JHA VS CENTRAL RAILSIDE WAREHOUSE COMPANY LIMITED [W.P.(C)-11859/2018]
Judges: Justice Jyoti Singh
The petitioner did not meet the eligibility criteria for the Manager (General) position, which required a minimum of 10 years of work experience in the government/public sector. The petitioner's work experience was exclusively in the private sector, failing to satisfy this requirement. Although the petitioner may have misinterpreted the criteria, there was no intent to conceal facts. Disciplinary action for removal from service was upheld due to the lack of requisite work experience, while the findings related to allegations of misconduct were not upheld.

RAJIV JAISWAL VS THE ORIENTAL INSURANCE COMPANY LTD. [W.P.(C)-9656/2018]
Judges: Justice Jyoti Singh
The petitioner is not entitled to an additional 4 years of qualifying service for pension calculation under Clause 26 of the General Insurance (Employees') Pension Scheme, 1995. The conditions under Clauses 26(a), 26(b), and 26(c) must be read conjunctively, and the petitioner failed to meet Clause 26(c) as he was within the maximum age limit at recruitment without age relaxation. The petitioner's case was differentiated from cited Supreme Court judgments due to distinct regulations and facts. The writ petition was dismissed.

RAKESH KUMAR TIWARI VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-3912/2024]
Judges: Justice Jyoti Singh
The petitioner's application to introduce documents proving his travel outside Delhi on the date of a declaration-cum-receipt-cum-agreement was dismissed. The petitioner did not assert at trial that he was absent from Delhi on the execution date and had admitted to signing the receipt. The trial court found the receipt to be genuine. The petitioner was not allowed to present a contradictory defense at this stage.

RAM BABU MAHTO VS BANK OF INDIA THROUGH ITS MANAGING DIRECTOR & ORS. [W.P.(C)-1599/2021]
Judges: Justice Jyoti Singh
The petitioners transferred to the Delhi zone of the Bank of India on their own request are not entitled to subsidized accommodation, in line with the Bank's policy outlined in the Internal Office Memorandum dated October 7, 2017. This policy specifies that officers transferred at their request are ineligible for certain allowances, including subsidized accommodation. The petitioners were informed of this policy and cannot claim ignorance. Additionally, their argument of discrimination based on 2020 transfer orders granting subsidized accommodation to some officers is dismissed, as those measures were exceptional due to the COVID-19 pandemic and do not apply to their situation.

RAM BABU VS NEW INDIA ASSURANCE COMPANY LIMITED & ANR. [W.P.(C)-14246/2024]

Judges: Justice Jyoti Singh

The writ petition was dismissed due to delay and laches, with claims for seniority dating back to 1992 and promotion from 1999 made after 32 and 25 years, respectively, without valid explanation. Disturbing settled seniority and promotion matters after such long delays adversely affects the vested rights of other employees. Therefore, reconsideration of the claims at this late stage is not feasible and would unsettle established rights.

RAMA KRISHNA PUBLIC SCHOOL VS DIRECTORATE OF EDUCATION & ANR. [W.P.(C)-15485/2024]

Judges: Justice Jyoti Singh

The Rama Krishna Public School filed a writ petition challenging a 2015 order from the Directorate of Education (DoE) that required the school to pay salary and allowances to a teacher based on the 5th and 6th Central Pay Commissions' recommendations, noting that the teacher's services were not terminated. The school, aware of the order since 2015, waited over 9 years to challenge it without providing any explanation for the delay. The challenge was dismissed due to the absence of timely action.

RAMBIR VS MINISTRY OF HUMAN RESOURCE DEVELOPMENT, DEPARTMENT OF HIGHER EDUCATION AND ORS. [W.P.(C)-9521/2019]

Judges: Justice Jyoti Singh

The University's Recruitment Rules allowing for 50% promotion from the feeder cadre of Professional Assistant to Assistant Librarian remain valid despite the 2018 UGC Regulations, which only set minimum qualifications for direct recruitment and do not prohibit promotions. The University must convene a Departmental Promotion Committee to consider the petitioner's eligibility for promotion, acknowledging that the petitioner has a vested right to that opportunity, even though the vacancy was filled through direct recruitment during the proceedings.

RITU SINGHAL VS LIONS PUBLIC SCHOOL AND ORS [W.P.(C)-1852/2024]

Judges: Justice Jyoti Singh

The suspension order and its extension issued by Lions Public School against the Petitioner were invalid due to non-compliance with Section 8(4) of the Delhi School Education Act and Rules (DSEAR), which requires prior approval from the Directorate of Education (DoE). The School failed to obtain this necessary approval before suspending the Petitioner. Additionally, the Minutes of the Meeting that led to the suspension lacked signatures from the DoE's nominees, further invalidating the order. Concerns regarding the DoE's delays in responding to approval requests were noted, with a directive for timely actions on such requests in the future. The requirement of prior DoE approval for suspensions in recognized private schools, as stipulated by DSEAR, was strongly reaffirmed.

RK MITTAL VS UNION OF INDIA [W.P.(C)-6244/2020]

Judges: Justice Jyoti Singh

Disciplinary proceedings against a Judicial Member in the Railway Claims Tribunal were vitiated due to the non-supply of the inquiry report prior to the penalty of removal from service. The petitioner demonstrated that this non-supply prejudiced his case, as he could not address defects in the report. The penalty order lacked reasoning for the extreme punishment and was considered a non-speaking order. Consequently, the penalty order was set aside, and the matter was remanded for reconsideration, requiring an opportunity for the petitioner to respond to the inquiry report. No opinion on the merits of the case was provided, leaving the decision to the Disciplinary Authority to address in accordance with law.

ROHIT VS STATE (NCT OF DELHI) [BAIL APPLN.-3753/2023]

Judges: Justice Jyoti Singh

The charge sheet filed within the 180-day period under the NDPS Act is considered complete for default bail purposes, even without the FSL report. Previous judgments confirm that the absence of the FSL report does not render the charge sheet incomplete, thus the accused is not entitled to default bail. The Supreme Court has granted interim bails in related cases but has not established a general rule for release on default bail under these circumstances. The bail application was dismissed as lacking merit.

SH. AKHTAR ALI VS GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-6399/2013]

Judges: Justice Jyoti Singh

The petitioners were not entitled to the 3rd Time Bound Promotion (TBP) scale because their promotion to Head Clerk was on an ad-hoc basis, which did not meet the eligibility criteria outlined in the DVB order dated 21.12.1999. Arguments based on the DESU (DMC) Employees Higher Scale of Pay Regulations, 1995, and the Delhi Electricity Reforms Act, 2000, were rejected as they did not address the specific provisions of the TBP scheme. The writ petitions lacked merit.

S.K.JAIN VS PUNJAB NATIONAL BANK AND ORS [W.P.(C)-4011/2012]

Judges: Justice Jyoti Singh

The departmental inquiry against the petitioner was flawed due to the absence of witness testimony to support the documentary evidence, violating applicable regulations. Without oral evidence, the inquiry officer could not rely solely on documents to establish guilt. The penalty of removal from service was quashed, allowing for a de-novo inquiry if it includes the necessary oral evidence.

S.K.TYAGI & ORS. VS DELHI TRANSCO LTD. & ORS. [W.P.(C)-8951/2006]

Judges: Justice Jyoti Singh

The Petitioners are eligible for promotion to Assistant Manager (Tech) due to three years of continuous service as Junior Engineers and possessing the necessary engineering degrees, even if the service was not completed post-degree. Delhi Transco Ltd. must convene a Review DPC to consider the Petitioners for promotion with seniority and revise the Office Order dated 12.05.2006 that promoted junior officers over them.

SADHNA PAYAL VS RUKMANI DEVI JAIPURIA PUBLIC SCHOOL & ANR. [W.P.(C)-14814/2021]

Judges: Justice Jyoti Singh

The private recognized school, Rukmani Devi Jaipuria Public School, is required to adhere to Section 10(1) of the Delhi School Education Act and Rules, 1973, ensuring employee benefits are equivalent to those of government school employees. This provision applies to all private recognized schools, including unaided ones. The petitioner is entitled to leave encashment as a retiral benefit under Section 10(1), with the school's rules not superseding this requirement. The petitioner must make a detailed representation for leave encashment and gratuity balance, which the school must address within six weeks, allowing the petitioner further legal options if not satisfied with the response.

SANJAY KAUSHIK VS STATE OF NCT OF DELHI [W.P.(CRL)-829/2019]

Judges: Justice Jyoti Singh

The direction to the DCP to register an FIR against the investigating officer was deemed unwarranted and unsustainable. Emphasis was placed on the need for judicial restraint regarding observations against investigating officers. While the direction to register an FIR was set aside, concerns about the investigation's nature and alleged connivance were noted. The DCP was instructed to examine the issue and make a decision after hearing the investigating officer, following legal procedures.

SARITA BAKSHI VS DELHI UNIVERSITY & ANR [W.P.(C)-5508/2018]

Judges: Justice Jyoti Singh

The writ petition filed by Sarita Bakshi was allowed, quashing letters from Delhi University and Sri Aurobindo College that sought to refix her pay and recover an alleged overpayment of Rs. 4.28 lakhs made over 20 years. The case was deemed to fall within legal categories prohibiting recovery from retired employees and payments made more than five years prior. The excess payment was attributed to the employer's mistake, and the petitioner had no knowledge of the overpayment. Recovery was deemed iniquitous, leading to an order for the refund of the Rs. 4.28 lakhs, along with 8% annual interest.

SASPAL SINGH VS PUNJAB AND SIND BANK AND ANR. [W.P.(C)-2687/2021]

Judges: Justice Jyoti Singh

The petitioner's resignation is treated as voluntary retirement due to over 20 years of qualifying service with the bank. The rejection of the petitioner's pension claim by the bank was quashed, and the bank was directed to grant pensionary benefits on the condition that the petitioner refunds the bank's provident fund contributions.

SATYA NARAIN AGRAWAL VS UNION OF INDIA AND ORS. [W.P.(C)-3764/2019]

Judges: Justice Jyoti Singh

The writ petition seeking pro rata pension for service in the Indian Air Force from June 2, 1960, to November 14, 1969, was dismissed. The petitioner lacks the minimum 10 years of qualifying service required under the Pension Rules. References to Rule 49(3) of the 1972 Pension Rules and Rule 44(8) of the 2021 Pension Rules were rejected as not providing exceptions to the qualifying service requirement. The claim was deemed meritless.

SATYENDRA KUMAR VS UNION OF INDIA AND ANR. [W.P.(C)-6253/2018]

Judges: Justice Jyoti Singh

The writ petition was dismissed as the advertisement by ONGC for Graduate Trainee recruitment adhered to the 1% reservation requirement for persons with disabilities under Section 33 of the Persons with Disabilities Act, 1995. Issues were noted regarding the disability certificate submitted by the petitioner, but it was not deemed inauthentic. ONGC's provision of 1% reservation for Visually Handicapped, Hearing Handicapped, and Orthopedically Handicapped categories complied with DoPT guidelines. The assessment of specific sub-category reservations falls within the employer's purview based on job requirements.

SAURAV ANAND VS UNION PUBLIC SERVICE COMMISSION [W.P.(C)-243/2024]

Judges: Justice Jyoti Singh

The challenge to the debarment order issued by the UPSC pertains to recruitment and falls under the jurisdiction of the Administrative Tribunal as outlined in Section 14 of the Administrative Tribunals Act, 1985. The Administrative Tribunal serves as the first point of contact for such matters, preventing the High Court from entertaining the writ petition directly. The writ petition was dismissed, allowing the petitioner the opportunity to approach the Administrative Tribunal, with no opinion expressed on the case's merits.

SEEMA MEHTA VS GNCT OF DELHI AND ORS. [W.P.(C)-10708/2019]

Judges: Justice Jyoti Singh

Seema Mehta cannot be denied medical reimbursement for treatment received at a non-empanelled hospital under the CGHS scheme in an emergency situation. The focus is on treatment provided rather than the hospital's empanelment. Respondents must disburse the claimed amount of Rs. 5,85,523/- to the petitioner within six weeks, along with interest at 6% per annum from the date of rejection.

SH RAM KRISHNA DATTA & ANR. VS UNION OF INDIA & ANR. [W.P.(C)-8413/2020]

Judges: Justice Jyoti Singh

Charges of fraudulent LTC claims against the petitioners were not proven. The Inquiry Officer found no role of the petitioners in generating allegedly forged air tickets and established no intent to defraud. Previous rulings indicated that bona fide actions in purchasing tickets from genuine travel agents do not constitute misconduct in the absence of fraud or ill-intent, particularly when the employee traveled. Disciplinary proceedings and the penalty of debarment from availing LTC for two block years were quashed due to the acceptance of the Inquiry Officer's findings that the charges were unproven.

SH G L GUPTA VS DELHI URBAN SHELTER IMPROVEMENT BOARD [W.P.(C)-7917/2023]

Judges: Justice Jyoti Singh

The writ petition challenging the suspension order and seeking terminal benefits was dismissed. The suspension order had attained finality, and the petitioner received the difference between salary and subsistence allowance during the suspension period. A 30% cut in pension as a disciplinary penalty was upheld since the petitioner did not contest the disciplinary proceedings. The respondent was directed to issue a speaking order regarding leave encashment, as no such order had been provided.

SH HARI KUMAR S VS LT. GOVERNOR OF DELHI & ORS. [W.P.(C)-14616/2024]

Judges: Justice Jyoti Singh

The petitioner, a retired government employee, is entitled to retirement benefits, which are recognized as a legal right rather than a discretionary government offering. Pension and retirement benefits are acknowledged as essential for financial security in old age. Excuses of budgetary constraints from the respondents are deemed unacceptable. The respondents are directed to release all retirement benefits to the petitioner within two weeks.

SH. MOHAN SINGH VS LOK SABHA SECRETARIAT AND ORS. [W.P.(C)-6961/2018]

Judges: Justice Jyoti Singh

The Lok Sabha Secretariat canceled the petitioner's candidature for the Security Assistant Grade-II (Technical) position due to his medical condition of Coronary Artery Disease (CAD). The position required a high level of physical and medical fitness for demanding tasks, which the petitioner could not fulfill. Consultation with the Joint Secretary (Security), responsible for Parliament's security, indicated that the petitioner would be unable to perform the required duties. The decision was upheld as non-arbitrary and consistent with applicable rules and policies.

SHALIMAR PAINTS VS NATIONAL MARBLE & SANITARY STORE [CRL.A.-289/2017]

Judges: Justice Jyoti Singh

The acquittal of the accused under Section 138 of the Negotiable Instruments Act was upheld due to the appellant's failure to name the correct entity that issued the dishonored cheques. The cheques were issued by National Marble & Sanitary Store VV, but the appellant had incorrectly named National Marble & Sanitary Store as the accused. For prosecution under Section 141, the entity committing the offense must be named as the accused. The absence of evidence against the wrong firm and the failure to include the correct drawer of the cheques led to the dismissal of the appeal.

SHRI JAI BHAGWAN & ANR. VS LAND AND BUILDING DEPARTMENT THROUGH ITS SECRETARY LAND AND BUILDING & ANR. [W.P.(C)-15740/2024]

Judges: Justice Jyoti Singh

The writ petition filed by Shri Jai Bhagwan and another was allowed, challenging the rejection of their claim for an alternate plot. The rejection was based solely on a Tehsildar's report not provided to the petitioners, preventing them from contesting its findings. Owning a house or plot within the village abadi area does not impede eligibility for an alternate plot. The respondent authority must reconsider the claim after sharing the Tehsildar's report and conducting a personal hearing, following relevant policy and case law, without an expression of opinion on the case's merits.

SHRI RAKESH GARG VS UNION OF INDIA & ORS [W.P.(C)-11631/2015]

Judges: Justice Jyoti Singh

The suspension and termination orders against the Petitioner were quashed due to the termination being issued by a subordinate authority, which is not legally permissible. The allegations against the Petitioner were not substantiated, and the termination occurred without a proper inquiry, violating principles of natural justice. The Petitioner is to be reinstated with all consequential benefits.

SHRI RANBIR SINGH TOMAR VS LAND AND BUILDING DEPARTMENT, THROUGH ITS SECRETARY LAND AND BUILDING & ANR. [W.P.(C)-13311/2024]

Judges: Justice Jyoti Singh

The petitioner, whose land was acquired by the government and received compensation, is eligible for an alternative plot under the rehabilitation policy. The policy restricts allotment only if the applicant or dependents own a house or plot in urban Delhi, not outside it. The purpose of the policy is to provide shelter to those deprived of their land. The petitioner does not own property in urban Delhi, prompting a directive for his application for an alternative plot to be considered.

SHYAM SUNDAR VS STATE (NCT) OF DELHI AND ANR [CRL.REV.P.-221/2024]

Judges: Justice Jyoti Singh

The conviction of the petitioner under Section 138 of the Negotiable Instruments Act was set aside due to an amicable settlement between the parties. The decision acknowledged the ability to compound the offense and acquit the accused even after appellate proceedings, recognizing the petitioner's financial circumstances and the payment of the settlement amount to the complainant. No costs were imposed on the petitioner.

SI MAYA DEVI VS STATE (NCT OF DELHI) & ORS. [W.P.(CRL)-522/2022]

Judges: Justice Jyoti Singh

The direction to the Police Commissioner to initiate disciplinary action against the investigating officer was deemed unwarranted and legally impermissible, constituting judicial overreach. Judicial precedents underscored the necessity of judicial restraint and the principle of separation of powers, which bars the judiciary from interfering in the executive's disciplinary processes. The orders directing the initiation of disciplinary proceedings against the officer were set aside.

SIDHARATH @ SOMBIR VS STATE NCT OF DELHI [CRL.M.C.-402/2024]

Judges: Justice Jyoti Singh

The petitioner cannot compel the disclosure of mobile location details of the police team involved in his arrest, as such disclosure could jeopardize the safety and privacy of the officers and the identity of informers. The orders of the trial court were consistent with established views on this matter, showing no errors.

SK JAIN AND ORS VS PUNJAB NATIONAL BANK AND ORS [W.P.(C)-8941/2011]

Judges: Justice Jyoti Singh

The writ petition by retired bank employees was dismissed on the basis that they are bound by the 2010 settlement terms, including the November 27, 2009 cut-off date for pension payments and the requirement to refund the bank's contribution to the Contributory Provident Fund with an additional 56% towards the pension fund's funding gap. There was no evidence of discrimination regarding the cut-off date, as it applied equally to other employees who chose pension under the 1995 regulations. Furthermore, the bank has significantly contributed to the pension fund's funding gap as shown in its audited financial statements. The petition was deemed without merit.

SMT. DIVYA BHASKAR AND ANR. VS GOVT. OF NCT OF DELHI AND ANR. [W.P.(C)-9552/2017]

Judges: Justice Jyoti Singh

The appointments of the petitioners as Assistant Teachers were upheld based on compliance with Recruitment Rules (RRs). B.Ed. was deemed not essential for the position, allowing the school to issue a corrigendum removing the B.Ed. requirement. The Selection Committee, which included a DoE nominee and a subject expert, ratified both the corrigendum and the appointments. No prior approval from DoE was necessary before publishing the corrigendum. The DoE's order declaring the appointments null and void was quashed, leading to the release of the petitioners' salaries and associated benefits.

SMT. DRAUPATI DEVI VS UNION OF INDIA AND ORS. [W.P.(C)-8675/2022]

Judges: Justice Jyoti Singh

Recovery of Rs. 9 lakhs from the leave encashment dues of the petitioner's deceased husband was deemed impermissible, as it occurred more than 5 years after the alleged excess payment. The recovery was considered iniquitous and harsh due to the petitioner's circumstances of losing both her husband and son. The college must release the leave encashment dues to the petitioner within 6 weeks, along with interest.

SMT. SATYA CHHIKARA VS THE MANAGING COMMITTEE, ARMI PUBLIC SCHOOL AND ANR. [W.P.(C)-11563/2017]

Judges: Justice Jyoti Singh

The petitioner's termination was deemed malafide and illegal, leading to the quashing of the termination order. The petitioner was recognized as a regular employee, appointed through proper procedures, contrary to the school's claim of her being temporary or contractual. The school must consider back wages, pay revision, and other statutory benefits from the appointment date of April 2, 2007, and confirmation date of April 1, 2008. The matter involved similar cases regarding the school's treatment of other employees, with previous observations highlighting issues with the school's conduct.

SRINIVASA VS THE CHAIRMAN CUM MANAGING DIRECTOR, AGRICULTURE INSURANCE COMPANY OF INDIA & ORS. [W.P.(C)-4545/2024]

Judges: Justice Jyoti Singh

The petitioner's challenge to the selection process for the Management Trainee (Rural Management) position at the Agriculture Insurance Company of India was dismissed. The recruitment notice indicated that the company reserved the right to set minimum qualifying marks for the interview, and this requirement did not constitute a change in the rules. The petitioner participated in the selection process with awareness of the interview criteria and was therefore barred from contesting the process after not being selected.

ST. GEORGE SCHOOL VS DIRECTOR OF EDUCATION & ORS [W.P.(C)-9670/2015]

Judges: Justice Jyoti Singh

The applicability of Section 10(1) of the Delhi School Education Act and Rules, 1973 to unaided minority schools was upheld, requiring them to implement the pay recommendations of the 6th and 7th Central Pay Commissions for their employees. The argument for autonomy in determining staff salaries was rejected, affirming that this mandate applies to all recognized private schools. The school was directed to pay teachers their due bonus and transport allowance and to re-fix salaries per the 2008 Central Civil Services (Revised Pay) Rules and the 2012 Office Memorandum.

STATE (NCT OF DELHI) VS SHIV PRASAD [CRL.L.P.-526/2015]

Judges: Justice Jyoti Singh

The trial court's acquittal of the accused was upheld due to material contradictions in the prosecution's case regarding the positioning of the raiding party, the characteristics of the recovered contraband, adherence to procedural requirements under the NDPS Act, and discrepancies in documentary evidence. The prosecution failed to prove the case beyond reasonable doubt, leading to the dismissal of the state's petition for leave to appeal against the acquittal.

STEEL AUTHORITY OF INDIA LTD VS JSC CRYOGENMASH [O.M.P. (COMM)-509/2018]

Judges: Justice Jyoti Singh

The courtesy copy of the arbitral award sent via email on 27.07.2018 did not initiate the 3-month limitation period under Section 34(3) of the Arbitration Act, 1996; the period commenced upon receipt of the original signed award on 06.08.2018. The initial petition filed on 12.11.2018 was considered invalid due to the absence of the arbitral award, a fundamental defect. However, the complete petition submitted with the award on 06.12.2018 was valid, and the delay in re-filing was accepted. On the merits, the arbitral tribunal's findings indicated that the respondent's modifications to the technical specifications adhered to the contract, while the petitioner's rejection was unjustified. Additionally, the tribunal's conclusion regarding the petitioner's wrongful termination of the contract was upheld, affirming the respondent's entitlement to damages for lost profits, incurred expenses, and work completed on engineering drawings.

SUDHIR BUDAKOTI VS VICE CHANCELLOR I/C IGNOU AND ANR [W.P.(C)-4231/2017]

Judges: Justice Jyoti Singh

The writ petition challenging repatriation from the position of Registrar (Administration) at IGNOU was dismissed. The petitioner was deemed ineligible as he lacked the required 15 years of administrative experience, including 8 years as a Deputy Registrar or equivalent. Concealment of material facts regarding his pay grade during the deputation application was noted as a serious issue. There was also prima facie evidence of malfeasance. The argument regarding the competence of the repatriating authority was rejected, confirming that the Board of Management was the appointing authority as per IGNOU Ordinances.

SUDHIR KUMAR & ORS. VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-2152/2022]

Judges: Justice Jyoti Singh

Discharge of the appellants from charges under Sections 409 and 120B IPC was upheld, as Bank officials acted within their official capacity and lawfully exercised the Bank's right of lien over the mortgaged property. The disputes were determined to be civil in nature, relating to a corporate guarantee and release of title deeds, pending before Debts Recovery Tribunals. The criminal proceedings were viewed as an abuse of process since a civil remedy was available. Essential elements of criminal breach of trust under Section 405 IPC were not established, as the Bank officials did not misappropriate property but retained title deeds under their legal right. The FIR was quashed to prevent abuse of the legal process and ensure justice.

SUNIL DUTT VS SENIOR MANAGER HR, ASHOK HOTEL & ANR. [W.P.(C)-4195/2008]

Judges: Justice Jyoti Singh

The writ petition filed by Sunil Dutt seeking appointment as Assistant Manager (E&M) was dismissed due to confusion in his application regarding the position he sought. His application was submitted after the deadline, leading to non-consideration by the selection committee. The selected candidate, Naveen Rohilla, possessed a B.Tech degree in Mechanical Engineering, making him more qualified. No merit was found in the petitioner's case.

SUNIL KUKERJA VS NATIONAL RURAL ROADS DEVELOPMENT AGENCY AND ANR [W.P.(C)-2308/2016]

Judges: Justice Jyoti Singh

The National Rural Roads Development Agency was not justified in refusing to contribute to the pension of a petitioner who was on deputation from PEC Limited. The refusal was based on a misconception without legal support. The agency must remit its share of the pension contribution to the LIC within 8 weeks, along with 8% interest from the date of the petitioner's superannuation. Pension is recognized as a right, not a bounty, and delayed retirement benefit payments incur interest.

SUNIL KUMAR GARG VS M.M.T.C. LTD. & ORS. [W.P.(C)-3998/2004]

Judges: Justice Jyoti Singh

The petitioner, having voluntarily retired from MMTC under the VRS scheme, cannot challenge the disciplinary proceedings and penalty order against him. VRS schemes are contractual and terminate the employment relationship completely. Accepting VRS benefits prevents the employee from raising claims or grievances related to past service matters, except for unwaived statutory rights. As the petitioner retired without protest, he is estopped from contesting the previous disciplinary actions.

SURAJ PRAKASH VS STATE [BAIL APPLN.-3988/2023]

Judges: Justice Jyoti Singh

Suraj Prakash is ineligible for anticipatory bail under Section 438 CrPC due to his status as a Proclaimed Offender, with exceptions only applicable in rare situations. His lack of cooperation during the investigation, evidenced by providing false information regarding his address, contributed to the dismissal of the bail application. The observations are specific to the bail matter and do not address the case's merits.

SURENDER KUMAR SHARMA VS DELHI URBAN SHELTER IMPROVEMENT BOARD (GOVT. OF NCT OF DELHI) [W.P.(C)-10782/2017]

Judges: Justice Jyoti Singh

The writ petition filed by Surender Kumar Sharma for a Grade Pay of Rs. 7,600/- for the position of Budget and Finance Officer was dismissed. He was ineligible for the higher Grade Pay as he had not completed the required 5 years of continuous service in the post of Deputy Controller of Accounts, a prerequisite according to the Recruitment Rules. His claim of discrimination due to a junior officer receiving higher Grade Pay was rejected, as that decision was made by the Finance Department of the Government of NCT of Delhi during the officer's deputation, unrelated to DUSIB. No recoveries will be made from him for the benefits received while holding the current duty charge of the B&FO post at retirement.

T C VERMA & ANR. VS GOVT OF NCT OF DELHI [W.P.(C)-1794/2014]

Judges: Justice Jyoti Singh

The Appellate Authority erred in condoning a delay of over 2.5 years in filing an appeal under Section 17 of the Indian Forest Act, 1927. The term 'may' in this section only allows the Forest Officer discretion to file an appeal within 3 months and does not give authority to condone delays beyond this timeframe. The Appellate Authority is not classified as a 'court', making the provisions of the Limitation Act, 1963 inapplicable for condoning such delays. The Respondent's actions in taking possession of the Petitioners' land without providing alternative land, as directed by the Forest Settlement Officer, were criticized. The impugned order was quashed, and the Respondent was directed to implement the Forest Settlement Officer's order within 3 months.

T.K.ROY VS V.C.,DELHI UNIVERSITY, DELHI [W.P.(C)-5434/2004]

Judges: Justice Jyoti Singh

The writ petition by T.K. Roy for promotion to Technical Officer from 14.01.1993 was dismissed due to his ineligibility based on the University's Executive Council criteria of requiring 20 years of service as of 01.01.1993. The petitioner's previous challenge regarding seniority with two other officers had been resolved and was final. The petition was deemed meritless.

UMESH GAUBA VS MODERN CHILD PUBLIC SR. SEC. SCHOOL (RECOGNIZED) & ANR [W.P.(C)-4637/2019]

Judges: Justice Jyoti Singh

The suspension order against the petitioner was invalid due to lack of prior approval from the Director of Education as required by Section 8(4) of the Delhi School Education Act and Rules. The absence of approval within the mandated 15 days caused the suspension to lapse, resulting in the petitioner's entitlement to reinstatement with full salary and benefits from the suspension date.

UPPAL HOTELS PVT. LTD. (NOW KNOWN AS DTU HOTELS PRIVATE LIMITED) VS GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-11394/2024]

Judges: Justice Jyoti Singh

The Delhi Land Reforms Act, 1954 no longer applies to the petitioner's land in Village Samalkha, which was urbanized as of November 20, 2019. The petitioner received permission to construct a motel, signifying that the land is no longer considered agricultural. Consequently, proceedings pending before the Deputy Commissioner, initiated by the Gaon Sabha Samalkha, were quashed.

V. P. KOTHIYAL VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-1852/2022]

Judges: Justice Jyoti Singh

The FIR against the petitioner under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was quashed due to insufficient allegations, lacking specifics such as time and place, and failing to show that the purported insulting words were made in public view. The complaint was deemed motivated by personal rivalry and malice, justifying the quashing to prevent abuse of legal processes.

V.P.KATHURIA AND ORS VS CEMENT CORPORATION OF INDIA AND ANR [W.P.(C)-3651/2012]

Judges: Justice Jyoti Singh

Petitioners eligible for promotion but retired or resigned before the Departmental Promotion Committees (DPCs) are entitled to be considered for promotion to the next higher grades. Previous judgments indicate the right to be considered for promotion is fundamental, and employees cannot be excluded from consideration due to their retirement or resignation before the DPC. The company must consider the petitioners for promotion on a notional basis with all consequential benefits. The company's claim of constraints due to being a sick corporation is rejected, as it had convened DPCs and granted retrospective promotions to other employees.

VARRE SAI PRANAV SUDHANSHU VS UNION OF INDIA & ANR. [W.P.(C)-9744/2024]

Judges: Justice Jyoti Singh

The dispute over the evaluation of the petitioner's OMR answer sheet in the Civil Services (Preliminary) Examination 2024 falls under the jurisdiction of the Administrative Tribunal, as it pertains to recruitment under the Administrative Tribunals Act, 1985. The relevant legal precedent indicates that only the Administrative Tribunals are authorized as the initial forum for such matters. The writ petition was dismissed, with the petitioner permitted to approach the Administrative Tribunal.

VEDA VYASA DAV PUBLIC SCHOOL VS SH. DEVENDER KUMAR ARYA AND ANR. [W.P.(C)-5551/2018]

Judges: Justice Jyoti Singh

The school's acceptance of the teacher's resignation without the necessary approval from the Directorate of Education violated Rule 114(A) of the Delhi School Education Act and Rules, 1973. The school failed to seek approval within the required 30-day period, and the provision for deemed approval did not apply. The principles established in Raj Kumar v. Directorate of Education regarding protections against illegal termination were deemed relevant to this case involving resignation. The Delhi School Tribunal's decision, which set aside the relieving order and mandated reinstatement with back wages, was upheld.

VEERPAL KAUR VS STATE BANK OF INDIA & ANR [W.P.(C)-11132/2019]

Judges: Justice Jyoti Singh

The termination of the petitioner's services by the State Bank of India (SBI) was upheld due to her failure to qualify in a mandatory confirmation test, as specified in her appointment documents. The petitioner had previously accepted the terms of service under SBI after its merger with the State Bank of Hyderabad, making the SBI Officers' Service Rules applicable. Despite the petitioner's claims of physical and mental trauma from pregnancy-related complications, sufficient accommodations had been provided, including an extended probation period and multiple opportunities to pass the test. The writ petition was dismissed.

VIKSHIT TOMAR VS DISTRICT & SESSIONS JUDGE & ANR [W.P.(C)-5806/2019]

Judges: Justice Jyoti Singh

The cancellation of the petitioner's candidature for the Junior Judicial Assistant position was upheld despite his acquittal in a criminal case. Acquittal does not automatically qualify a candidate for appointment, particularly in disciplined roles like the judiciary. The petitioner's acquittal was deemed not "honourable" due to hostile witnesses and the serious nature of the alleged offenses under Section 302/506/34 IPC. The Screening Committee's assessment of the petitioner as unsuitable for the role was justified, with no identified issues in their recommendation or the final decision to cancel his candidature.

VINAY KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-14638/2024]

Judges: Justice Jyoti Singh

The answer key for Question No. 57 in the TGT (Maths) examination was deemed incorrect, with both Option 1 and Option 3 identified as valid answers by independent subject experts. As a result, the petitioner was awarded an additional 1.25 marks for selecting the correct Option 1, which was incorrectly marked as wrong. The petitioner is to be offered the position of TGT (Maths), pending the clearance of a medical examination and other selection requirements, along with seniority and salary benefits from the actual appointment date. The revised answer key benefits only the petitioner, with no impact on the appointments of other selected candidates.

VINAY VS UNION OF INDIA AND ORS [W.P.(C)-10134/2024]

Judges: Justice Jyoti Singh

Under Section 14(1) of the Administrative Tribunals Act, 1985, the Administrative Tribunal serves as the primary venue for disputes relating to recruitment and challenges to the examination process conducted by the National Testing Agency (NTA). The argument that writ petitions should be entertained by the High Court, despite the remedy available before the Administrative Tribunal, was rejected, emphasizing that litigants must first approach the Administrative Tribunal for service-related matters.

VIVEK KUMAR SINGH VS AIRPORTS AUTHORITY OF INDIA [W.P.(C)-6276/2024]

Judges: Justice Jyoti Singh

The cancellation of Vivek Kumar Singh's candidature for the Junior Executive (Air Traffic Control) position due to color blindness was unjustified. Medical examination confirmed his normal color vision. An order was issued for the Airports Authority of India to provide an offer of appointment in the OBC category within four weeks, subject to verification of his antecedents. He will receive pay and allowances from his joining date, and seniority will be fixed alongside his batch-mates based on merit.

VIVEK KUMAR VS STATE GOVT. OF NCT OF DELHI & ANR. [W.P.(CRL)-1978/2022]

Judges: Justice Jyoti Singh

The notice issued under Sections 107/111 Cr.P.C. was quashed due to the Special Executive Magistrate's failure to follow mandatory procedures and guidelines. The Magistrate did not independently evaluate the situation before issuing the notice, which appeared to be a mechanical exercise based on a pre-printed format. In landlord-tenant disputes, issuing a Section 107 notice solely based on a police report is inappropriate without an independent opinion. The process requires the Magistrate to exercise caution and provide reasons for their actions. With the notice outstanding for over a year, it was quashed and the Kalandra was directed to be closed.

Y.P.SETHI VS UNION BANK OF INDIA & ORS. [W.P.(C)-2167/2002]

Judges: Justice Jyoti Singh

The Disciplinary Authority complied with the procedural requirements under Rule 7(2) of the Union Bank of India Officer Employees' Regulations, finding the charges against the petitioner were proved. However, the penalty of dismissal was deemed disproportionate due to the petitioner's long unblemished service record, lack of loss to the bank, and absence of mala fide intent. Reconsideration of the punishment, taking these factors into account, was directed.

M/S. MGM PAPERS LLP VS M S SAMMAN LAL SHER SINGH PAPER PVT LTD AND ORS [CS(COMM)-626/2022]

Judges: Justice Manmeet Pritam Singh Arora

The defendants' application under Section 8 of the Arbitration and Conciliation Act, 1996 for reference of disputes to arbitration is maintainable. Claims of limitation, a restricted time frame for the arbitration clause, and the invalidity of the clause with two named arbitrators were rejected. Non-signatory plaintiffs ratified the Settlement Agreement by relying on it in their pleadings, and the arbitration clause is valid with provisions for appointing a presiding arbitrator. The parties are directed to proceed with arbitration according to the Settlement Agreement, and the delay in the defendants filing the written statement is condoned as it falls within the grace period.

M/S HCL INFOSYSTEMS LIMITED VS M/S PRESTO INFOSOLUTIONS PVT. LTD. [CS(COMM)-733/2022]
Judges: Justice Manmeet Pritam Singh Arora
The plaintiff's application to amend the plaint to include claims for additional costs incurred from third-party vendors for Annual Maintenance Contract (AMC) services was accepted, citing the defendant's failure to provide these services as per the Master Purchase Agreement (MPA). The additional claims were considered related to the original claims, allowing for the avoidance of multiple proceedings. The plaintiff is required to submit the additional court fee and supporting documents, while the defendant may file an amended written statement regarding the allowed amendments.

ADM CORPORATION VS REDINGTON INDIA LTD & ANR. [CS(COMM)-386/2022]
Judges: Justice Manmeet Pritam Singh Arora
Defendant No. 2, HP Sales India Ltd, is categorized as a necessary and proper party to the suit involving ADM Corporation, despite the absence of a direct contractual relationship. The approval of Defendant No. 2 is essential for the overriding commission (ORC) that Defendant No. 1 must pay to the plaintiff, as Defendant No. 2 bears the cost of this ORC. The plaintiff seeks both permanent and mandatory injunctions against both defendants, reinforcing the necessity of including Defendant No. 2 in the proceedings. There are no comments on the merits of the claims and defenses presented.

AMARPAL SINGH VS MAHENDER SINGH & ORS. [CS(OS)-274/2023]
Judges: Justice Manmeet Pritam Singh Arora
The plaintiff's application for interim relief was dismissed due to an unpersuasive challenge to the relinquishment deed in favor of the defendant, which is barred by limitation. A presumption of validity exists for registered documents, and the principle of possession follows title, indicating the plaintiff is not in actual possession of the property, which has been sold to the defendant. The plaintiff failed to disclose relevant deeds, suggesting a lack of bona fides in the challenge. The claim is limited to the plaintiff's share in the sale consideration received by the defendants.

ANCHIT SACHDEVA & ANR. VS SMT SUDESH SACHDEVA & ORS. [CS(OS)-335/2022]
Judges: Justice Manmeet Pritam Singh Arora
The properties in question were identified as individual properties of the late Sh. Kewal Kishan Sachdeva and the plaintiffs' uncle, rather than coparcenary properties. The plaintiffs lacked a valid cause of action for claiming partition under Section 6 of the Hindu Succession Act, 1956, as they could not demonstrate the existence of a Hindu Undivided Family or the properties as coparcenary. The suit was rejected based on these findings.

BALASARASWATHY VS KVSN RAJU [CM(M)-1480/2022]
Judges: Justice Manmeet Pritam Singh Arora
The tenant's petition against the Rent Controller and Appellate Tribunal was dismissed. It was confirmed that a statutory demand notice was properly served and the tenant had been in arrears since August 2009. The tenant was ordered to vacate the premises, and failure to do so would result in liability for use and occupation charges.

CEPCO INDUSTRIES PRIVATE LIMITED VS TEWARI RESTAURANT PRIVATE LIMITED [CS(COMM)-17/2023]
Judges: Justice Manmeet Pritam Singh Arora
The directors of the defendant company, Mr. Vikram Handa, Mr. Dev Kumar Arora, and Mr. Noorul Arfeen, misused the corporate veil to defraud the plaintiff. They were held personally liable for over Rs. 2.47 crores in rent arrears owed by the company. Various orders were issued to restrain the directors from disposing of their assets and operating their bank accounts to facilitate recovery of the arrears.

HARISH KUMAR VS VINOD KUMAR AND ORS [CS(OS)-142/2024]

Judges: Justice Manmeet Pritam Singh Arora

The registered relinquishment deed dated 03.03.2010 for Shop No. 1/12 executed by the plaintiffs in favor of the defendant cannot be canceled unilaterally by an unregistered deed. Claims regarding Shop No. 1/13 and the Sikandarabad property were dismissed due to insufficient evidence of benami transactions. A preliminary decree for partition was granted for the Mangolpuri property, allowing for equal shares among the plaintiffs and the defendant. The plaintiffs are directed to vacate and hand over possession of Shop No. 1/12 to the defendant.

HINDUSTAN SCOUTS AND GUIDES ASSOCIATION VS SHRINIWAS SHARMA & ANR. [CM(M)-746/2022]

Judges: Justice Manmeet Pritam Singh Arora

The appellate court's order to set aside the trial court's interim injunction against the Hindustan Scouts and Guides Association's elections on 05.05.2019 was upheld. The civil suit initiated by Vinod Kumar Bidhuri, on behalf of the Association, was deemed not maintainable since Bidhuri had been removed as National Secretary on 21.02.2019 and did not challenge his removal. Although the Association's elections were conducted in violation of the trial court's order, no error was identified in the appellate court's decision.

JAIN IRRIGATION SYSTEMS LIMITED VS M/S. PRAGYAWAN TECHNOLOGIES PRIVATE LIMITED [CS(COMM)-759/2023]

Judges: Justice Manmeet Pritam Singh Arora

The case lacks territorial jurisdiction as the cause of action arose in Noida, Uttar Pradesh, where the defendant has a subordinate office. The plaintiff's arguments regarding the defendant's registered office in Delhi and the exclusive jurisdiction clause in the purchase orders were rejected. Pre-contract negotiations were not deemed part of the cause of action, and attempts to establish jurisdiction in Delhi based on these negotiations were dismissed. Additionally, the plaintiff suppressed material facts about a previous suit filed by the defendant in Noida and the order rejecting the plaintiff's application related to that suit. Consequently, the plaint was directed to be returned to the appropriate court in Noida.

KANWAL NAIN JOHAR VS ASHOK KUMAR JOHAR & ORS [RSA-192/2019]

Judges: Justice Manmeet Pritam Singh Arora

The Will dated 28.05.2003 was proven valid through the testimony of attesting witnesses. The challenge to its genuineness by defendant no. 1 lacked merit. It was established that defendant no. 1 is not the rightful owner of the suit property under the earlier Will dated 20.09.1982. The appeal by defendant no. 1 was dismissed, and the decrees of possession and award of damages/mesne profits in favor of the plaintiffs were upheld.

KELA DEVI VS ANIL KUMAR JAIN & ORS. [CS(OS)-74/2022]

Judges: Justice Manmeet Pritam Singh Arora

The plaintiff's suit lacked a cause of action due to non-compliance with procedural requirements, specifically not providing the municipal number and proper identification of the property. The property was owned by the defendant's predecessor, as recorded in revenue records, and the plaintiff concealed the predecessor's sale of parts of the land between 1961-1968. The plaintiff and her grandson faced prosecution for perjury, and an inquiry was ordered into lapses regarding the registration of the relied-upon relinquishment deed.

M/S OCKLEAF DEVELOPERS PVT. LTD VS RAM AVTAR AGGARWAL (THROUGH LEGAL HEIRS) & ORS. [CS(OS)-229/2023]

Judges: Justice Manmeet Pritam Singh Arora

The suit filed by M/s Ockleaf Developers Pvt. Ltd. against the Defendants for possession and permanent injunction over a property was dismissed. The Plaintiff's claim of ownership, based on sale deeds from 1987 and 2011, was invalidated by a prior judgment that declared those deeds null and void. A permanent injunction previously issued barred the Plaintiff from relying on the deeds or interfering with the Defendants' possession. The present suit was deemed an abuse of the process of the court, resulting in a dismissal with costs awarded to the Defendants.

M/S SK ASSOCIATES THROUGH ITS PROPRIETOR SANJEEV KUMAR VS MUNCIPAL CORPORATION OF DELHI [W.P.(C)-3161/2024]

Judges: Justice Manmeet Pritam Singh Arora

The Petitioner had a valid 3-year contract to operate certain parking sites, with the Respondent obligated to allow operation for the full period. The original tender and agreement specified a 3-year duration, and attempts by the Respondent to limit it to 2 years violated these terms. A new tender from the Respondent concerning the parking sites operated by the Petitioner was quashed. The Petitioner is to continue operations for the third year, contingent on implementing the new parking policy and paying the increased monthly license fees.

MANOHAR LAL VERMA VS THE STATE GOVT OF NCT OF DELHI & ORS. [TEST.CAS.-92/2022]

Judges: Justice Manmeet Pritam Singh Arora

Letters of administration were granted to Manohar Lal Verma for the immovable property of his deceased wife, Bimla Verma, without requiring an administration bond. The absence of objections from Bimla Verma's legal heirs, including her husband and two daughters, supported this decision. Manohar Lal Verma committed to managing the property for the benefit of all Class I legal heirs.

MR. PARAMJIT SINGH VS MS GAGAN SINGH @ MANNU & ANR. [CS(OS)-77/2022]

Judges: Justice Manmeet Pritam Singh Arora

The plaintiff did not establish a fiduciary relationship between his father and the property owner, nor prove his father's contribution to the purchase. As a result, the claim of joint ownership under the Benami Act was rejected. The plaintiff's possession was deemed that of a licensee, lacking legal rights to remain in possession. A mandatory injunction was granted for the plaintiff to surrender the property, along with an award for mesne profits for his unauthorized occupation.

MRS VINTI MEHROTRA & ORS. VS MR KUMAR VAIBHAV & ORS. [CS(OS)-96/2022]

Judges: Justice Manmeet Pritam Singh Arora

The application to amend the plaint and challenge a will executed on 26.12.2000 was dismissed due to being barred by limitation, as the plaintiffs had knowledge of the will since 2014 but did not initially contest it. The challenge to the will was deemed a distinct issue from the plaintiffs' claims as co-parceners in the HUF property, and allowing the amendment would alter the nature of the suit.

MRS. ANUPAMA MALHOTRA & ORS. VS DR. (MRS.) KAMLESH MALHOTRA & ORS. [CS(OS)-827/2024]
Judges: Justice Manmeet Pritam Singh Arora
An Oral Family Settlement and a Memorandum of Family Settlement were approved regarding the partition of the estate of late Mr. Vineet Malhotra. Defendant No. 1, the mother, relinquished her 1/4th share of the estate, which was then allotted equally to Plaintiffs No. 1 to 3, the wife and minor sons of Mr. Malhotra. Plaintiff No. 1 was appointed as the legal guardian of the minor sons and permitted to act on their behalf in the settlement. The suit was decreed in accordance with the Memorandum of Family Settlement, directing banks and financial institutions to transfer the accounts and investments of late Mr. Malhotra to Plaintiff No. 1.

MRS. VEENA JAIN & ORS. VS MR. PRAVEEN JAIN [CS(OS)-199/2022]
Judges: Justice Manmeet Pritam Singh Arora
The application under Order XXIII Rule 3 of the Code of Civil Procedure was allowed, resulting in the withdrawal of the suit to implement a memorandum of oral family settlement dated 28.06.2024. The settlement terms were deemed lawful, and the parties had voluntarily agreed without undue influence. The plaintiffs were directed to assist the defendant in implementing the settlement, and a refund of court fees was ordered as the suit was at an initial stage and had been settled.

MS PREETI VS MS MAMTA & ANR. [CM(M)-1180/2023]
Judges: Justice Manmeet Pritam Singh Arora
The petitioner, MS PREETI, and respondent no. 2 agreed to vacate the tenanted premises and settle electricity dues, with a directive to hand over possession to respondent no. 1, MS MAMTA, by a specified date. In case of non-compliance, full occupation charges will be due, allowing respondent no. 1 to pursue recovery through execution.

NAMRITA MALIK VS KULWANT KAUR AND ORS [CS(OS)-699/2024]
Judges: Justice Manmeet Pritam Singh Arora
The registered will dated 12.10.1995 made by Smt. Joginder Kaur is valid, transferring property to the legal heirs of Sh. Kanwarjeet Singh Kakkar. The relinquishment deed executed on 28.02.2012 by the plaintiff and two other legal heirs in favor of defendant no. 1 is also valid. The mutation and conveyance deed by the DDA affirm defendant no. 1 as the absolute owner of the property. The plaintiff's suit was dismissed due to an abuse of process, as the plaintiff did not seek cancellation of the relinquishment deed or pay the required court fees.

NARENDRA PANDEY VS JAGTAR SINGH & ORS [CM(M)-1737/2019]
Judges: Justice Manmeet Pritam Singh Arora
The trial court's dismissal of the plaintiff's request to amend the plaint to include a prayer for specific performance of an unregistered Agreement to Sell dated 16.11.2011 was upheld. The proposed amendment would alter the nature of the suit and introduce a time-barred claim. The plaintiff did not demonstrate due diligence in seeking the amendment after the trial commenced. No errors were identified in the trial court's decision.

NITIN SAXENA VS AMIT SAXENA [CS(OS)-649/2023]
Judges: Justice Manmeet Pritam Singh Arora
The plaintiff's suit to cancel registered release deeds from 2014 is barred by limitation. Arguments regarding the deeds being sham documents and the plaintiff's claim of receiving rental income were deemed unmeritorious. The reasons for executing the release deeds were found unreasonable, and the plaintiff provided insufficient evidence for allegations. The defendant's application under Order VII Rule 11(d) CPC was granted, resulting in the rejection of the plaintiff's suit.

NARESH KUMAR VS SHRI TADBIR SINGH AND ORS [CS(OS)-580/2024]

Judges: Justice Manmeet Pritam Singh Arora

The plaintiff's suit for partition, rendition of accounts, and mandatory injunction regarding agricultural land was dismissed. The agricultural land did not become coparcenary property upon the death of the recorded Bhumidar, Sh. Jug Lal, in 1986. Devolution of interest in the land is governed by Section 50 of the Delhi Land Reforms Act, 1954, rather than the Hindu Succession Act, 1956, as the provisions of the latter do not apply to agricultural land in Delhi where the Bhumidar died before 2005. The plaintiff's claims were deemed without cause of action.

NEERAJ KAINTH VS M/S CAMPUSEAI INDIA PVT LTD & ORS. [CS(OS)-645/2023]

Judges: Justice Manmeet Pritam Singh Arora

Defendant nos. 5 and 6 are not necessary or proper parties to the suit, as the plaintiff has not established personal liability for the company's actions against them. Legal principles indicate that directors or officials are not personally accountable for a company's contractual obligations unless there are claims of fraud or misrepresentation. Consequently, the allegations against defendant nos. 5 and 6 do not warrant their inclusion as parties. However, they are directed to appear as witnesses during the trial and must ensure that defendant nos. 3 and 4 do not hinder the reliefs sought by the plaintiff. The application to remove defendant nos. 5 and 6 from the list of parties is granted, subject to these conditions.

PAWAN VERMA VS SARDAR MANMOHAN SINGH [CM(M)-2010/2023]

Judges: Justice Manmeet Pritam Singh Arora

The trial court's order granting the defendant conditional leave to defend a recovery suit of Rs. 10,00,000/- was upheld. The defendant's delay in proceedings and his claim of having signed blank documents in good faith, which were allegedly misused, were deemed improbable. The condition of depositing Rs. 10,00,000/- as a fixed deposit receipt was considered a just and reasonable exercise of discretion.

POLOTRIPS INDIA PVT. LTD. & ANR. VS KARNATAKA BANK LIMTED & ORS. [CS(COMM)-31/2024]

Judges: Justice Manmeet Pritam Singh Arora

The High Court of Delhi lacks territorial jurisdiction to hear a suit for specific performance of an agreement involving immovable property in Rewari, Haryana. Suits for specific performance must be filed where the property is located, and the applicable legal provisions do not permit jurisdictional exceptions in this instance. The inherent relief of possession within the prayer for specific performance cannot be disregarded to sidestep the requirement of filing in the appropriate jurisdiction. The plaint will be returned to the plaintiff for submission to the correct court in Rewari, Haryana.

PRADEEP KUMAR MALIK VS CHANDER DHINGRA [CM(M)-1914/2023]

Judges: Justice Manmeet Pritam Singh Arora

The eviction order against the petitioner/tenant was upheld due to the rejection of the petitioner's claim of ownership based on unregistered documents. The issues regarding ownership had already been resolved against the petitioner, leading to the dismissal of objections to the eviction decree by the Executing Court and the Rent Control Tribunal.

PRAMOD BHUSHAN VS CHAMAN SINGH [RC.REV.-390/2015]

Judges: Justice Manmeet Pritam Singh Arora

The eviction petition filed by NRI landlord Chaman Singh against tenant Pramod Bhushan was upheld, citing a genuine need for the premises for Singh's youngest son and three grandsons. Compliance with safeguards in the Delhi Rent Control Act was confirmed. The tenant's revision petition was dismissed, with limitations on the scope of evidence re-appreciation noted. The legal heirs of the landlord pursued the eviction after his death.

RAILTEL CORPORATION OF INDIA LIMITED VS PRIMATEL FIBCOM LIMITED [ARB. A. (COMM.)-63/2024]

Judges: Justice Manmeet Pritam Singh Arora

An appeal under Section 37(2)(a) of the Arbitration and Conciliation Act, 1996 against the dismissal of an application for condonation of delay in filing a counter-claim is not maintainable. The impugned order is characterized as a procedural decision within the arbitrator's discretion and does not raise a jurisdictional question. The appropriate remedy is to wait for the final award before challenging the decision, if necessary, under Section 34 of the Act. This case is treated as individual and not part of a larger batch.

RAJENDER SINGH SISODIA VS SHAFEENA BEGUM & ORS [CM(M)-176/2015]

Judges: Justice Manmeet Pritam Singh Arora

The petition by Rajender Singh Sisodia was dismissed, affirming the trial court's judgment in favor of Shafeena Begum. Shafeena Begum was found to have continuous possession of the disputed property until December 19, 2004, while the petitioner's claim of purchasing household articles that day was deemed false. The findings indicated that the petitioner forcibly dispossessed Shafeena Begum without due process. The petitioner must transfer possession of the property to Shafeena Begum within 30 days and pay mesne profits from the date of the trial court's decree if he fails to comply. The trial court's detailed examination of evidence was upheld without any identified errors.

RISHA NAIK AND ANR VS ALLADI YASIN SHAIKH AND ORS [CS(OS)-384/2023]

Judges: Justice Manmeet Pritam Singh Arora

The application by the plaintiffs and defendants 1 to 4 for the Settlement Agreement dated 19.03.2024 was accepted, leading to the disposal of the suit according to the agreement. Defendant 1 was appointed as the legal guardian of minor defendants 3 and 4 to implement the settlement. Additionally, the entire court fees were refunded to the plaintiffs due to the settlement.

SANJAY KUMAR KAMRA VS STATE AND ORS [TEST.CAS.-27/2023]

Judges: Justice Manmeet Pritam Singh Arora

Probate of a last will and testament was granted to the petitioner, the deceased testator's brother-in-law, as the will was duly executed and registered. The legal heirs, including the testator's wife and two children, submitted "no objection" affidavits in support of the probate. There were no impediments to granting probate under the Indian Succession Act, 1925, and the petitioner was exempted from providing an administration or surety bond, being the sole beneficiary named in the will.

SH. SUBHASH CHANDRA JARODIA VS SH. VIJAYINDER KUMAR & ORS. [CS(OS)-441/2023]

Judges: Justice Manmeet Pritam Singh Arora

The registered Gift Deed dated 03.09.2021 and Will dated 24.07.2017 transferring the suit property to defendant no. 1 are prima facie valid. The claims of undue influence and coercion by the plaintiff are unconvincing due to lack of timely communication with siblings. Additionally, the plaintiff's assertion of co-ownership based on contributions to the property lacks supporting documentation. Defendant no. 1 is permitted to use, occupy, or let out the property but cannot sell or mortgage it without prior permission.

SHIV PRAKASH VS MOOL CHAND & ORS [RSA-173/2017]

Judges: Justice Manmeet Pritam Singh Arora

The plaintiff's suit was deemed not maintainable due to failure to prove that the defendant was appointed as a 'pairokar' by the plaintiff's mother. The land in question had been acquired by the government, with compensation withdrawn by the plaintiff's legal heirs. As a result, the plaintiff lacked any subsisting title or interest in the land, making the sought reliefs unattainable. Concurrent findings from the lower courts on these matters were upheld.

SHRI HARISH BAJAJ VS SHRI YOGI BAJAJ & ORS. [CS(OS)-329/2022]

Judges: Justice Manmeet Pritam Singh Arora

A joint application under Order XXIII Rule 3 was submitted to record a compromise between the plaintiff and defendants. The parties agreed to partition the suit property, designating specific portions for each. They will construct a foundational wall with an iron grill for demarcation, with expenses shared equally. The partition binds the parties, their legal heirs, representatives, and assigns, but not any land-owning agency or statutory authority. A refund of the court fees paid was granted to the plaintiff due to early settlement through mediation.

SHRI SUNIL KUMAR GUPTA VS SMT. PUSHPA JAIN AND ORS [CS(OS)-126/2022]

Judges: Justice Manmeet Pritam Singh Arora

The suit filed by the plaintiffs is barred under Order 23 Rule 1(4) of the Code of Civil Procedure due to the unconditional withdrawal of a previous partition suit by their mother in 2017, which relinquished her claim in favor of the defendant. The validity of a registered will executed by the plaintiffs' grandfather, devising the suit property to the defendant, was upheld, and the plaintiffs failed to rebut the presumption of validity attached to the registered document. The suit was dismissed.

SHUCHI SHARMA VS STATE OF NCT OF DELHI THROUGH THE COLLECTOR DELHI & ORS. [TEST.CAS.-83/2023]

Judges: Justice Manmeet Pritam Singh Arora

Shuchi Sharma, as the wife and natural guardian of her minor daughter, is entitled to letters of administration for the entire estate of deceased Sh. Ruchin Khanduja. Evidence regarding immovable properties and bank accounts was reviewed, directing the bank to process foreclosure of outstanding loans within two weeks of repayment, after which property titles will be released to Sharma. No objections were raised against the grant of letters of administration in her favor.

SMT MANJU GARG VS SH SANJAY GUPTA & ANR. [CS(OS)-852/2023]

Judges: Justice Manmeet Pritam Singh Arora

The civil suit (CS(OS) 852/2023) was decreed based on a Settlement Agreement reached between the parties through court-annexed mediation. The settlement terms were deemed lawful and equitable, binding the parties to the agreement. A 100% refund of the court fees was granted to the plaintiff.

SMT PRIYANKA ALIAS ANURADHA SHARMA VS AMANDEEP BHARDWAJ & ORS. [CS(OS)-645/2024]

Judges: Justice Manmeet Pritam Singh Arora

The present suit is not maintainable as it involves the same subject matter and relief as a previously instituted suit (CS(OS) 643/2022). Section 10 of the Code of Civil Procedure, 1908 bars the trial of a subsequent suit when the cause of action is the same. In a partition suit, each party acts as a plaintiff, and the plaintiff in the current suit is already a defendant in the prior suit. Therefore, a separate partition suit for the same properties cannot be maintained. The suit was dismissed as not maintainable under Order VII Rule 11(d) CPC.

SMT SATULA DEVI VS MR RAJEEV SHARMA & ORS. [CS(OS)-203/2022]

Judges: Justice Manmeet Pritam Singh Arora

An application under Section 152 of the Code of Civil Procedure was allowed to amend paragraph 116 of a previous judgment from 10.04.2023, correcting a statement made by the counsel for the defendant no. 2A and 2B. The plaintiff's counsel raised no objections to the proposed correction, leading to the amendment being incorporated into the original judgment.

SMT. SAMTA VS SH. SUDEEPAK KUMAR RAJAN AND ORS [CS(OS)-806/2024]

Judges: Justice Manmeet Pritam Singh Arora

The plaintiff's claim that the suit property is joint Hindu family property purchased with joint family funds was not substantiated. After the Hindu Succession Act, 1956, no presumption exists that property is joint merely due to a joint family. The plaintiff did not present evidence of a joint Hindu family or that the property was acquired from joint family funds. The property is deemed personal property of the late Sh. Daulat Ram, and its inheritance is governed by Section 8 of the Hindu Succession Act, 1956. The plaint lacked a cause of action.

SOMNATH BHARTI VS BANSURI SWARAJ AND OTHERS [EL.PET.-2/2024]

Judges: Justice Manmeet Pritam Singh Arora

The petitioner's request to retrieve the burnt memory of 1490 EVMs from the New Delhi Parliamentary Constituency election is not maintainable, as it contravenes the Supreme Court's judgment in the Association for Democratic Reforms case. The petitioner did not allege any tampering or modification of the EVMs, which is necessary for verification. The 1490 EVMs will be released to the Election Commission of India for use in future elections, with no disputes regarding vote counting or recounting. However, VVPAT paper slips from the drop boxes must be preserved until the next hearing.

SS RAIL WORKS PVT. LTD. VS IRCON INTERNATIONAL LIMITED [W.P.(C)-16752/2023]

Judges: Justice Manmeet Pritam Singh Arora

The disqualification of SS Rail Works Pvt. Ltd. by IRCON International Ltd. due to delayed credit of the Earnest Money Deposit and Tender Cost was deemed illegal. SS Rail Works complied with tender conditions by providing proof of payment before the deadline. IRCON is directed to provisionally qualify SS Rail Works and M/s Shivakriti International Ltd., and to open their financial bids within three days.

SUNITA RANGA VS VIJAYINDER KUMAR & ORS. [CS(OS)-148/2023]

Judges: Justice Manmeet Pritam Singh Arora

The plaintiff's suit for partition of a property was rejected because the property had been validly gifted to the defendant by Chander Bhan before his death. The plaintiff's suit lacked a cause of action as Chander Bhan did not own the property at the time of his death. Additionally, the plaintiff was not in actual or constructive possession of the property and failed to pay the appropriate court fee. The interim order granting status quo was vacated.

YASHPAL ANAND VS RAJENDRA PRATAP SINGH [CS(OS)-670/2023]

Judges: Justice Manmeet Pritam Singh Arora

The plaintiff's suit for partition of the 2nd floor flat is barred under Section 34 of the SARFAESI Act due to ongoing proceedings regarding property ownership rights and sale details before the Debt Recovery Tribunal. Prima facie findings indicate the entire flat was sold to the defendant according to the sale deed, leading to the suit's rejection as legally barred under Order VII Rule 11(d) of the Code of Civil Procedure, 1908.

AMENA BAL VS AMINDER SINGH BAL [CS(OS)-488/2022]

Judges: Justice Manmeet Pritam Singh Arora

The plaintiff's challenge to the registered relinquishment deed dated 10.08.2018 is unsupported by a prima facie case. As an accomplished individual, she is bound by the terms of the document she voluntarily executed. The application for interim injunction is dismissed, and the request to construct a temporary structure on the terrace is rejected. The plaintiff is required to deposit the ad-valorem court fee within the specified time to address arguments regarding the suit's maintainability. The plaintiff cannot simultaneously accept the relinquishment deed in her favor while challenging the one executed in favor of the defendant.

ABHINAV SINGH RAVISH & ANR. VS SHRI RAMANAND & ORS. [CS(OS)-223/2023]

Judges: Justice Manmeet Pritam Singh Arora

Plaintiffs' claims of ownership over the land based on unregistered sale documents are invalid. They lack right, title, or interest in the property and are not in actual physical possession, according to the Sub-Divisional Magistrate's order. Other claims for recovery of possession, permanent injunction, and cancellation of sale deeds were rejected due to lack of a valid cause of action.

KAILASH DEVI SAINI VS VED KAUR AND OTHERS [CS(OS)-10/2023]

Judges: Justice Manmeet Pritam Singh Arora

Kailash Devi Saini lacks a cause of action for partitioning agricultural land previously owned by her father, Balbir Singh, who died intestate in 1980. The devolution of interest in the land, governed by the Delhi Land Reforms (DLR) Act at the time of his death, mandates that it passed exclusively to Balbir Singh's male lineal descendants, excluding daughters. The land remained Balbir Singh's exclusive property and did not become coparcenary property after his death, preventing the plaintiff from claiming a share as a coparcener under the amended Section 6 of the Hindu Succession Act. The application from defendants 1 to 13 was granted, and the plaintiff's plaint was rejected.

SHARAD GUPTA VS SUDERSHAN GUPTA AND ANR. [CS(OS)-885/2024]

Judges: Justice Manmeet Pritam Singh Arora

The registered will dated 15.11.2011 granted absolute interest in the property to defendant no. 1, the widow of the testator, contradicting the plaintiff's claim of a mere life interest. Precedents indicate that an absolute bequest invalidates any subsequent bequests for the same property. The clear and unambiguous language of the will confirmed defendant no. 1's ownership, leading to the dismissal of the plaintiff's claim as remainderman.

DUSHYANT CHIKARA VS ZEESHAN ALI AND ANR [CS(OS)-608/2024]

Judges: Justice Manmeet Pritam Singh Arora

The plaintiff's suit for ownership and permanent injunction over a property was rejected due to false and inconsistent claims supported by documentary evidence. The plaintiff was identified as a trespasser and ordered to vacate the property, returning possession to the legal heirs of the late owner within 4 weeks, or face liability for mesne profits. The claims were deemed to lack merit and considered an abuse of the process of law.

JANKI DEVI SHARMA VS STATE & ORS. [TEST.CAS.-68/2023]

Judges: Justice Manmeet Pritam Singh Arora

Janki Devi Sharma's petition for probate of the last registered will of Om Prakash Sharma, dated 02.11.2007, was granted. The existence of the will was proven, and Janki Devi Sharma, along with her son and grandson, were identified as the only Class-I legal heirs. The will favored Janki Devi Sharma, and since the petition was uncontested, filing an administration and surety bond was waived.

TV TODAY NETWORK LIMITED AND OTHERS VS SANATAN SANSTHA & OTHERS [CS(OS)-543/2018]

Judges: Justice Manmeet Pritam Singh Arora

A permanent and mandatory injunction was granted against defendant no. 1, who undertook not to upload or repost the disputed posts. A permanent injunction was also issued against defendant no. 2 due to non-participation in the proceedings and an existing interim order. Plaintiffs were allowed to withdraw their claim for damages against defendant no. 1, but reserves the right to seek damages against defendant no. 2 for any future violations of the injunction order.

AJAY BALUJA VS ABHISHEK DUTT [CS(OS)-254/2023]

Judges: Justice Manmeet Pritam Singh Arora

The settlement agreement between the parties is lawful, and the suit is decreed in accordance with the settlement terms. The plaintiff is entitled to recover damages at Rs. 2 lakhs per month from July 2022 in case of delays by the defendant, along with interest on outstanding payments. The plaintiff's application for a refund of 90% of the court fees is granted, with the condition that full court fees must be paid if an execution application is needed due to the defendant's default.

AM ASSOCIATES INDIA PRIVATE LIMITED VS JSC OGCC KAZSTROYSERVICE [CS(COMM)-541/2023]

Judges: Justice Manmeet Pritam Singh Arora

The plaintiff is entitled to recover INR 568,54,15,389 along with interest at 12% per annum from the defendant under the Corporate Guarantee. Territorial jurisdiction applies, the suit is within the limitation period, and the plaintiff, as the assignee of the Corporate Guarantee, can recover dues from the defendant. Ongoing proceedings in Kazakhstan regarding the guarantee do not impede recovery, as the defendant has not acted to enforce any order from that court.

SHRI. SRINIVASAN GANESH VS BARODA CRICKET ASSOCIATION [CM(M)-658/2023]

Judges: Justice Manmeet Pritam Singh Arora

K.C. Mehta and Co. had the ostensible authority to engage the Plaintiff as senior counsel for the Defendant before the Supreme Court. Invoices from the Plaintiff, approved by K.C. Mehta and Co., constituted a written contract, making the suit maintainable under Order XXXVII of the Code of Civil Procedure. The Defendant's defense was deemed frivolous and vexatious, resulting in the denial of leave to defend. The Plaintiff's petition was allowed, and the Summary Suit was decreed in his favor.

TEAM FRANCE 01 S A S VS SPICEJET LIMITED [CS(COMM)-908/2023]

Judges: Justice Manmeet Pritam Singh Arora

The plaintiff, Team France 01 SAS and Sunbird France 02 SAS, established a prima facie case for restraining SpiceJet Limited from operating three leased aircraft engines. SpiceJet must ground the engines by 16.08.2024 and return them within 15 days due to repeated defaults on agreed lease payments. Objections regarding territorial jurisdiction were dismissed, as SpiceJet had previously submitted to this jurisdiction. The plaintiff faces irreparable loss from the continued use of depreciating assets without payment, with the balance of convenience favoring them. SpiceJet remains liable for payments as per an earlier order dated 29.05.2024.

MRS SUMAN AGGARWAL & ORS. VS MR RAJENDER PRASHAD AGGARWAL [CS(OS)-607/2023]

Judges: Justice Manmeet Pritam Singh Arora

The defendant's application to add his wife and two sons as parties to the suit was granted. The suit was decreed based on a settlement agreement, with instructions to prepare a decree accordingly. The court fee paid by the plaintiffs was ordered to be refunded since the suit was resolved through mediation at an early stage, prior to the filing of the written statement.

DHARAMPAL SATYAPAL LIMITED AND ANR VS UNION OF INDIA THROUGH SECRETARY [W.P.(C)-4470/2023]

Judges: Justice Manmeet Pritam Singh Arora

The enhancement of the statutory warning on Pan Masala packages to cover 50% of the front label is valid. This decision is based on scientific opinions from the Food Authority's committees and expert studies regarding the health hazards of Areca nut and Pan Masala. The Food Authority followed the necessary statutory process, including public consultation, before implementing the Second Amendment Regulations. The public interest in health protection is prioritized over the private interests of manufacturers, and no claim for parity with the smaller 3mm warning size for other products like alcohol is supported.

MR BHARAT BHARARA VS MUNICIPAL CORPORATION OF DELHI & ORS. [LPA-476/2024]

Judges: Justice Manmeet Pritam Singh Arora

The order disposing of the appellant's writ petition was upheld, with no identified errors. The appellant challenged the partial demolition of illegal construction and sought restoration of a public lane. A demolition order was issued by the MCD, but the matter is pending before the Appellate Tribunal regarding both the demolition and encroachment on public land. The issues are considered sub-judice in the Tribunal, which is the appropriate body to address them. The appeal was also dismissed due to delay, as the reasons for condonation were insufficient.

COURT ON ITS OWN MOTION VS GOVT. OF NCT OF DELHI AND ORS [W.P.(C)-9617/2022]

Judges: Justice Manmeet Pritam Singh Arora

The Government of NCT of Delhi (GNCTD) is addressing environmental issues related to the Yamuna river and Delhi's water bodies. Progress has been satisfactory on 7 out of 12 action points, including management of open drains and installation of biogas plants. However, 5 action points, such as silt assessment in drains and geo-tagging of water bodies, remain unsatisfactory. The Chief Secretary of GNCTD has been instructed to file updated action taken reports before the next hearing. Additionally, steps are to be taken to protect and rejuvenate Lake Bhalaswa, which is drying up.

URMILA VOHRA (SINCE DECEASED) THROUGH LR. SHRI RAJESH VOHRA AND ANR. VS JANAK PROPERTIES PVT LTD & ANR. [FAO(OS)-77/2024]

Judges: Justice Manmeet Pritam Singh Arora

The appeal by the legal representative of Urmila Vohra against the judgment in favor of the respondents was dismissed. The decree, based on a mediation settlement between Respondent Nos. 1 and 2, was deemed valid as no restraint order existed against Respondent No. 1 in a related specific performance suit. Respondent No. 2 was recognized as having taken over the rights of Respondent No. 1 as a subsequent purchaser, allowing the appellants to enforce the agreement to sell against Respondent No. 2. Applications by the appellants for impleadment and recall of the decree lacked merit.

BALVINDER KAUR BRAR VS BALDEV SINGH GILL AND OTHERS [FAO(OS)-59/2024]

Judges: Justice Manmeet Pritam Singh Arora

The appeal by Balvinder Kaur Brar was dismissed, maintaining the decision to withhold the 50% balance amount deposited with the court. The dispute concerns the partition of properties left by Harpal Singh Gill, with respondent No. 1 claiming an absolute title based on a Will dated 20th May 2009, while the appellant contends the Will is forged. Preservation of the balance amount was deemed necessary for justice, allowing the trial to proceed. Respondent No. 1 was instructed to present the original Will for inspection. The arguments from the appellant lacked merit.

AMAN SEWAK VS GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-9133/2023]

Judges: Justice Manmeet Pritam Singh Arora

The 7-storey structure built by Respondent No. 7 was illegal and unauthorized, constructed without a sanctioned plan and in violation of official notices. Construction continued despite the property being sealed, with tampering of seals observed. The civil suit filed by Respondent No. 7 for an injunction against demolition was deemed an abuse of legal process, leading to the dismissal of the suit. The MCD was directed to demolish the illegal structure promptly, with assistance from various authorities. Allegations of extortion made by Respondent No. 7 against the petitioner NGO were referred to the Crime Branch for investigation.

O.P.SHARMA VS PUNJAB NATIONAL BANK & ANR [W.P.(C)-6508/2014]

Judges: Justice Manmeet Pritam Singh Arora

The petitioner could not claim ownership of a flat based on unregistered documents such as an agreement to sell or power of attorney, as these do not establish valid rights in immovable property without a registered conveyance deed. The arguments presented were rejected, affirming the validity of the mortgage created by the guarantor in favor of the bank.

JAGRITI JAIN VS PRINCIPAL DISTRICT AND SESSION JUDGE - NORTH & ORS. [W.P.(C)-5368/2024]

Judges: Justice Manmeet Pritam Singh Arora

The High Court of Delhi addressed a public interest litigation filed by Jagriti Jain, noting that the North District had over 8000 pending matters due to the designation of only one Digital NI Act Court and connectivity issues faced by the Judicial Officer. In response, another Digital Court was established in the North District, and the Judicial Officer was provided a chamber in the Court complex to resolve connectivity problems. The petitioner's counsel indicated that the concerns raised in the petition had been satisfied, leading to the disposal of the PIL.

ZAHID HUSSAIN VS KOTAK MAHINDRA BANK LTD. [W.P.(C)-6899/2024]

Judges: Justice Manmeet Pritam Singh Arora

The writ petition was dismissed due to the availability of an adequate alternate remedy through an appeal to the Debt Recovery Appellate Tribunal (DRAT). The findings regarding the validity of the mortgage documents and service of notice under the SARFAESI Act cannot be re-examined in writ proceedings and should be challenged in the appellate forum. There is a need for restraint in interfering with commercial matters related to recovery proceedings under the SARFAESI Act, which has a specific mechanism for redressal. Costs were imposed on the Petitioner, payable to the Respondent bank.

SCS ENTERPRISE VS THE FISHERY ANIMAL HUSBANDARY AND DAIRYING DEPARTMENT [W.P.(C)-15766/2022]

Judges: Justice Manmeet Pritam Singh Arora

The respondent acted unreasonably by insisting that the petitioner employ 17 existing multi-tasking staff, leading to the unjustified termination of the petitioner's contract. The respondent must refund the petitioner Rs. 40,003 for GeM portal fees, while the claim for compensation for wrongful termination is to be pursued in the appropriate forum. Findings are stated as prima facie observations, leaving the rights and contentions of the parties open for further adjudication.

MEDIFIRM PHARMACY LLP VS UNION OF INDIA & ORS. [W.P.(C)-6733/2024]

Judges: Justice Manmeet Pritam Singh Arora

The petition by Medifirm Pharmacy LLP challenging the tender notice for establishing a 'Janaushadhi Shop' at Safdarjung Hospital was dismissed. The eligibility criteria set by the tendering authority, including a minimum of one year's experience in operating a PMBJK and preference for bidders with a turnover exceeding Rs. 20 crores, were deemed reasonable to ensure service quality. It was noted that the authority has the discretion to establish requirements, and challenges to non-favorable bid conditions were not supported. No merit was found in contesting the tender conditions.

MAHIPAL SINGH & ORS VS UNION OF INDIA & ORS [W.P.(C)-4601/2013]

Judges: Justice Manmeet Pritam Singh Arora

Elections for the Amateur Kabaddi Federation of India (AKFI) held on December 10, 2023, were deemed fraudulent and invalid due to lack of authority from the court-appointed Administrator. The Administrator had not recognized the applicant associations claiming to be affiliated state units, and their previous claims had been rejected. Criminal complaints against the individuals involved in the elections were directed, and the Administrator was permitted to file complaints against a lawyer with the Bar Council. Applications from the unaffiliated associations were dismissed, with costs imposed. The pending application for permission to transfer control of AKFI to the elected body was requested for expedited decision.

JAGRITI NAGAR COOPERATIVE HOUSE BUILDING SOCIETY LTD VS REGISTRAR COOPERATIVE SOCIETIES & ORS. [W.P.(C)-6377/2024]

Judges: Justice Manmeet Pritam Singh Arora

The writ petition by the Jagriti Nagar Cooperative House Building Society was dismissed, affirming that Ratna Mohla was not disqualified from membership under Rule 25 of the Delhi Cooperative Societies Rules, 1973. Mohla, a teacher for 31 years, financed her flat allotment with her own funds, and the society failed to provide evidence challenging her membership status. The findings of the Registrar Cooperative Societies and the Finance Commissioner were upheld after 40 years without interference.

CNB LOGITECH PVT LTD VS CENTRE FOR RAILWAY INFORMATION SYSTEMS [W.P.(C)-6089/2024]

Judges: Justice Manmeet Pritam Singh Arora

CNB Logitech Pvt Ltd's writ petition to participate in the CRIS tender for GPS sets on freight wagons was dismissed. The petitioner had sufficient time to submit the bid by the deadline, and 14 bids were received before it, undermining claims of system errors. The petitioner's complaint about a system error was sent after the bid's closing. No valid grounds were presented for late participation. However, CRIS was directed to refund the petitioner’s earnest money deposit of Rs. 50 lacs and allowed to encash a corresponding fixed deposit receipt.

DELHI GOVT. OFFICERS CGHS LTD. VS COURT OF FINANCIAL COMMISSIONER AND ORS. [W.P.(C)-6145/2024]

Judges: Justice Manmeet Pritam Singh Arora

The demand of Rs. 1 lakh by Delhi Government Officers CGHS Ltd. from the purchaser of a flat, as a condition for transferring membership, is illegal based on previous judgments and amendments to the Delhi Cooperative Societies Act, 2003. The purchaser is eligible for membership and has been unjustly denied her rights for five years. The society must transfer the membership within 10 days, or the Managing Committee members will be personally liable to pay Rs. 50,000.

ASSOCIATION OF NCTE APPROVED COLLEGES TRUST VS NATIONAL COUNCIL FOR TEACHER EDUCATION THROUGH ITS REGISTRAR CUM MEMBER SECRETARY & ORS. [W.P.(C)-3354/2024]

Judges: Justice Manmeet Pritam Singh Arora

The Integrated Teacher Education Programme (ITEP) introduced by the National Council for Teacher Education (NCTE) is classified as a new course, necessitating that existing institutions offering the previous 4-year integrated B.Sc.B.Ed./B.A.B.Ed. programme apply afresh for permission to offer the ITEP course. The ITEP has distinct norms, including its availability only at multidisciplinary institutions, aligning with the National Education Policy, 2020, which aims for all teacher education to be conducted by such institutions by 2030. The NCTE's directive for fresh applications is consistent with the NCTE Act and does not contravene the Constitution.

YASHPAL ANAND VS TATA CAPITAL HOUSING FINANCE LTD. & ORS. [W.P.(C)-5900/2024]

Judges: Justice Manmeet Pritam Singh Arora

The petition by Yashpal Anand was dismissed, affirming the actions taken by Tata Capital Housing Finance Ltd. under the SARFAESI Act. The claim that part of the property belonged to Anand lacked merit, as the sale deed indicated he had sold the constructed second floor to the respondent borrower. The actions of the respondent bank aligned with the sale deed, and the scheduled auction sale was not interfered with. The Debt Recovery Tribunal was advised to decide the matter without regard to any preliminary observations.

ELIAMMA SEBASTIAN VS DELHI DEVELOPMENT AUTHORITY & ORS. [W.P.(C)-3813/2014]

Judges: Justice Manmeet Pritam Singh Arora

The writ petition filed by Eliamma Sebastian was dismissed due to disputed questions of fact regarding allegations of defective construction and damages in the Sangha Mitra Society building. An effective alternate remedy is available, making the petition not maintainable. A request for a CBI investigation was also denied, as such orders are reserved for exceptional situations.

NEW RASHTRIYA COOPERATIVE GROUP HOUSING SOCIETY LTD VS SUMAN SHARMA [W.P.(C)-10482/2021]

Judges: Justice Manmeet Pritam Singh Arora

The arbitral award and orders of the Delhi Co-operative Tribunal were set aside due to the arbitrator's failure to properly consider the evidence regarding the respondent's resignation and refund of the membership deposit, along with acting beyond jurisdiction after his term expired. The society had sufficient cause for the delay in filing its appeal, as the arbitral award was not properly served at its registered address.

RAKESH YADAV VS REGISTRAR CO-OPERATIVE SOCIETIES & ORS [W.P.(C)-5594/2024]

Judges: Justice Manmeet Pritam Singh Arora

The writ petition by Rakesh Yadav was dismissed, affirming that Respondent No. 3's membership in the cooperative society is valid and not a benami transaction. The claim that the petitioner made payments for the membership and flat was rejected as a benami transaction under the Prohibition of Benami Property Transactions Act, 1988. The petitioner cannot claim ownership of the flat and must pursue recovery of any amounts advanced through appropriate legal proceedings.

SH. NITIN SABHARWAL PROPRIETOR OF M/S JK DENTAVISION VS UNION OF INDIA AND ANR [W.P.(C)-11118/2023]

Judges: Justice Manmeet Pritam Singh Arora

The interpretation by the Director General of Armed Forces Medical Services (DGAFMS) regarding past performance criteria for a tender for 22 Cone Beam Computer Tomography (CBCT) units was upheld. DGAFMS required bidders to demonstrate the supply of at least 3 units in a single financial year, aligning with their standard practice of rounding up decimal figures. The argument to round down to 2 units was rejected as the tender conditions did not specify whole numbers and only mentioned a 10% requirement. The past performance criteria were deemed reasonable to ensure bidders could deliver the full quantity within 120 days. The petition was dismissed.

MS PERFECT INFRAENGINEERS LIMITED THROUGH ITS PROMOTER AND GUARANTOR & ANR. VS TECHNOLOGY DEVELOPMENT BOARD & ORS. [W.P.(C)-3271/2024]

Judges: Justice Manmeet Pritam Singh Arora

The writ petition challenging the constitutional validity of certain provisions in the SARFAESI Act, RDB Act, and IBC was dismissed. The provisions were deemed valid based on existing judgments. The petitioner has appropriate remedies available under the statutes, including the option to challenge bank actions before the Debts Recovery Tribunal. Additionally, ongoing proceedings related to the petitioner in the High Court of Bombay influenced the decision to dismiss the writ petition and pending applications.

JOGINDER SINGH GILL VS UNION OF INDIA [W.P.(C)-1745/2018]

Judges: Justice Manmeet Pritam Singh Arora

The appointment of retired CPWD and railway employees as arbitrators is permitted under Section 12(5) of the Arbitration and Conciliation Act, 1996, provided the opposite party gives written consent. The existing panel of retired employees as arbitrators complies with the necessary provisions of the Act.

SH. RAJEEV GUPTA VS SMT. SARITA GARG & ORS. [FAO(OS)-46/2024]

Judges: Justice Manmeet Pritam Singh Arora

The appeal filed by Sh. Rajeev Gupta challenging the dismissal of his application to reject the plaint of Smt. Sarita Garg was dismissed. Smt. Sarita Garg, as a Class I legal heir of the deceased, has a valid cause of action for partition under the Hindu Succession Act, despite the appellant's reliance on a registered will from 2010, the validity of which has not yet been established. If the will is proven invalid, the estate will devolve by intestate succession. The dismissal of the appeal found no infirmity in the previous order.

DHEERAJ RASTOGI VS DNATA INTERNATIONAL PVT LTD. [FAO(OS)-42/2024]

Judges: Justice Manmeet Pritam Singh Arora

The decision upheld the Sole Arbitrator's dismissal of the appellant's challenge regarding his termination by the respondent company. The appellant, serving as Chief Financial Officer and Director, failed to report financial fraud and embezzlement by employees, breaching his fiduciary duties. This justified his termination under the employment contract. The appellant did not raise claims concerning the alleged misuse of his digital signature post-termination, which the Arbitrator did not address. The appeal against the Arbitral Award and supporting order was dismissed.

SMT. LATA CHHIBER VS REGISTRAR , CO-OPERATIVE SOCIETIES. & ORS. [W.P.(C)-12780/2019]

Judges: Justice Manmeet Pritam Singh Arora

The petition by Smt. Lata Chhiber to set aside an arbitral award was dismissed. The issue centered on her entitlement to a 'Type A' four-bedroom flat versus a 'Type B' three-bedroom flat. Both the arbitrator and tribunal found that she did not prove an application for a 'Type A' flat, despite receiving initial demand letters. Reliance on Section 92(5) of the Delhi Co-operative Societies Act, 2003 was dismissed due to this lack of proof. Additionally, she had paid for and was in possession of a 'Type B' flat, which was approved by the authorities. The petition was deemed to have no merit.

REFOP INDIA LIMITED VS UNION OF INDIA & ANR. [LPA-251/2024]

Judges: Justice Manmeet Pritam Singh Arora

Refop India Limited's appeal against the Registrar of Companies' decision to reject its application for conversion from an unlimited liability company to a limited liability company was dismissed. The application filed on 21st October 2014 did not confer any vested right for conversion. The applicable law at the time of decision governs the process, not the filing date. The newly inserted Rule 37, which includes additional criteria for conversions, was deemed a clarificatory amendment rather than retrospective. The rejection was based on Rule 37's requirements, including NOCs from creditors and the company's financial status, with the ROC's reasoning aligning with the statutory framework.

OKHLA INDUSTRIAL ESTATE DEVELOPMENT SOCIETY VS MUNICIPAL CORPORATION OF DELHI & ANR. [W.P.(C)-4269/2024]

Judges: Justice Manmeet Pritam Singh Arora

The writ petition by the Okhla Industrial Estate Development Society to quash the tender notices from the Municipal Corporation of Delhi for parking sites was dismissed. The petitioner lacked grounds for relief since the MCD included additional parking sites in Karol Bagh and Lajpat Nagar in the tender process. A clause was added to the tender allowing relaxation for trader associations, which the petitioner did not utilize. The petitioner does not have a legal or constitutional right to preferential allotment of the parking site.

KIRTI VS RENU ANAND & ORS [LPA-358/2019]

Judges: Justice Manmeet Pritam Singh Arora

The Letters Patent Appeal filed by the Appellant is maintainable, as the learned Single Judge exercised original writ jurisdiction under Article 226, not supervisory jurisdiction under Article 227, while setting aside the Maintenance Tribunal's order. Orders from tribunals performing quasi-judicial functions can be challenged under Article 226. The Respondent invoked both Articles in the writ petition, granting the Appellant the right to file an intra-court appeal.

GANGA SARAN VS THE COMISSIONER OF POLICE [W.P.(C)-4196/2024]

Judges: Justice Manmeet Pritam Singh Arora

The public interest litigation filed by Ganga Saran seeking the removal of the Interactive Voice Response (IVR) system from Emergency Helpline No. 112 was dismissed. The IVR system is deemed necessary to filter out approximately 97.5% of unintentional or prank calls, allowing operators to focus on genuine emergencies. The current IVR system is considered reasonable and necessary given the circumstances.

PERUMAL RAMASAMY VS UNION OF INDIA AND OTHERS [W.P.(C)-4076/2024]

Judges: Justice Manmeet Pritam Singh Arora

The public interest litigation (PIL) petition was deemed not maintainable due to the petitioner's failure to disclose a previously filed PIL (W.P.(C) 14795/2022) by the same advocate, which sought similar reliefs. The prayers in both petitions were substantially alike, and the petitioner's claim of no material fact being concealed contradicted the non-disclosure of the earlier petition. The non-disclosure constituted material concealment, leading to the dismissal of the present PIL and accompanying application based on non-maintainability, without consideration of the merits of the earlier petition.

SH ANIL KAPOOR & ORS. VS GOVERNMENT OF NCT OF DELHI THROUGH CHIEF SECRETARY & ORS. [LPA-217/2024]

Judges: Justice Manmeet Pritam Singh Arora

The appellants, landlords of premises used as liquor vends, are considered similarly situated to landlords in a previous case. The government must remove stock from sealed premises within two weeks and dispose of it according to the Excise Rules, as no valid grounds were presented to deny similar directions. The question of law remains open.

M/S. HINDUSTAN CONSTRUCTION COMPANY LTD VS MR. NAVIN KUMAR PROP. M/S JAI DURGE CONSTRUCTION & ANR. [LPA-224/2024]

Judges: Justice Manmeet Pritam Singh Arora

The writ petition challenging the order of the sole arbitrator was deemed not maintainable, as the appellant must await the final arbitral award to challenge it under Section 34 of the Arbitration and Conciliation Act, 1996. The appellant acted upon the impugned order, further rendering the appeal not maintainable. Additionally, the reasons for the delay in filing the appeal were found insufficient.

MASTER SHAURYA PRATAP SINGH AND ANR. (THROUGH THEIR FATHER) VS THE SOVEREIGN SCHOOL THROUGH ITS PRINCIPA AND ORS. [LPA-179/2024]

Judges: Justice Manmeet Pritam Singh Arora

The appeal by two brothers, students in classes 9 and 11, challenging their exclusion from upcoming examinations due to insufficient attendance was dismissed. The attendance policy requires a minimum of 50% attendance to be eligible for final examinations, with limited exceptions. The brothers had 43.6% and 36.7% attendance, and their claim regarding the absence of a specified minimum attendance requirement was rejected, as it would undermine the policy's purpose. Allegations of bullying by other students were not addressed due to the nature of the facts involved.

AJAY CHAWLA VS CHANDER BHAN MAKKER & ANR [RSA-196/2018]

Judges: Justice Manmeet Pritam Singh Arora

The landlord-tenant relationship was acknowledged, and the rent agreement dated 01.08.2007 was deemed genuine and admissible. The monthly rent was established at ₹4,000, which did not provide protection under the Delhi Rent Control Act, 1958. The tenant must pay enhanced mesne profits of ₹17,000 per month from March 2022, as the previous amount of ₹4,000 was considered inadequate due to inflation and changing rental rates in the locality.

SIBA INTERNATIONAL VS UNION BANK OF INDIA & ANR. [W.P.(C)-12406/2022]

Judges: Justice Manmeet Pritam Singh Arora

Siba International's writ petition to prevent a bank from taking possession of two properties under the SARFAESI Act was dismissed. The petitioner violated prior agreements to make payments to the bank and did not utilize multiple opportunities given for compliance. The request for an extension of time for payments was rendered moot by earlier orders that the petitioner failed to act upon.

SHAILENDRA KUMAR SHARMA ANR . VS RESERVE BANK OF.INDIA ORS [W.P.(C)-2572/2024]

Judges: Justice Manmeet Pritam Singh Arora

The moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016 applies only to the corporate debtor and does not prevent banks from pursuing actions against the borrowers. The writ petition seeking a stay on proceedings before the Debts Recovery Tribunals was dismissed, allowing the borrowers to present their arguments in those proceedings.

UNION BANK OF INDIA VS HULAS RAHUL GUPTA [LPA-117/2024]

Judges: Justice Manmeet Pritam Singh Arora

The appeal by Union Bank of India to challenge the quashing of a Look Out Circular (LOC) against Hulas Rahul Gupta was dismissed. The LOC's issuance did not adhere to the guidelines issued by the Ministry of Home Affairs, as the proforma lacked necessary details about the signing officer and reasons for the LOC. There were no pending criminal proceedings or FIR against Gupta, and concluded civil proceedings meant he could not be restricted from traveling. The issuance of the LOC was deemed unjustified, violating Gupta's fundamental right to travel under Article 21 of the Constitution.

JAMIA MILLIA ISLAMIA VS MD DILWAR HUSSAIN [LPA-137/2024]

Judges: Justice Manmeet Pritam Singh Arora

The eligibility criteria for the B.Ed. program at Jamia Millia Islamia University state that a bachelor's (Hons.) degree in a school teaching subject does not require the applicant to choose the same subject as their main teaching subject. As long as the applicant meets the requirement of having studied the main teaching subject for 2 years/4 semesters during their graduation, they can select any subject. An individual with a B.A. (Hons.) degree in History, who studied Urdu for the requisite time, was deemed eligible for admission to the B.Ed. (Urdu) program.

M/S HARCHARAN DASS GUPTA VS AZAD HIND COOP GROUP HOUSING SOCIETY LTD [FAO(OS)-114/2017]

Judges: Justice Manmeet Pritam Singh Arora

M/s Harcharan Dass Gupta's appeal against the lower court's judgment was dismissed. The arbitrator's award of Rs. 32,33,593 was set aside due to a lack of reasons or evidence, constituting a patent illegality under the Arbitration Act. The appellant did not prove completion of the remaining work under the MoU, and the arbitrator's adjustment of the counter-claim amount was insufficient as evidence. The lower court's decision to invalidate the award and related interest was upheld.

BAHADUR SINGH VS GOVT. OF NCT OF DELHI AND ORS [LPA-99/2024]

Judges: Justice Manmeet Pritam Singh Arora

The appeal was dismissed on grounds that the judgments cited by the Financial Commissioner were admissible as the appellant acknowledged them in his pleadings. The challenge to the Bhumidhari Certificate issued in 1958 was subject to res judicata due to a prior unsuccessful challenge by the appellant's father. The application filed in 2008 was considered excessively delayed, as the cause of action originated in 1958, making the 50-year delay inexcusable. Additionally, the appellant lacked standing to file the Section 11 application since he was not in cultivatory possession of the land as required under the Delhi Land Reforms Act.

STATE TRADING CORPORATION OF INDIA LTD VS MICRO AND SMALL ENTERPRISES FACILITATION COUNCIL DELHI AND ANR. [LPA-91/2024]

Judges: Justice Manmeet Pritam Singh Arora

The Letters Patent Appeal filed by the State Trading Corporation of India Ltd. was dismissed, as the writ petition under Articles 226/227 of the Constitution was deemed not maintainable. Precedent indicates that interference with arbitral proceedings under these provisions should be approached with caution. Furthermore, the issue of an arbitrator's lack of inherent jurisdiction falls under the purview of the arbitral tribunal, with the aggrieved party able to challenge jurisdiction under Section 34 of the Arbitration Act.

JHILMIL AND FRIENDS COLONY INDUSTRIAL AREA CETP SOCIETY AND ANR. VS THE GOVERNMENT OF NCT OF DELHI AND ANR. [W.P.(C)-1754/2024]

Judges: Justice Manmeet Pritam Singh Arora

The notification transferring the operation and management of the petitioner's common effluent treatment plant (CETP) to the Delhi Jal Board was quashed due to failure to follow statutory procedures outlined in the Delhi Common Effluent Treatment Plants Act, 2000. The order of the Appropriate Authority was not communicated to the petitioner, thus infringing their right of appeal. A directive was issued for a fresh and comprehensive show cause notice to be given to the petitioner in accordance with the law.

HEMLATA GUPTA VS GOVT. OF NCT OF DELHI & ANR. [W.P.(C)-160/2024]

Judges: Justice Manmeet Pritam Singh Arora

The decision of DSIIDC to reject the Petitioner's bid and cancel the e-auction for the plot was justified. DSIIDC required a minimum of two bidders for the auction, and the Petitioner's bid was significantly lower than the average for similar plots. DSIIDC followed the terms of the NIT in canceling the auction. The Petitioner's request for the allotment of the plot and to quash the re-auction notice was dismissed.

URMIL WADHAWAN & ANR. VS SONNY SARNA & ORS. [FAO(OS)-17/2024]

Judges: Justice Manmeet Pritam Singh Arora

The direction for the defendants to lead evidence first was upheld, as their defense of part performance under Section 53-A of the Transfer of Property Act is key to determining the plaintiffs' entitlement to possession. The plaintiffs' ownership of the property is acknowledged, while the defendants challenge the relief sought based on part performance. Requiring the defendants to present their evidence first aligns with the discretion under Order XVIII Rule 1 of the Code of Civil Procedure, as it helps narrow the scope of evidence if the defense is unproven. The defendants' appeal was dismissed, with no indication of injustice or violation of rights.

MS. BIMLA RANI AND ORS VS GOVT OF NCT OF DELHI AND ORS [W.P.(C)-1511/2024]

Judges: Justice Manmeet Pritam Singh Arora

The order of the Registrar Cooperative Societies directing the petitioners to vacate their flats was upheld, as the petitioners were not eligible members of the housing society and lacked valid allotment letters. The determination clarified that the direction encompassed not only 27 flats but also an additional 31 flats that were illegally allotted by the managing committee. The petitioners had occupied flats originally allotted to other members by the DDA through unauthorized actions by the managing committee.

MRS RAGINI UDHRAIN VS USHA KAPILA & ORS. [FAO(OS)-3/2022]

Judges: Justice Manmeet Pritam Singh Arora

The appellant was directed to pay mesne profits of ₹2 lacs per month for the share of the plaintiffs and another defendant in the suit property. The amount was deemed reasonable due to the appellant's admission of exclusive possession of the property. Claims that the mesne profits lacked evidentiary support were rejected, as judicial notice of prevalent rent can be taken. The subsequent occupation of the property's first floor by others did not affect the legality of the order. The appeal was dismissed due to delay and on its merits.

D S KUNDU VS CHIEF SECRETARY DELHI AND ORS [W.P.(C)-6245/2023]

Judges: Justice Manmeet Pritam Singh Arora

The writ petition by D.S. Kundu challenging the withdrawal of essential services to his flat in a cooperative housing society was dismissed. An inspection report confirmed that essential services were available. Similar issues had been raised in a previous petition by Kundu, which had been dismissed, leading to the conclusion that he was estopped from bringing forth the current petition. Kundu was directed to pursue his statutory remedy under the Delhi Cooperative Societies Act, 2003 for any remaining grievances regarding essential services.

INDRAPRASTHA POWER GENERATION COMPANY LIMITED (IPGCL) VS SHRI RAGHUBIR SINGH [RSA-127/2023]

Judges: Justice Manmeet Pritam Singh Arora

The plaintiff was found to be senior to Shri V.K. Chaudhary and was wrongly superseded by the defendant in the seniority list. The arguments regarding limitation and res judicata were rejected, as the plaintiff's claim constituted a continuing wrong affecting his pensionary benefits, and the issue of supersession had not been adjudicated in a prior suit. The defendant must comply with the trial court's directions promptly.

NEETU GROVER VS UNION OF INDIA & ORS. [W.P.(C)-910/2024]

Judges: Justice Manmeet Pritam Singh Arora

The writ petition challenging the constitutionality of Section 5(v) of the Hindu Marriage Act, 1955, was dismissed. This provision prohibits marriage between sapindas unless permitted by custom or usage. The petitioner's marriage with a distant cousin was previously declared null and void due to lack of evidence for such custom or usage. The petition did not present specific grounds for challenging the provision, leading to its dismissal.

SARLA SHARMA VS DELHI NIWAS CGHS LTD. & ANR. [W.P.(C)-688/2024]

Judges: Justice Manmeet Pritam Singh Arora

The writ petition by Sarla Sharma was dismissed, confirming that her membership in the Delhi Niwas CGHS Ltd. society was obtained illegally while a court case regarding the original allottee's membership was pending. The ownership claim of the flat was deemed a sham transaction aimed at undermining the orders against the original allottee.

MANOJ KUMAR DWIVEDI AND ORS. VS UNION OF INDIA AND ORS. [W.P.(C)-687/2024]

Judges: Justice Manmeet Pritam Singh Arora

The petition to change the election venue for the Board of Directors of the Supreme Court Bar Association Multi-State Cooperative Group Housing Society Ltd. from the Disaster Management Centre to Library-I in the Supreme Court premises was dismissed. The Returning Officer's decision for the current venue was based on previous threats and lack of cooperation encountered during an earlier election schedule. The petition was deemed belated, and concerns were acknowledged about the ability to conduct free and fair elections at the proposed location.

ARUN KUMAR MISHRA & ORS. VS UNION OF INDIA AND ORS [W.P.(C)-747/2024]

Judges: Justice Manmeet Pritam Singh Arora

The order disqualifying 15 elected members of the outgoing Board of the Supreme Court Bar Association Multi-State Cooperative Group-Housing Society Ltd. does not impact the rights of candidates on the final list published by the Returning Officer. Elections will proceed based on this final candidate list published on 11.01.2024, allowing petitioners to contest. Rights to pursue statutory remedies regarding the disqualification order are reserved for both petitioners and respondents.

M/S STEAMGEN AND CONTROL SYSTEM & ANR. VS CANARA BANK THROUGH ITS BRANCH MANAGER [RFA(COMM)-9/2024]

Judges: Justice Manmeet Pritam Singh Arora

The appeal to set aside an ex-parte judgment was dismissed as the appellants did not provide adequate evidence supporting their claim of mental depression affecting their ability to participate in the proceedings. The assertion of mental depression lacked documentary support and was deemed insufficient. The appellants had previously appeared through a lawyer, and their later absence did not justify overturning the judgment.

M/S AEZ INFRATECH PVT LTD VS M/S SOMANI WORSTED LTD & ORS [EFA(OS) (COMM)-3/2020]

Judges: Justice Manmeet Pritam Singh Arora

The appeal by M/s AEZ Infratech Pvt Ltd against the Executing Court's order is not maintainable under Section 13 of the Commercial Courts Act, 2015, based on a prior judgment. The judgment debtor may seek modification of the impugned order in light of a subsequent judgment. The merits of the case are not addressed, and the rights and contentions of all parties remain open.

RAJEEV KUAMR & ANR. VS SANJEEV KUMAR & ORS. [FAO(OS)-50/2023]

Judges: Justice Manmeet Pritam Singh Arora

The case centers on the interpretation of a registered Will dated 24.09.2015 left by Sh. Shadi Lal Kumar, to ascertain whether defendant no. 3 is the sole owner of the suit property or holds only a lifetime interest. The existence of the valid Will and the ownership of the property by Sh. Shadi Lal Kumar are undisputed. The implications of the plaintiffs' claims regarding movable property distribution are to be considered separately, excluding allegations of coercion from the respondents. The preliminary issue framing was deemed appropriate, allowing for the clauses of the Will to be interpreted without additional evidence.

SANJEEV LAKRA VS BHIM SINGH [CM(M)-803/2023]

Judges: Justice Manmeet Pritam Singh Arora

The defendant's petition to amend their written statement was dismissed due to the proposed changes altering the original defense and introducing a contradictory case. The amendments were deemed inappropriate as they would lead to mutually destructive pleas and harm the rights of the opposing party. The attempt to acknowledge the execution of the Agreement to Sell and partial receipt of consideration while introducing a new defense for non-performance was found to be legally impermissible.

MAHENDER SINGH VS THE DELHI STATE CO OPERATIVE BANK LTD [W.P.(C)-44/2024]

Judges: Justice Manmeet Pritam Singh Arora

Mahender Singh's writ petition challenging the Delhi Co-operative Tribunal's upholding of an arbitral award in favor of the Delhi State Co-operative Bank Ltd. was dismissed. The Tribunal's examination of the defenses on merit was deemed appropriate, with the petitioner unable to demonstrate any substantial error in the Tribunal's decision. Issues regarding payment accounting and the hypothecated vehicle can be addressed in execution proceedings.

AAMIR NASEER VS MOHAMMAD ZULFIQUAR [CM(M)-3483/2024]

Judges: Justice Manoj Jain

The plaintiff's petition was granted, allowing the examination of an official from the Sales Tax Department to prove a Form-H document, despite the trial court's earlier dismissal of the application to submit the document. The application to submit a document and the application to examine a witness are considered different. The trial court must now permit the plaintiff to examine the Sales Tax Department official, while the plaintiff incurs a cost of Rs. 10,000 for delaying the process.

AASTHA MISHRA @ MUSKAAN VS MR. PRADEEP TIWARI [CM(M)-2916/2024]

Judges: Justice Manoj Jain

All photographs submitted by the petitioner's husband in a divorce case are to be kept in a sealed cover after being marked or exhibited, accessible only with permission. Some photographs were allegedly taken without the petitioner's knowledge, raising concerns of harassment. The trial court is instructed to ensure the photographs remain sealed for future hearings, with decisions on their relevance or obscenity to be made during the trial.

ABHAY RAJ VERMA VS SHRI PAW AN SINGH & ORS. & ORS. [CM(M)-3349/2024]

Judges: Justice Manoj Jain

A defendant who has not filed a written statement has limited rights in proceedings and cannot present evidence in their substantive capacity. However, they may be called as a witness by a co-defendant, provided the purpose is clearly disclosed. The testimony of the ex parte defendant is relevant only to support the co-defendant's case. Guidelines for the trial court have been provided regarding this participation.

ABHISHEK GUPTA VS PRIYANKA LUTHRA [CM(M)-3665/2024]

Judges: Justice Manoj Jain

The petitioner's request to expedite the divorce case on the grounds of cruelty was dismissed due to a lack of special reasons for intervention. The petitioner may still submit an application to the Family Court for an expedited hearing, which will be considered according to the law.

ABHISHEK MONGA VS DELHI DEVELOMENT AUTHORITY [W.P.(C)-2398/2024]

Judges: Justice Manoj Jain

Abhishek Monga's writ petition was dismissed, affirming the Delhi Development Authority's cancellation of his bid for an industrial plot due to his failure to pay 75% of the bid amount within the required timeframe. The tender terms specified no extensions beyond 270 days from the demand-cum-allotment letter. Despite the personal circumstances following his father-in-law's death, Monga did not make the necessary payment, and his justifications were not accepted. He remained obligated to adhere to the contractual terms outlined in the tender document.

ADITY A BIRLA FASHION AND RETAIL LIMITED VS MRS SAROJ TANDON [CM(M)-459/2023]

Judges: Justice Manoj Jain

The requirement for pre-institution mediation under Section 12-A of the Commercial Courts Act is mandatory for both claims and counter-claims in commercial disputes, regardless of the urgency of the relief sought. Previous unsuccessful mediation attempts do not exempt a counter-claim from this requirement. This provision applies uniformly to all commercial disputes. The effective date for this ruling is set as 20 August 2022.

ADITYA GOEL VS JOGINDER SINGH & ORS. [CM(M)-45/2024]

Judges: Justice Manoj Jain

The first appellate court erred in allowing the defendants' appeal against the trial court's interim injunction order without notifying the plaintiff, Aditya Goel, or providing him an opportunity to be heard. The appellate court's order was set aside, restoring the appeal to its original position, and requiring that all parties be given an opportunity to present their cases. Additionally, the previous injunction restraining the defendants from further construction on the disputed property was continued until the appeal is reconsidered.

ADITYA MADAN VS THE STATE & ORS. [CM(M)-2807/2024]

Judges: Justice Manoj Jain

The allowance of an amendment to a guardianship petition does not guarantee the automatic approval of the additional prayer by the trial court. The trial court must evaluate all pleadings and conduct summary proceedings before making a decision, ensuring it arrives at its own conclusion after thorough consideration.

ADITYA SAURABH VS UNION OF INDIA & ORS. [W.P.(C)-17215/2024]

Judges: Justice Manoj Jain

The petitioner's e-wallet was compromised, leading to a fraudulent transaction of Rs. 59,917. The Reserve Bank of India is to address the petitioner's pending appeal under the Reserve Bank-Integrated Ombudsman Scheme 2021 within 10 weeks. The petitioner is advised to submit a fresh application to CIBIL regarding the impact on his score as a victim of fraud. All rights and contentions are reserved, allowing for further action if the petitioner is dissatisfied with the outcomes.

AHMAD ALI VS MANOHAR SINGH PANNU (M.S. PANNU) AND ANR [CM(M)-3325/2024]

Judges: Justice Manoj Jain

The petitioner has been permitted to deposit Rs. 1 lac as a fixed deposit receipt (FDR) to stay execution proceedings until the appeal is resolved. The dispute centers on the identity of the judgment debtor, with the petitioner asserting that he is not the actual debtor named in the decree. A lower appellate court previously required a deposit of Rs. 2 lacs to stay execution, but the petitioner's claims and circumstances led to the reduced amount. The lower appellate court can proceed with the appeal as per the law.

AJAY KUMAR RASTOGI AND ANR VS SMT SONAM JAIN [CM(M)-2914/2024]

Judges: Justice Manoj Jain

The petition by the defendants to challenge the trial court's dismissal of their application to set aside an ex parte decree was dismissed. The defendants had full knowledge of the civil suit, as their counsel had previously appeared in court. Their later assertion of representing them only in a criminal case indicated a deliberate avoidance of the civil proceedings. No valid grounds were established to set aside the ex parte order under Order IX Rule 7 of the Civil Procedure Code.

AJAY SHARMA AND ORS VS MD. FARMAN [CM(M)-1887/2024]

Judges: Justice Manoj Jain

The petition by the legal representatives of Sh. Om Prakash for the inclusion of a Local Commissioner's report from another case was dismissed. The previous dismissal of this application by the trial court was upheld, as Sh. Om Prakash had acknowledged the relevance of the other case in his written statement. The legal representatives were not entitled to reinstate claims after Sh. Om Prakash's passing.

AJIT DHANDA PROPRIETOR VS M/S CL EDUCATE LTD [CM(M)-261/2023]

Judges: Justice Manoj Jain

An arbitral award that was previously dismissed for being unstamped can now be executed following the petitioner obtaining the original award duly stamped. The earlier order dismissing the execution petition has been set aside, and the executing court is to proceed with the execution after the petitioner files the original stamped award.

AKHTARI BEGUM & ANR VS VIKRAM SHARMA & ORS [CM(M)-1173/2019]

Judges: Justice Manoj Jain

The petitioners challenged the dismissal of their objections in execution proceedings following an eviction order under Section 14(1)(e) of the Delhi Rent Control Act. They claimed tenancy under the custodian of enemy property and disputed the decree holder's ownership. The parties reached an amicable resolution, with the petitioners agreeing to vacate by 31.12.2025 and settle outstanding dues. The settlement is solely between the landlord and the petitioners and does not affect any interests of the Union of India in the property.

ALOK KUMAR VS RAM KUMAR AGGARWAL & ANR. [CM(M)-1532/2023]

Judges: Justice Manoj Jain

The application to be added as a party in a partition suit for Flat No. 10-A, Supriya Apartments, was dismissed due to a prior civil suit that decided ownership against the petitioner. The petitioner's claims of ownership and of partition were inconsistent. The plaintiff remains able to prove the partition of the property in the trial court.

AMARDEEP SINGH BHATIA VS DELHI DEVELOPMENT AUTHORITY AND ORS. [W.P.(C)-15667/2024]

Judges: Justice Manoj Jain

Two writ petitions were disposed of, challenging the Delhi Development Authority's (DDA) decision to demolish constructions on the petitioners' plots. The petitioners were directed to appear before the DDA's Deputy Director (Land Disposal) to present their documents. The planned demolition was put on hold, and the DDA was instructed to communicate its decision after hearing the petitioners, allowing them to pursue further legal remedies if necessary. No observations were made on the case's merits, and the DDA retained the authority to make decisions according to the law.

AMARJEET SINGH @ PUMMY VS M/S JAINA PROPERTIES PVT. LTD. AND ORS [CM(M)-3663/2024]

Judges: Justice Manoj Jain

The decree holder is prohibited from taking coercive action in the Execution Petition for one week, allowing the petitioner time to file an appeal. Warrants of possession were improperly issued without waiting for the appeal filing period to expire.

AMARNATH GHOSH DASTIDAR VS STATE AND ORS [CM(M)-3088/2024]

Judges: Justice Manoj Jain

The respondents were allowed to submit a handwriting expert's report concerning the will dated 10.05.1996. The respondents' counsel acknowledged that their concerns had been sufficiently addressed by the trial court and did not request further examination of the will. The petitioner's counsel chose not to pursue the petition but reserved the right to cross-examine the handwriting expert. The petition was disposed of accordingly.

AMATERASU FOODS PVT LTD THROUGH ITS DIRECTOR VS BRAJESH KUMAR PROP OF M/S KUMAR INTERIORS [CM(M)-2910/2024]

Judges: Justice Manoj Jain

The petition by Amaterasu Foods Pvt Ltd challenging the striking off of its defense in a commercial suit was allowed. The defendant initially filed a written statement but failed to submit an amended version after the plaintiff amended the suit. Considering the case's circumstances and plaintiff's concession, Amaterasu Foods was directed to file the amended written statement within a specified timeframe and to pay costs to the plaintiff. The defendant's defense was restored, and the trial court was instructed to proceed with the case in accordance with the law.

AMITA CHANANA VS SIDDHARTH SOOD [CM(M)-2255/2024]

Judges: Justice Manoj Jain

The order of the Family Court striking off Amita Chanana's defense in her husband's divorce petition was set aside. The Family Court should have required Siddharth Sood to provide a legible set of the plaint and documents instead of taking such a drastic action. Siddharth Sood must now provide a complete legible set of documents to Amita Chanana before the next hearing, and she has 30 days to file her written statement after receiving them. No costs were imposed due to the circumstances of the case.

AMR-BBB CONSORTIUM THROUGH LEAD PARTNER, AMR INDIA LIMITED VS BHARAT COKING COAL LTD [CM(M)-3552/2024]

Judges: Justice Manoj Jain

The orders allowing the respondent to amend its statement of defense and frame additional issues were upheld. Judicial interference in arbitral tribunal orders is limited to cases of perverse orders or lack of jurisdiction, with no exceptional circumstances present in this case. The petition under Article 227 of the Constitution was dismissed, maintaining the tribunal's decision to permit the amendments.

AMRIT LAL AGNIHOTRI VS SUSHIL KUMAR VERMA [CM(M)-1176/2023]

Judges: Justice Manoj Jain

A petition was filed by the defendant challenging the dismissal of an application to reject the plaint based on the Right to Information Act. At the stage of the plaintiff's evidence, the amount involved was relatively small. The plaintiff's counsel expressed no objection to the trial court re-evaluating the suit's maintainability. The decision instructed the trial court to consider the maintainability issue during final arguments and decide accordingly, with no observations made on the merits.

ANAMIKA SARKAR VS SURENDER KUMAR [CM(M)-1096/2023]

Judges: Justice Manoj Jain

The petitioner's physical visitation rights with her child were increased from once a week to twice a week, now scheduled for Wednesdays and Saturdays from 2:00 pm to 4:00 pm at the Rohini Court Complex children's room. The existing video call visitation schedule of three times a week remains unchanged. This new arrangement will commence on October 1, 2024, to accommodate the petitioner's travel plans. The decision aims to ensure reasonable visitation rights in line with both parties' consent.

ANAMIKA VS SUDHANSHU KAUSHIK [CM(M)-3454/2024]

Judges: Justice Manoj Jain

The trial court's decision to close the respondent's right to cross-examine PW2 and PW3 due to irrelevant questions asked during the cross-examination of PW1 was incorrect. The petitioner is allowed to cross-examine PW2 and PW3, and the cost of Rs. 20,000 imposed on the respondent is waived. The petitioner cannot seek a recall of PW1 for further cross-examination.

ANANTHA BIOTECHNOLOGIES, REP. BY ITS PROPRIETOR VS B. VENKATA RAMANAMMA, DIED BY LRS. W/O LATE JANAKI RAMUDU & ORS. [CM(M)-1990/2023]

Judges: Justice Manoj Jain

The petition challenging an order from the National Consumer Disputes Redressal Commission is not maintainable in the Delhi High Court due to lack of jurisdiction, as the cause of action arose within the jurisdiction of the Andhra Pradesh High Court. The petitioner is directed to approach the Andhra Pradesh High Court for appropriate remedy and may file an appropriate petition there.

ANIL DUTT SHARMA VS RAHUL MEHRA & ORS. [CONT.CAS(C)-1756/2024]

Judges: Justice Manoj Jain

The contempt petition filed by Anil Dutt Sharma was dismissed because the previous writ petition had become infructuous and its requests did not require further adjudication. There was no basis in the contempt petition to initiate proceedings.

ANIL GUPTA SINCE DECEASED THROUGH HIS LRS VS MRS.SAROJ AND OTHERS [CM(M)-445/2021]

Judges: Justice Manoj Jain

Documents sought by the legal representatives of defendant No. 3 are considered accepted under Section 151 of the Code of Civil Procedure. The execution of these documents is undisputed, and no objections were raised by the respondent, allowing the suit to proceed regardless of their inclusion. There is no comment on the contents or implications of the documents, as only their acceptance for record is acknowledged.

ANIL KALRA & ANR VS SHEIKH MOHD IQBAL [CM(M)-1376/2017]

Judges: Justice Manoj Jain

Eviction of tenants Anil Kalra and Kiran Bala was upheld due to subletting the premises to DTTDC without landlord consent. The argument that the arrangement was a mere license was rejected, as the terms of the license agreement and previous findings indicated a "month-to-month tenancy" relationship. The petition challenging the lower courts' findings had no merit.

ANIL KUMAR JAIN & ANR. VS NARESH JAIN [CM(M)-17/2024]

Judges: Justice Manoj Jain

The plaintiff in a partition suit is permitted to begin presenting evidence as per Order XVIII Rule 1 of the Code of Civil Procedure. The trial court's decision requiring the defendant to start was contrary to established procedure. The plaintiff will present evidence first, followed by the defendant, highlighting the importance of cooperation from both parties for the swift resolution of the case.

ANIL MITTAL VS VVN TRADING PVT LTD [CM(M)-3087/2024]

Judges: Justice Manoj Jain

The petitioner's application to summon Mr. L.D. Mittal, chairman of the defendant company, as a court witness was dismissed. The defendant company had already presented its authorized representative, Mr. G.V. Sharma, who was well-informed about the relevant facts. It was concluded that the company was not deliberately avoiding the examination of a material witness and that Mr. Sharma's testimony was sufficient. Additionally, Mr. Mittal's age of 94 years was considered in the decision not to summon him.

ANIL SHAH VS UNION OF INDIA & ANR [FAO-5/2015]

Judges: Justice Manoj Jain

The appellant's claim for compensation under the Railway Claims Tribunal Act, 1987 for injuries from an alleged fall from the Farakka Express train was dismissed due to insufficient evidence. The appellant did not prove he was a bona fide passenger, and there was no supporting documentation from railway or police officials regarding the incident. Issues included the questionable authenticity of a certificate from the Buxar station master, the absence of co-passenger statements or hospital records, and delayed police contact with the appellant. The lack of corroborating evidence aside from the appellant's own statement led to the conclusion that the tribunal's dismissal of the claim was justified.

ANIL WILLIAM THOMAS PROPRIETOR OF M/S 3354 / ANIL WILLIAM THOMAS SECURITY AGENCY VS EMPLOYEES STATE INSURANCE CORPORATION [CM(M)-2998/2024]

Judges: Justice Manoj Jain

The petitioner's plea regarding the waiver of the amount claimed by the Employees' State Insurance Corporation (ESIC) due to a "Fake ESI Code" ending in 999 was accepted. The petitioner was registered under a legitimate code ending in 018, with allegations that a third party fraudulently obtained the Fake ESI Code. Hardship was not deemed the sole criterion for waiving the pre-deposit, and the entire amount was waived based on the petitioner's specific claims. The validity of the Fake ESI Code's acquisition requires establishment during trial proceedings.

ANJALI CHAUDHARY VS BRAHAMJEET SINGH [CM(M)-1439/2023]

Judges: Justice Manoj Jain

The petitioner's challenge to the trial court's order denying interim custody of the child will be addressed in the MAT Appeal against the final order in the Guardianship Petition. The petitioner's counsel chose not to pursue the current petition and will raise the interim issue during the MAT Appeal. The current petition was disposed of, allowing the petitioner to contest the interim order in the upcoming appeal.

ANJU BALA ARORA VS TAPAN MUDGAL & ORS. [CM(M)-2436/2024]

Judges: Justice Manoj Jain

The plaintiff was granted one final opportunity to examine remaining witnesses in a civil suit, with considerations for financial constraints and a concession from the defendant. An earlier cost of Rs. 15,000 on the plaintiff was modified to be paid to the defendant. The plaintiff must provide advance copies of witness affidavits to the defendant's counsel within two weeks. The possibility for the plaintiff to apply for a recall of the order closing her right to cross-examine the defendant's witnesses remains open.

ANJU VS MCD AND ORS. [CONT.CAS(C)-1241/2024]

Judges: Justice Manoj Jain

The petitioner's contempt petition against the MCD and others was not pressed. There was an agreement that the Deputy Director (Education) would address the petitioner's representation within two weeks, which did not occur. The Deputy Director (Education) is now directed to resolve the representation within four weeks, allowing the petitioner a personal hearing. The petitioner may revive the contempt petition if dissatisfied with the outcome.

ANKUR GHILDIYAL VS SANJEEV PURI [CM(M)-2881/2024]

Judges: Justice Manoj Jain

The petition by defendant Ankur Ghildiyal challenging the cross-examination by a Local Commissioner was dismissed. Although the Local Commissioner improperly altered the official record to exclude the defendant's counsel, the defendant could not claim any unfair advantage from this change. As an experienced officer, he was deemed aware of the deposition contents he signed. The request to expunge or re-record the cross-examination was rejected due to lack of merit, and the matter was considered individual rather than part of a batch case.

ANOOP KUMAR GUPTA VS RAJA JAIN [CM(M)-2887/2024]

Judges: Justice Manoj Jain

The petition was dismissed due to lack of merit. The landlord acknowledged the authenticity of the sale deeds provided by the petitioner, addressing concerns over their proof. The relevance of examining the petitioner's wife as a witness was deemed unnecessary, given that the case is set for final arguments. No opinion was expressed on the merits of the case.

ANU SINGH VS ANKIT KUMAR AGGARWAL [CONT.CAS(C)-348/2024]

Judges: Justice Manoj Jain

The Land Acquisition Collector has complied with the previous order regarding the petitioner's representation and acknowledged the petitioner's entitlement to enhanced compensation. Although the compensation remains unpaid, the petitioner may file an appropriate petition or execution for it instead of pursuing a contempt petition. The main issue has been resolved as a standalone matter.

ANUPAM SINGH VS M/S MAHINDRA AND MAHINDRA FINANCIAL SERVICES LTD. [CM(M)-2758/2024]

Judges: Justice Manoj Jain

The entire cause of action arose within the jurisdiction of Uttar Pradesh, necessitating the petitioner to approach the High Court of Uttar Pradesh instead of the Delhi High Court. The petitioner was permitted to withdraw the petition with the option to file in the appropriate High Court, without any opinion on the case's merits.

APEX INTERNATIONAL VS SMT CHANCHAL YADAV & ORS. [CONT.CAS(C)-1869/2024]

Judges: Justice Manoj Jain

The contempt petition by Apex International against Smt. Chanchal Yadav and others was dismissed. The petitioner's refund claim was rejected by the Competent Authority on September 12, 2024, following notices for a hearing that the petitioner claims were not received. The respondents are required to provide a copy of the order rejecting the refund claim, and the petitioner is permitted to explore other legal options to contest this decision.

ASHA RANI SUKHIJA VS PANKAJ SIKRI [CM(M)-3208/2024]

Judges: Justice Manoj Jain

The trial court is competent to consider the petitioner's application for the appointment of a local commissioner to inspect the suit property, even though the property is sealed by a receiver. The suit was initially filed in the High Court and later transferred to the district courts due to a change in pecuniary jurisdiction. The trial court must review the application afresh and according to the law, without any considerations on its merits.

ASHISH DHIR VS NISHI DHIR [CM(M)-3378/2024]

Judges: Justice Manoj Jain

The divorce petition filed by Ashish Dhir against Nishi Dhir on grounds of cruelty and desertion noted an 11-year delay since its filing in 2013, with the respondent's right to file a written statement closing in August 2024. The expectation was set for the trial court to expedite the case resolution without a fixed deadline. Additionally, the respondent-wife's petitions under Section 9 of the Hindu Marriage Act and for maintenance were dismissed multiple times and later restored, reflecting her conduct during the proceedings.

ASHISH VS AJAY KUMAR BHALLA AND ANR [CONT.CAS(C)-1771/2024]

Judges: Justice Manoj Jain

The contempt petition by Ashish against Ajay Kumar Bhalla and another was dismissed. The Review Medical Board examined Ashish on 03.09.2024 and found him unfit for appointment as a Head Constable (Communication) in the Sashastra Seema Bal (SSB) due to hypertension. Ashish was granted the option to pursue further legal steps if he disagreed with the Medical Board's report.

ASHOK CHATURBHUJ BHATIA VS UNION OF INDIA & ORS. [W.P.(C)-4585/2024]

Judges: Justice Manoj Jain

The petitioner's request to halt the asset-sale process and prevent any third-party claims on a specific property is granted for the interim period until the NCLT reopens on 01.04.2024, while an e-auction is set for 29.03.2024. The respondents will pause the auction for one week to allow the petitioner to approach the NCLT. The petition and all pending applications are disposed of accordingly.

ASHU SHARMA & ANR VS FRAMEWORK INTERIORS [CM(M)-731/2017]

Judges: Justice Manoj Jain

The show cause notice against the directors of the judgment debtor company is set aside. The executing court must hear the matter on a fixed date, allowing the authorized representative and managing director to participate. The decree holder can apply to advance the hearing date. The judgment debtor company is required to submit a new affidavit disclosing its assets and may apply to waive the cost of Rs. 45,000 imposed by the executing court. Detailed directions aim for effective resolution of the execution proceedings.

ASHUTOSH SHARMA VS INCOME TAX OFFICE [CM(M)-2984/2024]

Judges: Justice Manoj Jain

The FDR of Rs. 25 lacs deposited by Ashutosh Sharma for travel permission should be released, as the prior Look Out Circular against him has been rescinded and there are no current restrictions. The FDR was only a condition for travel, not a permanent requirement.

ATAM PRAKASH KAUSHIK THR LRS VS AMIT KUMAR KHATTAR [CM(M)-97/2024]

Judges: Justice Manoj Jain

The petition by the legal representatives of deceased defendant Atam Prakash Kaushik was dismissed, affirming the trial court's decision against amending the written statement or introducing additional evidence. In a suit under Section 6 of the Specific Relief Act, the determination focused solely on whether the plaintiff was in possession of the disputed property and was illegally dispossessed, independent of title issues. The plaintiff's claim of unlawful dispossession was clear, making the proposed amendments and additional evidence unnecessary for resolution.

AUTONIX LOGISTICS AND AGRO SOLUTIONS PRIVATE LIMITED VS VIVEK CONTRACTS PVT. LTD. [CM(M)-3001/2024]

Judges: Justice Manoj Jain

The petition challenging the trial court's rejection of the defendant's application to introduce a late lab test report was dismissed. The defendant failed to demonstrate reasonable cause for not submitting the report sooner, despite being aware of the case's nature and having the opportunity to obtain it. Thus, the trial court's decision to disallow the introduction of the additional document was upheld.

AZIMUDDIN VS GAGAN CHANDELA & ANR. [CM(M)-1937/2024]

Judges: Justice Manoj Jain

The appointment of a local commissioner to record evidence in two cross-suits is unnecessary, as the plaintiff in one suit does not wish to delay proceedings and consents to evidence being recorded by the trial court. The parties are to appear before the trial court, which will schedule dates for recording evidence. Priority is to be given to these suits, pending since 2016.

BABITA DEVI VS RAM KRIPAL MALL [CM(M)-3431/2024]

Judges: Justice Manoj Jain

The trial court must prioritize the petitioner's application for interim injunction and provide both parties an opportunity to be heard before making a decision. The petitioner is required to appear before the trial court on 23.09.2024, with the possibility of arguments being heard on that day or a later date.

BABITA VS MANISH GUPTA [CONT.CAS(C)-1422/2024]

Judges: Justice Manoj Jain

The petitioner's application for allotment of an alternate plot due to land acquisition will be processed by the respondent without regard to the delay in filing. The petitioner can contact the Deputy Secretary of the Land & Building Department within two weeks, with a decision on the representation due by March 31, 2025. The petitioner may file a new petition if dissatisfied with the outcome or seek to revive the current petition if the timeline is not met.

BABLI PANDEY VS MUKUT LAL SHARMA & ORS. [CM(M)-1852/2024]

Judges: Justice Manoj Jain

The plaintiff was granted one opportunity to summon an MCD official to prove specific communications, despite prior refusal by the trial court. This decision acknowledged the case's status as one of the oldest pending matters, now at the final arguments stage. Parties were directed to appear before the trial court on a set date for the witness examination, with the defendant allowed to present rebuttal evidence afterward if necessary.

BAL KISHAN VS UNION OF INDIA & ORS. [W.P.(C)-16912/2024]

Judges: Justice Manoj Jain

The writ petition regarding the mutation of suit property and conversion from leasehold to freehold was treated as a representation to the Delhi Development Authority (DDA), which must issue a reasoned order within 12 weeks after allowing the petitioners a personal hearing.

BALAJI UNIQUE BUILDERS PVT LTD VS MUKESH MEENA & ORS. [CM(M)-3736/2024]

Judges: Justice Manoj Jain

In the case of Balaji Unique Builders Pvt Ltd v. Mukesh Meena & Ors., the petitioner sought interim relief through an application for ex-parte ad-interim injunction. The trial court adjourned proceedings, requiring the petitioner to serve all defendants before considering the application. The High Court requested the trial court to address the application in accordance with the law, noting that if ex-parte relief is not granted, the court should provide observations on the matter. No merits of the case were discussed, leaving the final decision to the trial court.

BANK OF BARODA VS SH LAKSHMAN SHETTY [CM(M)-2506/2024]

Judges: Justice Manoj Jain

The petitioner Bank can withdraw the current petition and approach the Karnataka High Court, as the entire cause of action arose within Karnataka's jurisdiction. Jurisdiction lies with the High Court where the cause of action occurs, not where NCDRC proceedings were held. No opinion on the case's merits was expressed.

BDR BUILDERS AND DEVELOPERS PRIVATE LIMITED VS SH SHRICHAND BIJLANI [CM(M)-590/2023]

Judges: Justice Manoj Jain

The trial court must consider the existing report from the local commissioner, objections from the parties, and a new sealed report. Parties are permitted to file fresh objections before the trial court reaches a final decision as per a prior order. This pertains to a single case (CM(M) 590/2023).

BGSE FINANCE LIMITED VS UNION OF INDIA AND OTHERS [W.P.(C)-13504/2023]

Judges: Justice Manoj Jain

BGSE Finance Limited challenged the rejection of its application for a Certificate of Registration under the Reserve Bank of India Act, 1934. The petitioner plans to submit a new application to rectify earlier deficiencies. The respondents agreed to process this new application within 8 weeks, without considering prior observations. The petitioner can seek further jurisdiction if unsatisfied with the new application outcome.

BHIM SINGH VS RAM KUMAR [CM(M)-2076/2023]

Judges: Justice Manoj Jain

The lower court's order granting the defendant conditional leave to defend a suit under Order XXXVII of the Civil Procedure Code, which required a deposit of 30% of the suit amount as security, was set aside due to a lack of substantive reasoning. A fresh hearing for the application for leave to defend is mandated, with directions to provide a reasoned order on whether leave should be granted, declined, or if any conditions should be imposed. No opinions on the merits of the case were provided, leaving the decision to the lower court.

BHOOMA DEVI VS JANKI DEVI [CM(M)-3372/2024]

Judges: Justice Manoj Jain

Bhooma Devi's request for an adjournment in civil suit proceedings was deemed unjustified due to prior opportunities granted by the trial court. However, a final opportunity for her to appear for cross-examination was allowed, contingent upon the payment of costs of Rs. 10,000 within one week.

BRAHM SINGH VS OM PRAKASH [CM(M)-3226/2024]

Judges: Justice Manoj Jain

The plaintiff, Brahm Singh, was granted one final opportunity to summon and examine remaining witnesses in a suit for permanent and mandatory injunction, after having failed to do so previously. The opportunity was provided due to overall circumstances and a concession from the defendant's counsel, with a cost of Rs. 10,000/- imposed for the delay. The trial court was instructed to refrain from recording the defendant's evidence and to schedule dates for the plaintiff to present his witnesses.

CAMEO OVERSEAS VS THE GLOBAL - V IMMIGRATION & ORS. [CM(M)-3228/2024]

Judges: Justice Manoj Jain

The petitioner's arguments regarding the validity of the defendants' written statement were valid due to non-compliance with commercial suit requirements. The petitioner did not file an application to remove the written statement from the record. The petitioner was allowed to withdraw the petition with permission to file an appropriate application before the trial court for removal of the written statement.

CENTRAL BANK OF INDIA VS ANURADHA MANCHANDA AND ORS [CM(M)-3233/2024]

Judges: Justice Manoj Jain

The petition by the Central Bank of India was dismissed, affirming the trial court's rejection of its application to set aside an ex parte order. The trial court's reasoning was consistent with the records, and no grounds for interference were identified. The bank had been represented by proxy counsel but did not take action to challenge the ex parte order for nearly 5 years, and its explanations were unconvincing.

CENTRE FOR DEVELOPMENT OF TELEMATICS VS M/S AMRITA TRAVELS [CM(M)-3318/2024]

Judges: Justice Manoj Jain

Compliance with Section 12A of the Commercial Courts Act, 2015, requiring pre-institution mediation for suits not seeking urgent interim relief, is mandatory. The Supreme Court's judgment in Patil Automation Private Limited v. Rakheja Engineers Private Limited made this requirement prospective from 20th August 2022. Since the suit in question was filed in 2019, before this cut-off date, the petition was dismissed due to lack of merit, aligning with previous judgments emphasizing the mandatory nature of Section 12A.

CHANDAN YADAV VS BSES RAJDHANI POWER LIMITED & ANR. [CM(M)-2878/2024]

Judges: Justice Manoj Jain

The trial court's observation regarding the plaintiff's suit being dismissed for non-deposit of Rs. 39,96,258.43 was deemed unwarranted and set aside, allowing the plaintiff to continue the suit without the deposit. It was noted that the electricity supply to the premises had not been restored by BSES Rajdhani Power Limited, and the plaintiff was not seeking such restoration. There was no obligation for BSES to provide electricity, and any necessary directions would be determined at final disposal based on evidence and issues involved.

CHARANPREET SINGH VS NEHA BAJAJ & ORS. [CM(M)-3288/2024]

Judges: Justice Manoj Jain

The trial court's decision to strike off the petitioner's defense in a commercial suit was upheld. The 120-day period for filing a written statement under the Commercial Courts Act is mandatory and cannot be extended. The petitioner failed to file the written statement within this timeframe, despite initially being permitted to do so. The trial court's action to remove the written statement from the record was deemed proper.

CHOWGULE AND COMPANY PRIVATE LIMITED VS UNION OF INDIA AND ANR [W.P.(C)-4621/2024]

Judges: Justice Manoj Jain

Chowgule and Company Private Limited has a remedy under Section 27 of the Coal Mines (Special Provisions) Act, 2015 to approach the Tribunal established under the Coal Bearing Areas (Acquisition and Development) Act, 1957. The petitioner has 10 days to file an application with the Tribunal, and the Union of India is directed not to enforce the impugned order dated 27.03.2024 for that period.

CITY CLINIC PVT LTD VS MAKINO INTERNATIONAL HEALTHCARE PVT LTD [CM(M)-3277/2024]

Judges: Justice Manoj Jain

The defendant was not properly served with the plaint and documents, although the defendant's counsel appeared and filed a memo of appearance. The plaintiff failed to provide the plaint and documents electronically as directed. The defendant delayed in informing about the non-supply, prompting the decision to grant an additional 30 days to file the written statement, while imposing a cost of Rs.10,000 for the delay in communication.

DBS BANK INDIA LTD AND ORS. VS D. SARGURUNATHAN AND ORS. [CM(M)-3406/2024]

Judges: Justice Manoj Jain

DBS Bank India Ltd. and others must withdraw their petition under Article 227 challenging an order from the National Consumer Disputes Redressal Commission and approach the Madras High Court, as the entire cause of action is linked to its jurisdiction. A recent Supreme Court judgment indicated that the jurisdictional High Court should be approached regardless of the NCDRC's decision. No opinion on the case's merits was expressed.

DD AUTO PVT LTD VS PIVOTAL INFRASTRUCTURE PVT LTD [CM(M)-3059/2024]

Judges: Justice Manoj Jain

The petition by DD Auto Pvt. Ltd. challenging an order from the sole arbitrator was dismissed. The arbitrator had allowed the petitioner to file an additional affidavit addressing new details from the respondent's response affidavit. Interference under Article 227 of the Constitution requires exceptional circumstances or cases of perversity, which were not present in this situation.

DEEPA GUPTA VS GURPREET SINGH & ANR. [CM(M)-3079/2024]

Judges: Justice Manoj Jain

The tenant, Deepa Gupta, is entitled to a fresh electricity connection for her tenanted premises despite the landlord's refusal to issue a no-objection certificate. Electricity is considered a fundamental necessity, and the landlord's refusal to provide this basic amenity necessitates intervention. Tata Power Delhi Distribution Limited (TPDDL) is directed to provide the connection pending the tenant's payment of arrears and an additional security deposit. The order does not grant any special equity to the tenant.

DEEPAK CHHAUDHA & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-16412/2024]

Judges: Justice Manoj Jain

The Delhi Development Authority (DDA) must treat the writ petition as a representation and issue a speaking and reasoned order within 12 weeks, allowing for a personal hearing with the petitioners. If the petitioners are dissatisfied with the outcome, they may pursue further legal action.

DEEPAK NIJHAWAN VS SHIVANI ARORA [FAO-336/2024]

Judges: Justice Manoj Jain

The ex-parte order regarding a petition under Section 9 of the Arbitration & Conciliation Act, 1996 was set aside due to its incorrect classification as a petition under Order XXXIX Rule 1 and 2 CPC. The petition should have been treated as a Section 9 petition and assigned to a Commercial Court, as the original court lacked jurisdiction. The respondent must appear before the Principal District & Sessions Judge, North District, Rohini on 23.10.2024 for allocation to a Commercial Court and may seek appropriate amendments to the petition.

DEEPANSHU SHARMA & ANR. VS VIKRANT TYAGI [CM(M)-3403/2024]

Judges: Justice Manoj Jain

The petitioners were required to submit a Fixed Deposit Receipt (FDR) of Rs. 70,000 within four weeks and permitted to file a written statement by 07.10.2024, with an advance copy provided to the opposing side. Compliance with these conditions would allow the petitioners to defend the suit; failure to comply would result in forfeiture of their right to file a written statement and participate in the suit, allowing the trial court to proceed accordingly.

DEEPASRI MULTISPECIALITIES HOSPITAL & ORS. VS MS ANUPAMA NH & ORS. [CM(M)-2749/2024]

Judges: Justice Manoj Jain

The petitioners' application for condonation of delay in filing the written statement in a consumer complaint should be considered on its merits rather than dismissed summarily. Applications for condonation of delay submitted before March 4, 2020 are required to be evaluated on their merits, despite the 45-day deadline under the Consumer Protection Act. A fresh consideration of the petitioners' application for condonation of delay is necessary, without any comments on the merits of the case.

DELHI DEVELOPMENT AUTHORITY VS BACHHI DEVI THROUGH LRS [CM(M)-3690/2024]

Judges: Justice Manoj Jain

The petition filed by the Delhi Development Authority (DDA) was dismissed due to its responsibility for the delay in filing a revision petition. The reasons for the delay were deemed insufficient, despite a general tendency to adopt a liberal approach in such cases. The decision by the National Consumer Disputes Redressal Commission to reject the revision petition was supported by evidence and did not show any significant errors.

DELHI DEVELOPMENT AUTHORITY VS JAGDEEP BALI [CM(M)-1427/2023]

Judges: Justice Manoj Jain

The petition by the Delhi Development Authority (DDA) was dismissed, affirming earlier orders that directed the DDA to allot a flat to complainant Jagdeep Bali and provide compensation. Bali applied for an MIG flat under a DDA scheme in 2001 but was not properly informed about the allotment and later found out it had been canceled. The earlier findings regarding the DDA's obligations were deemed reasonable.

DELHI DEVELOPMENT AUTHORITY VS SWARAN CHADHA [CM(M)-3769/2024]

Judges: Justice Manoj Jain

The State Consumer Disputes Redressal Commission dismissed the Delhi Development Authority's appeal due to delay. The Delhi Development Authority had a legal team in place and should have filed the appeal in a timely manner. The refusal to condone the delay was consistent with discretionary power, and no issues of jurisdiction or perversity were identified in the order. Therefore, the dismissal of the petition was upheld.

DELHI URBAN SHELTER IMPROVEMENT BOARD VS ZILE SINGH THR LRS [CM(M)-3695/2024]

Judges: Justice Manoj Jain

Zile Singh's decree, now in favor of his widow Angoori Devi, mandates the Delhi Urban Shelter Improvement Board (DUSIB) to deliver possession of the shop within two days. The previous judgment is final, requiring DUSIB to comply. Procedural formalities related to the original decree may be directed by the executing court.

DEVENDER SHARMA VS STATE NCT OF DELHI & ANR. [CRL.REV.P.-414/2024]

Judges: Justice Manoj Jain

A revision petition challenging a conviction under Section 138 of the Negotiable Instruments Act was allowed after the petitioner reached a settlement with the complainant, paying Rs. 4,72,000 to resolve six related cases. The offense was compounded under Section 147 of the NI Act, leading to an acquittal under Section 320(8) Cr.P.C., and the petitioner was released from jail. Due to the circumstances of the case, the cost payable was set at 10% of the cheque amount (Rs. 4,500) instead of the usual 15%, with the total cost for five other related cases amounting to Rs. 27,000, to be deposited with the Delhi High Court Legal Services Committee.

DEVENDER SHARMA VS STATE NCT OF DELHI & ANR. [CRL.REV.P.-413/2024]

Judges: Justice Manoj Jain

The petitioner's application to compound the offence under Section 138 of the Negotiable Instruments Act was accepted due to an amicable settlement with the complainant. The petitioner paid the full amount owed, and the complainant had no objection to compounding. A cost of 10% of the cheque amount was imposed on the petitioner for the delay in compounding, and he was released from custody. The petitioner is acquitted of the offence. This ruling applies to six similar complaint cases against the petitioner, all compounded simultaneously.

DEVENDER SHARMA VS STATE NCT OF DELHI & ANR. [CRL.REV.P.-412/2024]

Judges: Justice Manoj Jain

Devender Sharma's revision petition regarding his conviction under Section 138 of the Negotiable Instruments Act was accepted after a settlement between his son and the complainant resulted in full payment of the owed amount. The offense was compounded under Section 147 of the Negotiable Instruments Act, leading to Sharma's acquittal. He is required to pay 10% of the cheque amount as costs, reduced from the typical 15% due to the long delay and absence of prior criminal records.

DEVENDER SHARMA VS STATE NCT OF DELHI & ANR. [CRL.REV.P.-418/2024]

Judges: Justice Manoj Jain

Devender Sharma, convicted under Section 138 of the Negotiable Instruments Act, had his offense compounded after reaching a settlement with the complainant, who received the full amount owed. The absence of any criminal record led to the setting aside of Sharma's conviction, resulting in his immediate release from jail upon payment of 10% of the cheque amount, totaling Rs. 4,500 as costs.

DEVENDER SHARMA VS STATE NCT OF DELHI & ANR. [CRL.REV.P.-411/2024]

Judges: Justice Manoj Jain

The petitioner's application to compound the offense under Section 138 of the Negotiable Instruments Act was accepted after the parties reached an amicable settlement, with the complainant receiving R.S. 4,72,000. Due to a significant delay in compounding, the cost to be paid by the petitioner was reduced from 15% to 10% of the cheque amount. The petitioner was released from custody, and the offense was compounded, resulting in acquittal under Section 320(8) of the Code of Criminal Procedure.

DEVENDER SHARMA VS STATE NCT OF DELHI & ANR. & ORS. [CRL.REV.P.-416/2024]

Judges: Justice Manoj Jain

The petitioner's application to compound the offence under Section 138 of the Negotiable Instruments Act was accepted after he settled with the complainant and paid the full amount owed. This compounding led to the petitioner's acquittal. The cost for compounding was reduced from 15% to 10% of the cheque amount due to the petitioner's lack of prior criminal history and the lengthy proceedings. The petitioner was instructed to be released from custody upon payment of the reduced cost.

DEXTER CAPITAL ADVISORS PVT LTD VS SEROSOFT SOLUTIONS PVT LTD [CM(M)-3711/2024]

Judges: Justice Manoj Jain

Judicial interference in arbitral proceedings is typically limited, but in this exceptional case, the petitioner's right to fully cross-examine the respondent's sole witness was upheld despite time constraints. The petitioner is allowed to complete the cross-examination in a single two-hour session at a date set by the sole arbitrator. This decision is based on the specific facts of the case and is not intended as a precedent.

DHARAM PARTAP KOHLI VS SMT. SAROJ JAIN [CM(M)-3007/2024]

Judges: Justice Manoj Jain

The petition by tenant Dharam Partap Kohli against landlady Smt. Saroj Jain in an eviction case was dismissed. Amending the written statement to include the death of the landlady's husband and the closure of her business was deemed unnecessary, as these developments could be addressed during cross-examination. The landlady's submission of a sale deed for a sold residential property was accepted as a relevant subsequent event. The tenant's petition lacked merit and was dismissed.

DHARAMRAJ CONTRACT INDIA PRIVATE LIMITED VS ENPEECOM [CM(M)-3617/2024]

Judges: Justice Manoj Jain

The order directing the defendant to submit a bank guarantee of Rs. 60 lacs was set aside because the conditions for invoking Order XXXVIII Rule 5 were not met. The defendant's application lacked evidence of absconding, property removal, or any actions to delay enforcement of a potential decree. The provision is to be applied with caution and requires definite material, which was absent in this case, rendering the trial court's order unjustifiable.

DHIRENDER NATH PURI VS DEFENCE COLONY WELFARE ASSOCIATION & ORS. [CM(M)-3246/2024]

Judges: Justice Manoj Jain

The petitioner withdrew the challenge to the dismissal of his ex-parte ad-interim injunction application but retains the option to pursue the pending substantive application under Order XXXIX Rule 1 and 2 CPC before the trial court. The trial court is instructed to consider the application fairly, without influence from previous orders, and no observations were made regarding the merits of the petitioner's claim.

DILEEP SINGH VS GIRIJA DEVI [CM(M)-3336/2024]

Judges: Justice Manoj Jain

The petition challenging the rejection of the application to submit additional documents at the final argument stage was dismissed. The trial court's order was deemed valid due to the lack of plausible justification for the late submission. The case was at the final argument stage, and the defendant's inaction prevented timely documentation. Intervention was not warranted as the findings were not perverse.

DIN DAYAL AGRAWAL VS SIRI IN FIN LEASE PVT. LTD. [CM(M)-3359/2024]

Judges: Justice Manoj Jain

The order for the issuance of arrest warrants against Din Dayal Agrawal was recalled due to the non-compliance with mandatory protocols by the executing court. Fresh warrants may be issued in the future if proper procedures are followed. Agrawal faced criticism for engaging a new counsel shortly before proceedings and was required to pay Rs. 10,000 in costs at the next hearing. He retains the option to seek other legal remedies concerning the dismissal of his objection application under Section 47 read with Order XXI Rule 58 of the CPC.

DINESH BHAGAT VS RESIDENTS WELFARE ASSOCIATION CA BLOCK THROUGH ITS PRESIDENT SH. M.K. SINGH [CM(M)-2925/2024]

Judges: Justice Manoj Jain

The petitioner's challenge to the dismissal of an application seeking rejection of the suit on the grounds of limitation was dismissed. The matter of limitation was deemed a mixed question of law and fact, unsuitable for resolution at the application stage. The issue remains active for consideration by the trial court during final adjudication regarding the timeliness of the relief sought. No jurisdictional error was identified in the order.

DINESH VS BIRLA SUN LIFE INSURANCE COMPANY LIMITED [CM(M)-1951/2023]

Judges: Justice Manoj Jain

The entire cause of action arose within the jurisdiction of the Bombay High Court, necessitating that the petitioner approach that court instead of the Delhi High Court. The petitioner was permitted to withdraw the petition with the option to approach the Bombay High Court, with no opinion expressed on the case's merits.

DIRECTOR GENERAL, PROJECT VARSHA MINISTRY OF DEFENCE (NAVY), UNION OF INDIA, NEW DELHI VS M/S NAVAYUGA-VAN OORD JV [CM(M)-3185/2024]

Judges: Justice Manoj Jain

Documents classified as "top secret" under the Official Secrets Act, 1923 cannot be produced during arbitral proceedings due to national security concerns that take precedence over contractual obligations. The narrow scope of judicial interference allows for testing national security claims, and once documents are marked as confidential, their production should not be insisted upon, as evaluating the appropriateness of the classification is beyond the Arbitral Tribunal's purview.

DIVISIONAL RAILWAY MANAGER & ORS. VS SMT PRATIMA RAY [CM(M)-3472/2024]

Judges: Justice Manoj Jain

The petition challenging an order of the National Consumer Disputes Redressal Commission was dismissed on the basis that the matter should have been filed in the Allahabad High Court, where the cause of action arose. It was noted that jurisdiction lies with the High Court corresponding to the location of the cause of action, regardless of any prior approval by the NCDRC. Additionally, prior rulings reinforced this requirement for jurisdictional adherence.

DIWAKAR BATRA VS STATE & ORS [FAO-300/2019]

Judges: Justice Manoj Jain

The dispute among brothers Diwakar Batra, Ratnakar Batra, and Sudhakar Batra regarding their deceased mother's property and assets has been settled through a compromise deed. Ratnakar Batra will care for Sudhakar Batra, covering all his expenses, including medical costs, and ensuring Sudhakar either remains in the current property or is moved to another suitable residence. Ratnakar has been appointed as the guardian ad litem for Sudhakar Batra, as his interests align with those of Sudhakar.

DIWAN SINGH VS DEEPIKA KRISHNA GOPAL MAHESHWARI AND ANR [CM(M)-3311/2024]

Judges: Justice Manoj Jain

The petitioner, having suffered an admission decree for possession, has no grievance as the respondent's counsel agreed to refrain from taking coercive steps in execution until the next hearing. The petition is disposed of with the direction for no coercive process to be initiated until that date, allowing parties to make submissions and advance final arguments. The Trial Court's decision to not entertain the petitioner's application for early hearing and stay remains unaffected, as the necessary relief has been provided by the respondent's counsel.

DOLLY VS DUSHYANT KUMAR [CM(M)-214/2024]

Judges: Justice Manoj Jain

The wife's petition to set aside the ex-parte divorce order was allowed. Despite her delay in appearing, the case was directed to be decided on merits, as it involved the Hindu Marriage Act. She was instructed to file her written statement within one week and warned against seeking unnecessary adjournments in the future.

DOZERS AND DOZERS LIMITED THROUGH ITS AUTHORIZED REPRESENTATIVE RAJEEV KAPOOR VS SHREEGEE METRADE PVT LTD THROUGH ITS DIRECTOR GAGAN GUPTA [CM(M)-3136/2024]

Judges: Justice Manoj Jain

The delay in filing the written statement by Dozers and Dozers Limited was condoned, attributed to health issues and family exigencies, with the statement submitted on the 119th day. The respondent agreed to the delay's condonation with the condition of imposing costs, resulting in a payment of Rs. 50,000 by the petitioner to the opposite side.

DR ARCHANA RAI VS RAJASTHAN TECHNICAL UNIVERSITY & ANR. [CM(M)-2449/2024]

Judges: Justice Manoj Jain

The petition filed by Dr. Archana Rai challenging an order from the National Consumer Disputes Redressal Commission was dismissed due to jurisdictional issues, requiring the petitioner to approach the Rajasthan High Court instead of the Delhi High Court. The petitioner was given the opportunity to file an appropriate petition in the Rajasthan High Court.

DR MOHD ASHFAQ VS CHETAN SHARMA AND ORS [FAO-266/2024]

Judges: Justice Manoj Jain

The application for interim relief (injunction) in a long-pending suit for specific performance and permanent injunction was dismissed. The plaintiff filed the suit in 2010 but did not seek interim relief for over 10 years, and further delayed pursuing the application for an additional 1 year and 10 months. Granting interim relief at this advanced stage was deemed improper, as the plaintiff did not establish a prima facie case, balance of convenience, or irreparable loss. There was no opinion expressed on the merits of the case, with a direction to expedite the suit's disposal.

DR BRIJ RANI PANDEY VS ELECTROTHERM INDIA LTD AND ANR [CM(M)-2684/2024]

Judges: Justice Manoj Jain

Dr. Brij Rani Pandey was permitted to withdraw the petition challenging orders from the National Consumer Disputes Redressal Commission and is allowed to approach the Allahabad High Court, as the entire cause of action falls within its jurisdiction. No opinion on the case's merits was expressed.

DR OM PRAKASH AGARWAL VS DR H S BEDI & ORS. [CM(M)-1498/2023]

Judges: Justice Manoj Jain

The entire cause of action arose in Uttar Pradesh, necessitating the petitioner to approach the High Court of Uttar Pradesh instead of the Delhi High Court. The petitioner was permitted to withdraw the petitions and may seek relief from the appropriate jurisdictional High Court, with no comment on the merits of the case.

DR. GIRISH SONI VS SEAN WEE LEE AND ORS. [CM(M)-3547/2024]

Judges: Justice Manoj Jain

The trial court must dispose of the petitioner's eviction petition under Section 14(1)(b) of the Delhi Rent Control Act, 1958, preferably within four months. The eviction petition should be heard on a day-to-day basis if necessary, with an expectation of cooperation from the counsel for timely resolution.

DR. RAJAN JAISWAL VS M/S SRL LIMITED [CM(M)-3615/2024]

Judges: Justice Manoj Jain

The petition filed by Dr. Rajan Jaiswal challenging an order by the Sole Arbitrator was dismissed. The key issue was the petitioner's failure to show "sufficient cause" for the delayed filing of the Statement of Defense. The scope for intervention in arbitral proceedings is limited to exceptional circumstances, such as a perverse order or one demonstrating bad faith. The Sole Arbitrator's decision to deny the application to submit additional documents was deemed a discretionary power exercise and did not meet the criteria for intervention. The petition was dismissed in limine.

DR. SHEENU GUPTA VS PARSHURAM LANDGE [CM(M)-3520/2024]

Judges: Justice Manoj Jain

The cause of action in this matter arose within the jurisdiction of the Bombay High Court, necessitating that the petitioner, Dr. Sheenu Gupta, approach that court instead of the Delhi High Court. Previous cases established that jurisdiction does not automatically move based on the NCDRC's decisions. Consequently, the petition was deemed not maintainable due to a lack of jurisdiction, but the rights and contentions of the parties remain reserved.

EMPLOYEES PROVIDENT FUND ORGANIZATION AND ANOTHER VS MR. M. ARUMUGHAM [CM(M)-3713/2024]

Judges: Justice Manoj Jain

The cause of action arose within the jurisdiction of the Madras High Court, necessitating that the Employees Provident Fund Organization approach the Madras High Court instead of the Delhi High Court. The petitioner was allowed to withdraw the petition with the option to approach the Madras High Court. No opinion was expressed on the merits of the case.

ETHIOPIAN AIRLINES VS NITIN DEWAN [CM(M)-3649/2024]

Judges: Justice Manoj Jain

Ethiopian Airlines was ordered to pay Rs. 5.5 lakhs to Nitin Dewan for lost baggage. The airline's appeal was dismissed due to limitation, but it had deposited the full amount. Nitin Dewan agreed to accept 50% of the amount, leading to the release of Rs. 2.75 lakhs with accrued interest to him, while the airline could withdraw the remaining amount. Efforts to resolve the matter amicably were acknowledged.

FIITJEE LTD VS HANS RAJ SHARMA [CM(M)-1925/2024]

Judges: Justice Manoj Jain

The petition by FIITJEE Ltd. challenging an order of the NCDRC is not maintainable in the Delhi High Court. The cause of action arose in Cuttack, Odisha, necessitating that the petitioner seek remedy from the Orissa High Court.

FIITJEE LTD VS K K SURESHKUMAR [CM(M)-1943/2024]

Judges: Justice Manoj Jain

The petition by FIITJEE Ltd. under Article 227 of the Constitution was deemed not maintainable due to lack of jurisdiction, as the cause of action arose within the jurisdiction of the Kerala High Court. The petitioner should proceed by filing an appropriate petition in the Kerala High Court. Rights and contentions of the parties were reserved.

EX CONST ROSHAN LAL VS SH S L THAOSEN IPS & ANR. [CONT.CAS(C)-1797/2024]

Judges: Justice Manoj Jain

The contempt petition was dismissed as the respondent had fully paid the "Invalidity Pension" amount with interest. The petitioner had previously sought a "Disability Pension," but that request was dismissed. The petitioner can file a representation regarding any grievances about the payment, which the respondent will address promptly.

FATEH CHAND VS SH. ASHWANI KUMAR & ORS. [CONT.CAS(C)-1789/2024]

Judges: Justice Manoj Jain

The unauthorized construction is protected under the "National Capital Territory Of Delhi Laws (Special Provision) Second Act, 2021" as it existed before the cut-off date of 07.02.2007. The Municipal Corporation of Delhi acknowledged this protection in an order dated 10.10.2024, allowing the construction to remain. Compliance with previous directions was noted, and the petitioner may challenge the MCD's order if aggrieved.

FIITJEE LTD VS SNEH LATA [CM(M)-2842/2024]

Judges: Justice Manoj Jain

The order of the National Consumer Disputes Redressal Commission (NCDRC) dismissing FIITJEE Ltd.'s revision petition was set aside due to lack of merits adjudication, as the respondent failed to appear. The dismissal was attributed to the petitioner's proxy counsel's inability to argue the case. Acknowledging the petitioner's delay, a final opportunity was granted for FIITJEE Ltd. to appear before the NCDRC with due diligence, without any opinion on the merits of the petition.

G. VEERABAHU VS UNION OF INDIA & ORS. [CM(M)-2937/2024]

Judges: Justice Manoj Jain

The petitioner's application under Section 340 of the Code of Criminal Procedure will be considered by the trial court on 28.08.2024. This direction does not require the application to be resolved on the same day, and no observations on its merits have been made. The power under Section 340 is discretionary, and the respondent's counsel indicated a lack of intention to delay the proceedings and will file a reply.

GANESH PRASHAD VS NAWAL KISHORE SONI [CM(M)-3585/2024]

Judges: Justice Manoj Jain

The petition by Ganesh Prashad challenging the trial court's orders was dismissed. The plaintiff established the initial burden of proof through the invoice and cheques, shifting the burden to the defendant to substantiate claims of forgery and fabrication. The defendant's request to reframe issues was rejected, with no grounds for interference with the trial court's decisions.

GANGA MEDICAL CENTRE AND HOSPITALS PVT. LTD. & ORS. VS ARPIT TANDON & ORS. [CM(M)-3639/2024]

Judges: Justice Manoj Jain

Ganga Medical Centre and Hospitals Pvt. Ltd. successfully petitioned to not pay a cost of Rs. 25,000 imposed by the National Consumer Disputes Redressal Commission (NCDRC) as the order lacked reasoning. The NCDRC retains the option to impose costs later with proper justification. No remarks were made on the merits of the revision petition or the delay in filing the original consumer complaint.

GAURAV MANGLA VS ROHIT MANGLA [FAO-75/2023]

Judges: Justice Manoj Jain

The appeal was dismissed, maintaining the trial court's decision to strike off the appellant's defense due to non-compliance with a previous order that required a deposit of Rs. 1 lakh per month in rent. The appellant's failure to adhere to this order, which was deemed final, resulted in the dismissal, as non-compliance could lead to such consequences.

GAURI SHARMA VS SEEMA SHARMA [CM(M)-75/2024]

Judges: Justice Manoj Jain

Gauri Sharma was granted an opportunity to cross-examine seven witnesses previously examined by Seema Sharma. A date for the cross-examination must be set, either through the court or by appointing a local commissioner. Gauri Sharma must pay Rs. 20,000 to Seema Sharma for causing delays in the proceedings.

GAURI SHARMA VS SEEMA SHARMA [CM(M)-1947/2024]

Judges: Justice Manoj Jain

Gauri Sharma will receive an additional opportunity to present her defense evidence in the trial court. The trial court must set a date for this after reviewing its schedule and may either record the evidence directly or appoint a local commissioner. Sharma is required to pay Rs. 10,000 to the plaintiff for causing delays in the proceedings, with payment due at the next trial court date.

GAUTAM SEHGAL VS WELL TRANS LOGISTICS PRIVATE LIMITED [CM(M)-3720/2024]

Judges: Justice Manoj Jain

The trial court correctly dismissed the petitioner's application challenging territorial jurisdiction under Order VII Rule 10 of the Code of Civil Procedure. The assessment of whether a meeting occurred within the relevant jurisdiction is a factual question that requires consideration of the plaint's averments. The trial court must address jurisdiction during final arguments, based on the evidence presented by the parties, independent of the previous ruling.

GHAZIABAD DEVELOPMENT AUTHORITY VS DURGA PRASAD [CM(M)-2455/2024]

Judges: Justice Manoj Jain

The petition by the Ghaziabad Development Authority was dismissed, affirming the lower consumer fora's decision in favor of the respondent. The respondent was recognized as a "consumer" despite taking possession of the property due to grievances over the lack of essential services. The reasoning of the lower courts was accepted as correct, with no jurisdictional errors identified.

GIRISH KAPOOR & ANR. VS ROOP KISHORE RASTOGI [CM(M)-3584/2024]

Judges: Justice Manoj Jain

The petitioners' right to present evidence in an eviction petition under the Delhi Rent Control Act was closed due to their failure to ensure the attendance of witnesses despite being given a final opportunity. However, they were granted one additional chance to present two witnesses for cross-examination at the next hearing, conditional upon paying Rs. 30,000 to the respondent. This was specified as the only effective opportunity, with no tolerance for further delays.

GOVIND T SAMANI VS ASHWIN ALOYSRUS DSOUZA & ANR. [CM(M)-3489/2024]

Judges: Justice Manoj Jain

The bond amount set by the National Consumer Disputes Redressal Commission (NCDRC) under Section 27 of the Consumer Protection Act, 1986 was deemed excessive. The bond was reduced to Rs. 1,00,000 for both the personal and surety bonds, with the aim of ensuring the petitioner's appearance without imposing an exorbitant amount. The petitioner has three weeks to provide the revised bonds.

GOVIND T. SAMANI VS AMARRAJ SINGH SEHMI & ANR. [CM(M)-3580/2024]

Judges: Justice Manoj Jain

The bond amount of Rs. 25 lakhs imposed on Govind T. Samani by the NCDRC in an execution petition was deemed excessive. The bond, intended to ensure compliance and appearance before the NCDRC, should not be exorbitant. The bond amount was reduced to Rs. 1 lakh for both the personal bond and the surety bond.

GOVIND T. SAMANI VS VIDYADAMODAR RAI & ANR. [CM(M)-3766/2024]

Judges: Justice Manoj Jain

The bond amount of Rs. 25 lakhs set by the National Consumer Disputes Redressal Commission for Govind T. Samani's appearance in Consumer Protection Act proceedings was deemed excessive. The purpose of such proceedings is to ensure compliance with orders and impose penalties as needed. The bond was reduced to Rs. 1 lakh for both personal and surety bonds, reflecting the circumstances of the case.

HAPREET SINGH CHADHA ALIAS SHAMPY VS DWARKA NATH CHANDOK AND SONS THROUGH KARTA [CM(M)-3445/2024]

Judges: Justice Manoj Jain

The defendant's delayed written statement in a recovery suit was accepted for record despite no justifiable reason for the delay. The plaintiff's counsel agreed that this would not cause undue delay in the suit. The defendant must pay Rs. 30,000 to the plaintiff's counsel before the next hearing and is not allowed to seek unnecessary adjournments.

HARI CHAND & ORS. VS VIJAY RANI [CM(M)-1998/2024]

Judges: Justice Manoj Jain

The delay in filing the written statement by defendants Hari Chand & Ors. is condoned, allowing the statement to be recorded. Defendants are required to pay a cost of Rs. 20,000 for the delay. An ex-parte order against the defendants is set aside. The case involves a prayer for permanent injunction, with no objection from the plaintiff's counsel regarding the defendants' participation.

HARI SINGH VS PREM SINGH [CM(M)-3178/2024]

Judges: Justice Manoj Jain

Hari Singh, the judgment debtor, did not appear for a scheduled hearing despite a prior commitment to pay Rs. 2,00,000. As a result, arrest warrants were issued. During the latest hearing, his counsel indicated readiness to pay the amount on the next date and requested additional time for any remaining balance. Consequently, the arrest warrant is suspended, and Hari Singh must appear in person to make the payment on the next date.

HARI SINGH VS SURESH PAWAR [CM(M)-3177/2024]

Judges: Justice Manoj Jain

A petition was disposed of regarding an execution proceeding involving the judgment debtor, Hari Singh, who failed to appear as previously promised to pay a balance of Rs. 2,00,000. Consequently, he is required to appear in person before the executing court on 17.08.2024 to make the payment. The issuance of arrest warrants is suspended on the condition that he fulfills his payment obligation.

HARI SINGH YADAV AND ANR VS RAM KUMAR GUPTA DECEASED THROUGH LR. [CM(M)-2946/2024]

Judges: Justice Manoj Jain

The petitioners are permitted to examine witness Mr. Subhash on 31.07.2024, with no further opportunities available. If Mr. Subhash cannot be examined due to reasons not attributed to the petitioners, the trial court may allow one additional chance for this purpose. Upon completion of Mr. Subhash's cross-examination, the trial court may proceed with final arguments on the same day if feasible. Both parties are required to prepare for these final arguments, given the case's status as one of the oldest pending in the trial court.

HARPREET SINGH BATRA & ORS. VS TIJU THOMAS & ANR. [CM(M)-3518/2024]

Judges: Justice Manoj Jain

The petition by Harpreet Singh Batra & Ors. against Tiju Thomas & Anr. was dismissed due to the existence of a decree and a pending execution petition at the National Consumer Disputes Redressal Commission (NCDRC). Non-bailable warrants had been issued against the petitioners but were not executed, leading to a police report request from the NCDRC. The judgment debtor's counsel indicated plans to submit a payment schedule to settle the decretal amount in three installments over three months; however, this direction has not been complied with. As a result, there was no basis for intervention regarding the order.

HERO FINCORP LIMITED VS DELHI DEVELOPMENT AUTHORITY & ANR. [W.P.(C)-17767/2024]

Judges: Justice Manoj Jain

Hero Fincorp Limited provided a secured loan to a successful bidder in an e-auction by the Delhi Development Authority (DDA), which allowed the bidder to mortgage the property and instructed the direct deposit of the loan amount into its account. The bidder failed to pay the full balance, resulting in the cancellation of the allotment and forfeiture of earnest money. The petition was not pursued as the bidder sought to regularize the allotment rather than request a refund of the premium amount deposited. Hero Fincorp Limited retains the option to seek further recourse if necessary, and the DDA must communicate in advance if it decides to refund the premium amount.

HERO REALTY PRIVATE LIMTED VS UNION OF INDIA MINISTRY OF CONSUMER AFFAIRS FOOD AND PUBLIC DISTRIBUTION THROUGH ITS SECRETARY & ORS. [CM(M)-3176/2024]

Judges: Justice Manoj Jain

Hero Realty Private Limited was permitted to withdraw its petition concerning Revision Petition No. RP/1533/2024 due to the origin of the cause of action falling under the jurisdiction of the Punjab and Haryana High Court. The petitioner has the option to approach the relevant High Court. No opinion on the merits of the case was expressed.

HINDUSTAN STEEL WORKS CONSTRUCTION LIMITED VS VKS INFRATECH MANAGEMENT PVT LTD [CM(M)-2924/2024]

Judges: Justice Manoj Jain

The trial court's order dismissing the defendant's written statement was upheld, establishing that the 120-day deadline for filing in a commercial suit is mandatory, starting from the date of initial electronic service, not from the receipt of a hard copy. The defendant's claim regarding the legibility of the earlier provided soft copy was not substantiated. The dismissal of the petition was affirmed, with no irregularity or jurisdictional error identified in the trial court's order.

ICICI BANK LIMITED VS RUMNEEK BAWA & ANR. [CM(M)-2523/2024]

Judges: Justice Manoj Jain

The National Consumer Disputes Redressal Commission's order dismissing the petitioner bank's appeal has been set aside. The issue of delay in filing the appeal was not previously raised, and the petitioner should have been given an opportunity to explain this delay. The directive is to reconsider the appeal regarding limitation and, if deemed timely, to examine it on its merits.

INDERJIT SINGH MARWAH VS VIJENDER SINGH [CM(M)-3481/2024]

Judges: Justice Manoj Jain

The petition by Inderjit Singh Marwah challenging the decision to grant Vijender Singh time to deposit a pending court fee was dismissed. The District Court's decision to extend the time for deposit under Section 149 of the Civil Procedure Code was deemed justified despite the delay. There was no merit in the argument that the plaintiff should incur costs for the delay, and the matter of costs was left to the trial court's discretion.

INDIA FIRST LIFE INSURANCE CO. LTD VS KORADA KASULAMMA AND ANR [CM(M)-2664/2024]

Judges: Justice Manoj Jain

India First Life Insurance Co. Ltd. was permitted to withdraw a petition challenging an order from the National Consumer Disputes Redressal Commission. The cause of action arose in Andhra Pradesh, establishing that jurisdiction lies with the High Court of that state. The petitioner can approach the appropriate High Court without any opinion on the case's merits.

IQBAL SINGH AND ORS VS DR A K GUPTA [CM(M)-1010/2021]

Judges: Justice Manoj Jain

The tenant's voluntary agreement to a 10% annual rent increase in an affidavit was valid and binding, despite exceeding the statutory limit under the Delhi Rent Control Act, 1958. The agreement was bilateral, and the tenant's long-term adherence precluded retraction. The order of the Rent Control Tribunal was set aside, and the Rent Controller's directive for the tenant to pay rent according to the undertaking was restored.

IREO GRACE REALTECH PVT LTD VS SAKSHI ABRAHAM & ANR. [CM(M)-3237/2024]

Judges: Justice Manoj Jain

Ireo Grace Realtech Pvt Ltd can invoke the jurisdiction of the National Consumer Disputes Redressal Commission under Sections 51 and 58 of the Consumer Protection Act, 2019, rather than filing a petition under Article 227 of the Constitution to challenge orders from the State Consumer Disputes Redressal Commission. The petition has been disposed of, allowing the petitioner to explore this legal option while reserving rights and contentions for both parties.

ISHA TANWAR VS DINESH LOHIA [CM(M)-3542/2024]

Judges: Justice Manoj Jain

The trial court's orders imposing costs on the petitioner (wife) for not filing her written statement within the initial 30-day period in the divorce proceedings were upheld. The petitioner received one more opportunity to file her written statement, contingent upon paying an unpaid cost of Rs. 2,500 and an additional cost of Rs. 20,000. After payment, she can cross-examine the respondent (husband) and present her own evidence. The petitioner was deemed responsible for not paying the cost, despite receiving monthly maintenance from her husband.

JAGDEEP SINGH VS KANWALJEET SINGH & ORS. [CM(M)-2853/2024]

Judges: Justice Manoj Jain

The petition by Jagdeep Singh to be removed from the list of parties was dismissed. The plaint indicated a joint tenancy between Singh and the defendant company, which Singh disputed and intended to prove during trial. The truth of the claims in the pleadings would be determined at the trial, where Singh was permitted to establish his case.

JAGDISH CHANDER TAKKAR (SENIOR CITIZEN) VS HARGOBIND TAKKAR [CM(M)-233/2023]

Judges: Justice Manoj Jain

The trial court's decision to deny Jagdish Chander Takkar's request to present additional evidence in his probate petition was upheld. The court had previously combined the probate petitions of Takkar and his brother Hargobind Takkar regarding their late father Asa Ram Takkar's will, aiming to prevent conflicting judgments. The trial court acted within its authority by rejecting the applications for further evidence, adhering to a directive that only existing evidence could be considered.

JAGDISH KUMAR ARORA VS DINESH MITTAL [CM(M)-3681/2024]

Judges: Justice Manoj Jain

The second suit for recovery of possession of the tenanted premises was not barred under Order II Rule 2 of the Code of Civil Procedure. At the time of the first suit, the tenancy had not been terminated, and there was no cause of action for possession. The lock-in period ended after the first suit was filed, allowing the plaintiff to file for possession. The defendant's petition lacked merit and was dismissed.

JAGDISHWAR KUMAR SETHI (DECEASED) THR LRS VS RAM PRATAP SINGH & ORS [CM(M)-1354/2018]

Judges: Justice Manoj Jain

The trial court erred in dismissing the plaintiff's application to amend the plaint, despite the appellate court's limited remand to consider a fresh site plan and decide the case on merits. It should have adhered to the appellate court's directions without allowing further amendments. The dismissal of the amendment application has been set aside, and the trial court is directed to proceed according to the appellate court's order.

JAI GOPAL GULATI VS UNION OF INDIA AND ORS [W.P.(C)-6323/2016]

Judges: Justice Manoj Jain

The petition filed by Jai Gopal Gulati was dismissed due to insufficient evidence of ownership and significant delay of 43 years in approaching the court regarding a plot of land allegedly encroached upon by the Delhi Development Authority. The petitioner was advised to pursue a civil suit for resolution, as the matter involved disputed questions of fact and boundary demarcation.

JAN MOHAMMAD VS RAMESH CHANDER GUPTA [CM(M)-2427/2024]

Judges: Justice Manoj Jain

The petitioner in Jan Mohammad v. Ramesh Chander Gupta was allowed to participate in a suit for recovery of rent, mesne profits, and possession of a shop after not being served with court process and being proceeded against ex parte. Previous applications to set aside the ex parte order were dismissed. The petitioner was permitted to file a written statement within two weeks, with a cost of Rs. 25,000 imposed for causing delays.

JANSEWA GRIHA NIRMAN DEVELOPERS AND BUILDERS THROUGH MR. SHAILENDRA BANODE VS SMT. KALPANA C. CHAFALE [CM(M)-157/2024]

Judges: Justice Manoj Jain

The petition filed by Jansewa Griha Nirman Developers and Builders challenging an order of the National Consumer Disputes Redressal Commission lacks jurisdiction as the cause of action arose in Maharashtra. The petitioner was permitted to withdraw the petition with the option to approach the appropriate High Court in Maharashtra.

JASBIR KAUR & ANR. VS MR RAVINDER SINGH ALIAS RAVINDER MALIK & ORS. [CM(M)-3653/2024]

Judges: Justice Manoj Jain

A petition filed under Article 226 of the Constitution was not pressed. The Appellate Tribunal of the Municipal Corporation of Delhi is requested to decide the pending appeal (Appeal No. 598/2024) within six months from 23.12.2024. The demolition of the property is stayed until the appeal is resolved by the ATMCD.

JASBIR SINGH VS UNION OF INDIA AND OTHERS [CONT.CAS(C)-1901/2024]

Judges: Justice Manoj Jain

The respondents cleared most of the outstanding medical reimbursement amount per the previous order but must reconsider the petitioner's claim of an improper deduction of approximately Rs. 25,000. A decision on this matter is required within four weeks, and the petitioner may file a new contempt petition if dissatisfied with the outcome.

JASPAL SINGH VS RAJENDER PAUL VERMANI [CM(M)-3363/2024]

Judges: Justice Manoj Jain

The defendant was granted a final opportunity to cross-examine the plaintiff's witness, contingent on clearing previous unpaid costs of Rs. 20,000 and an additional Rs. 30,000 by the next hearing. The defendant was instructed to be available for the cross-examination and to bring a witness, with a commitment to conclude the cross-examination on the same day. The total cost of Rs. 50,000 was to be paid to the plaintiff.

JATINDER PAL SINGH LAMBA VS HARVESH KAUR & ORS [FAO-333/2018]

Judges: Justice Manoj Jain

Compensation of Rs. 2,85,185/- was awarded to Jatinder Pal Singh Lamba, including 1/9th share of the sale proceeds of the suit property and an additional Rs. 1 lakh. Rs. 1,80,000/- each was allocated to four other legal heirs who claimed compensation, while the remaining amount was to be refunded to Harvesh Kaur. Legal heirs not participating in the proceedings were denied compensation.

JAWAHAR SINGH VS NARESH KUMAR (DECEASED) THR. LRS. [CM(M)-2922/2024]

Judges: Justice Manoj Jain

The petition filed by the defendant was dismissed, upholding the trial court's rejection of his application to present a list of witnesses. The defendant's five-year delay in filing the application was deemed unconvincing, as he had been regularly appearing in court. The trial court had already shown considerable patience by keeping the case pending, making its decision to dismiss the application reasonable. The supervisory authority found no grounds for interference, noting that the defendant's issues stemmed from his own inaction.

JEET KUMAR SOHRA VS OFFICE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE HEAD QUARTERS [CONT.CAS(C)-1421/2023]

Judges: Justice Manoj Jain

The denial of promotion to Jeet Kumar Sohra for the upgraded post of Upper Division Clerk (UDC) effective January 2, 2001 is unsustainable. Earlier, the promotion and consequential benefits were to be granted. Sohra's grievance concerns the lack of certain upgradations and benefits following the previous order. The respondents are directed to consider his representation within eight weeks, with the option for Sohra to revive the petition if dissatisfied with the outcome.

JITENDER CHAWLA VS BINOD KUMAR BEGWANI & ANR. [CM(M)-3073/2024]

Judges: Justice Manoj Jain

Jitender Chawla's application to be included as a party in the suit between Binod Kumar Begwani and Gulshan Chawla was dismissed. His claim of co-ownership does not qualify him as a necessary or proper party, as the suit is focused on the alleged ownership and tenancy. He retains the option to assert his claims in a separate proceeding, but his inclusion would alter the litigation's original focus.

JITENDER KAUSHIK VS SH. NARESH KUMAR & ORS. [CONT.CAS(C)-1120/2024]

Judges: Justice Manoj Jain

The petitioner's contempt petition was dismissed as the respondents had complied with a previous order by filing a special leave petition, which was dismissed by a higher court. The respondents were directed to fully comply with the previous order within 4 weeks, with the petitioner allowed to revive the contempt petition if compliance was not met within the specified timeframe.

JOGINDER KUMAR (SINCE DECEASED) THROUGH LRS AND ORS. VS KRISHAN PAL SINGH [CM(M)-632/2023]

Judges: Justice Manoj Jain

The defendants are permitted to examine their official witnesses and their mother, contingent upon a payment of Rs. 15,000 to the plaintiff. This decision considers the overall facts and circumstances of the case and a concession made by the plaintiff's counsel.

JOGY SCARIA ADVOCATE VS NISSAN MOTORS INDIA PVT LTD AND OTHERS [CM(M)-2906/2024]

Judges: Justice Manoj Jain

Nissan Motors India Pvt Ltd was deleted from the parties in a suit as it was not a necessary or proper party. The main dispute involved the plaintiff and a car dealer concerning the unauthorized sale of the plaintiff's old car. Nissan Motors India Pvt Ltd, being only the manufacturer and distributor of Nissan vehicles, had no role in the registration and transfer of ownership of the car. The petition challenging the trial court's order was dismissed.

JOS CHIRAMEL VS NATIONAL HIGHWAYS AUTHORITY OF INDIA [CM(M)-2846/2024]

Judges: Justice Manoj Jain

The order requiring the plaintiff to limit the plaint to 5 pages instead of 45 pages was set aside due to non-compliance with Order VI Rule 16 of the Civil Procedure Code. The trial court did not provide specific reasons for striking out the excess pleadings, and a directive to limit the plaint without valid grounds was deemed inappropriate.

JOS CHIRAMEL VS NATIONAL HIGHWAYS AUTHORITY OF INDIA [CM(M)-2981/2024]

Judges: Justice Manoj Jain

The order directing the plaintiff to file a revised plaint limited to 5 pages was set aside due to the lack of specification on which parts were unnecessary, scandalous, frivolous, or vexatious as required by Order VI Rule 16 of the Code of Civil Procedure. It was emphasized that any exercise of powers under this rule must include reasons for striking out portions of the plaint. This decision addressed a set of 3 connected petitions against the National Highways Authority of India.

JUBEDA BEGUM VS MUNICIPAL CORPORATION OF DELHI [CM(M)-2426/2024]

Judges: Justice Manoj Jain

The petitioner's plea to condone the delay in filing an appeal against the dismissal of her challenge to a demolition order was allowed. The definition of "sufficient cause" for delay was interpreted liberally to promote substantial justice, emphasizing that the duration of the delay should not solely dictate the outcome. Although the petitioner was slow in seeking legal remedies, there was no indication of deliberate or malicious conduct. The significant nature of the case warranted prioritizing merits over technicalities to ensure substantial justice.

JYOTI CHAUDHARY & ANR. VS RAI VIRENDER NAGPAL [CM(M)-2839/2024]

Judges: Justice Manoj Jain

The defendants failed to file a written statement within the required 30 days, resulting in ex-parte proceedings against them. The trial court previously set aside the ex-parte order with a cost of Rs. 40,000. The defendants requested a waiver or reduction of this cost, citing lack of income. The cost was modified to Rs. 15,000 payable to the opposite party, with the remaining Rs. 25,000 to the Shahdara Bar Association waived. The petition was disposed of accordingly.

JYOTI SHIVADAS VS DR KRISHNAKUMAR [CM(M)-908/2023]

Judges: Justice Manoj Jain

The cause of action arose in the jurisdiction of the Bombay High Court, necessitating the withdrawal of the petition challenging an order of the National Consumer Disputes Redressal Commission. The petitioner is permitted to approach the Bombay High Court instead, with no opinion provided on the merits of the case.

JYOTI SWAROOP BAWEJA VS DHARM VIR NAGPAL AND ORS [CM(M)-2256/2024]

Judges: Justice Manoj Jain

The petitioner's plea to revive a civil suit, withdrawn unconditionally based on his mother's last wish, was dismissed. The withdrawal was not due to misrepresentation, and the circumstances did not justify revival under Order XXIII Rule 1 CPC. The petitioner's arguments lacked merit, leading to the rejection of the application for revival of the suit.

JYOTSNA VS BALDEV RAJ MADAN & ORS. [CM(M)-3572/2024]

Judges: Justice Manoj Jain

The trial court's decision to close the plaintiff's right to cross-examine DW2 Baldev Raj Madan due to irrelevant questioning was deemed justified. However, given the suit's complexity and a change in the presiding officer, the plaintiff received a final opportunity for cross-examination, to be conducted by her counsel. The plaintiff was required to deposit Rs. 10,000 with the Delhi Legal Services Authority as costs for delays, and the matter was sent back to the trial court to determine if cross-examination could be completed at the next hearing.

KAJOL GUPTA VS SARTHAK JAIN [CM(M)-3497/2024]

Judges: Justice Manoj Jain

The trial court's decision to deny further opportunity for Ms. Kajol Gupta to cross-examine her husband, Mr. Sarthak Jain, in divorce proceedings was upheld. However, Ms. Gupta was granted one additional opportunity to complete the cross-examination within 75 minutes on 05.10.2024. A cost of Rs. 25,000 was imposed on Ms. Gupta for causing delays in the proceedings.

KAMAL ARORA VS GIRIRAJ GUPTA [CM(M)-3165/2024]

Judges: Justice Manoj Jain

The petitioner's petition under Article 227 was dismissed, affirming the trial court's decision to strike off the petitioner's defense and reject the application for recall. The petitioner, served and present in the trial court, failed to file a written statement. Claims of financial constraints and lack of legal counsel were disregarded since the petitioner had engaged private counsel in other cases. The findings of the trial court were not considered erroneous, and the petitioner was deemed to have acted with inaction and laches, resulting in a delay of over 477 days.

KAMLAVATI VS INDU AGGARWAL [CM(M)-3409/2024]

Judges: Justice Manoj Jain

Kamlavati, the petitioner in a recovery suit, is permitted to cross-examine the plaintiff, Indu Aggarwal, upon paying a reduced cost of Rs. 5,000, down from Rs. 10,000. The financial situation of Kamlavati, represented by a legal aid counsel, justified this reduction. She must pay the cost by the date set for her cross-examination, with expectations to schedule it within the same month.

KAMLESH KUMAR MISHRA VS GREEN EARTH INFRAVENTURES PRIVATE LIMITED & ORS. [CM(M)-2110/2024]

Judges: Justice Manoj Jain

The petition by Kamlesh Kumar Mishra challenging the NCDRC order was deemed not maintainable in the Delhi High Court due to jurisdictional issues. The cause of action was tied to the Chhattisgarh High Court, not merely the NCDRC's involvement. The petition was disposed of, allowing the petitioner to approach the Chhattisgarh High Court.

KAMLESH MEHTA SINCE DECEASED THROUGH LRS VS VINOD GARG [CM(M)-3628/2024]

Judges: Justice Manoj Jain

The trial court granted a decree for possession and awarded Rs. 8,70,000 for rent arrears. However, it incorrectly awarded only Rs. 1,50,000 as damages for the respondent's continued use of the premises, instead of the requested Rs. 1,50,000 per month. The case is to be re-evaluated regarding the petitioner's application under Sections 152 and 151 of the Civil Procedure Code, with the option for the petitioner to file a review application for consideration.

KANCHAN SINGH VS BULA MUKHERJEE & ORS. [CM(M)-1570/2023]

Judges: Justice Manoj Jain

The cause of action arose in West Bengal, necessitating that the petitioner approach the High Court of Calcutta rather than the Delhi High Court. The petitioner was permitted to withdraw the petition with the option to file in Calcutta, with no opinions on the merits of the case expressed.

KANCHANA M. SHEKHAR VS AVINASH SHEKHAR [CM(M)-3041/2024]

Judges: Justice Manoj Jain

The trial court's order for the wife to hand over the child's custody to the husband was set aside because the wife was no longer interested in executing the custody order. The pending application for modification of interim custody is to be addressed promptly, with both parties heard and the matter resolved in accordance with the law.

KANHAIYA LAL VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-17621/2024]

Judges: Justice Manoj Jain

A differently-abled petitioner sought an alternate shop allotment closer to his residence. The Delhi Development Authority (DDA) was directed to treat the writ petition as a representation and make a decision within 8 weeks, considering the priority for differently-abled individuals. A DDA circular permitting location changes for physically handicapped persons, subject to availability, was cited. No extension of time would be allowed, and the petitioner could revive the petition if dissatisfied with the DDA's decision.

KANHIYA LAL PRAKESH KUMAR VS AJM HOUSING PVT. LTD [CM(M)-3574/2024]

Judges: Justice Manoj Jain

The dispute is classified as a commercial dispute under the Commercial Courts Act, based on the actual use of the property for a commercial cold storage business. Arguments against this classification were dismissed, affirming the decision of the lower court.

KANWAR ENTERPRISES PVT LTD VS JASWINDER SINGH BHATIA [CM(M)-3324/2024]

Judges: Justice Manoj Jain

The trial court should have allowed the petitioner to summon a GST office official to demonstrate that no input tax credit was passed to the respondent, despite the respondent's admission that the petitioner claimed the GST input. An additional opportunity to present this evidence was granted, with instructions for the trial court to hear arguments afresh after recording the official's testimony.

KARTAR KAUR VS SATBIR SINGH DAHIYA [CM(M)-3310/2024]

Judges: Justice Manoj Jain

An 88-year-old petitioner sought a permanent injunction against her son regarding her possession of the suit property. The petitioner is permitted to reapply for an early hearing, scheduled for 6th September 2024, due to the urgent nature of the case considering her advanced age.

KARTAR SINGH KOCHHAR VS ICICI BANK LTD. [CM(M)-512/2022]

Judges: Justice Manoj Jain

The dispute between Kartar Singh Kochhar and ICICI Bank qualifies as a "commercial dispute" under the Commercial Courts Act, 2015, despite the absence of a written agreement. An oral agreement is supported by the parties' actions, such as the bank receiving additional space. The definition of "commercial dispute" does not necessitate a written agreement, and recovery actions involving immovable property remain classified as commercial disputes. Reliance on the Deepak Polymers case was dismissed, as it did not consider the specific wording of the Act's Explanation. The classification of the dispute as commercial was upheld.

KASTURI RAJAN & ORS. VS VATSALA VESCIO & ORS. [CM(M)-1924/2024]

Judges: Justice Manoj Jain

A petition filed by defendants 1 to 4 for a stay of proceedings was addressed, with both parties agreeing to hear arguments on the main petition. A proposal made during the arguments was accepted, directing the trial court to consider the plaintiff's application under Order I Rule 10 CPC for the deletion of defendants 5 and 6. The trial court is instructed to hear arguments on this application and proceed with the main matter as appropriate. The ability of the plaintiff to withdraw the application remains undetermined for the trial court's consideration. The recording of evidence by a local commissioner may be deferred as directed by the trial court.

KAVITA VS M/S D L NAGPAL FINANCE AND LEASING CO. PVT. LTD & ORS. [CM(M)-3184/2024]

Judges: Justice Manoj Jain

The petitioner cannot be removed from the parties as the plaint alleges her role as a guarantor for the loan. Despite the closure of her right to file a written statement, she has the limited right to cross-examine the plaintiff's witnesses to prove she was not a guarantor. The specific claims in the plaint about her involvement establish a cause of action against her.

KELVIN AIR CONDITIONING AND VENTILATION SYSTEM PRIVATE LIMITED VS TRIUMPH REALITY PRIVATE LIMITED [CM(M)-3592/2024]

Judges: Justice Manoj Jain

A petition challenging an arbitral tribunal's order dismissing an application for condonation of delay in filing the statement of defense and counter-claim was found to lack merit. The remedy under Article 227 is limited to exceptional circumstances involving orders that are perverse or demonstrate bad faith. The question of "sufficient cause" for the delay lies within the tribunal's discretionary jurisdiction, and there was no indication of perversion or bad faith in its order. The petition was dismissed, affirming the tribunal's decision.

KHUSHBOO ALIAS KHUSHBU RANA VS ICICI LOMBARD GENERAL INSURANCE COMPANY LTD. [CM(M)-3357/2024]

Judges: Justice Manoj Jain

The National Consumer Disputes Redressal Commission (NCDRC) did not adequately explain the reduction of the interest rate from 10% to 9% per annum or the change in the interest payment start date when dismissing the petitioner's revision petition. The matter has been remanded to the NCDRC for reconsideration of the review petition, ensuring both parties have the opportunity to be heard.

KIRAN ARORA VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-15658/2024]

Judges: Justice Manoj Jain

The petitioner, a senior citizen, is entitled to have her request for conversion of leasehold property to freehold property considered by the Delhi Development Authority (DDA) within 10 weeks. The DDA is instructed to review the request according to the law. The petitioner has a long-standing grievance and had deposited the necessary conversion charges in 2017.

KOHILIKA @ KUHI VS ANUBHAV SAXENA [CM(M)-3512/2024]

Judges: Justice Manoj Jain

The petitioner (wife) was permitted to file her written statement in defense against the husband's divorce petition despite a delay. The focus was on addressing the case on its merits rather than technicalities. The written statement, filed electronically and later submitted, was accepted with an additional cost. The husband was allowed to file a replication, and the petitioner was directed to pay all outstanding costs. The trial court was instructed to proceed with the case, expecting the petitioner's full cooperation for an expeditious resolution.

KORRA WORLDWIDE ADVERTISING PVT LTD VS HT DIGITAL STREAMS LIMITED [CM(M)-3647/2024]

Judges: Justice Manoj Jain

Korra Worldwide Advertising Pvt Ltd's petition was allowed after the trial court dismissed its applications to cure defects in the written statement of a commercial suit. Defects, including missing signatures on each page and a non-compliant statement of truth, were recognized as curable procedural irregularities. The defendant was permitted to submit an amended written statement after paying a cost of Rs. 25,000.

KRIPAL RUHANI SATSANG SOCIETY (RETD.) VS SHRI MANOHAR LAL SHARMA (DECEASED) & ORS. & ORS. [CM(M)-3686/2024]

Judges: Justice Manoj Jain

The petition challenging the dismissal of an application to strike off an additional issue ('1aa') was dismissed. The prior framing of the issue necessitates a decision from the trial court, which can hear all parties involved without bias from the earlier order.

KRISHAN KUMAR GUPTA VS NEHA KHANNA [CM(M)-3610/2024]

Judges: Justice Manoj Jain

The petitioner's application for waiver of costs imposed for delays in his examination as PW-1 was dismissed. The petitioner was directed to pay the costs within one week, and a date for his further examination before the local commissioner was to be set. Expunging the already recorded testimony would prejudice the petitioner, who, as a chartered accountant and resolution professional, had no intention to prolong the proceedings despite his inability to appear earlier.

KULDEEP SINGH & ORS VS ATTAR SINGH & ORS [FAO-157/2017]

Judges: Justice Manoj Jain

The appeal by Kuldeep Singh and others in a partition suit was allowed, overturning the dismissal of their applications to include the legal representatives of deceased defendant Attar Singh and to set aside the order of abatement. The delay in filing was attributed to the transfer of the suit due to a change in pecuniary jurisdiction. The appeal was granted based on the nature of the suit and concessions from the respondents' counsel. Costs of Rs. 25,000 were imposed on the appellants for laches and inaction. Additionally, the current suit was directed to be allocated to the same court as a related partition suit to prevent conflicting orders.

KUSUM CHHETRI (DECEASED) THROUGH LR VS RAJ RANI JUNEJA (DECEASED) THROUGH LR & ANR. [CM(M)-3275/2024]

Judges: Justice Manoj Jain

The petition challenging the trial court's order to allow the plaintiff to add the legal representatives of a deceased defendant was dismissed. The delay in filing the application was considered valid due to difficulties in obtaining information and the impact of the COVID-19 pandemic. The suit was at the stage of the defendant's evidence, and the plaintiff retained the option to set aside the abatement if necessary. The decision of the trial court was viewed as reasonable and supported by evidence.

LAKSHMI BANSAL VS SUPRABHAT ELECTRIC CO. PVT. LTD. [CM(M)-3716/2024]

Judges: Justice Manoj Jain

The petition by Lakshmi Bansal was dismissed, upholding the lower court's denial of her application to cross-examine the plaintiff and present her own evidence in a commercial suit. Bansal's repeated failures to utilize opportunities provided by the trial court contributed to her situation, and she undermined the established timelines. The emphasis on expeditious resolution of commercial disputes under the Commercial Courts Act, 2015, influenced the decision to dismiss her petition.

LALIT KUMAR BASSI VS USHA SARIN [CM(M)-2559/2024]

Judges: Justice Manoj Jain

The issue of the plaintiff's authorization to institute the suit was resolved, as the plaintiff appeared as a witness and addressed the relevant issues. The respondent's counsel confirmed that the Attorney Holder would not be examined due to this resolution. Consequently, the petition filed by the defendant challenging the order allowing the plaintiff to submit a new Special Power of Attorney was disposed of.

LALIT KUMAR VS SHRI VED PAL & ORS. [CM(M)-3243/2024]

Judges: Justice Manoj Jain

The trial court is instructed to quickly decide if the disputed land is agricultural, which will establish whether the partition suit is barred. This preliminary issue must be resolved before any other applications are addressed, with an emphasis on concluding the matter within six months.

LALIT TIWARI VS MUNICIPAL CORPORATION OF DELHI [CM(M)-3550/2024]

Judges: Justice Manoj Jain

The petition by Lalit Tiwari challenging the demolition order for construction over his flat was dismissed. The construction claimed to have been completed in 1999 and 2004 was not protected under the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011. Tiwari's own 2003 written statement denied the existence of such construction, and he failed to mention it in a 2013 suit. Thus, the dismissal of his appeal was upheld.

LAXMI EYE CARE LLP & ORS. VS OPTI PLAZA [CM(M)-182/2024]

Judges: Justice Manoj Jain

The petition by Laxmi Eye Care LLP & Ors. challenged a trial court order requiring evidence to be recorded by a Local Commissioner. Due to the petitioners' financial constraints and the respondent's lack of objection to recording evidence in the trial court, fresh dates were to be provided for that purpose. The petition was disposed of, and the upcoming date before the High Court was canceled.

LAXMI RAJVANSH AND ANR VS SHAMA [CM(M)-2802/2024]

Judges: Justice Manoj Jain

The petition by Laxmi Rajvansh and another to be impleaded in a suit after the death of plaintiff Ms. Sarbati Devi was dismissed. The petitioners had already filed a probate petition for a will, which is contested, and a separate suit against the legal representatives of the plaintiff for ownership and rent recovery. They must establish their right before seeking impleadment in the original suit and can seek urgent relief in the court where their separate suit is pending. No illegality was found in the order regarding the dismissal.

LEELADHAR MISHRA VS VINOD KUMAR SHARMA [FAO-263/2024]

Judges: Justice Manoj Jain

The appeal by Leeladhar Mishra to set aside an ex-parte decree in favor of Vinod Kumar Sharma was dismissed. Leeladhar was served summons on 31.08.2019 and acknowledged his signature, contradicting his claim of learning about the case later. He failed to demonstrate that he was not served or prevented from appearing for the hearing, as required by Order IX Rule 13 of the Code of Civil Procedure.

LEKH RAJ VS RAM KISHAN (SINCE DECEASED) THR LRS [CM(M)-3561/2024]

Judges: Justice Manoj Jain

Lekh Raj's petition to transfer and consolidate a civil suit (CJ/1230/2022) and an execution petition (Ex.P. No.1455/2023) was allowed. The cases, though differing in scope and ambit, needed to be considered together to prevent conflicting orders. Both parties consented to the civil suit being transferred to the learned senior civil judge, South-East, Saket, for joint hearings with the execution petition.

LEKHRAJ MUTHREJA VS DR. ARNAB ADHIKARI & ANR. [CM(M)-3138/2024]

Judges: Justice Manoj Jain

The petitioner was deemed responsible for the delay in filing the written statement, despite proper service and counsel engagement. A final opportunity to file the written statement by a specified date was granted, contingent upon the payment of exemplary costs to the respondents. It was emphasized that the petitioner should not seek unnecessary adjournments during the trial.

LORDS CREATIVE INFRASOLUTION PVT LTD & ANR. VS DR. ABHISHEK BHATNAGAR [CM(M)-1866/2023]

Judges: Justice Manoj Jain

The order proceeding against the petitioner ex parte in a civil suit was set aside due to an amicable settlement between the parties. The petitioner agreed to pay a principal amount of Rs. 10,24,000 with 4% interest per annum in 10 equal monthly installments, which the respondent accepted. The parties were instructed to file the necessary application to record the settlement and resolve the matter accordingly.

LT. SMT. LALITA THR. LRS. & ANR. VS LT. SMT. LAXMI THR LRS [CM(M)-3633/2024]

Judges: Justice Manoj Jain

The petitioners, Lt. Smt. Lalita and another, challenged the order for the auction of the suit property but their petition was dismissed because they had not obtained a stay on the execution of the final decree in their pending Regular First Appeal (RFA 248/2024). They were advised to approach the RFA court to seek a stay on the execution proceedings.

M/S AGARWAL ASSOCIATES (PROMOTERS) LIMITED VS M/S SHARDA DEVELOPERS [CM(M)-3266/2024]

Judges: Justice Manoj Jain

The Sole Arbitrator did not exceed his jurisdiction by allowing the claimant's applications for interrogatories and document production, as these were relevant and necessary for fair adjudication of the dispute. The seller's argument that these requests exceeded the agreement's scope was rejected. There were no exceptional circumstances or bad faith identified in the Arbitrator's orders. The petitions were dismissed.

M/S AJMER FOODS PRODUCTS PVT LTD VS THE ORIENTAL INSURANCE CO. LTD & ANR. [CM(M)-3230/2024]

Judges: Justice Manoj Jain

The cause of action arose within Rajasthan, necessitating the petitioner to approach the High Court there. The petitioner was granted the option to withdraw the current petition and pursue the appropriate legal recourse in Rajasthan. No opinion was expressed on the merits of the case.

M/S AJMER FOODS PRODUCTS PVT. LTD. VS THE ORIENTAL INSURANCE CO. LTD & ANR. [CM(M)-3157/2024]

Judges: Justice Manoj Jain

The petitioner's challenge to an order by the National Consumer Disputes Redressal Commission (NCDRC) should be filed in the jurisdictional High Court where the cause of action arose, rather than in the Delhi High Court. The cause of action pertains to the state of Rajasthan, and the petitioner is granted the option to withdraw and approach the appropriate High Court. No opinion is expressed on the merits of the case.

M/S ALPINE FINLEASE LIMITED VS RESERVE BANK OF INDIA & ANR. [W.P.(C)-11447/2023]

Judges: Justice Manoj Jain

The order of the Reserve Bank of India cancelling the certificate of registration of M/s Alpine Finlease Limited was set aside. The Reserve Bank is required to reconsider the matter, taking into account the material provided by the petitioner, which demonstrated compliance with the required Net Owned Fund of Rs. 200 lakhs before the cancellation. The Reserve Bank must review the petitioner's representation and relevant material without bias from the current proceedings.

M/S ANGLIAN FINVEST PRIVATE LIMITED VS M/S ELECTREV MOBILITY PRIVATE LIMITED [CM(M)-3664/2024]

Judges: Justice Manoj Jain

The petitioner's challenge to the trial court's dismissal of the request to prove certain documents through an additional witness was allowed. The documents were already on record, and the trial court must reconsider the application with a new hearing for both parties. Additionally, the petitioner is permitted to file a review/recall application of the original order, which will be addressed during the re-evaluation.

M/S CANNES PROPERTY MANAGEMENT SERVICES PVT. LTD. VS VIKRAM BARWAL AND ORS [CM(M)-39/2024]

Judges: Justice Manoj Jain

M/S TDI Infrastructure Ltd. and M/S Cannes Property Management Services Pvt. Ltd. were served a consumer complaint on 10.05.2022, and the deadline to file their written statements expired by early July 2022. Claims of some pages being dim or illegible did not extend their response time, and they failed to request legible documents promptly. Their delay was deemed unjustified, leading to the dismissal of their applications and closure of their right to submit written statements.

M/S DAYAL CHAND KISHORI LAL VS MRS SWARAN MAKKAR [CM(M)-1896/2023]

Judges: Justice Manoj Jain

The trial court's order striking off the defendant's defense in a civil suit for possession, property tax arrears, and mesne profits was set aside. The error occurred due to the lack of a mandatory show-cause notice. Changes in circumstances following a subsequent order to deposit rent arrears rendered the earlier non-compliance application outdated. The plaintiff conceded to allow the defendant to participate and lead their defense, along with their applications. The matter was directed to be expedited for disposal within five months.

M/S DWARKADHIS PROJECTS PVT. LTD VS SHRI PRATAP CHAND NASA & ANR. [CM(M)-2037/2023]

Judges: Justice Manoj Jain

M/S Dwarkadhis Projects Pvt. Ltd. withdrew a petition challenging an order of the National Consumer Disputes Redressal Commission, with the understanding that the matter should be addressed in the High Court of Punjab and Haryana due to its jurisdiction. No opinion was expressed on the merits of the case.

M/S G. F. ELECTRONICS VS ASHISH AGGARWAL [CM(M)-1449/2022]

Judges: Justice Manoj Jain

The ex-parte order issued by the trial court against the petitioner has been set aside. The trial court had taken this action when the petitioner failed to appear on 26.05.2022. The petitioner's previous applications to overturn the ex-parte order were dismissed. The plaintiff's counsel agreed not to delay the suit further, leading to the decision to set aside the order. The petitioner is required to pay any outstanding costs within two weeks.

M/S GTL INFRASTRUCTURE LTD. VS BABU LAL YADAV [FAO-317/2024]

Judges: Justice Manoj Jain

The appeal by GTL Infrastructure Ltd. against the dismissal of its application to refer a dispute to arbitration was dismissed. The arbitration clause in the agreement allowed for a unilateral appointment of the arbitrator, which is not permissible under the law. As there was no valid arbitration agreement between the parties, the dismissal of the application was justified.

M/S GTL INFRASTRUCTURE LTD. VS MUNICIPAL CORPORATION OF DELHI [CM(M)-2832/2024]

Judges: Justice Manoj Jain

An order imposing a cost of Rs. 3,000 on M/S GTL Infrastructure Ltd. was set aside. The non-appearance of the petitioner's counsel was due to his mother's hospitalization and subsequent death, which was not intentional. Given the circumstances, the cost was waived.

M/S JES AND BEN GROUPO PVT.L TD. VS M/S SHAKTI TRADING CO [CM(M)-3459/2024]

Judges: Justice Manoj Jain

The closure of the defendant's right to lead evidence due to non-payment of a cost of Rs. 5,000 was deemed inappropriate as it also impacted the plaintiff's right. The defendant was directed to pay the remaining cost by the next hearing, after which both parties would have the opportunity to present their evidence. The petition was disposed of accordingly.

M/S LENSWIRE INNOVATIONS PRIVATE LIMITED & ANR. VS INDIAN BANK [CM(M)-3529/2024]

Judges: Justice Manoj Jain

The issue of proper service of notice under Section 12A of the Commercial Courts Act, 2015 regarding pre-suit mediation is a mixed question of fact and law. The trial court is directed to obtain process reports from the District Legal Services Authority and determine compliance with the mediation requirement. Non-compliance may lead to rejection of the suit under Order VII Rule 11 of the Civil Procedure Code, rather than outright dismissal.

M/S MAHALAXMI HARDWARE VS NEETU GUPTA [CM(M)-2968/2024]

Judges: Justice Manoj Jain

M/s Mahalaxmi Hardware submitted additional documents concerning immovable property transactions that occurred after the eviction petition was filed against Neetu Gupta. The documents were deemed relevant to the eviction proceedings despite objections. Neetu Gupta was permitted to cross-examine regarding these documents and call other relevant witnesses. The admission of the documents is deferred to the trial court for final adjudication of the eviction petition.

M/S MAHATMA GANDHI MISSION HOSPITAL VS MR. PARSHURAM LANGDE [CM(M)-3519/2024]

Judges: Justice Manoj Jain

The petition by M/S Mahatma Gandhi Mission Hospital under Article 227 is not maintainable due to lack of jurisdiction. The cause of action arose within the Bombay High Court's jurisdiction, necessitating the petitioner to approach that court for claims.

M/S METRRO WASTE HANDLING PRIVATE LIMITED VS RESERVE BANK OF INDIA AND OTHERS [W.P.(C)-17225/2024]

Judges: Justice Manoj Jain

M/s Metro Waste Handling Private Limited submitted a representation to the Reserve Bank of India (RBI) on 20.11.2024, which the RBI is required to decide within six weeks. The RBI has the discretion to grant a personal hearing to the petitioner. No substantive decision on the case merits was made, and all rights and contentions remain open, allowing the petitioner to pursue further legal action if dissatisfied with the RBI's decision.

M/S MORE BITES N FOODS PVT LTD VS ANKIT KOHLI [CM(M)-3209/2024]

Judges: Justice Manoj Jain

M/s More Bites N Foods Pvt Ltd's petition challenging the trial court's order that closed its right to lead defense evidence was disposed of. The trial court had already heard final arguments and reserved the matter for order pronouncement. The petitioner was granted the liberty to re-challenge the orders through a new petition if the suit is decreed against them.

M/S NARAIN SERVICE STATION VS GOVT OF NCT OF DELHI & ANR [FAO-405/2016]

Judges: Justice Manoj Jain

M/s Narain Service Station's appeal under Section 30 of the Workmen's Compensation Act was allowed after the parties settled out-of-court. The workman received Rs. 80,000/- and confirmed that all disputes were resolved, with no outstanding claims against the management. The appeal was withdrawn, and the deposited amount with interest was to be returned.

M/S NATMA SECURITIES PVT LTD VS M/S VRC CONSTRUCTIONS INDIA PVT. LTD. & ORS. [CM(M)-3006/2024]

Judges: Justice Manoj Jain

M/S NATMA SECURITIES PVT LTD was allowed to file a replication before the trial court after paying a cost of Rs. 5,000 to the respondents. The petitioner demonstrated no intention to delay proceedings and was prepared with the document despite not being granted further opportunity by the trial court. The replication is to be submitted by the next day, considering the case's overall context.

M/S OM METALS RATNAKAR PVT LTD VS NBCC (INDIA) LTD [CM(M)-71/2024]

Judges: Justice Manoj Jain

The trial court directed the plaintiff to pay maintenance charges according to an agreement and settle arrears within eight weeks. The plaintiff contended that the maintenance provided did not align with the agreement. The defendants did not file a separate suit or counterclaim but were deemed entitled to the full maintenance charges, effectively dismissing the plaintiff's suit. The plaintiff was permitted to pay 50% of the principal maintenance amount of approximately Rs. 1.30 crores within three months, without affecting further rights; defendants can pursue additional legal remedies to recover the remaining balance.

M/S PARAMOUNT INDENTORS AND SALES VS M/S EMERALD MULTIVENTURE PRIVATE LIMITED & ORS. [CM(M)-3576/2024]

Judges: Justice Manoj Jain

The petitioner's challenge regarding the trial court's order has been addressed, allowing M/s Paramount Indentors and Sales to apply for the recall of the order for fresh service on M/s Emerald Multiventure Pvt. Ltd. and to request a waiver of the Rs. 5,000 cost. The trial court is instructed to consider this application while hearing both the petitioner and defendant No. 2. No final decision on the case merits has been made.

M/S SAVITA OIL TECHNOLOGIES LIMITED VS M/S NORTH EASTERN CARRYING CORPORATION LIMITED [CM(M)-3602/2024]

Judges: Justice Manoj Jain

The petition by M/s Savita Oil Technologies Limited against M/s North Eastern Carrying Corporation Limited for recovery of Rs. 3,43,245/- with interest was allowed. Objections concerning territorial jurisdiction and the limitation period were raised by the defendant, but these issues were not properly addressed in the trial. The trial court did not give the defendant a chance to prove its claims, which are crucial to the case. It was directed that the trial court should frame issues of jurisdiction and limitation, and an amicable settlement was suggested due to the nature of the dispute and the amount involved.

M/S SPELL ORGANICS LTD VS M/S APSOM TURNER PVT LTD & ANR [CM(M)-860/2018]

Judges: Justice Manoj Jain

The order deleting defendant No. 2 from the parties is vacated. The trial court must reconsider the issue of mis-joinder of parties after final arguments, without influence from the previous order. Defendant No. 2 is allowed to enter the witness box and present evidence, subject to certain conditions.

M/S SRI SHYAM INCORPORATION & ANR. VS M/S SHREE BALAJI INDUSTRIES [CM(M)-687/2022]

Judges: Justice Manoj Jain

The defendant's defense was not struck off for failing to file a written statement on time due to the COVID-19 pandemic. An additional opportunity was granted to file the written statement, along with a scanned copy of the previous one submitted through the designated Drop-Box. The order striking off the defense was set aside, allowing the parties to appear before the trial court to file the written statement in two petitions.

M/S TDI INFRASTRUCTURE LIMITED VS SUPREET KAUR & ORS. [CM(M)-2821/2024]

Judges: Justice Manoj Jain

M/s TDI Infrastructure Limited withdrew its petition as the cause of action belonged to the jurisdiction of the Punjab and Haryana High Court. The Supreme Court precedent indicated that the matter should be filed where the cause arose, despite initial consideration by the NCDRC. The petitioner received permission to approach the Punjab and Haryana High Court and was granted a four-week period without coercive actions in Execution to facilitate this. No opinion on the case's merits was expressed.

M/S UNITED COLD CHAIN AND FOOD PROCESSING LTD & ORS. VS CANARA BANK & ORS. [W.P.(C)-484/2024]

Judges: Justice Manoj Jain

The orders by Canara Bank, State Bank of India, and Union Bank of India declaring the petitioner's account as fraudulent were set aside due to non-compliance with due process requirements. The banks did not adhere to the principle of audi alteram partem as outlined in the RBI's Master Directions on Frauds. They were granted the opportunity to initiate action again while following the appropriate procedures and specific directions from the Supreme Court.

M/S. AKN DEVELOPERS PRIVATE LIMITED VS M/S. PREMSONS SOUTHEND [CM(M)-131/2024]

Judges: Justice Manoj Jain

The counter-claim was deemed to fall within the arbitration agreement, closely related to the primary dispute over the lease and an alleged prior agreement to sell the property. Excluding the counter-claim would result in multiple proceedings, making it necessary for the arbitral tribunal to consider it for a fair resolution of the disputes. A petition challenging the acceptance of the counter-claim was dismissed.

M/S. BRAINZTORM TECHNICAL EXCELLENCE VS M/S. V-CONNECT SYSTEMS AND SERVICES PVT. LTD. [CM(M)-3390/2024]

Judges: Justice Manoj Jain

The petition by the defendant to reject the suit was dismissed. The plaintiff initiated the mandatory pre-institution mediation process in a different district, but the defendants received notice and chose not to participate. The purpose of pre-institution mediation is to explore settlement possibilities and should not be viewed in a rigid manner, especially given that the cause of action could arise in multiple locations. No error was found in the rejection of the defendant's application.

M/S. SAT PRIYA MEHAMIA MEMORIAL EDUCATIONAL TRUST & ANR. VS SAMRESH AGARWAL & ORS. [CONT.CAS(C)-1793/2024]

Judges: Justice Manoj Jain

The petitioners, M/S. Sat Priya Mehamia Memorial Educational Trust & Anr., complied with the previous order by depositing Rs. 21.95 crores and receiving the original Title Deed. The respondents, Samresh Agarwal & Ors., were directed to submit to the concerned court to halt the criminal complaints, as per prior instructions. The contempt petition was disposed of, with the responsibility on the respondents to inform the relevant authorities of the order.

M/S. SATGURU MEDICOS VS SHRI SANDEEP KUMAR GAHLOT & ANR. [CONT.CAS(C)-64/2022]

Judges: Justice Manoj Jain

The contempt petition filed by M/s. Satguru Medicos against Shri Sandeep Kumar Gahlot & Anr. was dismissed due to a delay in complying with a previous order. Although there was some delay in issuing a show cause notice and passing a reasoned order, it was not considered a willful breach. A reasoned order was eventually issued on 18.10.2022 after a hearing, and M/s. Satguru Medicos had already challenged this order in a separate writ petition. Consequently, contempt proceedings were deemed unnecessary.

M/S. SHELTER MAKER (I) PVT. LTD. & ORS. VS SHAKUNTALA S. AGARWAL & ORS. [CM(M)-841/2022]

Judges: Justice Manoj Jain

The petition by M/S. Shelter Maker (I) Pvt. Ltd. & Ors. challenging orders of the NCDRC was dismissed due to lack of jurisdiction, as the entire cause of action fell under the Bombay High Court's jurisdiction. The petitioners were advised to approach the Bombay High Court with an appropriate petition while retaining their rights and contentions.

M/S. SONAM FURNITURE VS WOOD TECH CONSULTANTS PVT. LTD. & ORS. [CM(M)-3744/2024]

Judges: Justice Manoj Jain

The trial court's decision to deny the petitioner's request to cross-examine the Chartered Engineer for machinery inspection was upheld, with instructions to reconsider the request before deciding the commercial suit by M/s. Sonam Furniture. The refusal to allow the petitioner to recall its own expert witness, who submitted a belated supplementary report without prior court permission, was also affirmed. No opinion on the case's merits was expressed, leaving the final decision regarding the cross-examination request to the trial court.

M/S. TDI INFRASTRUCTURE LTD. VS BABITA CHOPRA [CM(M)-3395/2024]

Judges: Justice Manoj Jain

The decision of the National Consumer Disputes Redressal Commission to reject M/s. TDI Infrastructure Ltd.'s application for condonation of delay in appealing an order was upheld. The petitioner's explanations for a delay of over 600 days were deemed unconvincing, and it was concluded that the petitioner did not demonstrate sufficient cause for the delay, making the NCDRC's discretion.

M/S. TDI INFRASTRUCTURE LTD. VS BIRJENDRA SINGH MALLIK SINCE DECESSEDNTHR LR [CM(M)-2933/2024]

Judges: Justice Manoj Jain

Petitions challenging orders from the National Consumer Disputes Redressal Commission (NCDRC) must be filed in the jurisdictional High Court where the original cause of action arose, not in the Delhi High Court. The location of the NCDRC in Delhi does not grant jurisdiction to the Delhi High Court. The decision emphasized access to justice and based its conclusion on constitutional principles regarding the jurisdiction of High Courts and the Supreme Court. Petitioners are directed to seek remedies in their respective jurisdictional High Courts.

M/S. UNISHIRE HOMES LLP VS SRIGANESH CHANDRASEKARAN AND OTHERS [CM(M)-2841/2024]

Judges: Justice Manoj Jain

The petition by M/s Unishire Homes LLP challenging the NCDRC order is not entertainable due to an existing civil appeal on the same matter filed by the respondents in the Supreme Court. While the petitioner can invoke supervisory jurisdiction under Article 227 of the Constitution, it is deemed inappropriate to hear the case when it is already under consideration by the Supreme Court. The petitioner may file an appropriate petition before the Supreme Court to have it linked with the respondents' appeal.

MADAN LAL ARORA VS SH. ASHWANI KUMAR, IAS [CONT.CAS(C)-2018/2024]

Judges: Justice Manoj Jain

The contempt petition was disposed of regarding the non-compliance of previous directions. The Municipal Corporation of Delhi (MCD) was directed to make a decision on the petitioner's representation within two weeks while considering the Resident Welfare Association (RWA)'s views. The MCD reported that the decision was delayed due to the RWA awaiting input from the Deputy Commissioner of Police (Traffic). The MCD committed to making a decision within six weeks, with the option for the petitioner to revive the petition if no decision is made within the specified timeframe.

MAHENDER SINGH & ORS. VS HUKAM CHAND [CM(M)-3501/2024]

Judges: Justice Manoj Jain

The trial court failed to provide the defendant with an adequate opportunity to cross-examine witness PW2, Mrs. Rajesh, as her examination-in-chief affidavit was given on the day of her testimony instead of the required 15 days in advance. An effective opportunity for cross-examination must be granted to the defendant.

MANISH GUPTA VS NATIONAL INSURANCE COMPANY LIMITED [CM(M)-2098/2024]

Judges: Justice Manoj Jain

The cause of action in this matter pertains to the jurisdiction of the Chhattisgarh High Court, allowing the petitioner to withdraw the petition filed under Article 227 of the Constitution with the option to approach the Chhattisgarh High Court. The applicable jurisdiction resides where the cause of action arose, not where the National Consumer Disputes Redressal Commission (NCDRC) is located. No opinion was expressed on the case's merits.

MANISH KUMAR VS YUKTI [CM(M)-3189/2024]

Judges: Justice Manoj Jain

The decision to impose a cost of Rs. 7,000 on the petitioner for setting aside the forfeiture of the right to file a written statement in divorce proceedings was upheld. The imposition of costs was not deemed excessive, and no grounds for interference were identified based on the criteria of material evidence, conflicting evidence, or impermissible legal inferences.

MANJEET SINGH VS SANT KAUR [CM(M)-1214/2018]

Judges: Justice Manoj Jain

The plaintiff was granted implicit liberty to file a fresh suit after withdrawing the earlier suit, as this was sought in her statement to the trial court. The dismissal of the earlier suit indicated such liberty was granted. The argument for adjourning the present suit due to another related pending suit was deemed premature, with the option to raise the issue before the trial court later. The defendant's petition lacked merit concerning the maintainability of the plaintiff's current suit.

MANJU GANGULI & ANR VS SANJAY GUPTA [CM(M)-569/2019]

Judges: Justice Manoj Jain

The defendants, Manju Ganguli and another, narrowed their request to summon a court official for a summoning order, which the respondent, Sanjay Gupta, agreed could be submitted as a certified copy without the official's presence. The defendants were instructed to obtain and submit the certified copy within two weeks, with the respondent also given the same opportunity. Once submitted, the trial court may consider it for the suit's resolution.

MANJU RANI VS SHIV PROPERTY DEALER [CM(M)-828/2022]

Judges: Justice Manoj Jain

In a case where a defendant passed away during the suit without information regarding legal representatives, discretion exists to either proceed without a representative or appoint an officer of the court to represent the deceased's estate under Order XXII Rule 4A of the Code of Civil Procedure. The trial court did not exercise this discretion, leading to the appointment of the Reader to represent the estate. Additionally, a petition challenging the trial court's dismissal of an application to strike off the evidence of two witnesses was disposed of, with direction to consider their testimony's relevance during final arguments.

MANMEET SINGH LAMBA AND ANR VS DHRUV KAPOOR AND ORS [CM(M)-3476/2024]

Judges: Justice Manoj Jain

Ongoing execution proceedings at the trial court will not be interfered with, as the petitioner has filed an objection petition against the attachment of the immovable property, with arguments partially heard and scheduled for completion. The petitioner still possesses the property, and no intervention is warranted at this stage to avoid prejudice to the trial court.

MANOJ KUMAR JAIN VS NEW INDIA ASSURANCE CO. LTD. & ANR. [CM(M)-3515/2024]

Judges: Justice Manoj Jain

The dismissal of the petitioner's revision petition by the National Consumer Disputes Redressal Commission (NCDRC) on the basis of limitation was deemed unjustified. The petitioner had legitimately believed a review petition at the State Consumer Disputes Redressal Commission was maintainable and pursued it diligently. The Consumer Protection Act's beneficial nature necessitates a flexible approach to limitation. Therefore, the delay in filing the revision petition was to be condoned to achieve substantial justice, leading to the NCDRC's order being set aside and the revision petition remanded for a merits-based hearing.

MARY LEELA THUKRAL VS DEEPIKA HINGORANI & ORS [FAO-76/2010]

Judges: Justice Manoj Jain

The grant of probate in favor of Deepika Hingorani was upheld, dismissing objections from Mary Leela Thukral. Following this, an amicable settlement was reached where Deepika agreed to sell the flat and pay 25% of the sale proceeds to Mary. The appeal was disposed of as not pressed.

MAULANA ABDUL SUBHAN VS MOHD. OMAR FARIDI (SINCE DECEASED THROUGH L.R. MOHD. MOHIUDDIN) [CM(M)-2368/2024]

Judges: Justice Manoj Jain

The order striking off the petitioner's defense was set aside, allowing the petitioner to defend the suit. The respondent's counsel agreed to this but requested measures against unnecessary adjournments and compensation for the delay in submitting the written statement. The petitioner was directed to pay Rs. 50,000 to the respondent as compensation for the delay.

MCD VS SUNILA [CM(M)-1215/2022]

Judges: Justice Manoj Jain

The petition by the MCD was disposed of, directing the Appellate Tribunal to reconsider whether the property should be sealed as part of the 21,960 units or 30,000 units ordered previously. The Tribunal was instructed to decide the issue and expedite the pending appeal. This matter involves a single property rather than a batch case.

MD SADAB & ANR. VS MEHTAB AHMAD SAIFI [CM(M)-3416/2024]

Judges: Justice Manoj Jain

The petitioners' plea to recall the order closing their right to lead evidence in a partition suit was dismissed. The trial court acted within its discretion as the petitioners had failed to appear and clear previously imposed costs on three occasions, despite multiple opportunities to present evidence. The trial court's decision was not arbitrary or perverse, and the review petition lacked merit.

MEHRAJ HUMAN RESOURCES AND IMMIGRATION CONSULTANT VS UNION OF INDIA & ORS. [CONT.CAS(C)-1780/2024]

Judges: Justice Manoj Jain

The contempt petition was deemed not maintainable because the respondent complied with a previous order by deciding the appeal via remand. The policy review process required for the appeal is recognized as time-consuming, involving consultations with various stakeholders. The petitioner is allowed to submit representations and documents to the Ministry of External Affairs for consideration by the Consultative Committee. The decision did not indicate any disagreement or referral to a larger bench, nor was it part of a batch matter.

MGO INDIA PRIVATE LIMITED THROUGH ITS AUTHORISED REPRESENTATIVE VS ABHINANDAN GUPTA [CM(M)-1466/2022]

Judges: Justice Manoj Jain

The trial court's finding of no delay in the defendant's appearance in a summary suit was affirmed. The defendant's appearance on 02.02.2022 was considered timely, despite a prematurely submitted application for leave to defend. The exclusion of the period from 15.03.2020 to 28.02.2022 for limitation purposes due to the COVID-19 pandemic was noted. The plaintiff's petition under Article 227 of the Constitution was dismissed due to a lack of merit.

MOHD ARSHAD AND ORS VS SYED MOHD YAHAYA NIZAMI [CM(M)-661/2022]

Judges: Justice Manoj Jain

The tenants' appeal against the dismissal of their objection petition and the issuance of warrants of possession was deemed not maintainable. The interpretation of Section 25B(8) of the Delhi Rent Control Act, 1958 indicates that the bar on appeals applies to both the original eviction order and subsequent possession recovery proceedings, linking execution to the eviction order. The appropriate course for the tenants is to file a revision petition under the proviso to Section 25B(8).

MOHD HAROON VS NORTH MUNICIPAL CORPORATION OF DELHI & ORS. [CM(M)-3553/2024]

Judges: Justice Manoj Jain

The petitioner's application for the appointment of a Local Commissioner to inspect the suit property was dismissed. The trial court's refusal to appoint a Local Commissioner was based on its discretionary powers and a previous similar application that had been dismissed in 2016. The ongoing case had shown no progress in over 8 years, with the plaintiff's evidence stage still pending. No grounds for intervention were found in the trial court's order.

MOHD ZAMIR ALIAS JAMIR VS MOHD ISLAM AND ORS [CM(M)-2923/2024]

Judges: Justice Manoj Jain

The trial court's order permitted the defendants to install a separate electricity meter for their part of the premises, which they occupied without dispute. This arrangement aimed to prevent unnecessary legal proceedings and clarified that the plaintiff would not be liable for any arrears related to the new meter, as its installation followed specific directions.

MOHD. REHAN VS RAJINDER KUMAR SHARMA [CM(M)-1545/2023]

Judges: Justice Manoj Jain

The petitioner was granted an opportunity to cross-examine DW-1, contingent on the payment of Rs. 25,000 within one week. Consideration was given to the case's circumstances and prior observations. The trial court was instructed to schedule a convenient date for the cross-examination, factoring in the availability of the elderly witness and the trial court's schedule.

MOHD. RIZBAN VS DELHI DEVELOPMENT AUTHORITY THROUGH ITS VICE CHAIRMAN [W.P.(C)-16327/2024]

Judges: Justice Manoj Jain

The petitioner's writ petition was disposed of, instructing the Appellate Authority to decide the pending appeal regarding the ineligibility claim for a jhuggi within 6 weeks, following the petitioner's appearance within 2 weeks. The petitioner retains the right to pursue further legal remedies if dissatisfied with the appeal outcome.

MOHD. SAMAR VS WASEEM AHMED & ANR. [CM(M)-2777/2024]

Judges: Justice Manoj Jain

The petitioner's request to submit the registration certificate of a society and to examine a witness from the Registrar of Societies was allowed, overriding the trial court's prior decision. This decision was based on the overall facts of the case and a concession from the respondent's counsel, providing the petitioner with an effective opportunity to present the evidence.

MOHIT GUPTA VS VED PRAKASH KATHURIA [CM(M)-3005/2024]

Judges: Justice Manoj Jain

The petitioner's request to cancel the non-bailable warrants was granted on the condition of appearing before the Executing Court the following day. Consideration was given to the petitioner's video conferencing participation and assurance of compliance with court orders. The petitioner was directed to continue appearing before the Executing Court as instructed.

MR ASHWIN MITTAL VS MS KANIKA GUPTA MITTAL [CM(M)-3065/2024]

Judges: Justice Manoj Jain

The petition for divorce filed by Mr. Ashwin Mittal against Ms. Kanika Gupta Mittal, based on cruelty under the Hindu Marriage Act, remains pending due to several applications from both parties. The trial court has stated that the recording of the respondent's evidence will occur only after these applications are resolved. Mr. Mittal expressed concern that the trial court could have addressed both matters simultaneously. A request has been made for the trial court to fix a date for recording the respondent's evidence while considering the appointed Local Commissioner. Both parties are to appear before the trial court on the scheduled date for further proceedings.

MR VINEET BHUTANI VS MRS NADIYA MEHRA [CM(M)-2954/2024]

Judges: Justice Manoj Jain

In a divorce petition based on cruelty, the trial court should avoid granting unnecessary adjournments to the respondent wife. The petitioner sought to record evidence through a Local Commissioner, which the respondent opposed, leading to no appointment. The petitioner later withdrew the petition. The trial court is instructed to reconsider the request for a Local Commissioner if the respondent employs delaying tactics during proceedings.

MR. AJAY JAIN & ANR. VS M/S SOOD RESINS AND POLYMERS [CM(M)-3377/2024]

Judges: Justice Manoj Jain

The order directing partners of a limited liability partnership to disclose personal assets and liabilities was set aside. Partners are protected under the Limited Liability Partnership Act, 2008, and should have been given an opportunity before such an order was made. The authorized representative and one partner are to appear before the trial court to move an appropriate application, which will be decided according to the law.

MR. GHANSHYAM KARSHANBHAI PAGHDAL VS M/S RADHA PALLAVI EXPORTS [CM(M)-2883/2024]

Judges: Justice Manoj Jain

The main issue is whether the trial court should have addressed the petitioner's application under Section 151 CPC to recall the earlier order rejecting the suit for non-compliance with Section 12A of the Commercial Courts Act, 2015. The respondent argued that the suit required urgent interim relief, exempting it from Section 12A. The direction is for the trial court to first consider the petitioner's application and then proceed based on that outcome.

MR. INDERPREET SINGH GULATI VS VIKAS ARORA [CM(M)-1179/2023]

Judges: Justice Manoj Jain

The petitioner's application for the production of documents was dismissed due to insufficient explanation regarding their relevance and necessity. The petitioner, as the plaintiff, must prove his case using his own accounts and cannot investigate the defendant's records. The application was also deemed late, lacking justification for the delay.

MRS HARMANINDER KAUR VS DELHI DEVELOPMENT AUTHORITY & ANR. [W.P.(C)-10161/2020]

Judges: Justice Manoj Jain

The writ petition seeking the allotment of a flat under the 5th Self Financing Scheme was dismissed due to the petitioner's 24-year delay in filing. The allotment was automatically cancelled because the petitioner did not make full payment within the required 120-day period. A refund of the partial amount of Rs. 50,000 deposited by the petitioner was ordered as per policy.

MRS REKHA GUPTA VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-8240/2023]

Judges: Justice Manoj Jain

The petitioner is entitled to possession of a plot acquired through e-auction, despite a 27-day delay in full payment. The Delhi Development Authority (DDA) must regularize the delayed payment upon the petitioner paying the applicable interest and is instructed to demolish unauthorized construction on the plot, handing over vacant possession within 8 months. If DDA fails to comply, it must offer the petitioner an alternative plot of the same size in the same area.

MRS SAKSHI ARORA & ORS. VS STATE (GOVT OF NCT OF DELHI) & ANR. [CRL.M.C.-2467/2024]

Judges: Justice Manoj Jain

FIR No.194/2020 under Sections 354/354(B)/323/506/509/34 IPC has been quashed following an amicable settlement between the parties. Two cross-FIRs were involved, and a Settlement Agreement dated 19.03.2024 has been established to resolve disputes and maintain a harmonious relationship. The complainant expressed no objection to quashing the FIR, indicating that continuing the case would not be beneficial.

MRS SUSHMA NANDA & ORS. VS AXIS BANK LIMITED & ORS. [CM(M)-3545/2024]

Judges: Justice Manoj Jain

A petition was disposed of concerning interim relief in a suit for damages, declaration, and injunction. The trial court initially ordered the bank to unfreeze an LLP firm's account but later vacated this order due to procedural non-compliance. Discrepancies existed between two July 5 orders regarding the status of the interim relief, with acknowledgment of incorrect information posted online. The trial court is directed to consider the plaintiffs' application for interim relief without bias from previous orders on October 15, 2024.

MRS. NIRMAL PAHWA AND ORS. VS MR. SARDAR GURSHARAN SINGH CHAWLA (DECEASED THROUGH LRS) AND ORS [CM(M)-3194/2024]

Judges: Justice Manoj Jain

The trial court's decision to allow the plaintiff to submit copies of lease deeds from neighboring properties was a valid exercise of discretion, deemed necessary for a just adjudication involving claims for damages and mesne profits. The defendants received compensation for the plaintiff's delay, and the trial court's order was not erroneous in law. The petition from the defendants was dismissed, and the trial court's decision remained intact.

MS CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED VS JYOTI MAHESHWARI AND ORS [CM(M)-2903/2024]

Judges: Justice Manoj Jain

The unilateral appointment of the arbitrator by the petitioner violated established Supreme Court precedents. The petitioner's request to withdraw the execution petition, made upon realizing the legal position, was deemed reasonable and should have been permitted. Observations regarding potential contempt of court and questioning the petitioner's banking activities were unwarranted. The assurance given by the petitioner not to file further execution petitions with unilaterally appointed arbitrators led to the acceptance of the withdrawal of the execution petition.

MS PREETI SAINI VS MR ANKIT CHOPRA [CM(M)-1156/2023]

Judges: Justice Manoj Jain

The petition filed by the defendant challenged the trial court's orders closing her right to file a written statement and striking off her defense. The plaintiff had no objection to the defendant's participation, and her written statement was already on record. Considering the nature of the case, which involved the annulment of marriage, the petition was allowed, and the written statement was deemed on record. The defendant was permitted to lead her defense and instructed to avoid unnecessary adjournments while cooperating for a swift resolution of the matter.

MS RATAN CHANDRA SPICES AND FOOD PRODUCTS PVT LTD VS KAMINI BHATIA PROPRIETOR. OF MS MAHIMA HERBS AND ANR & ANR. [CM(M)-2390/2024]

Judges: Justice Manoj Jain

The trial court's dismissal of the defendant's application for the production of communications and police phone records was upheld. The application was deemed vague, and the plaintiff confirmed they did not possess the requested communications due to changing mobile phones. Additionally, directions under Order XI of the Code of Civil Procedure can only be issued to parties involved in the suit, not non-parties like the police. The petition was dismissed for lacking merit.

MS RRB ENERGY LIMITED VS MS LAPLIFE ELECTRONICS PVT LTD & ORS. [CONT.CAS(C)-1606/2024]

Judges: Justice Manoj Jain

MS RRB Energy Limited is the owner of the premises in question and sought recovery of possession and damages. The petitioner requested permission for an inspection of the leased premises for insurance purposes, which was granted. MS LAPLIFE Electronics Pvt Ltd did not allow the inspection despite the court order. A mutual agreement was reached permitting the petitioner to conduct the inspection on a specific date, allowing the insurance agency/valuer to take photographs and videos. The respondent was informed they could raise any objections regarding the inspection process with the Trial Court.

MS SANTOSH SHARMA VS MS ANITA ARORA [CM(M)-3037/2024]

Judges: Justice Manoj Jain

The petitioner's application to file a written statement was dismissed due to a delay of over 5 years without justifiable reasons. The provision for filing within 30 days was deemed directory, but this does not allow for filing at the defendant's convenience. Additionally, the defendant had previously indicated they had sold the property in question, leading to ambiguity regarding their current grievance.

MS SUMANA DUTTA (PAUL) VS THE CHIEF EXECUTIVE OFFICER, M/S BHARTI AIRTEL LTD, KOLKATA AND ORS [CM(M)-2827/2024]

Judges: Justice Manoj Jain

Ms. Sumana Dutta (Paul) withdrew her petition challenging an order from the National Consumer Disputes Redressal Commission and received permission to approach the Calcutta High Court. The jurisdiction rests with the High Court where the cause of action arose, which is Kolkata. No opinion was expressed on the merits of the case.

MS. SUBHASH TRADERS VS UNIVERSAL SOMPO GENERAL INSURANCE COMPANY LTD. AND ANR. [CM(M)-2242/2024]

Judges: Justice Manoj Jain

The petition filed by Ms. Subhash Traders challenging an order of the National Consumer Disputes Redressal Commission was dismissed due to lack of jurisdiction, as the cause of action arose within the jurisdiction of the Patna High Court. The petitioner was advised to approach the Patna High Court for further action.

MUKEEM KHAN VS MIM TRADING AND CONSTRUCTION COMPANY [CM(M)-3692/2024]

Judges: Justice Manoj Jain

The trial court's decision to close the defendant's right to lead evidence was upheld due to the defendant's repeated failure to appear and present their case. The suit, being commercial in nature, required prompt resolution. The defendant was deemed responsible for their situation, having not taken advantage of the opportunities provided by the trial court. There was no basis to challenge the trial court's order.

MUKESH KHURANA VS RAHUL CHAUDHARY [FAO-200/2024]

Judges: Justice Manoj Jain

The previous written lease agreement expired on 31.01.2019, after which the plaintiff allowed the defendant to occupy the premises under a new verbal month-to-month tenancy with increased rent. The verbal agreement replaced the previous one, nullifying the arbitration clause. Consequently, there was no valid written arbitration agreement, leading to the dismissal of the defendant's application to refer the matter to arbitration.

MUKESH KUMAR SINGLA & ORS. VS DELHI DEVELOPMENT AUTHORITY & ORS. [W.P.(C)-16361/2024]

Judges: Justice Manoj Jain

A writ petition was filed by Mukesh Kumar Singla and others against a notification by the Delhi Development Authority (DDA) to engage catering agencies for parties and banquets at a sports complex, including one in Pitampura. The petitioners argued that this constituted misuse of land for non-sporting activities due to insufficient infrastructure. The matter was treated as a representation to the DDA, which was instructed to issue a speaking and reasoned order within two weeks. The petitioners retain the option for further legal action if dissatisfied with the decision.

MUNICIPAL CORPORATION OF DELHI VS PREM SINGH [CM(M)-3614/2024]

Judges: Justice Manoj Jain

An order for the personal appearance of the Commissioner of the Municipal Corporation of Delhi in an Execution Petition filed by Prem Singh was deemed valid. Despite a decree from 1996 and prior warrants of possession, execution remained unfulfilled. The Assistant Commissioner, Executing Engineer, and Standing Counsel of the MCD were directed to appear before the Executing Court to assist in reaching a resolution. If the explanations provided by MCD officials are unsatisfactory, further directions may be issued as necessary.

MUNIJA & ORS VS UNION OF INDIA [FAO-38/2015]

Judges: Justice Manoj Jain

The appeal was allowed, setting aside the dismissal of the claim for compensation under the Railway Claims Tribunal Act, 1987. The deceased was established as a bonafide passenger with a valid ticket. Evidence from the police investigation and witness statements was favored over the DRM report, which was deemed hearsay. The accidental death of the deceased while deboarding the EMU train at the platform was classified as an "untoward incident" under the Railways Act, warranting compensation for the claimants.

MYFOJO FOOMIL PVT LTD VS PUSHAAN NAYYAR SOLE PROP YSOSOCIAL MEDIA [CM(M)-3636/2024]

Judges: Justice Manoj Jain

The ex-parte order against the petitioner was set aside with consent from both parties. The petitioner did not file an application to challenge the order but was allowed to submit a written statement within one week. The petitioner must pay a cost of Rs. 10,000 to the respondent.

N.S. INTERIORS CONTRACTS PVT. LTD VS KOHINOOR PAINTING WORKS [CM(M)-3608/2024]

Judges: Justice Manoj Jain

The order dismissing the petitioner's application for condonation of delay in filing the written statement was set aside. The length of the delay is not the sole factor; the cause for the delay must also be examined. The trial court should have allowed the defendant to provide specific details regarding the delay instead of dismissing the application outright. The trial court is instructed to reconsider the application for condonation of delay and allow the petitioner to file an additional affidavit with relevant details.

NAGMA PARVEEN VS BABU MALIK [CM(M)-2511/2024]

Judges: Justice Manoj Jain

The trial court must consider the petitioner's application for interim custody of her two daughters and one son under the Guardians and Wards Act, 1890, hear both parties, and resolve the matter expeditiously. No conclusive finding on the custody dispute was made.

NAIDER (DECEASED) THR HIS LR VS UNION OF INDIA & ORS. [CM(M)-3224/2024]

Judges: Justice Manoj Jain

Gian Wati's petition to set aside the trial court's order of August 6, 2016, was dismissed. Gian Wati had been represented at the trial court when the issue of impleadment was considered but did not challenge the order at that time. Her delay of eight years in filing the petition, particularly after the Reference Petition was resolved and an award issued, indicated laches. The dismissal does not preclude her from pursuing other legal avenues.

NARAINDAS VS TATA AIG LIFE INSURANCE CO. LTD [CM(M)-3279/2024]

Judges: Justice Manoj Jain

The petition challenging an order of the National Consumer Disputes Redressal Commission was dismissed for lack of jurisdiction, as the cause of action arose in Uttar Pradesh. The appellant was allowed to withdraw the petition with permission to approach the appropriate High Court in Uttar Pradesh, with no opinion expressed on the merits of the case.

NARENDRA PATIL VS ZUBAIR RIAZ KAMILI & ORS. [CONT.CAS(C)-1641/2024]

Judges: Justice Manoj Jain

Detention of gold chains by customs authorities was found to be unlawful, thus importers are not liable for warehouse or ground rent charges for the release of goods. Respondents were directed to release the gold chains to the petitioners within one week. Customs authorities retain the right to recover warehouse charges from the petitioners as per law.

NATIONAL HEALTH AUTHORITY VS M/S INTERMARC [CM(M)-3379/2024]

Judges: Justice Manoj Jain

The attachment of the National Health Authority's bank account is restricted to the decretal amount, which includes principal and interest, rather than the entire account. Both parties agreed that this limitation is necessary to allow the Authority to fulfill its other obligations. The petition was disposed of with directions to attach only the amount equivalent to the decretal amount.

NAWAL KISHORE KHANDELWAL VS ANURADHA & ORS. [CM(M)-758/2022]

Judges: Justice Manoj Jain

The petitioner, a defendant in the underlying suit, withdrew the petition challenging the dismissal of his application under Order VII Rule 11 CPC while reserving the right to raise the same issues during final arguments in the trial court. The trial court was requested to expedite the disposal of the suit. There was no indication of disagreement among judges or a need for referral to a larger bench.

NEERAJ DHAWAN VS THE BRANCH MANAGER, STATE BANK OF INDIA [CM(M)-1796/2023]

Judges: Justice Manoj Jain

The petitioner's application to include a photocopy of a pay-in-slip dated 25.07.2014 was permitted, and the trial court was instructed to consider the original pay-in-slip to be provided by the respondent bank. As the case is at the final argument stage and the pay-in-slip is of unquestionable nature, both parties should be heard to ensure the matter is disposed of in accordance with the law. No opinion was expressed on the overall merits of the case.

NEERAJ MITTAL VS SUBHASH SACHDEVA & ORS. [CM(M)-3668/2024]

Judges: Justice Manoj Jain

The petitioner's complaint, previously dismissed in default by the District Forum, is pending appeal at the State Consumer Disputes Redressal Commission for seven years. The delay is attributed to the non-production of records from the District Forum. The Registrar of the State Commission has been instructed to obtain these records for consideration.

NEHA BUS SERVICES PVT. LTD. VS M/S PINTU [CM(M)-1948/2024]

Judges: Justice Manoj Jain

The plaintiff, M/S Pintu, is required to produce a complete booklet with counterfoils of monthly passes from August 2018 to February 2023 for review during final arguments in a commercial suit against Neha Bus Services Pvt. Ltd. The defendant's application under Order VI Rule 5 of the Code of Civil Procedure was dismissed, but the request to present the booklet was allowed without additional directions for its formal exhibition.

NI-MET METALS INC VS DIRECTOR GENERAL OF FOREIGN TRADE AND ANR & ANR. [CONT.CAS(C)-1905/2024]

Judges: Justice Manoj Jain

The contempt petition by Ni-Met Metals Inc. against the Director General of Foreign Trade and another was dismissed. The respondents processed the petitioner's application according to a prior order, despite a delay. Since a decision had been made, the contempt petition was no longer relevant, but the petitioner was allowed to challenge the decision through a different petition. The respondents were instructed to return the petitioner's demand drafts within three working days.

NIKHIL KAPUR VS MANAT LAMBA [CONT.CAS(C)-640/2024]

Judges: Justice Manoj Jain

The welfare of the child is the primary concern. The visitation order granting daily rights to the father was deemed excessive for the child's healthy upbringing and was modified to twice a week. Parents were instructed to consult a child counselor monthly to address the child's reluctance to meet with the father. The mother was cautioned against further disobedience of the visitation order, which could lead to reconsideration of custody. Emphasis was placed on the need for parents to prioritize co-parenting despite personal conflicts.

NIRMALA DEVI & ORS. VS ARUN KUMAR SINGLA @ A.K. SINGLA [CM(M)-1969/2023]

Judges: Justice Manoj Jain

The order of the trial court that removed the amended written statement was set aside. The petitioners agreed to pay Rs. 50,000 as compensation for the delay, which the respondent's counsel accepted. The trial court is instructed to consider the written statement on record and proceed accordingly.

NISHA SHARMA VS SIDDHARTH SHARMA [CM(M)-2947/2024]

Judges: Justice Manoj Jain

Nisha Sharma received a final opportunity to present her evidence in defense of a divorce petition based on cruelty, with a timeframe set between 08.08.2024 and 13.08.2024. The petitioner must pay a cost of Rs. 20,000 and is only allowed to enter the witness box without examining additional witnesses. Following the completion of her evidence, the trial court will hear final arguments based on its schedule.

NISHANT GULATI VS PARMOD KUMAR YADAV [FAO-576/2018]

Judges: Justice Manoj Jain

The appeal by employer Nishant Gulati under the Employee's Compensation Act was allowed, noting an amicable settlement with workman Pramod Kumar Yadav, who received Rs. 9,45,888/- as full compensation. The appeal was disposed of in accordance with the settlement dated 14.05.2024, and the appellant's deposited amount, along with accrued interest, was ordered to be returned since payment had already been made.

NITIN ARORA VS RITU SETH [CM(M)-3599/2024]

Judges: Justice Manoj Jain

The trial court is to consider additional documents submitted by the tenant that show the landlady's ownership of two other properties in Delhi during the tenant's application for leave to defend against the eviction petition. Although the tenant should have submitted these documents earlier, the landlady's counsel conceded to their usage in arguments. No observations were made regarding the relevance or impact of these additional properties, and the trial court will assess them independently per the law.

NITIN TOKAS VS JOGINDER SINGH TOKAS & ORS [CM(M)-1213/2019]

Judges: Justice Manoj Jain

At the preliminary stage, only basic averments in the plaint are examined, and the plaintiff is not required to reassess the market value of the suit properties. The direction for re-valuation was set aside, as the plaintiff's valuation was stated to be based on market value. The trial court is to proceed with the matter according to the law.

NITISH TANEJA VS AYUSHI ARORA [CM(M)-3420/2024]

Judges: Justice Manoj Jain

The lower court's order denying the husband's request for an early hearing of the maintenance petition under Section 125 Cr.P.C. remains. No grounds for interference were identified, and the lower court is directed to refrain from unnecessary adjournments and expedite the recording of evidence in the maintenance case.

NITYA GOPAL MANDAL VS PRAGATI BIO AND RENEWABLE ENERGY & ORS. [CM(M)-3086/2024]

Judges: Justice Manoj Jain

The State Government of Bihar could not be impleaded as a necessary party in the suit for recovery because there was no privity of contract between the petitioner and the State Government. The petitioner could not invoke Section 70 of the Indian Contract Act since the State Government had already made full payment to the main contractor. Consequently, the petition was dismissed, confirming that the petitioner could not claim damages from the State Government.

NORTH EASTERN CARRYING CORPORATION LTD VS DO BEST INFOWAY [CM(M)-2824/2024]

Judges: Justice Manoj Jain

The statutory time period of 120 days for filing a written statement in a commercial suit is mandatory and cannot be extended except in extraordinary circumstances. In this case, a written statement for a counter-claim was filed 121 days after the relevant date, and the delay was not justified. The decision to strike off the written statement from the record was upheld.

NORTH EASTERN CARRYING CORPORATION LTD VS GOYAL IMPEX AND INDUSTRIES LTD [CM(M)-2822/2024]

Judges: Justice Manoj Jain

The requirement to file a written statement in a commercial suit within 120 days of service of summons is mandatory and cannot be extended. The same 120-day timeline applies to written statements for both the main suit and counter-claims. The petitioner did not demonstrate extraordinary circumstances or valid reasons for a one-day delay in filing the written statement. As a result, the written statement was struck off from the record for being filed beyond the mandatory period, with no irregularity or error identified in the decision.

NORTH EASTERN CARRYING CORPORATION LTD VS HLG TRADING [CM(M)-2816/2024]

Judges: Justice Manoj Jain

A written statement in a commercial suit must be filed within 120 days of service of summons, with no discretion to extend this period even for counter-claims. A single-day delay in filing the written statement was not condoned, as the law allows no exceptions. The lower court's order to strike off the late-filed written statement was upheld.

OMWATI VS DAYANAND (DECEASED) THR LRS [CM(M)-1504/2023]

Judges: Justice Manoj Jain

The trial court's dismissal of the petitioner's application for issuing a coercive process to summon witness Mr. Kishan Pal was deemed incorrect. Fresh summons to Mr. Pal are to be issued, and if he fails to appear despite proper service, further action may be taken according to law. Given that this case is among the oldest pending in the district courts, a short date for the next hearing is to be provided, considering the case's age and party convenience.

ORIENTAL INSURANCE CO. LTD. VS SHAMSA TAUSIF AND ORS [CM(M)-161/2024]

Judges: Justice Manoj Jain

The petition by Oriental Insurance Co. Ltd. challenging an order of the National Consumer Disputes Redressal Commission is not maintainable due to lack of jurisdiction. The relevant jurisdiction lies with the High Court where the cause of action arose, which is the Allahabad High Court. The petitioner is directed to seek appropriate relief from the Allahabad High Court.

PADMA POLYCHEM PVT LTD VS NEW INDIA ASSURANCE COMPANY LIMITED [CM(M)-2893/2024]

Judges: Justice Manoj Jain

The petition by Padma Polychem Pvt Ltd to quash the order of the National Consumer Dispute Redressal Commission (NCDRC) was dismissed. The company had a money insurance policy and claimed that cash was stolen from a director's car while attending to a flat tire. The insurance company denied the claim, stating the vehicle was left unattended and unlocked, and raised doubts about the cash balance. The NCDRC reviewed the facts and evidence, finding no basis for the claim. The supervisory jurisdiction under Article 227 was not deemed appropriate for a deeper factual analysis, leading to the dismissal of the petition.

PALLAVI VS GAURAV DABAS [CM(M)-3644/2024]

Judges: Justice Manoj Jain

The visitation date in a guardianship petition was modified from October 19, 2024, to November 8, 2024, due to the child’s illness and with the consent of the parties involved. The terms and conditions of the previous order remained unchanged.

PANKAJ JAIN VS PARUL JAIN [CM(M)-2406/2024]

Judges: Justice Manoj Jain

The father's petitions for the return or rejection of the mother's guardianship petition and objections to party transposition were dismissed. The consideration of the child's welfare outweighs procedural aspects, allowing for an expedited decision on custody by the Family Court without influence from current observations. An interim order previously allowed the father to retain custody of the child during ongoing proceedings.

PANKAJ KUMAR VS RITA BANERJEE [CM(M)-3462/2024]

Judges: Justice Manoj Jain

The petitioner's challenges to the trial court's orders were dismissed. He is involved in a recovery suit regarding possession, mesne profits, and damages filed by the respondent. The petitioner sought to produce an original Memorandum of Understanding (MOU), which the respondent disputed in terms of existence and authenticity. The trial court rejected the petitioner's application for the MOU and a subsequent request to introduce additional documents. A copy of the legal notice issued by the petitioner to the respondent was permitted to be filed, while the remaining petitions were disposed of as not pressed.

PARIMA VINOCHA VS SONA SHARMA [CM(M)-3548/2024]

Judges: Justice Manoj Jain

The defendant's petition challenging the trial court's order to close her right to file a written statement was accepted. She was granted a final opportunity to submit her written statement, with an exemplary cost of Rs. 10,000 imposed. The plaintiff's counsel agreed to this arrangement without prejudice to his rights and contentions.

PARKWOOD DEVELOPERS PRIVATE LIMITED VS HARDESH MEHTA [CM(M)-3391/2024]

Judges: Justice Manoj Jain

Parkwood Developers Private Limited's petition under Article 227 of the Constitution, challenging orders from the National Consumer Disputes Redressal Commission, should be withdrawn because the cause of action pertains to the jurisdiction of the Punjab and Haryana High Court. The petitioner may approach the appropriate high court without any opinion on the case's merits.

PARKWOOD DEVELOPERS PVT. LTD. VS SANJEEV KUMAR BANOTRA & ORS. [CM(M)-2057/2024]

Judges: Justice Manoj Jain

Jurisdiction over the matter lies with the Punjab and Haryana High Court, as the entire cause of action is connected to that jurisdiction. The petitioner is granted the option to withdraw the petition and approach the appropriate High Court, with no opinion expressed on the merits of the case.

PARSVNATH DEVELOPERS LIMITED & ORS. VS PARSVNATH EXOTICA GHAZIABAD FLAT BUYERS ASSOCIATION & ANR. [CM(M)-3025/2024]

Judges: Justice Manoj Jain

Parsvnath Developers Limited and others showed no interest in pursuing their petition. They agreed to pay the entire balance decreetal amount, including interest and any disputed component, within 10 months according to a specified schedule. Adherence to this schedule is mandatory, and any default will make the full amount immediately recoverable, allowing the NCDRC to enforce execution and issue coercive process. Non-bailable warrants previously issued by the NCDRC have been recalled temporarily.

PAWAN BAJAJ & ORS. VS GOPAL KRISHAN (DECEASED) THROUGH LEGAL REPRESENTATIVES & ORS. [CM(M)-3346/2024]

Judges: Justice Manoj Jain

Praveen Pal Bajaj was allowed to be impleaded in a pending appeal as a legal heir of the deceased defendant Rajinder Pal Bajaj, despite earlier opposition from the trial court. The appellate court permitted his inclusion based on the case's stage and his assurance of not opposing his father's interests. The other legal heirs' challenge to this decision was dismissed after Praveen Pal Bajaj reaffirmed his position.

PAWAN KUMAR & ANR. VS MUNICIPAL CORPORATION OF DELHI & ANR. [CM(M)-2013/2023]

Judges: Justice Manoj Jain

The defendant assured that no illegal or unauthorized construction would be raised on the disputed property, addressing the plaintiffs' concerns. The interim injunction from the trial court was restored, and the appellate court's order was set aside, allowing the trial court to proceed with the entire suit based on the defendant's statement.

PAWAN KUMAR RAI VS UNION OF INDIA & ANR. [W.P.(C)-15066/2024]

Judges: Justice Manoj Jain

Freezing the entire bank account of a small-scale vendor, which contained Rs. 1,22,556, was unjustified when only Rs. 105 was linked to a UPI-related fraud. This action violated the vendor's fundamental right to livelihood. The account was directed to be de-frozen, with a lien placed only on the disputed Rs. 105, allowing the vendor to continue operating the remaining balance. The vendor was not implicated in the fraud and was seen as an unintended beneficiary.

PAYAL JAIN VS MAMTA NAGPAL [CM(M)-3198/2024]

Judges: Justice Manoj Jain

The landlady's counsel, Ms. Payal Jain, is allowed to appear before the trial court on 31.08.2024 for a hearing on an application under Section 151 of the CPC, which seeks an early hearing of contempt proceedings initiated by the tenant. This urgency arises from a Bar Council of Delhi deadline of 30.09.2024 for advocates to submit verification details. The trial court is instructed to make efforts to resolve the application before this deadline.

PINEVIEW CONSTRUCTION AND TILES PVT LTD VS UNION OF INDIA & ORS. [CM(M)-2806/2024]

Judges: Justice Manoj Jain

Pineview Construction and Tiles Pvt Ltd challenged an order from the NCDRC regarding the status of complainants as "consumers" under the Consumer Protection Act, 1986. The NCDRC has benches with two members, and the complainants agreed to have the complaint's maintainability reconsidered. A request was made for the NCDRC to reassess the complaint's maintainability without influence from prior decisions, with the understanding that this directive was based on party consent and specific case facts, not as a precedent.

PINKY KAUR & ORS. VS MOHIT SHUKLA [CM(M)-2114/2024]

Judges: Justice Manoj Jain

The petitioners had not exercised due diligence in seeking to recall an ex-parte order. However, given the overall circumstances, they were granted one opportunity to file a recall application within three days. The trial court is instructed to expedite the disposal of this application while remaining unaffected by any observations made in this order regarding the merits of the case.

POONAM & ORS. VS UNION OF INDIA [FAO-267/2024]

Judges: Justice Manoj Jain

The order of the Railway Claims Tribunal that dismissed the appellants' claim petition due to a four-year delay was set aside. The delay was justified because the appellants' prior counsel had passed away, and the appellants faced significant mental trauma, hindering their ability to file promptly. The Railway Claims Tribunal Act being welfare legislation warranted a liberal interpretation of its provisions. The delay was condoned, and the Tribunal was instructed to proceed with the claim petition, although the appellants would not receive interest for the delay period.

PP JEWELLERS (EXPORT) & ORS. VS UNION BANK OF INDIA [W.P.(C)-15671/2024]

Judges: Justice Manoj Jain

The Review Committee must reconsider its decision regarding PP Jewellers, as its latest order did not adequately address the petitioners' arguments and resembled a prior order that was remanded. The Committee is instructed to re-examine the matter, taking into account the court's previous directions and any new submissions from the petitioners.

PRAMOD KUMAR GUPTA VS VIJAY KUMAR & ANR. [CM(M)-2957/2024]

Judges: Justice Manoj Jain

The petition challenging the eviction order was dismissed because the tenant failed to file a timely application for leave to defend. The tenant sought to withdraw the petition under Article 227 of the Constitution and was permitted to file a petition under specific provisions of the Delhi Rent Control Act.

PRANAV ANSAL VS KIRAN SHARMA & ANR. [CM(M)-3366/2024]

Judges: Justice Manoj Jain

Bailable warrants issued by the National Consumer Disputes Redressal Commission against Pranav Ansal were invalid, as he was neither a director nor a shareholder of M/s Ansal Hi Tech Township Ltd. Pranav Ansal had no objection to appearing before the NCDRC to clarify factual aspects. An undertaking from his counsel led to his direction to appear before the NCDRC, resulting in the recall of the bailable warrants.

PRANAY JAIN VS SHIV KUMAR GANDHI [CM(M)-3362/2024]

Judges: Justice Manoj Jain

The trial court's decision to allow the written statement in a commercial suit was upheld, but the cost imposed on the defendant was reduced from Rs. 49,500 to Rs. 30,000. Of this amount, Rs. 15,000 is to be paid to the plaintiff, and Rs. 15,000 is to be deposited with the Advocates' Welfare Fund, taking into account the overall facts of the case and a concession made by the plaintiff's counsel.

PRANSHUL GARG VS HARISH MITTAL [CM(M)-2879/2024]

Judges: Justice Manoj Jain

A petition under Article 227 of the Constitution prompted the direction for the trial court to expedite decisions on the petitioner's pending applications under Order XXXIX Rules 1 & 2 and Order XXXIX Rule 10 of the Code of Civil Procedure, ensuring opportunities for both parties to be heard. The relief was limited to the specific request made by the petitioner's counsel.

PRAYAG RAJ AND ORS. VS GAURAV ANAND [CM(M)-3255/2024]

Judges: Justice Manoj Jain

The petition by the defendants to set aside the trial court's orders closing their right to file a written statement was dismissed. The defendants were served summons on 16.05.2023, with a requirement to file the written statement within 30 days, extendable to 120 days. They failed to comply within both timeframes and did not provide a valid explanation for the delay. The trial court closed their right to file the statement and dismissed their application to recall this order, which was deemed a reasonable exercise of discretion based on legal standards and statutory provisions.

PREETI CHAUHAN VS ICICI LOMBARD GENERAL INSURANCE CO LTD & ORS. [FAO-315/2024]

Judges: Justice Manoj Jain

The dispute between the appellant and the respondent insurance company qualifies as a commercial dispute, necessitating the appellant to file suit in the appropriate commercial court. An interim injunction order is in place, preventing the respondent from taking coercive actions against the appellant's property for five weeks, allowing time for the suit to be filed. It is clarified that no special equity favors the appellant, leaving the commercial court free to make an appropriate decision on the matter.

PREM AGGARWAL & ANR. VS ASHWANI PARASHAR [CM(M)-2882/2024]

Judges: Justice Manoj Jain

The petitioners' challenge to the trial court's order permitting the defendant to summon a witness and DDA officials was not pressed by their counsel. The trial court must conclude the defendant's evidence by 15.07.2024, interpreting the opportunity as "effective" without further extensions.

PREM ARORA VS KARTAR CHAND (SINCE DECEASED) THROUGH LR RAJIV ARORA & ORS. [CM(M)-2859/2024]

Judges: Justice Manoj Jain

The trial court should have addressed the petitioner's application under Order XII Rule 6 CPC and the consequential application under Order XXXIX Rule 10 CPC instead of postponing them. These applications have the potential to facilitate a quicker resolution of the long-pending suit, and postponement was not justifiable. The trial court is directed to consider the applications and issue appropriate orders before continuing with the trial, with no opinion expressed on the merits of the applications.

PRIYANKA AGGARWAL & ANR. VS SHRI BANKEY BIHARI POLYPLAST [CM(M)-2873/2024]

Judges: Justice Manoj Jain

The trial court's ex parte order dismissing the defendants' application for condonation of delay in filing the affidavit of admission/denial of documents was set aside. The belated affidavit will be taken on record, but the defendants must pay a cost of Rs. 20,000 for the delay. The defendants are also required to fully cooperate with the trial court and local commissioner during the plaintiff's evidence recording.

PROF RAM PRAKASH THROUGH LR VS SHEIKH NASIM AHMED [CM(M)-134/2021]

Judges: Justice Manoj Jain

The orders of the Rent Control Tribunal and the Rent Controller were upheld, awarding compensation to the tenant for a 16-month delay in possession restoration after repairs. The argument that the Controller could only order restoration or compensation was rejected, affirming that compensation for unwarranted delay aligns with the objectives of the Delhi Rent Control Act, 1958. The decision to increase rent by only 10% of the reconstruction cost, rather than to the current market rate, was also affirmed, with no identified illegality or impropriety in the lower courts' decisions.

PROVAT KUMAR PAL VS DR. NILABHA BHADURI AND ANR [CM(M)-3600/2024]

Judges: Justice Manoj Jain

The entire cause of action related to the case arose within the jurisdiction of the Calcutta High Court, warranting a petition to that court. No opinion on the merits of the case was expressed, and the petitioner was permitted to withdraw the petition with the option to approach the Calcutta High Court.

PUNITA BHARDWAJ VS RASHMI JUNEJA [CM(M)-3640/2024]

Judges: Justice Manoj Jain

The petition filed by Punita Bhardwaj challenging the order to impound the arbitral award was dismissed. The stamp duty of Rs. 21,000 paid by Rashmi Juneja prior to the execution petition was confirmed to be sufficient based on the sale consideration and mesne profits stated in the award. The argument regarding the calculation of stamp duty on market value was rejected as unsustainable. Consequently, there were no grounds to impound the award due to insufficient stamp duty.

PUNJAB AND SIND BANK VS MADAN MURARI MISHRA & ANR. [CM(M)-3181/2024]

Judges: Justice Manoj Jain

The petitioner bank, Punjab and Sind Bank, was granted an additional four months to formulate a policy following board approval. During this period, no harsh actions will be taken against the bank. The bank is permitted to apply for a waiver of imposed costs, which should be considered sympathetically.

PUSHPA PANDEY VS SHIVAM & ORS. [CONT.CAS(C)-1997/2024]

Judges: Justice Manoj Jain

The petitioner's contempt petition against the respondents was deemed misplaced, as the Municipal Corporation of Delhi had taken partial demolition action regarding unauthorized construction and communicated with the police for ongoing monitoring. Further action is planned once the restrictions under the Graded Response Action Plan are lifted. The petitioner was advised to approach the Special Task Force for any continuing grievances about unauthorized construction. No grounds for contempt proceedings were found, leading to the disposal of the petition.

R C NANDA (DECEASED) THROUGH LRS VS KARAMJIT SINGH & ORS. [CM(M)-3229/2024]

Judges: Justice Manoj Jain

The trial court is directed to quickly consider the leave to defend applications in an eviction petition filed in 2010 under the Delhi Rent Control Act, based on bonafide requirement. Despite the petition being pending for around 14 years due to various miscellaneous applications, a request has been made for the trial court to dispose of the leave to defend applications and any other pending matters within six months.

R. KAY FABTEX PVT. LTD. THROUGH DIRECTOR ANAND KOTHARI VS VINOD AGENCIES THROUGH ITS PROPRIETOR VINOD WALIA [CM(M)-3645/2024]

Judges: Justice Manoj Jain

The trial court is directed to hear arguments on territorial jurisdiction during final arguments, without considering previous observations related to a petitioner's application for return of the suit due to lack of jurisdiction. No conclusive statements about jurisdiction have been made.

R.S. JUNIOR MODERN SCHOOL VS NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS. [W.P.(C)-17030/2024]

Judges: Justice Manoj Jain

The assessment order issued by the New Delhi Municipal Council (NDMC) under Section 72 of the NDMC Act, 1994 was deemed unsustainable due to reliance on previously invalidated notices and ultra vires bye-laws. The NDMC failed to consider representations from the petitioner school. The assessment order was quashed, allowing the NDMC to issue a new notice under Section 72, adhering to higher court directives.

RACHNA PROTHI VS RAGHAV GOEL & ANR. [FAO-292/2024]

Judges: Justice Manoj Jain

Rachna Prothi, the plaintiff, owns and occupies a second-floor property in a community center, while the defendant occupies a ground-floor hall. A dispute arose when the defendant allegedly erected a partition wall blocking the plaintiff's access from the front. The appeal focused on a wall shaped like the number "7" adjacent to the defendant's hall. The defendant's counsel acknowledged that if the partition wall is removed as per the plaintiff's suit, they would restore the "7" shaped wall to its original position. The appeal was disposed of with the expectation that both parties would cooperate for the swift resolution of the main suit.

RAHEJA DEVELOPERS LIMITED & ANR. VS BHUWAN CHOPRA & ORS. [CM(M)-2325/2024]

Judges: Justice Manoj Jain

Raheja Developers Limited and its Managing Director challenged the issuance of non-bailable warrants against the Managing Director in connection with an execution petition. The respondent indicated no coercive process was in place against the directors. Both parties agreed on terms where the company would submit a reply to relevant applications and the decree holder would refrain from taking coercive action against the directors if the company cooperated. .

RAHUL MITTAL VS ISRAEL [CM(M)-3367/2024]

Judges: Justice Manoj Jain

The trial court improperly recalled an order that closed the defendant's right to cross-examine the plaintiff's witness without allowing the plaintiff to be heard. This closure granted the plaintiff a valuable right, and the trial court's ex-parte decision on the defendant's application was deemed hasty. The trial court is instructed to consider the defendant's application again, providing the plaintiff an opportunity to respond, and to proceed with the case according to the law.

RAJ BALA GARG VS NAVEEN BHATIA & ORS. [CM(M)-3601/2024]

Judges: Justice Manoj Jain

The trial court's decision to accept the plaintiffs' suit under Section 6 of the Specific Relief Act for recovery of possession of a property was upheld. The suit was based on specific allegations of the plaintiffs' possession and dispossession, which were deemed sufficient. It was also confirmed that the suit was filed within the prescribed limitation period. The defendant's petition for rejection of the suit on grounds such as res judicata, limitation, and non-payment of court fees was dismissed.

RAJ KUMAR VS RESERVE BANK OF INDIA & ORS. [W.P.(C)-15897/2024]

Judges: Justice Manoj Jain

The bank's attachment of the petitioner's savings account without prior notice caused substantial losses and mental anguish due to an ongoing investigation into alleged cybercrime. A sum of Rs. 15,000, credited from the alleged cheated amount, was the basis for the attachment. The bank agreed to mark a lien on the disputed amount instead of attaching the entire account, allowing the petitioner to continue using his account, with the action to be completed within two working days.

RAJ SINGH & ANR. VS OM PRAKASH LAKRA & ANR. [CM(M)-3069/2024]

Judges: Justice Manoj Jain

The petition challenging the trial court's decision to deny the plaintiff's request to add documents during final arguments was dismissed. The plaintiff failed to provide reasons for not submitting the documents earlier, despite the case being in progress since 2016. Allowing the additional documents would prejudice the defendants and unnecessarily extend the trial.

RAJAT CHILLER VS ABHISHEK RANA [CM(M)-3303/2024]

Judges: Justice Manoj Jain

The petitioner's application to examine a bank witness to demonstrate sufficient account funds was dismissed. The defendant was aware of his account balance from the outset but failed to address this in his written statement or identify the bank official as a witness earlier. Therefore, it was deemed inappropriate to allow examination of the bank official at this stage, as the matter was set for final arguments.

RAJEEV MITTAL VS THE COMMISSIONER, NORTH DELHI MUNICIPAL CORPORATION [CM(M)-1507/2023]

Judges: Justice Manoj Jain

Section 24 of the CPC allows for the direct transfer of a suit to a commercial court instead of returning it to the plaintiff, as established in Namita Gupta v. Suraj Holdings Limited. The defendant did not object to the transfer, and the transferee court can address other objections, including non-compliance with Section 12A of the Act. The suit was transferred from the Additional District Judge to the District Judge (Commercial Court).

RAJESH GARG VS NAPIN IMPEX LTD. [CM(M)-2817/2024]

Judges: Justice Manoj Jain

The defendant's petition challenging the dismissal of his application under Order VII Rule 11 CPC was dismissed. The plaintiff had complied with the mandatory pre-institution mediation requirement under Section 12A of the Commercial Courts Act, 2015 by approaching the Legal Services Authority. An initial report identified the defendant incorrectly as a partnership firm, which was later corrected to reflect the defendant as a proprietorship firm. This clerical error did not invalidate the plaintiff's compliance with the mediation process. Therefore, the argument regarding non-compliance with Section 12A lacked merit.

RAJESH KUMAR SAINI VS SMT. NEETU SAINI [CM(M)-801/2023]

Judges: Justice Manoj Jain

Mr. Rajesh Kumar Saini's written statement in the suit filed by Ms. Neetu Saini was accepted despite a 110-day delay, attributed to a medical emergency. He was ordered to pay Rs. 10,000 in costs for the delay and to settle any outstanding costs. The next hearing date in the trial court was rescheduled to an earlier time.

RAJESH RAI VS KHAJAN SINGH@ DURVEEN SINGH & ANR. [FAO-279/2023]

Judges: Justice Manoj Jain

Compensation was granted to the claimant under the Employees' Compensation Act, 1923, confirming the claimant as an employee rather than a casual worker or bailee. A 30% penalty was imposed on the employer for unjustified delay in compensation payment. The scope of appeal under Section 30 of the Act was deemed limited to substantial questions of law, which were not present in this case.

RAJIV BANSAL VS NATIONAL INSURANCE COMPANY LIMITED [CM(M)-2380/2024]

Judges: Justice Manoj Jain

The petitioner's right to cross-examine the defendant's witness (DW-1) was mistakenly closed due to the absence of the petitioner's counsel. An opportunity for effective cross-examination of DW-1 will be provided. The defendant-Insurance Company can request the trial court to examine another witness, as the evidence of DW-1 remained unrebutted.

RAJIV SHARMA VS AJAY KUMAR [CM(M)-3040/2024]

Judges: Justice Manoj Jain

The executing court's order to issue a warrant of possession and appoint a bailiff was valid, aligning with directions from the first appellate court that vacated the stay on the judgment. There was no illegality in the executing court's order, and the petitioner should have addressed the court fee deficiency and sought a stay from the first appellate court instead of challenging the order.

RAJNIBHAI H DOSHI SINCE DECEASED THOUGH LRS VS MAHENDRA KUMAR NARROTTAM DAS GANDHI SINCE DECEASED THROUGH LRS [CM(M)-1991/2024]

Judges: Justice Manoj Jain

The matter lacks jurisdiction in Delhi as the cause of action arose within the Bombay High Court's jurisdiction. The petitioner may withdraw the petition and approach the Bombay High Court for proper jurisdiction.

RAKESH AND ANOTHER VS TARANDEEP SINGH [CM(M)-3456/2024]

Judges: Justice Manoj Jain

The petitioner may cross-examine PW2 and PW3 in the civil suit after paying a cost of Rs. 25,000 by October 1, 2024. The respondent must summon these witnesses, with the petitioner responsible for their travel expenses. Following the cross-examination, the petitioner can present their own evidence. Given the case was initiated in 2012, the trial court should schedule short dates to expedite the proceedings.

RAKESH CHOPRA VS KRISHAN KUMAR MD NHIDCL [CONT.CAS(C)-1678/2024]

Judges: Justice Manoj Jain

The contempt petition filed by Rakesh Chopra against Krishan Kumar, MD of NHIDCL, was dismissed. The petitioner claimed that Kumar made an incorrect statement in a prior writ petition, leading to its dismissal. The dispute regarding the factual issue of vacancy availability could not be conclusively resolved in the contempt proceedings. The petitioner's right to pursue other legal actions was acknowledged, and this case stands alone, not part of a larger matter.

RAKESH SACHDEVA VS RAJESH SACHDEVA [CM(M)-3207/2024]

Judges: Justice Manoj Jain

The learned Trial Court was directed to expedite the disposal of the application under Order VII Rule 11 CPC related to civil suit CS SCJ 1278/2022. Arguments from both parties were heard, and the decision was made without separate judgments or disagreements among the judges, indicating a standalone case.

RAM PRABHAKAR VS PHILIPS PAINTS PVT. LTD. AND ORS [CM(M)-1899/2023]

Judges: Justice Manoj Jain

The petition to transfer Execution Petition No. 169/2022 was dismissed. A transfer requires genuine and compelling reasons beyond the petitioner's request. Concerns about the executing court's pace and alleged erroneous orders can be addressed through legal remedies rather than a transfer. There is an emphasis on the need for the executing court to expedite the resolution of the pending execution petition.

RAM SINGH VS TEJ BAHADUR SINGH [CM(M)-3704/2024]

Judges: Justice Manoj Jain

The defendant's application for condonation of delay in filing the written statement was rejected, leading to the striking off of the defendant's defense. The defendant cited hospitalization and financial difficulties for a nine-month delay after being served the summons. The provided reasons were deemed unconvincing, resulting in the dismissal of the application due to a lack of justifiable reasons for the delay.

RAMESHWAR DAYAL THROUGH HIS CONSTITUTED POWER OF ATTORNEY MANAVDEEP SINGH VS HEMANT KUMAR [CM(M)-852/2023]

Judges: Justice Manoj Jain

The plaintiff's petition to amend the plaint to change the payment method from cheque to cash and to submit additional bank account documents was granted. The suit was at the final argument stage when transferred to the Commercial Court, and the stringent provisions of the Commercial Courts Act were not applicable. The amendment and additional documents were permitted despite the late stage of proceedings, with instructions for the trial court to continue in accordance with the law.

RAMIN KUMAR MITTAL VS BRIJ DWIVEDI [CM(M)-2945/2024]

Judges: Justice Manoj Jain

The trial court's order condoning a 19-day delay in the defendant's application for leave to defend a summary suit was upheld. The trial court exercised discretion under Order XXXVII Rule 3(7) of the CPC, focusing on merits rather than technicalities. The finding was not deemed perverse or based on a lack of evidence, leading to the dismissal of the plaintiff's challenge to the order.

RAMPHAL VS SH. NARESH KUMAR & ORS. [CONT.CAS(C)-1184/2024]

Judges: Justice Manoj Jain

The contempt petition against the SDM was dismissed as the SDM complied with the main direction from the previous order, despite a delay. The petitioner was informed they could pursue other actions if the follow-up was inadequate.

RATHOD REALTY PVT. LTD. & ANR. VS GEORGE M. CHERIAN [CM(M)-142/2024]

Judges: Justice Manoj Jain

Rathod Realty Pvt. Ltd. and another were allowed to withdraw their petition challenging an order of the National Consumer Disputes Redressal Commission, with the option to approach the Bombay High Court. Jurisdiction was determined to lie with the Bombay High Court since that is where the cause of action arose. No opinion was expressed on the merits of the case.

RAVINDER KAUR VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-3707/2023]

Judges: Justice Manoj Jain

The Delhi Development Authority (DDA) cannot impose restrictions on the petitioner's right to sell her MIG flat, as five years have elapsed since the restoration of her allotment on 08.09.2015. The DDA is required to execute the conveyance deed without any such restrictions within eight weeks. The legal issue remains open based on specific instructions from DDA's counsel.

RAVINDRA KUMAR HAJELA VS SH SL SHARMA & ANR. [CONT.CAS(C)-1773/2024]

Judges: Justice Manoj Jain

The contempt petition against the Registrar of Cooperative Societies was deemed not maintainable due to compliance with a prior order. The Registrar had addressed the petitioner's grievances by disposing of the petition under Section 70 of the Delhi Cooperative Societies Act and referring the matter to arbitration. The petitioner was allowed to deposit the arbitration fee within 15 days.

REACH INFOCOM TECHNOLOGY PVT LTD VS SHRI GIRISH KUMAR BHASIN [FAO-67/2024]

Judges: Justice Manoj Jain

The trial court's order on territorial jurisdiction was set aside due to the failure to consider an agreement that conferred exclusive jurisdiction to the Calcutta courts. A re-hearing of the arguments on territorial jurisdiction was directed, emphasizing the relevance of the parties' agreement, while no opinion on the case's merits was expressed.

REEMA AGGARWAL VS JASMEET SINGH [CM(M)-3124/2024]

Judges: Justice Manoj Jain

The petitioner was allowed to examine herself and her official witnesses as her evidence-affidavit was already on record, and the plaintiff did not object. A cost of Rs. 10,000 was imposed on the petitioner due to the delay in the matter since 2016.

REKHA SAWHNEY VS THE STATE, NCT OF DELHI AND ORS [CM(M)-3200/2024]

Judges: Justice Manoj Jain

The petition by Rekha Sawhney regarding the probate petition from Sunil Kumar Bhatia was dismissed. Sawhney sought to amend her written statement to include events from 2012, but the trial court dismissed this application due to a lack of justifiable reason for the delay. The advanced stage of the case and irrelevance of the subsequent events to the probate petition were noted. Sawhney's counsel claimed the will was forged and not signed by the testator, indicating the amendment was unnecessary.

RELIANCE GENERAL INSURANCE CO. LTD. VS BALBIR KAUR [CM(M)-3503/2024]

Judges: Justice Manoj Jain

Reliance General Insurance Co. Ltd. lacks jurisdiction to challenge an order of the National Consumer Disputes Redressal Commission under Article 227 of the Constitution in the High Court of Delhi. The cause of action arose in Punjab, necessitating that the petitioner approach the Punjab & Haryana High Court for the appropriate petition.

RENU DEVI & ORS VS UNION OF INDIA [FAO-176/2015]

Judges: Justice Manoj Jain

The deceased was classified as a victim of an "untoward incident" under Section 123(c) of the Railways Act, 1989 after falling from the Mandor Express train while attempting to deboard at Bijwasan Railway Station. Despite the absence of a recovered ticket, the claimants proved, based on a preponderance of probability, that the deceased was a bonafide passenger. The injuries sustained were not self-inflicted, conforming to the principles of strict liability. The matter was remanded to the Railway Claims Tribunal for the computation and award of compensation to the claimants within four weeks.

RHC VENTURES LIMITED & ORS. VS KITCHANNAGARI SARVESHWARSA REDDY & ANR. [CM(M)-2628/2024]

Judges: Justice Manoj Jain

The cause of action pertains to the jurisdiction of the State of Telangana, which requires matters to be addressed by the High Court of Telangana. The petitioners were permitted to withdraw their petition and may approach the appropriate jurisdictional High Court within three weeks. No opinion was expressed on the merits of the case.

RITU PAHWA VS PAYAL KASHYAP & ANR. [CM(M)-3634/2024]

Judges: Justice Manoj Jain

Ritu Pahwa was permitted to submit three documents—a structural engineer report, an architect report, and a newspaper advertisement—previously denied under Order VII Rule 14 CPC. The lack of prior explanation for not obtaining the reports was noted, but the nature of the controversy warranted allowing their inclusion. Payal Kashyap, the respondent, consented to this decision to facilitate the timely resolution of the pending injunction application. This matter involved a single judge and is not part of a larger group of cases.

ROHIT MADAN VS ADITYA MADAN [CM(M)-3500/2024]

Judges: Justice Manoj Jain

The executing court's order for the petitioner to pay the entire balance by 28.09.2024 is deemed reasonable, but the petitioner is allowed to submit a payment schedule and make a part-payment by the due date. The executing court will consider this payment schedule and provide appropriate orders after hearing both parties, while reserving the rights and contentions of all involved.

ROOPDEEP SINGH AND ORS VS TAJINDER KAUR [CM(M)-3586/2024]

Judges: Justice Manoj Jain

The petition by the appellants for expedited disposal of a partition suit was dismissed. The trial court had already partially heard arguments and scheduled further hearings, indicating that the case was progressing efficiently. There was no reason to intervene at that stage.

RUKMANI DEVI VS SH ABHISHEK KUMAR AND ORS. [CONT.CAS(C)-1871/2024]

Judges: Justice Manoj Jain

The contempt petition by Rukmani Devi against the respondents was dismissed. The Municipal Corporation of Delhi had already acted on the unauthorized construction as per a previous order, but the property owner had appealed this action to the MCD Appellate Tribunal, which was still pending. Since the owner had sought regularization and was engaged with the Tribunal, there was no justification for continuing the contempt petition. Rukmani Devi was allowed to participate in the Tribunal proceedings as permitted by law.

RUSTAM BEG(DECEASED) THR LRS VS UNION OF INDIA & ORS [CM(M)-346/2019]

Judges: Justice Manoj Jain

The petitioner is permitted to submit 28 additional documents in a suit for permanent injunction, despite previous denial by the trial court. The decision acknowledges the petitioner's lack of diligence in earlier filings but allows the inclusion based on the document's relevance to the relief sought. A cost of Rs. 25,000 is imposed on the petitioner for the resulting delay.

S.B. ENTERPRISES VS SHREE GANESH STEEL TRADERS [CM(M)-3604/2024]

Judges: Justice Manoj Jain

S.B. Enterprises received permission to examine an additional witness, Mr. Devender Kumar Jain, in recovery suit proceedings, despite a prior commitment to call only one witness, Mr. Ajay Kumar Bansal. The decision considered that Mr. Jain's name appeared in the written statement and application. The petitioner must submit Mr. Jain's affidavit within two weeks and pay a cost of Rs. 10,000. Only two witnesses may be examined, with no further opportunities allowed.

S.B. ENTERPRISES, DELHI VS SHREE GANESH STEEL TRADERS [CM(M)-2971/2024]

Judges: Justice Manoj Jain

The petitioner was granted a final opportunity to examine key witness Ajay Kumar Bansal despite the closure of the right to lead evidence, with the petitioner providing an explanation for the delay and the respondent agreeing to this arrangement. The trial court was instructed to record the witness's evidence at the next hearing or a later date. The petitioner must pay Rs. 10,000 to the respondent's counsel at the next hearing.

SAMAKSHI BHATIA AND ANR VS SANJAY BHATIA [CM(M)-3457/2024]

Judges: Justice Manoj Jain

Petitioner Samakshi Bhatia requested expedited disposal of her application for interim maintenance under the Hindu Adoption and Maintenance Act, 1956, aiming for resolution within three months of the next hearing on 21st October 2024. The merits of the main petition remain unaddressed, and simultaneous hearing of the respondent's application under Order VII Rule 11 of the Civil Procedure Code was directed to prevent prejudice.

SAMARTH TRADING COMPANY & ANR. VS THANDI RAM JAI NARAIN [CM(M)-2556/2024]

Judges: Justice Manoj Jain

The trial court permitted the plaintiff to introduce an additional document, a registration certificate, to demonstrate the firm's registration despite the absence of a justifiable reason for the delay in filing it. The case was at an early stage, and excluding the document could lead to dismissal under the Indian Partnership Act for lack of registration. The validity of the registration certificate will be examined later by the trial court.

SAMRAT SINGH RAWAT VS POONAM RAWAT [CM(M)-2258/2024]

Judges: Justice Manoj Jain

In the case of Samrat Singh Rawat v. Poonam Rawat, the petitioner received an additional opportunity to present evidence in Guardianship Petition No. 18/20, contingent upon a payment of Rs. 25,000. The petitioner had not previously submitted any evidence, and while the respondent's counsel initially opposed this, they later agreed to the opportunity. The petitioner is required to file an affidavit supporting his evidence within four weeks, and the respondent is also permitted to lead evidence following this development. The petition concluded with these directives.

SAMSUNG INDIA ELECTRONICS PVT. LTD. VS SYNC IN DESIGN PVT LTD [CM(M)-1915/2024]

Judges: Justice Manoj Jain

The petitioner was granted another opportunity to cross-examine the plaintiff's witness, PW-1, despite the prior closure of this right by the trial court. The inability to conduct the cross-examination was attributed to a personal difficulty faced by the petitioner's counsel, with no intention to cause delays. The respondent's counsel did not oppose this request. The trial court is to schedule a new date for the cross-examination.

SANDEEP RAINA VS SACHIN SHARMA [CM(M)-3651/2024]

Judges: Justice Manoj Jain

The petitioner filed an application under Order XII Rule 6 CPC for a decree based on admissions in the defendant's written statement. The trial court framed issues without addressing this application. The direction was given to first hear arguments on the application before proceeding with the trial.

SANDEEP SINGH HITKARI VS KOTAK MAHINDRA BANK LTD [CM(M)-356/2023]

Judges: Justice Manoj Jain

The petition against the respondent bank was disposed of as the petitioner chose not to pursue it further. The petitioner sought damages and an injunction related to fraudulent credit card transactions. The respondent bank had previously applied for arbitration under the Arbitration & Conciliation Act but admitted to stopping unilateral arbitrator appointments following a Supreme Court ruling. The case's merits were not addressed.

SANJAY MALIK VS NEERU MALIK [CM(M)-3493/2024]

Judges: Justice Manoj Jain

The trial court's dismissal of the petitioner's application for a chance to cross-examine witness PW2 Naveen was not deemed illegal, but the significance of the witness's testimony and the potential prejudice to the petitioner were acknowledged. The petitioner was granted one final opportunity to cross-examine PW2, contingent upon the payment of Rs. 15,000 to the respondent, with no further indulgence permitted on this matter.

SANJAY SINGHANIA (DECEASED) THROUGH LRS. VS MADHU VYAS [CM(M)-3657/2024]

Judges: Justice Manoj Jain

The trial court's dismissal of the petitioner's application to amend the written statement in a civil suit was upheld. The proposed amendment, which aimed to include that the deceased defendant had sent Rs. 107,250 to the plaintiff, could have been included earlier. It was deemed too late for such an amendment since the case had progressed to the plaintiff's evidence stage. The defendant remains able to present this fact during the plaintiff's cross-examination, and no prejudice to the petitioner resulted from the dismissal.

SANJEEV KUMAR (SINCE DECEASED) THR HIS LR VS ASHOK KUMAR [CM(M)-3114/2024]

Judges: Justice Manoj Jain

The petitioner's request regarding contempt applications against the respondent for willful disobedience of a status quo order has been acknowledged, with instructions for the trial court to provide a fair hearing to both parties and expedite the resolution of the applications. The key issue involves the respondent's alleged non-compliance with the status quo order.

SANJOGTA CHAWLA VS OM PRAKASH CHAWLA [CM(M)-3256/2024]

Judges: Justice Manoj Jain

The petitioner's request for maintenance from her father under the Hindu Adoption and Maintenance Act, 1956, is to be expedited by the trial court. The petition, filed in 2022, is currently at the Preliminary Examination stage. The respondent's counsel has committed to cooperating fully with the trial court to ensure a prompt resolution. Both parties are encouraged to collaborate to facilitate an expedited handling of the matter.

SARIKA SHARMA VS ASHOK SHARMA [CM(M)-3684/2024]

Judges: Justice Manoj Jain

Sarika Sharma challenged a trial court's order closing the defendants' right to lead evidence in a partition suit. The court allowed the petitioners to file their evidence affidavits within 10 days, required payment of outstanding costs to the plaintiff, and imposed an additional cost of Rs. 10,000 for causing delays. The petitioners must appear on the next hearing date and avoid unnecessary adjournments.

SAROJ GUPTA VS THE STATE (GOVERNMENT OF NCT OF DELHI) [CM(M)-3672/2024]

Judges: Justice Manoj Jain

The trial court must consider the inventory forms (Form Nos. 178 and 179) submitted by a petitioner in her 90s and issue further orders promptly, taking the petitioner's age into account. Although probate and letters of administration were previously granted, progress was stalled due to the non-acceptance of the forms. The merits of the forms are not addressed, and it remains at the trial court's discretion to proceed according to the law.

SCINDIA INVESTMENTS PVT LTD VS SCINDIA POTTERIES AND SERVICES PVT LTD [CM(M)-351/2019]

Judges: Justice Manoj Jain

Scindia Investments Pvt Ltd has been granted a final opportunity to conclude its evidence after the trial court closed its right due to the absence of a witness without medical justification. Considering a 7-year delay, it was directed that the plaintiff can examine two specific witnesses, PW-1 Mr. K. Bhaskaran and Ms. Feroza Major. The trial court has discretion to decide on the re-examination of PW-1. The trial court is also urged to expedite the matter's resolution.

SENBO ENGINEERING LIMITED VS NEW ERA PROJECTS & ANR. [CM(M)-3019/2024]

Judges: Justice Manoj Jain

The petition by Senbo Engineering Limited challenging the dismissal of its delayed review application was dismissed. The defendant company was served and represented in the original proceedings and did not provide evidence to show the suit was barred by limitation. The petitioner failed to pursue the matter diligently during the trial, justifying the dismissal of the review application.

SH ANKUR DABAS VS DELHI DEVELOPMENT AUTHOR AND ANR. [W.P.(C)-17146/2024]

Judges: Justice Manoj Jain

The writ petition challenging the termination of a contract for maintenance of infrastructure and forfeiture of a performance guarantee by the Delhi Development Authority was dismissed. The matter was deemed contractual and not involving fundamental rights or principles of natural justice. A disputed question of fact regarding the completion of work within the stipulated period made the case unsuitable for evaluation in writ jurisdiction. The petitioner may pursue appropriate legal remedies as needed.

SH MADAN MOHAN GUPTA VS SMT SANDHYA GUPTA & ORS. [CM(M)-704/2021]

Judges: Justice Manoj Jain

The tenants were allowed to file additional affidavits related to their amendment applications within one week. The landlord's counsel did not object, supporting a quicker resolution of the landlord's eviction petition under the Delhi Rent Control Act, 1958. Consideration of the tenants' applications for leave to defend was requested to proceed expeditiously, without influence from prior observations.

SH SUMIT KUMAR DANG AND ORS VS JAI DURGA TRADERS PVT LTD [CM(M)-3637/2024]

Judges: Justice Manoj Jain

The defendants (petitioners) are allowed to submit their written statement and affidavit of admission/denial, despite the delay. The trial court is instructed to consider their application under Section 151 CPC before proceeding with the matter. The defendants had previously filed a written statement and are now seeking to place the affidavit on record, which is permitted. A fresh written statement must also be filed to avoid further complexity in the case.

SH SURENDER SINGH VS SMT SHASHI BALA SHUKLA & ORS. [FAO-325/2022]

Judges: Justice Manoj Jain

The appellant's suit for specific performance, previously dismissed in default, was restored due to consideration of the overall facts and circumstances, including the appellant's conduct and the delay in the restoration application. The appellant was required to pay Rs. 10,000 to the respondents, and the case was returned to its original position for further proceedings.

SH. ANIL KUMAR VS RAJ KAMAL (SINCE DECEASED) THROUGH HIS LRS. [CM(M)-3613/2024]

Judges: Justice Manoj Jain

The substitution of Mr. Abhishek Gupta, son of deceased landlord Mr. Raj Kamal, as the legal representative in the eviction petition was valid. Mr. Gupta is considered a legal representative under the Civil Procedure Code, as he represents the estate of the deceased landlord and has sufficient interest in the ongoing litigation. The challenge to his substitution based on claims of not being a legal heir was rejected.

SH. ASHOK MITTAL & ANR. VS SH. MANJHI SAHU [CM(M)-1695/2023]

Judges: Justice Manoj Jain

The petition by the management regarding the existence of an employer-employee relationship was dismissed. The issue is considered a factual dispute requiring evidence. All related issues, including the legality of the workman's termination, should be adjudicated together rather than in separate proceedings. The request to treat the employer-employee relationship as a preliminary issue was not accepted.

SH. BRIJ MOHAN SINGH VS SMT. INDERJEET KAUR [FAO-324/2024]

Judges: Justice Manoj Jain

The appeal challenging the dismissal of an application under Order XXXIX Rule 10 CPC was dismissed due to a delay of over five and a half years. The appellant failed to present compelling reasons for the delay as required. Although the appellant's counsel did not disclose relevant facts leading to the delay, the appellant did not complain about the counsel. The belated appeal was not entertained, and the application for condonation of delay was dismissed.

SH. DEEPAK KUMAR VS SMT. MANITA RANI [CM(M)-3084/2024]

Judges: Justice Manoj Jain

The trial court was instructed to expedite the divorce petition filed by Sh. Deepak Kumar against Smt. Manita Rani, which has been pending since 2014. Despite the petitioner completing his evidence, there has been unnecessary delay due to the respondent's failure to file an affidavit or submit a list of witnesses. Specific dates for the respondent to record her evidence were to be established to address this delay.

SH. LAGADAPATI MADHUSUDHAN RAO & ORS. VS IDBI BANK LIMITED [W.P.(C)-17125/2024]

Judges: Justice Manoj Jain

The communication dated 15.10.2024 from the petitioner to IDBI Bank is considered a request for a personal hearing. The order from IDBI Bank dated 28.11.2024 is set aside, and IDBI Bank must consider the request for a personal hearing as per prior directives. Other rights and contentions of the parties remain open.

SH. S.C. JAIN VS SH. KRISHNA MOHAN UPPU & ANR. [CONT.CAS(C)-146/2024]

Judges: Justice Manoj Jain

Mr. S.C. Jain withdrew his contempt petition against the NDMC for alleged willful disobedience of a previous court order, expressing a greater interest in challenging a subsequent NDMC order from 12.03.2024 regarding his pay scale. He was granted the liberty to file an appropriate petition before the Central Administrative Tribunal to address the pay scale issue.

SH. SURINDER SINGH BEDI THR. LRS VS SH. SURJIT SINGH BEDI THR. LRS & ANR. [CM(M)-2243/2024]

Judges: Justice Manoj Jain

The petitioner's application to implead additional defendants in a partition suit was dismissed. The plaintiff had been aware of property transfers to third parties since 2000 but waited nearly two decades to seek this change. No compelling reason justified the belated application, especially as the case had reached the final argument stage, making further modifications unnecessary after 25 years.

SH.JOGINDER SINGH VS SH.KULDEEP SINGH AND OTHERS & ANR. [CM(M)-470/2023]

Judges: Justice Manoj Jain

The plaintiff's petition challenging the closure of his right to lead further evidence in a partition suit was accepted. The trial court had noted the plaintiff's unfitness to provide testimony, prompting him to request his wife's testimony instead. A final opportunity was granted for the wife to file an affidavit and appear in court, contingent upon the plaintiff paying previously imposed costs and an additional fee of Rs. 10,000. The plaintiff was instructed to ensure the presence of his wife and her counsel at the next hearing.

SHAHENSHA ENTERPRISES & ANR. VS SHREE SAI RAM TRADERS [CM(M)-3730/2024]

Judges: Justice Manoj Jain

The plaintiff's application to amend the plaint to include a claim for recovery of Rs. 27,00,000 was allowed, with the issue of limitation to be addressed by the trial court later. The original paragraph 2 of the plaint regarding the cause of action was to remain unaltered.

SHAILENDRA KUMAR SINGH VS HCL COMNET SYSTEMS SERVICES LTD [CM(M)-3570/2024]

Judges: Justice Manoj Jain

The petitioner, an employee of the respondent company, does not qualify as a "consumer" under the Consumer Protection Act, 2019, as the dispute over the ownership transfer of a vehicle provided under a company scheme is an employer-employee matter rather than a consumer-service provider relationship. Consequently, the Consumer Fora lacks jurisdiction to address the complaint regarding deficiency in service. The petition is dismissed, and the petitioner may seek resolution in a Civil Court if desired.

SHAKTI KUMAR PAWAR VS SMT SHASHI GOSAIN [CM(M)-3620/2024]

Judges: Justice Manoj Jain

The defendant's amended written statement, addressing the plaintiff's limited amendment regarding valuation and verification, was rejected due to inconsistencies with the original statement and the introduction of a new cause of action, which prejudiced the plaintiff. The defendant has four weeks to submit a revised amended written statement that aligns with the allowed amendment and retains the right to file a separate application for a more substantive amendment later.

SHANKAR KUMAR VS ANCY ALPHONSON & ANR. [CRL.REV.P.-1192/2023]

Judges: Justice Manoj Jain

Shankar Kumar can file a reply to Ancy Alphonson's maintenance petition under Section 125 of the Criminal Procedure Code within 10 days, provided he pays Rs. 20,000 to Ancy within the same timeframe. The respondent agreed to this additional time despite a prior order that closed the opportunity to file.

SHANTI DEVI VS NET RAM & ORS [CM(M)-267/2015]

Judges: Justice Manoj Jain

The petition filed by Shanti Devi to challenge the trial court's rejection of Prabhati Ram's application to set aside a 1972 decree was dismissed. The trial court's dismissal of the restoration application, submitted after a delay of approximately 40 years without adequate justification, was upheld. No errors in law or findings were identified.

SHANTIVIJAY JEWELLERS & ANR. VS M/S GOYAL MODES & ANR [CM(M)-3423/2024]

Judges: Justice Manoj Jain

The trial court dismissed the defendants' application to examine a new witness in a 26-year-old recovery suit, noting that the defendants had already closed their evidence. The advanced stage of the proceedings and the ongoing efforts for expeditious disposal justified the decision not to allow a new witness. No reason was presented to alter this order.

SHARDA VS RAHUL GUPTA [CM(M)-3400/2024]

Judges: Justice Manoj Jain

The defendant Sharda is permitted to confront plaintiff Rahul Gupta with 22 photographs during cross-examination, contingent on Sharda presenting the necessary certificate under Section 63 of the Bharatiya Sakshya Adhiniyam. This decision addresses a prior refusal to allow the confrontation without the certificate.

SHASHANK GUPTA VS DIMPLE GOGNA [CM(M)-1966/2024]

Judges: Justice Manoj Jain

The Family Court granted interim custody of a 3-year-old child to the mother, prioritizing the child's welfare and favoring maternal custody for children under 5 years, barring serious issues. The father's concerns regarding the maternal uncle's criminal history and the mother's living conditions were deemed insufficient to deny custody. The father received increased visitation rights, including an additional day per month, and the mother was instructed to adhere strictly to the visitation schedule, with a warning of potential modifications if compliance issues arise.

SHAYAN LAHIRI VS MR PRAMOD KUMAR JAIN PRESIDENT, RAJAT JAIN COOPERATIVE GROUP HOUSING SOCIETY & ANR. [CONT.CAS(C)-1300/2024]

Judges: Justice Manoj Jain

The Rajat Jain Cooperative Group Housing Society can proceed with its "Balcony Extension Project" according to DDA guidelines, as the earlier status quo order has been vacated. Concerns raised by petitioner Shayan Lahiri regarding potential damage to his first-floor balcony were addressed by assurances from the respondent's counsel to repair any damage immediately and to share photographs with the petitioner before construction begins. The petitioner subsequently did not pursue the contempt petition further.

SHELTER MAKER (I) PVT. LTD. & ORS. VS SANTOSH V AGARWAL & ORS. [CM(M)-952/2022]

Judges: Justice Manoj Jain

The petitioners' challenge against an order from the National Consumer Disputes Redressal Commission was dismissed due to jurisdictional issues, as the cause of action was tied to the Bombay High Court. The petitioners were advised to approach the Bombay High Court for their claims.

SHELTER MAKER I PVT LTD & ORS. VS AJIT KUMAR & ORS. [CM(M)-951/2022]

Judges: Justice Manoj Jain

The petition under Article 227 of the Constitution, challenging orders from the National Consumer Disputes Redressal Commission (NCDRC), is deemed not maintainable due to lack of jurisdiction. The petitioner must approach the relevant jurisdictional High Court. The petition is disposed of, granting the petitioner the option to file an appropriate petition in the Bombay High Court.

SHELTER MAKER I PVT LTD & ORS. VS KAMALKUMAR S BHAGHERIA & ORS. [CM(M)-949/2022]

Judges: Justice Manoj Jain

The petition challenging orders from the National Consumer Disputes Redressal Commission is not maintainable in the Delhi High Court due to lack of jurisdiction. The entire cause of action arose within the jurisdiction of the Bombay High Court, allowing the petitioner the option to file in the appropriate jurisdiction.

SHELTER MAKER I PVT LTD & ORS. VS RAMESHBHAI R SHAH & ORS. [CM(M)-954/2022]

Judges: Justice Manoj Jain

The petition was deemed not maintainable due to a lack of jurisdiction, with the cause of action arising within the Bombay High Court's jurisdiction. The petitioner was granted the liberty to approach the Bombay High Court with an appropriate petition.

SHELTER MAKER PVT LTD & ORS. VS BABULAL M PAREKH & ORS. [CM(M)-948/2022]

Judges: Justice Manoj Jain

The petition challenging orders of the National Consumer Disputes Redressal Commission is not maintainable because the cause of action arose within the jurisdiction of the Bombay High Court. The petitioner should approach the Bombay High Court, and the petition is dismissed for lack of jurisdiction while allowing the petitioner to file an appropriate petition there.

SHELTER MAKER PVT. LTD. & ORS. VS ANAND MUNDRA & ORS. [CM(M)-1454/2022]

Judges: Justice Manoj Jain

The petition under Article 227 of the Constitution was dismissed due to lack of jurisdiction, as the cause of action arose within the Bombay High Court's territory. The rights and contentions of the parties were reserved, and the petitioner was advised to file an appropriate petition in the Bombay High Court. The operation of the impugned order was stayed for three weeks to prevent interim prejudice to the petitioner.

SHERWOOD OFFICERS SOCIETY (REGD). AND ANR. VS SATINDER KAUR & ANR. [CM(M)-2122/2023]

Judges: Justice Manoj Jain

The petitioners should have approached the Punjab and Haryana High Court due to the cause of action arising within its territorial jurisdiction. The allowance of the petition by the NCDRC does not grant jurisdiction to the Delhi High Court. The petitioners were granted the option to withdraw the petition and approach the appropriate High Court, with execution proceedings stayed for two weeks to facilitate this action. No opinion was expressed on the merits of the case.

SHERWOOD OFFICERS SOCIETY (REGD). VS SH. KAMALJIT SINGH & ANR. [CM(M)-2124/2023]

Judges: Justice Manoj Jain

The cause of action for Sherwood Officers Society arose within the jurisdiction of the Punjab and Haryana High Court. The petitioner is permitted to withdraw their petition filed under Article 227 of the Constitution of India and approach the appropriate High Court. No opinion on the merits of the case has been expressed, and the petitioner retains the liberty to seek redress in the jurisdictional High Court.

SHILPI SHARMA VS PRAVEEN SHARMA & ANR. [CM(M)-3532/2024]

Judges: Justice Manoj Jain

Shilpi Sharma was granted one final opportunity to submit her written statement in the divorce petition filed by her husband, Praveen Sharma. Although the prior order closing her right to file was not illegal, the respondent's counsel agreed to allow the submission, with a cost of Rs. 10,000 to be paid within one week. The outcome was based on the overall facts and circumstances of the case.

SHIRIN CHOURASIA VS M/S UNITED INDIA INSURANCE CO. LTD. [CM(M)-3020/2024]

Judges: Justice Manoj Jain

The petitioner's challenge to the NCDRC's dismissal of their revision petition regarding a health insurance policy was dismissed. The renewal clause of the policy required premium payment before the policy's expiration, and the petitioner failed to provide evidence of such payment. The concurrent decisions of the lower forums were upheld as there was no erroneous consideration of material evidence or impermissible inferences. This judgment was delivered by a single judge without any disagreements or referrals to a larger bench.

SHIV ENTERPRISES (PROPRIETOR SANJEEV GOSWAMI) VS AMIT SHARMA (PROPRIETOR ARIA INTERNATIONAL) [CM(M)-3701/2024]

Judges: Justice Manoj Jain

The petitioner's challenge to the trial court's order permitting the plaintiff to submit an email was dismissed. The plaintiff explained the late submission by stating the email was stored in a different folder in his Gmail account. The email, sent by the defendant, was deemed relevant, and its admission would not cause serious prejudice to the defendant.

SHIV SAGAR DEVELOPERS AND ORS VS TILAK NAGAR AUDUMBAR COOPERATIVE HOUSING SOCIETY [CM(M)-2529/2024]

Judges: Justice Manoj Jain

The petitioners withdrew their challenge to an order from the National Consumer Disputes Redressal Commission, with the matter being more appropriately addressed in the High Court of Maharashtra due to the cause of action arising there. No opinion on the merits of the case was expressed.

SHOMIT FINANCE LIMITED VS MAHESH KUMAR SHARMA [CM(M)-3174/2024]

Judges: Justice Manoj Jain

The petition by Shomit Finance Limited challenging the orders of the National Consumer Disputes Redressal Commission was dismissed due to the petitioner's failure to pursue its appeal before the State Commission, leading to its dismissal for non-prosecution. Evidence of inaction was apparent from the orders issued by the State Commission, justifying the dismissal of both the revision and review petitions.

SHREE BALAJI LAMINATION VS SR GOYAL POLYMERS [CM(M)-3438/2024]

Judges: Justice Manoj Jain

The plaintiff, SR Goyal Polymers, was allowed to amend the suit to include Ms. Anjali Aggarwal as the actual proprietor of Shree Balaji Laminations, correcting the initial assumption that Mr. Naresh Aggarwal was the proprietor. This amendment was deemed necessary based on facts revealed in Mr. Naresh Aggarwal's written statement, with no illegalities or errors identified in the trial court's order.

SHRI AMAN GUPTA VS MS. MEETU HANS & ANR. [CM(M)-3252/2024]

Judges: Justice Manoj Jain

The trial court incorrectly refused to hear arguments on previously framed preliminary issues. Its earlier order on those issues was valid and binding, necessitating a proceeding to hear arguments. The trial court was directed to take up the matter for such arguments, and the costs imposed on the petitioner were waived due to the unique circumstances of the case.

SHRI ASHOK KUMAR JAIN VS MR GURPREET SINGH [CM(M)-2921/2024]

Judges: Justice Manoj Jain

An eviction petition under Section 14(1)(e) of the Delhi Rent Control Act must be prioritized by the trial court, with a goal to resolve it within 6 months. Consideration was given to the petitioner's age of 79 years and the delays in cross-examination, prompting an order for day-to-day cross-examination to expedite the process.

SHRI GANESH PUJARI VS MR. ARUN KUMAR & ANR. [CONT.CAS(C)-1634/2024]

Judges: Justice Manoj Jain

Shri Ganesh Pujari faced restrictions in running his Multi-Purpose Store stall at Lokmanya Tilak Terminus due to confusion regarding permitted business types. The respondent's counsel acknowledged this confusion and agreed to allow Pujari to operate the stall for four months. Following this, the petition was disposed of, with Pujari required to vacate the stall after the four-month period.

SHRI MANISH SHARMA VS SMT ANITA LUTHRA & ANR. [CM(M)-3415/2024]

Judges: Justice Manoj Jain

The petitioner's application was dismissed, confirming the trial court's decision to remove the defendant's written statement from the record. The timeline of 120 days for filing a written statement in a commercial suit is strict and cannot be extended, regardless of any delays caused by the counsel. The defendant cannot shift the blame to the counsel and forfeited the right to submit the written statement after the 120-day period.

SHRI NANAK CHAND VS JEET SINGH AND ORS. [CM(M)-3384/2024]

Judges: Justice Manoj Jain

The petitioner's writ petition challenging the trial court's order permitting the delayed filing of a written statement by Defendant No. 6 was dismissed. The decision emphasized that the timeline for filing a written statement is not rigid and that the trial court's liberal approach to allowing the delay did not exhibit any glaring irregularity justifying interference.

SHRI RAM GEN. INSURANCE CO. LTD VS SMT. MUMTAZ BEGUM & ORS. [FAO-201/2024]

Judges: Justice Manoj Jain

The appeal by the insurance company against the Employee's Compensation Commissioner's order was dismissed. The prior order had remanded the case to the Commissioner for compensation calculation. The insurance company failed to raise a key issue regarding Section 10 of the Employees' Compensation Act during previous proceedings. The Commissioner is instructed to release the compensation amount to the claimants promptly.

SHRI ROHIT BODHRAJA & ANR. VS AVTAR KUMAR GROVER & ORS. [CM(M)-3090/2024]

Judges: Justice Manoj Jain

The summons issued to the petitioners (tenants) under the summary procedure for eviction under Section 14(1)(e) of the Delhi Rent Control Act was found to be erroneous due to the initial inclusion of a non-payment of rent ground under Section 14(1)(a). Petitioners were directed to file an additional affidavit for leave to defend within 15 days, with respondents (landlords) allowed to reply to that affidavit.

SHRI SANATAN DHARAM MANDIR TRUST (REGD.) VS RISHI WALIA [CM(M)-3312/2024]

Judges: Justice Manoj Jain

A petitioner trust challenged an order that considered its execution petition settled, alleging that Ravi Bajaj was unauthorized to represent it and had colluded with the judgment debtor. The allegations were deemed serious; however, the trust had not filed an application to recall the order in the executing court. The matter was disposed of as withdrawn, allowing the trust to file an appropriate application for recall and revival of the execution petition for consideration by the executing court.

SHRI SUKHMAL JAIN VS SHRI BRIJ BHUSHAN JAIN & ORS. [CM(M)-3055/2024]

Judges: Justice Manoj Jain

The petition by Shri Sukhmal Jain challenging the closure of his opportunity to lead evidence was dismissed. He continued to appear before the trial court and was given a chance to submit written arguments. He did not take immediate action against the order and accepted it. Given the circumstances and the trial court's impending decision, the case was not considered appropriate for further intervention.

SHRI VIRENDER KUMAR GUPTA & ANR. VS PRAMOD KUMAR TANDON [CM(M)-3467/2024]

Judges: Justice Manoj Jain

Shri Virender Kumar Gupta & Anr. are defending an eviction petition filed by Pramod Kumar Tandon on the grounds of subletting. They must summon a Sales Tax Office official as a witness by the next hearing on 07.10.2024 and pay previously unpaid costs of Rs. 10,000. The petitioners are limited to one effective opportunity for this summoning, and the trial court may proceed with final arguments after recording the witness's evidence, depending on its schedule. They can submit a request to the trial court for formal summons to the witness in advance.

SHYAM SUNDER AGGARWAL VS SH P K SRIVASTATVA (CHIEF COMMISSIONER) & ORS. [CONT.CAS(C)-1872/2024]

Judges: Justice Manoj Jain

The contempt petition filed by Shyam Sunder Aggarwal was dismissed. The respondents had complied with the previous direction to address the petitioner's complaint. The Municipal Corporation of Delhi had sealed the unauthorized construction on the property and was taking further action. No additional action was deemed necessary for the contempt petition, and the petitioner could pursue other legal options if dissatisfied with the outcome.

SHYAM SUNDER VS SPECIAL TASK FORCE DDA AND ORS. [W.P.(C)-17420/2024]

Judges: Justice Manoj Jain

The Municipal Corporation of Delhi (East) must take action within 8 weeks to address the complaint regarding illegal and unauthorized construction up to the 6th floor of a property, which violates building bye-laws. This decision considers submissions from the parties involved and does not affect their rights or contentions, particularly those of the owner/builder.

SIMPLEX INFRASTRUCTURES LTD VS VIJAY LIFTERS [CM(M)-2850/2024]

Judges: Justice Manoj Jain

The trial court permitted the defendant to file a written statement after the initial 30-day period, contingent upon a cost. The cost was reduced from Rs. 50,000 to Rs. 25,000 based on the case's overall circumstances, while emphasizing that the defendant was expected to adhere to the original timeframe. The delay justified the cost imposition.

SIR SOBHA SINGH AND SONS PVT. LTD. VS S.KANWALPREET SINGH [CM(M)-3166/2024]

Judges: Justice Manoj Jain

The petitioner's writ petition was disposed of as not pressed, allowing the petitioner to seek an early hearing in the trial court. The case involved a 10-year-old possession suit where final arguments were scheduled in 2019 but delayed due to pending applications. It was expected that the trial court would make efforts to expedite the matter. This matter was individual and not part of a batch case.

SIS IMPORTS VS CHAITANYA KALBAG & ORS. [CM(M)-3471/2024]

Judges: Justice Manoj Jain

The petition challenging the orders of the State Consumer Disputes Redressal Commission and the National Consumer Disputes Redressal Commission was dismissed. The petitioner failed to participate in the proceedings before the State Commission, being the sole remaining respondent. The reasons for not defending the complaint were deemed unfounded, and there was no right to seek condonation of delay in filing the appeal. The decisions of the lower forums were upheld, with no evidence of perversity.

SIYA RAM VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-2215/2023]

Judges: Justice Manoj Jain

The petitioner's issue regarding the 5-year embargo on selling the MIG flat allotted by the Delhi Development Authority (DDA) has been resolved, as the DDA's counsel indicated that the 5-year period starts from April 2019. With this period having elapsed, the DDA is directed to execute the conveyance deed without stamping. The legal issue remains open, as the outcome is based on specific instructions from the DDA's counsel.

SIYARAM BROS. (RAJASTHAN) PVT LTD VS KIRLOSKAR OIL ENGINES LTD [CM(M)-3511/2024]

Judges: Justice Manoj Jain

The petition by Siyaram Bros. (Rajasthan) Pvt Ltd requested a timely hearing for a long-pending suit filed in 2007, which has been at the final arguments stage since 2018. Acknowledging the case's delay, there is an emphasis on expedited proceedings, with an informal suggestion for completion within four months after the next hearing on 04.12.2024, considering the trial court's workload.

SMT BHATERI & ORS VS UNION OF INDIA [FAO-484/2013]

Judges: Justice Manoj Jain

Rajbir was a bonafide passenger on the train when he died due to an "untoward incident." The lack of a recovered ticket did not negate the claim, as it was possible the ticket was lost during the incident and the claimants could not prove its purchase since Rajbir was traveling alone. The appeal was allowed, the Tribunal's order rejecting the claim was set aside, and the matter was remanded for determining the compensation payable to the claimants.

SMT NIRMAL BINDAL VS SH SANJEEV AGARWAL [CM(M)-2707/2024]

Judges: Justice Manoj Jain

The petitioner's application for an early hearing was disposed of, with a directive for the Appellate Tribunal to decide the main proceedings within three months. The petitioner's counsel contested the Tribunal's observation regarding the respondent's counsel's lack of objection to granting status quo. No opinion on the case's merits was expressed, and the Tribunal was instructed to decide the matter without being influenced by current observations.

SMT RAMA MISHRA VS LIFE INSURANCE CORPORATION OF INDIA [CM(M)-3141/2024]

Judges: Justice Manoj Jain

The petitioner was allowed to withdraw the petition challenging the NCDRC order since the cause of action arose in Uttar Pradesh. Jurisdiction lies with the High Court of the state where the cause of action occurred, thus the petitioner was granted the option to approach the appropriate High Court without any opinion on the case's merits.

SMT SAPNA KATAYAN VS J M FINANCIAL ASSET RECONSTRUCTION CO LTD & ORS. [W.P.(C)-15698/2024]

Judges: Justice Manoj Jain

The petitioner's writ petition was deemed not maintainable due to the availability of an efficacious remedy before the Debt Recovery Tribunal (DRT) under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI). Similarly situated occupants had previously been directed to approach the DRT. The petitioner was allowed to explore a settlement with the respondent and seek redressal through the DRT.

SMT SHARMILA SINGH VS MASTER ABHIMANYU SINGH & ANR. [CM(M)-2376/2024]

Judges: Justice Manoj Jain

The trial court's order striking off the petitioner's defense in matrimonial proceedings was set aside. Instead of striking off the defense, a reasonable cost for the delay was deemed more appropriate. The petitioner was directed to file the affidavit and documents within one week and was ordered to pay a cost of Rs. 10,000. The trial court was expected to address interim maintenance before issuing any further orders.

SMT VANDANA BAGLA VS M/S. M CARS STUDIO AND ORS. (THROUGH ITS PARTNERS) [CM(M)-3551/2024]

Judges: Justice Manoj Jain

The petition by Smt. Vandana Bagla challenging the trial court's order to refer the matter to arbitration was dismissed. The arbitration clause in the lease agreement allowed for resolution either through a mutually agreed sole arbitrator or the court, with the intention favoring referral to a sole arbitrator. The court's role was limited to appointing an arbitrator if the parties could not agree, not to directly adjudicate the dispute. The petitioner's arguments lacked merit.

SMT. ANITA GOYAL & ANR. VS SH. VARUN BATTA [CM(M)-3383/2024]

Judges: Justice Manoj Jain

The petitioners received the plaint and documents electronically but did not receive accompanying summons. As a result, the permission to file the written statement should not have been recalled. The written statement previously filed by the petitioners is deemed on record, and their defense is restored, contingent upon a payment of Rs. 20,000 to the respondent within one week.

SMT. ANURADHA KAPOOR & ORS. VS M/S. PRIME TIME INDIA LIMITED & ORS. [CM(M)-3305/2024]

Judges: Justice Manoj Jain

The plaintiff's request to call an official from the Registrar of Companies to prove certain documents was granted, despite earlier refusal by the trial court. These documents, already on record, will now be considered for relevance during final arguments. Both parties are urged to assist and cooperate for the timely resolution of the lengthy suit.

SMT. PUSHPA DEVI VATS @ BABLI VS SMT RESHAM DEVI & ORS. [FAO-14/2022]

Judges: Justice Manoj Jain

The matter was remanded to the trial court to reconsider the plaintiff's application for an injunction. Key issues regarding whether the properties are ancestral or self-acquired and the maintainability of the plaintiff's suit for partition were not conclusively addressed. The merits of the competing claims remain unexpressed, with the trial court tasked to hear the parties and issue an appropriate order.

SMT. SHANTI DEVI VS UNION OF INDIA [FAO-270/2022]

Judges: Justice Manoj Jain

The order of the Railway Claims Tribunal was set aside, granting Smt. Shanti Devi an opportunity to examine key witnesses, including the driver and station master, regarding her claim for compensation under the Railway Claims Tribunal Act, 1987 for her son's death in an untoward incident. The Tribunal had dismissed the claim, stating the passenger was neither bona fide nor a victim of an untoward incident. Emphasis was placed on the Railway Act as a beneficial legislation, allowing the claimant to seek the truth. The parties were instructed to appear before the Tribunal on a specified date, with the expectation of a fair opportunity for witness examination and re-hearing of the arguments before a final decision.

SOMESHWAR DAYAL VS ANUPAMA DAYAL [CM(M)-3430/2024]

Judges: Justice Manoj Jain

The defendant's right to present oral arguments in the civil suit was affirmed, with an allowance of 40 minutes for the defendant to address the court on a specified date. The plaintiff was also granted the opportunity to make brief rebuttal arguments if needed.

SPARSH DHIR VS ESHA DHIR [CM(M)-2176/2024]

Judges: Justice Manoj Jain

Pending applications filed under Section 26 of the Hindu Marriage Act for custody and Section 24 for maintenance should be heard together by the trial court and resolved with a common order. Both applications remain unresolved due to the ongoing petition, necessitating an expedited review while preserving the rights and arguments of the parties without commenting on the merits.

SUBHASH CHAND JAIN VS SATISH KUMAR [CM(M)-2858/2024]

Judges: Justice Manoj Jain

Observations made by the trial and appellate courts on the merits of the case are considered prima facie and tentative, not final. These observations remain subject to the final outcome, pending the parties' introduction of evidence before the trial court. The petition was disposed of without further relief.

SUBHASH CHANDER VS DEEPAK KATHURIA [CM(M)-2967/2024]

Judges: Justice Manoj Jain

The petitioner's eviction petition under Section 14(1)(e) of the Delhi Rent Control Act, 1958 should have received an earlier hearing date for the tenant's application for leave to defend. The summary procedure under Chapter IIIA aims to expedite eviction petitions, and efforts should have been made to resolve the matter quickly due to low pendency in the Trial Court. The petitioner is instructed to file a fresh application for an early hearing, and the Trial Court is expected to address the leave to defend application promptly.

SUBHASH CHANDRA DAS & ORS. VS AFAQ AHMAD [CM(M)-3567/2024]

Judges: Justice Manoj Jain

The petitioners' request for a direction to the SHO for the arrest of the judgment debtor has been addressed by the executing court, which issued fresh warrants of arrest and directed the SHO to provide necessary police assistance. No further directions were deemed necessary, leading to the disposal of the petition.

SUCHIT PRASAD JAIN VS NEERAJ PURI [CM(M)-1453/2022]

Judges: Justice Manoj Jain

The relationship of landlord and tenant was established, with the defendant admitting possession of the leased premises. The defendant was directed to deposit unpaid rent but failed to comply despite multiple modifications to the orders, leading to the striking off of the defense. The dispute over possession became moot as the lessor regained possession, leaving only the issues of damages and unpaid rent. A revision petition regarding the order to strike off the defense is pending.

SUDESH CHHIKARA VS BALJEET SINGH [CM(M)-3356/2024]

Judges: Justice Manoj Jain

The petitioner's application for the production of documents executed by the defendant on 30.03.2004, which supported the defendant's claim of ownership over the disputed property, was dismissed. The defendant stated he misplaced the original documents and lacked possession, making it impossible to compel production. The petitioner may request the trial court to draw an adverse inference for the non-production of documents, and the defendant can apply to provide secondary evidence. No flaws were identified in the trial court's order dismissing the application.

SUNIL KALRA AND ORS VS VIKAS GUPTA AND ORS [CM(M)-284/2021]

Judges: Justice Manoj Jain

Petitioners (tenants) were permitted to file additional affidavits regarding their amendment applications for leave to defend against landlords' eviction under Section 14(1)(e) of the Delhi Rent Control Act, 1958. The Rent Controller is tasked with hearing arguments on these applications and expediting the matter, without considering any comments from the current order, while the merits of the case remain for the Rent Controller to evaluate.

SUNIL KUMAR MEHRA & ANR. VS MS RP AND COMPANY & ORS. [CM(M)-3175/2024]

Judges: Justice Manoj Jain

Petitioners obtained an eviction order against respondents, upheld on revision. During execution proceedings, judgment debtors and third parties filed objections, which remain unresolved. The executing court is instructed to address these objections promptly due to the advanced age of the decree holders. Petitioners are permitted to seek disposal of execution regarding mesne profits/damages.

SUNITA BANSAL VS RAJAN BANSAL [CM(M)-2940/2024]

Judges: Justice Manoj Jain

The trial court was directed to expedite the disposal of four pending execution petitions within six months. These petitions originated from an order for interim maintenance in a HAMA case. The respondent contended that the execution petitions were infructuous due to the dismissal of the main petition, although no opinion was given on their merits.

SUNITA VS LALIT SANSANWAL [FAO-118/2024]

Judges: Justice Manoj Jain

The appeal by the defendant against the trial court's order to restore the plaintiff's petition was dismissed. The trial court was found to have provided sufficient reasons for the restoration, despite the plaintiff's lack of specific explanations for non-prosecution. The trial court's liberal approach, emphasizing the right to present one's case, was considered appropriate, and the defendant's objections were deemed unjustified. The appeal lacked merit.

SUNNY SHARMA VS RITIKA SHARMA AND ANR [CM(M)-327/2023]

Judges: Justice Manoj Jain

The trial court's order for evidence recording through a local commissioner was set aside due to the petitioner's financial constraints. The trial court was instructed to record the evidence directly.

SURENDER SINGH PAUL VS SAVITA PAUL [CM(M)-3032/2024]

Judges: Justice Manoj Jain

The trial court allowed the late filing of the written statement by the respondent, despite a 117-day delay, considering her circumstances as an elderly woman managing household affairs and other litigations. The trial court's discretion in this matter was deemed judicious, leading to the dismissal of the petitioner's challenge. The case involved a dispute between the petitioner and his estranged wife over possession of immovable property.

SURESH SETHI VS RAJ RANI [CM(M)-3267/2024]

Judges: Justice Manoj Jain

The petitioner's appeal against the decree in favor of his mother was deemed maintainable before the Senior Civil Judge in Rohini, Delhi. The lower appellate court initially stated the appeal was not maintainable but then reviewed the trial court's record, creating confusion. Due to the unique circumstances and the respondent's advanced age, the petitioner was advised to file the appeal afresh. A one-week period was granted for this submission, with the indication that any prior observations should not influence the Senior Civil Judge's consideration of the case.

SUSHEELA RANA & ORS. VS BRIJ BHUSHAN RANA [FAO-320/2024]

Judges: Justice Manoj Jain

The appeal by Susheela Rana and others against Brij Bhushan Rana concerning a partition suit was disposed of. The trial court had restrained the appellants from constructing on the suit property and directed the respondent to fulfill procedural requirements. The appellants indicated that construction activity had ceased and expressed willingness to withdraw the appeal if the trial court expedited the respondent's application under Order XXXIX Rule 1 and 2 CPC. The appeal was subsequently treated as not pressed, with a request for prompt consideration of the respondent's application by the trial court.

SUSHIL KUMAR SAHDEV VS M/S S.K FINANCE AND LEASING CO. & ANR. [CM(M)-3606/2024]

Judges: Justice Manoj Jain

The trial court must consider and dispose of the defendant's application under Section 8 of the Arbitration and Conciliation Act, 1996, for referral to arbitration, and the plaintiff's application for amendment of the suit within three months. The plaintiff's amendment application contributed to the delay in addressing the defendant's Section 8 application. Both parties are urged to cooperate fully with the trial court and avoid unnecessary adjournments.

SUSHILA JAIN AND ANR VS ANAND PADIA [CM(M)-3433/2024]

Judges: Justice Manoj Jain

The written statement filed by the petitioners (defendant nos. 1 and 2) is accepted on record due to the payment of a Rs. 25,000 cost imposed by the trial court. The trial court is directed to proceed with the matter in accordance with the law, considering the overall facts and circumstances of the case.

SUSHILA SINGH VS DILIP SINGH [CM(M)-3199/2024]

Judges: Justice Manoj Jain

The petitioner's challenge to an order that closed her right to file a reply in a probate petition was disposed of. Respondents 7-10 had already submitted an application to set aside that order, which was pending consideration. The trial court was requested to hear this application and decide it based on the law. If the petitioner remained aggrieved after the trial court's decision, she could file a new petition.

SUSHMA JINDAL VS UNITED INDIA INSURANCE COMPANY LIMITED [CM(M)-2078/2024]

Judges: Justice Manoj Jain

The case involved a petitioner wishing to withdraw from the Delhi High Court due to the cause of action being within the jurisdiction of the Allahabad High Court. The Supreme Court precedent indicated that jurisdiction does not transfer to the Delhi High Court simply because the National Consumer Disputes Redressal Commission had previously permitted the petition. The petitioner was granted the option to approach the appropriate jurisdictional High Court.

SWAMI CHAKRAPANI JI MAHARAJ NATIONAL PRESIDENT, AKHIL BHARAT HINDU MAHASABHA VS ELECTION COMMISSION OF INDIA & ORS. [FAO-255/2024]

Judges: Justice Manoj Jain

The appellant was permitted to withdraw the appeal challenging the dismissal of their application for interim relief, preserving their rights and contentions. The trial court was instructed to expedite the underlying suit, with an emphasis on cooperation between the parties and avoidance of unnecessary adjournments.

SWATI KHANDELWAL & ANR. VS INSTITUTE OF PSYCHIC AND SPIRITUAL RESEARCH & ORS. [CM(M)-666/2023]

Judges: Justice Manoj Jain

The dismissal of Swati Khandelwal and Rakesh Khandelwal's applications under Order IX Rule 7 CPC was set aside. The plaintiff initially listed their address as the same as the plaintiff's but later amended it to Gurgaon without attempting service at that address before using substituted service through publication. The plaintiffs conceded, allowing the petitioners to participate in the suit and required them to file written statements within 30 days. The trial court was requested to expedite the matter.

SWETA PRADIP POPAT VS LARSEN AND TURBO LTD [CM(M)-3654/2024]

Judges: Justice Manoj Jain

The petition by Sweta Pradip Popat was dismissed due to lack of jurisdiction, as the entire cause of action arose in Gujarat. The petitioner should have approached the Gujarat High Court instead of the Delhi High Court. The case was deemed not maintainable, allowing the petitioner to file an appropriate petition before the Gujarat High Court.

TARUN NAYAR VS M/S EMTA COAL LIMITED & ANR. [FAO-25/2024]

Judges: Justice Manoj Jain

The plaintiff's appeal was allowed, restoring the suit previously dismissed for non-appearance. Medical reasons for the plaintiff's counsel's absence and a change of counsel were considered sufficient grounds for the delay. The delay of 35 days in filing the restoration application was deemed condonable. A cost of Rs. 25,000 was imposed on the plaintiff, with instructions to appear before the trial court on the next date. Previous negligence was not deemed a decisive factor; a liberal approach was advocated unless evidence of malafide or gross negligence was present.

TEJ KISHEN & ORS VS UOI & ORS [W.P.(C)-7977/2007]

Judges: Justice Manoj Jain

A writ petition by six Kashmiri migrants challenging the payment terms of the "Special Housing Registration Scheme for Retired/Retiring J&K Migrants" was dismissed due to lack of merit. The first scheme aimed at general rehabilitation of Kashmiri migrants, while the second specifically addressed housing for retiring/retired Central Government employees. The petitioners had not applied for the second scheme, misrepresenting their status. Payment terms for the second scheme, tailored for government employees, were deemed appropriate and did not need to match the first scheme's terms.

THE MANAGEMENT OF M/S BANWARI LAI CHARITABLE TRUST VS SMT SHOBHA [CM(M)-3250/2024]

Judges: Justice Manoj Jain

The petition by M/s Banwari Lal Charitable Trust regarding a claim from Smt. Shobha under Section 2A(1) of the Industrial Disputes Act, 1947 was dismissed. The Management sought to recall the respondent for further cross-examination after more than 6 years, but the application was viewed as highly belated and lacking a sufficient explanation for the delay. The decision to dismiss the application was upheld, with no merit found in the petition.

THE VICE CHAIRMAN DELHI DEVELOPMENT AUTHORITY VS GAGAN MARWAH & ORS. [CM(M)-987/2023]

Judges: Justice Manoj Jain

The petition from the Delhi Development Authority (DDA) to condone the delay in filing a written statement was allowed. The delay was attributed to internal procedural formalities. The written statement was accepted, with a cost of Rs. 20,000 imposed on the DDA to be paid to the plaintiff. The DDA was advised to avoid seeking unnecessary adjournments to expedite the trial.

TRIVENI APARTMENTS WELFARE ASSOCIATION VS ASHWANI KUMAR COMMISSIONER SOUTH DELHI MUNICIPAL CORPORATION & ORS. [CONT.CAS(C)-1969/2024]

Judges: Justice Manoj Jain

The contempt case filed by the Triveni Apartments Welfare Association against the Commissioner of the South Delhi Municipal Corporation and others involved allegations of willful disobedience regarding an earlier order for the Delhi Police to provide mobile numbers of traffic-in-charge officers. The respondents' counsel assured that the new numbers would be shared via email within two days. Following this assurance, the petitioner indicated no further grievance, leading to the disposition of the contempt petition.

TUSHAR KANT GANGULI (DECEASED) THR LRS VS SANJAY GUPTA [CM(M)-1078/2018]

Judges: Justice Manoj Jain

The petition by the legal representatives of deceased defendant Tushar Kant Ganguli for the appointment of a handwriting expert to examine disputed signatures on the 'agreement to sell' and 'receipt' documents was dismissed. The request was deemed inappropriate as the defendant should have filed a review petition against an earlier order that denied sending the documents to the Central Forensic Science Laboratory. The action taken was considered an indirect attempt to achieve what could not be achieved directly, and it was viewed that this situation did not warrant interference with the trial court's order.

UDAI BHAN AND ANR VS RAJ KUMAR @ LALA AND ORS [CM(M)-3522/2024]

Judges: Justice Manoj Jain

The petition by Udai Bhan and Anr. against the dismissal of their interim injunction application to prevent defendants from constructing on the suit premises was dismissed. The plaintiffs failed to prove ownership or personal interest in the property. The Municipal Corporation of Delhi had issued a "work stop" and demolition notice, offering the plaintiffs more relief than requested. The plaintiffs did not seek an injunction in a prior 2018 possession suit. Given these considerations, there was no basis for intervention in the lower court's decisions.

UDAY MEDICARE P. LTD. & ORS. VS RITA AGARWAL [CM(M)-270/2022]

Judges: Justice Manoj Jain

The ex-parte order against defendant Nos. 1, 2, 3, and 5 was set aside, contingent on the payment of Rs. 1,00,000/- by the next hearing date. The order resulted from the withdrawal of the vakalatnama by the petitioners' counsel due to non-payment of fees. The matter is to proceed according to law, with a request for expedited disposal with both parties' cooperation.

UMA AND ORS VS RENU KUMARI AND ORS [CM(M)-3027/2024]

Judges: Justice Manoj Jain

The petitioners' right to file written statements was reinstated after a prior order closed it due to non-payment of costs. They are required to pay Rs. 15,000 by the next hearing and submit their written statements within one week. The matter will proceed according to law.

UMRAO SINGH VS DDA [W.P.(C)-17202/2024]

Judges: Justice Manoj Jain

The petitioner's request for an 'Approach Road' to his property will be treated as a representation and decided by the Competent Authority of the DDA within 12 weeks. The petitioner had previously sought property demarcation, which was completed. The petitioner is expected to provide any necessary documents to the DDA and may be granted a personal hearing due to the matter's complexity.

UNITED INDIA INSURANCE CO LTD VS STERLITE POWER TRANSMISSION LTD [CM(M)-3603/2024]

Judges: Justice Manoj Jain

The petition by United India Insurance Co Ltd was dismissed because the insurance company's reply to a consumer complaint was filed after the 30-day deadline set by the Consumer Protection Act, 2019. The excuse of counsel's inadvertence was deemed unacceptable, as the company was expected to be more diligent in managing proceedings and ensuring timely compliance.

UPPAL HOUSING PRIVATE LIMITED VS LATE JASWANT SINGH ARORA THROUGH HIS LRS [CM(M)-2866/2024]

Judges: Justice Manoj Jain

The cause of action in this case arose from events in Chandigarh, establishing that jurisdiction lies with the High Court of Punjab and Haryana rather than the Delhi High Court. The petitioner was granted the opportunity to file the appropriate petition in the High Court of Punjab and Haryana.

USHA RANI AND ORS. VS SURESH SINGHAL [CM(M)-3131/2024]

Judges: Justice Manoj Jain

The delay in filing the written statement by the defendant was deemed unjustified. The existing written statement was taken on record to prevent prolonging the suit. A cost of Rs. 15,000 was imposed on the defendant to be paid to the plaintiff for the delay. The trial court is expected to proceed with the matter in accordance with the law.

USHA RANI VS KAVINDRA SINGH & ORS [CM(M)-217/2019]

Judges: Justice Manoj Jain

The trial court must re-consider the maintainability of the civil suit filed by Usha Rani during the final argument stage, disregarding previous orders from the trial and appellate courts. The appellate court's earlier belief that an application under Order VII Rule 11 of the Code of Civil Procedure had been filed was incorrect. The trial court is instructed to expedite the disposal of the suit with cooperation from both parties.

VANITA BATHLA VS SHASHI BAJAJ & ANR. [CM(M)-2551/2024]

Judges: Justice Manoj Jain

The petitioner's request to submit previously declined documents was accepted, as the respondents did not object and the documents were deemed necessary for a fair resolution of the case. The trial court was instructed to continue the proceedings in accordance with the law, and the plaintiffs were permitted to apply for an earlier hearing date.

VARUN GUPTA VS SUMAN GROVER & ANR. [CM(M)-2864/2024]

Judges: Justice Manoj Jain

Two petitions were filed challenging trial court orders in a recovery suit. The first petition was withdrawn by the petitioner without prejudice. The second petition permitted the petitioner to cross-examine PW-2, Mr. Praveen Grover, for the purpose of formally presenting a certificate under Section 63 of the Bharitya Sakshya Adhiniyam, 2023, along with related documents. The parties were directed to set an appropriate date for examination and cross-examination, with an expectation of cooperation to expedite final arguments and the resolution of the matter.

VEENA NARANG VS SAGRIKA D BAJAJ [CM(M)-3629/2024]

Judges: Justice Manoj Jain

A petition under Article 227 of the Constitution led to a modification of a trial court's order granting conditional leave to a defendant mother in her daughter's suit for Rs. 9,75,000. The mother had already deposited 50% of the principal amount, and considering the case's peculiar facts, the conditional deposit was reduced to Rs. 4,87,500. The matter was remanded for issues to be framed, encouraging both parties to seek an amicable solution and expediting the suit's disposal.

VEER SINGH THROUGH POWER OF ATTORNEY VS KINRI DHIR [CM(M)-3218/2024]

Judges: Justice Manoj Jain

The order to release Rs. 3,43,000 from a deposited amount of Rs. 6,50,000 to the respondent for their minor child's school admission was upheld. This action aligns with a previous Supreme Court directive for the petitioner to cover maintenance and educational expenses, prioritizing the child's best interests. The petitioner's detrimental attitude towards the child's education was noted as a concern. An application for clarification regarding the order has been filed by the respondent, but the decision aims to prevent the child from losing an academic year.

VEER SINGH VS KINRI DHIR [CM(M)-3092/2024]

Judges: Justice Manoj Jain

Veer Singh, the respondent in Guardianship Petition No. 24/2021, expressed a desire not to oppose the petition under the Guardians and Wards Act, 1890. Despite his stance, the Family Court chose to proceed based on the respondent Ms. Dhir's concerns. Veer Singh has the option to submit an affidavit or application indicating his non-contestation, which the Family Court will consider for appropriate orders. All rights and contentions of the parties remain reserved.

VIJAY GAUR VS MR. TAAHA FAHIM & ORS. [CM(M)-3361/2024]

Judges: Justice Manoj Jain

The petition filed by Vijay Gaur was disposed of with a directive for the trial court to hear and decide the application from the contesting defendants under Order VII Rule 11 CPC for rejection of the plaint within six months of the next hearing. Previous arguments on the application were partially heard, and mediation efforts were unsuccessful. All parties, including the Municipal Corporation of Delhi, were asked to cooperate with the trial court.

VIJAY KUMAR VS MOHD. IBRAHIM & ANR. [CM(M)-2985/2024]

Judges: Justice Manoj Jain

The petitioner's challenge to the trial court's order allowing the defendant one final opportunity to cross-examine the plaintiff was dismissed. The trial court had previously granted multiple chances for cross-examination, but the decision to allow one last opportunity, subject to a cost of Rs. 10,000, was considered a valid exercise of discretion. The aim was to decide the case on merits rather than technicalities, ensuring fairness for both parties. No illegality was identified in the trial court's order, which was recognized for its focus on adjudicating the case fairly while compensating the plaintiff.

VIJAY LAKSHMI MENON VS BHARAT CHUGH AND ANR [CM(M)-1163/2022]

Judges: Justice Manoj Jain

The trial court's decision to convert the plaintiff's summary suit into an ordinary suit was inappropriate. The trial court could have imposed costs or dismissed the suit for non-prosecution but should not have changed its nature. The matter is to proceed as a summary suit, with the defendant's application for leave to defend being considered after both sides present their arguments. The plaintiff is required to pay costs of Rs. 10,000 to the defendant.

VIJAY VARDHAN DAGA VS M/S LORD BUILDERS PVT LTD & ORS. [CM(M)-2493/2024]

Judges: Justice Manoj Jain

The petitioner's challenge under Article 227 of the Constitution was accepted, and a 5-day delay in filing the appeal before the Additional District Judge in Rohini, Delhi was condoned due to the petitioner's age of 79 and residence in Hyderabad. The emphasis was on deciding the matter on merits rather than technicalities. The appeal was restored, with parties directed to appear before the Additional District Judge on the scheduled date, and no coercive action was permitted in the execution petition until that date.

VIMAL KUMAR PATHAK VS HARPEET SINGH [CM(M)-2975/2024]

Judges: Justice Manoj Jain

The petitioner's request to expedite the disposal of an application under Order XII Rule 6 of the Civil Procedure Code was reviewed. Arguments were last heard by the trial court in December 2023, with subsequent dates being set for clarification and orders. The trial court is instructed to seek clarification from both parties on the next hearing date, 14.08.2024, and to dispose of the application within four weeks thereafter.

VIMLA VS SANJAY SINDHANI [CM(M)-3510/2024]

Judges: Justice Manoj Jain

The petition by the defendant tenant to include Ms. Pooja Pahuja as a co-defendant in a suit for possession, arrears of rent, damages, and mesne profits was dismissed. The question of property title was deemed not material for the eviction suit, and adding the proposed defendant would complicate the matter, transforming it into a title dispute. The petition lacked merit and was dismissed.

VINESH SHARMA VS M/S VIJAY COTSWIN PVT LTD. [CM(M)-3315/2024]

Judges: Justice Manoj Jain

Petitions by the defendant challenging the allowance of certain documents by the trial court were dismissed. The plaintiff demonstrated reasonable cause for not previously disclosing the documents, having served a notice on the defendant to produce GST forms without a response. The decision to permit the filing of additional documents was not considered erroneous, and supervisory jurisdiction should not interfere with it.

VINOD KUMAR ARORA VS SURENDER KUMAR ARORA (SINCE DECEASED) THROUGH HIS LRS. AND ORS. [CM(M)-3682/2024]

Judges: Justice Manoj Jain

The trial court inappropriately required the defendant and plaintiff to submit affidavits on partition methods, despite both parties planning to appeal the preliminary decree. An allowance of two months was granted for the parties to file their appeals, after which the trial court could proceed in accordance with the law, considering any appellate decisions.

VINOD KUMAR MEHTA AND ANR VS ANJANA NARULA [FAO-166/2016]

Judges: Justice Manoj Jain

The appeal filed by Vinod Kumar Mehta and another was disposed of after the parties reached an amicable settlement. The appellants received three drafts of Rs. 13,00,000 each, along with the keys and General Power of Attorney for the property. Both parties agreed to implement the settlement and withdraw the suit.

VINOD KUMAR SHARMA VS GEETA KHURANA [CM(M)-3460/2024]

Judges: Justice Manoj Jain

The trial court's order for the arrest of the judgment debtor was set aside due to a jurisdictional error. Strict adherence to the protocol under Section 51 and Order 21 Rule 37 of the Civil Procedure Code is required before ordering arrest in execution of a money decree. The trial court must follow the relevant provisions for any future coercive actions against the judgment debtor.

VIR PAL VS VIJAY KUMAR FARSHWAL AND ANR [CM(M)-3004/2024]

Judges: Justice Manoj Jain

The tenant's petition challenging the eviction order under Section 14(1)(e) of the Delhi Rent Control Act was dismissed. Claims regarding the landlord's ownership and the tenant's adverse possession were found meritless. The tenant had the opportunity to address these objections during earlier proceedings but did not do so. Continued filing of multiple applications instead of complying with the Supreme Court's vacate order was noted.

VIRENDER KUMAR BHARDWAJ VS MUNCIPAL CORPORATION OF DELHI THROUGH ITS COMMISSIONER [CM(M)-2834/2024]

Judges: Justice Manoj Jain

The Municipal Corporation of Delhi (MCD) is allowed to file a written statement despite a 166-day delay. The petitioner, a senior citizen, will receive Rs. 20,000 in compensation for the delay. Timelines for filing are not mandatory, but excessive delays without justification warrant costs, particularly in cases involving senior citizens. The MCD must pay the cost to the petitioner at the next hearing before the trial court.

VISHAL KOCHHAR VS PALLAVI KASHYAP KOCHHAR [CM(M)-3535/2024]

Judges: Justice Manoj Jain

The petitioner's request to extend the meeting duration for the paternal grandmother from 5 minutes to 15 minutes on the child's birthday was granted, deemed appropriate based on the case's overall circumstances. The remaining directives from the Family Court's previous order remain unchanged, and the guardianship petition is still pending adjudication.

VISHAL RANA & ANR. VS M/S VAISHNO VILLE PVT. LTD. [CM(M)-1965/2023]

Judges: Justice Manoj Jain

The petitioners were allowed to submit a written statement beyond the 120-day limit, contingent upon paying the respondent Rs. 50,000 for the delay. The respondent initially objected to the statement but later conceded without prejudice. The petitioners were directed to file original affidavits and admission/denial of documents. The trial court was instructed to allow the respondent to file a replication and to expedite the suit's disposal.

VIVEK KUMAR SAXENA VS M/S COLLEGE BOOK STORE [CM(M)-3699/2024]

Judges: Justice Manoj Jain

The petition by the defendant was dismissed due to failure to comply with the strict timelines set by the Commercial Courts Act, 2015 for filing written statements in commercial disputes. The defendant received the summons and plaint on June 6, 2023, but did not appear on the first hearing date, September 2, 2023, leading to ex-parte proceedings and closure of the right to file a written statement. The defendant's inaction for 3.5 months before seeking relief was noted, and the expectation for an extension of time was deemed unreasonable, as the law mandates adherence to specific timelines.

WARM FORGING PRIVATE LIMITED VS RECKON INDUSTRIES LIMITED [CM(M)-3407/2024]

Judges: Justice Manoj Jain

The petition by Warm Forging Private Limited to compel Reckon Industries Limited to produce financial documents and summon its chartered accountant was dismissed. The primary issue in the suit concerned the date for claiming interest, which did not relate to the requested documents and witness. Balance sheets were already publicly available, and the defendant could not demand the summoning of the chartered accountant. There was no basis to interfere with the trial court's decision.

WEST WIND ENGINEERS PVT. LTD. VS RAJESH MEDIRATTA S/O SH. K.C MEDIRATTA PROPRIETOR, M/S SACHIDANAND INSULATIONS [CM(M)-3468/2024]

Judges: Justice Manoj Jain

The petitioner faced a cost of Rs. 25,000 for seeking recall of an order that closed its right to cross-examine the plaintiff. This cost was deemed unjustified and reduced to Rs. 11,000, considering the reasons provided and concessions by the plaintiff's counsel. The petitioner was directed to cooperate fully with the trial court and avoid unnecessary adjournments.

WHITEFIELD OVERSEAS LIMITED VS KHUSHI AGRO FOODS PRODUCTS [CM(M)-2855/2024]

Judges: Justice Manoj Jain

The petitioner is permitted to deposit Rs. 30 lakhs instead of the previously ordered Rs. 40 lakhs before the trial court. This decision is based on the petitioner's earlier statement indicating readiness to deposit Rs. 30 lakhs without prejudice to its rights. A timeframe of seven weeks is provided for the deposit, while all rights and contentions of the parties remain reserved.

Y K GUPTA AND CO VS CAPRI GLOBAL CAPITAL LTD [W.P.(C)-8055/2024]

Judges: Justice Manoj Jain

Y K Gupta & Co's writ petition challenging the show-cause notice from Capri Global Capital Ltd regarding the declaration of wilful defaulter was rendered infructuous following the withdrawal of the initial notice. A new show-cause notice was issued on 21.11.2024, allowing the petitioner three weeks to respond and the option to challenge the new notice in accordance with law.

YASH PAL SACHDEVA VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-15731/2024]

Judges: Justice Manoj Jain

Yash Pal Sachdeva's writ petition against the Delhi Development Authority (DDA) will be treated as a representation. Sachdeva is to meet the Deputy Director of the Land and Disposal Department to present his case. The DDA must decide on the representation within six weeks after a personal hearing. Sachdeva retains the right to pursue further legal action if dissatisfied with the outcome.

YOGENDER KUMAR VS LIC HOUSING FINANCE LTD [CM(M)-886/2018]

Judges: Justice Manoj Jain

The petition filed by defendant no. 1 under Article 227 of the Constitution was allowed, leading to the written statement being deemed on record and the defendant being permitted to participate in the proceedings. The trial court had dismissed the application due to the absence of a timely application for condonation of delay. Consideration of the overall circumstances, including the deposit of costs by the defendant, resulted in the petition's approval and the order of the trial court being set aside.

ABDUL KHALID SAIFI @ KHALID SAIFI VS STATE OF NCT OF DELHI [CRL.REV.P.-988/2024]

Judges: Justice Manoj Kumar Ohri

The criminal revision petition filed by Abdul Khalid Saifi was dismissed, challenging the framing of charges under various IPC sections and the Arms Act. Evidence from public witnesses and a police official indicated Saifi's involvement in instigating a crowd to disobey police orders, throw stones, and supply a firearm to a juvenile for use against police during protests against the Citizenship (Amendment) Act, 2019. It was noted that the intent for the charge of attempted murder under Section 307 IPC can be inferred from circumstances without needing proof of serious injury. No grounds were identified to interfere with the charges against Saifi.

ANIL KUMAR JAIN VS SACHIN JAIN [CRL.M.C.-7417/2023]

Judges: Justice Manoj Kumar Ohri

Petitions were allowed, and a criminal complaint was quashed due to a prior civil court finding that the rent receipts in question were genuine, which was not challenged. The respondent's failure to disclose the criminal complaint in the civil proceedings indicated conflicting positions. The allegations in the criminal complaint did not constitute forgery under Section 464 of the Indian Penal Code, as executing a document claiming property ownership, even if dishonest, does not amount to forgery. The criminal complaint was therefore quashed.

ACCUPAYD TECH PVT LTD VS HOME SECRETARY, MINISTRY OF HOME AFFAIRS GOVERNMENT OF INDIA, & ORS. [W.P.(CRL)-1473/2024]

Judges: Justice Manoj Kumar Ohri

The writ petition by Accupayd Tech Pvt Ltd, challenging the freezing of its bank accounts by law enforcement agencies, was dismissed due to lack of territorial jurisdiction. The primary issue was that no part of the cause of action arose within the relevant jurisdiction, leading to the dismissal without addressing other contentions.

AJAY KUMAR BANA VS STATE NCT OF DELHI [W.P.(CRL)-3760/2023]

Judges: Justice Manoj Kumar Ohri

The FIR against the petitioner for possessing live cartridges under Section 25 of the Arms Act was quashed due to insufficient evidence of "conscious possession." The petitioner had a valid arms license for the .32 bore gun, and the cartridges found matched this license. The petitioner demonstrated unintentional possession, leading to the conclusion that criminal proceedings would be an abuse of the process of law.

AMIT PLATHIA VS THE STATE NCT OF DELHI ORS & ANR. [CRL.M.C.-8316/2023]

Judges: Justice Manoj Kumar Ohri

Serious offenses like rape are generally not quashed based solely on a settlement; however, in specific circumstances, such as consensual relations between parties who later married and restored harmony, it is possible to quash proceedings. In this case, the FIR under Section 376 IPC was quashed due to these factors.

ANIL DUTT VS STATE [CRL.A.-204/2001]

Judges: Justice Manoj Kumar Ohri

Anil Dutt's conviction under Sections 365/368/506/120B IPC and the Arms Act was set aside due to the unavailability of complete trial records, making case reconstruction impossible. Despite efforts, only partial police records were recovered after 36 years since the offense. Given the lengthy delay since the incident and the lack of judicial records, the decision was made to acquit Dutt.

ANIL KUMAR VS STATE (NCT OF DELHI) [CRL.A.-885/2002]

Judges: Justice Manoj Kumar Ohri

The appellant was convicted for robbery under Section 392 IPC, but the conviction under Section 397 IPC was deemed invalid as the knife was not visible to the complainant during the theft, failing to meet the requirement of "using" a deadly weapon. The conviction under Section 25 of the Arms Act was upheld. The sentence was modified to the period already served.

ANKUSH ARORA VS M/S PARWATI TEXTILES AND ANR. [CRL.M.C.-9177/2023]

Judges: Justice Manoj Kumar Ohri

The summoning order against petitioner Ankush Arora was quashed. Mere identification as a director is insufficient to establish vicarious liability under Section 141 of the Negotiable Instruments Act. The complainant must demonstrate that the director was responsible for the company's daily operations at the time of the offense, which was not alleged in the complaint.

ANKUSH ARORA VS M/S RACHNA SAREES AND ANR. [CRL.M.C.-9176/2023]

Judges: Justice Manoj Kumar Ohri

The petition filed by director Ankush Arora resulted in the quashing of the summoning order in a complaint under Section 138 of the Negotiable Instruments Act. The complaint did not adequately allege that Arora was "in charge of and responsible for the conduct of the business" at the time of the offence, leading to his exoneration from vicarious liability.

VAIBHAV JAIN VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-3301/2024]

Judges: Justice Manoj Kumar Ohri

The right to bail in cases of trial delays and prolonged incarceration is essential under Section 45 of the Prevention of Money Laundering Act (PMLA). The constitutional mandate under Article 21, which ensures the right to life and personal liberty, takes precedence over statutory bail conditions when trials are unlikely to conclude in a reasonable timeframe. Given that the delay in this case was not caused by the applicants, regular bail was granted, emphasizing that prolonged incarceration without trial is unacceptable.

ASHA RANI VS STATE OF NCT OF DELHI & ORS. [CRL.M.C.-1411/2023]

Judges: Justice Manoj Kumar Ohri

The orders dismissing the petitioner's protest against the police closure report were upheld. The evidence did not establish a causal link between the acts of the respondents and the deceased's suicide, as required under Section 306 of the Indian Penal Code for abetment. Legal principles regarding abetment of suicide were analyzed, confirming the justification of the lower courts' decisions based on the case facts. This was part of a batch matter without referral to a larger bench.

ASHISH ABROL VS STATE NCT OF DELHI & ANR. [CRL.M.C.-5419/2024]

Judges: Justice Manoj Kumar Ohri

A prima facie case exists against Ashish Abrol for charges under Sections 420 (cheating), 468 (forgery), and 471 (using a forged document) of the Indian Penal Code. The discharge under Section 468 IPC was set aside due to evidence from the RFSL report and a bank official's statement, providing sufficient grounds for the forgery charge. Charges under Sections 420 and 471 IPC were upheld based on established culpability. The trial court was directed to proceed with the trial, with the observations limited to the charge framing stage and not affecting the case's final merits.

ASHOK KUMAR SAXENA VS THE STATE NCT OF DELHI AND ORS. [CRL.M.C.-9442/2023]

Judges: Justice Manoj Kumar Ohri

The petitioner's application under Section 156(3) Cr.P.C. for FIR registration was dismissed, with the finding that the dispute was civil in nature and no cognizable offense was present. The petitioner had sufficient documents and evidence, indicating that police intervention was unnecessary. The decision to treat the matter as a complaint case was upheld, with no grounds for interference identified.

ATIN CHOPRA VS THE STATE, GOVT. OF NCT OF DELHI [CRL.M.C.-4708/2023]

Judges: Justice Manoj Kumar Ohri

The FIR against the petitioner under Section 25 of the Arms Act, 1959, was quashed due to lack of evidence for "conscious possession." The petitioner presented a plausible explanation that the ammunition belonged to his late father-in-law and he was unaware of it. Without the necessary mental element of intention or knowledge, continuation of proceedings was deemed futile.

AVDHESH MITTAL VS DEEPAK VIG [O.M.P. (COMM)-271/2023]

Judges: Justice Manoj Kumar Ohri

The petition challenging the arbitral award under Section 34 of the Arbitration and Conciliation Act was deemed not time-barred. Deemed delivery of the award was not applicable as the premises were sealed at the time. The petitioner was not properly served and proceeded ex-parte, leading to the limitation period starting from the actual receipt of the signed copy of the award on 12.05.2023. The case was not part of a batch matter, and there was consensus between the judges.

AYUB VS STATE (NCT OF DELHI) [CRL.A.-888/2002]

Judges: Justice Manoj Kumar Ohri

The appellant's conviction under Section 397 IPC for using a deadly weapon during a robbery was invalidated due to evidence indicating the knife was not visible to the victim and did not instill terror. However, the conviction under Section 392/34 read with Section 394 IPC for robbery and voluntarily causing hurt was upheld. Given the appellant's background, the time elapsed, and the substantial portion of the sentence already served, the sentence was modified to the period already undergone. The appeal of the co-accused was abated due to his death.

BARKAT HUSSAIN VS PRABHAS NAIRAIN MISRA (HUF) THRU PRABHAS N. MISRA [CRL.M.C.-919/2023]

Judges: Justice Manoj Kumar Ohri

Barkat Hussain's petition resulted in the quashing of a complaint under Section 138 of the Negotiable Instruments Act. The post-dated cheque in question was issued as security for a second purchase order, which was not fulfilled by the complainant, Prabhas Nairain Misra (HUF). Therefore, the dishonor of the cheque did not constitute an offense as there was no legally enforceable debt or liability at the time the cheque was drawn.

BHAI MANJIT SINGH VS RADHIKA CHOWDHURY (DECEASED) THR. LRS [CRL.M.C.-2006/2024]

Judges: Justice Manoj Kumar Ohri

Bhai Manjit Singh's criminal petition under Section 482 Cr.P.C. was dismissed, upholding the summoning order issued in a Section 138 complaint under the Negotiable Instruments Act. The presumption under Sections 118 and 139 of the Act is rebuttable, and the claim that the cheque was stolen requires a trial for evidence presentation, which cannot be addressed at this stage. The petitioner will have the chance to present his defense in the trial court.

BHARAT DHIRAJLAL MEHTA VS OXYZO FINANCIAL SERVICES PVT LTD [CRL.M.C.-6327/2023]

Judges: Justice Manoj Kumar Ohri

The criminal complaint under Section 138 of the Negotiable Instruments Act against the petitioner was quashed due to a lack of specific allegations. The petitioner, acting as an independent additional director of the accused company, was not the signatory of the dishonored cheque. The complaint included only general allegations with no specific role or responsibility attributed to the petitioner, leading to the dismissal of the complaint and the associated summoning order.

BHUSHAN KUMAR VS STATE OF NCT OF DELHI AND ANR [CRL.M.C.-5442/2023]

Judges: Justice Manoj Kumar Ohri

A prima facie case exists against Bhushan Kumar under Sections 419 and 420 of the Indian Penal Code for impersonation and cheating. Evidence from a complainant and witness revealed that Kumar posed as a CBI officer, lived in the complainant's home, and took money from the family with the promise of securing school admissions for their children, but left without returning the funds. No challenge was raised regarding his discharge under other sections.

BODA VENKAT RAM VS STATE (GOVT. OF NCT OF DELHI) AND ANR. [CRL.M.C.-734/2023]

Judges: Justice Manoj Kumar Ohri

Boda Venkat Ram, an independent non-executive director of K.S. Oils Ltd., had the complaint and summoning order against him quashed. The complaint lacked specific allegations regarding his involvement in the day-to-day affairs of the company, which is necessary to establish criminal liability under Section 141 of the Negotiable Instruments Act. The general allegations presented were insufficient for legal proceedings.

MURARI LAL & ORS. VS STATE [CRL.A.-207/2002]

Judges: Justice Manoj Kumar Ohri

Chanderpal was convicted under Sections 363 and 328 IPC for kidnapping and drugging a 14-15 year old girl. The testimony of the victim was deemed reliable, and the evidence against him was satisfactory. The appeals of co-convicts Murari Lal and Hari Singh were abated due to their deaths. Chanderpal's sentence was modified to the approximately 7 months and 29 days he had already served, taking into account his age and good conduct in prison.

CHET RAM YADAV & ANR. VS STATE OF DELHI [CRL.A.-633/2001]

Judges: Justice Manoj Kumar Ohri

The appellants were convicted under Section 308 IPC for culpable homicide not amounting to murder, with sufficient evidence from the injured victim and corroborating sources. Following a settlement and the victim's forgiveness, the sentence was modified to probation under the Probation of Offenders Act, 1958, contingent on the payment of Rs. 4 lakhs in compensation to the injured party.

DAYA RANI VS RAJEEV GULATI & ANR. [CRL.L.P.-346/2024]

Judges: Justice Manoj Kumar Ohri

The petitioner's request for leave to appeal against the trial court's acquittal of the accused under Section 138 of the Negotiable Instruments Act was dismissed. The accused demonstrated a credible defense through evidence of partial debt payment. The petitioner's failure to acknowledge this part-payment on the dishonored cheque under Section 56 weakened the case. The trial court's findings were deemed plausible, leading to the decision not to grant leave to appeal.

DEEPAK CHAUDHARY VS STATE NCT OF DELHI & ANR. [W.P.(CRL)-1397/2023]

Judges: Justice Manoj Kumar Ohri

The petitioner's request for a joint trial of 8 complaint cases under Section 138 of the Negotiable Instruments Act was denied due to the distinct nature of the cheques involved, constituting separate offences. An analysis of Sections 219 and 220 of the Code of Criminal Procedure clarified that while offences from the same transaction could be tried together, Section 219 limits joint trials to no more than 3 offences of the same type. Consequently, there was no basis to combine all 8 complaints, but the trial court was directed to club a maximum of 3 cases of the same kind.

DELHI TRANSPORT CORPORATION VS TATA MOTORS LIMITED [ARB. A. (COMM.)-27/2023]

Judges: Justice Manoj Kumar Ohri

The Arbitral Tribunal's order restraining Delhi Transport Corporation (DTC) from recovering KMPKG penalty from Tata Motors Limited's (TML) Annual Maintenance Charges dues was upheld. DTC's recovery actions violated a previous arbitral award declaring such recovery illegal. Arguments that TML was estopped from challenging the recovery due to the withdrawal of an earlier petition were rejected, as the withdrawal was part of a mutual arrangement. Additionally, the Arbitral Tribunal correctly did not reverse DTC's prior recoveries, since TML did not file a counter-claim for refunds. Both appeals from the parties against the Arbitral Tribunal's order were dismissed.

DHARAMVEER SINGH VS VIDYA SHREE DEVI [CRL.L.P.-31/2024]

Judges: Justice Manoj Kumar Ohri

The petitioner's request to appeal his acquittal in a Section 138 case under the Negotiable Instruments Act was dismissed. The respondent successfully rebutted the presumption by demonstrating that the cheque was stolen and supported his claim with a favorable expert report. The acquittal was considered a reasonable conclusion, and the findings were based on a proper evaluation of evidence, free from irrationality.

PAWAN VS THE STATE GOVERNMENT OF NCT OF DELHI [CRL.REV.P.-1305/2024]

Judges: Justice Manoj Kumar Ohri

The convictions of Dolly and Pawan under Section 33 of the Delhi Excise Act were set aside due to insufficient proof of recovery of illicit liquor, highlighted by discrepancies in the seizure memo and evidence regarding labels on the seized bottles. Although the presumption under Section 52 of the Excise Act applies once recovery is established, the prosecution failed to prove the recovery beyond reasonable doubt. The convictions under the Motor Vehicles Act were upheld, with acknowledgment that the sentence had already been served.

FIRST CRUSH CAFE PVT. LTD. VS SH. AMIT KUMAR GOYAL [CRL.M.C.-2702/2023]

Judges: Justice Manoj Kumar Ohri

The criminal complaint under Section 138 of the Negotiable Instruments Act was flawed and should be quashed due to discrepancies in the statutory notice, which referenced a different cheque number and was issued by Shubham Jain instead of Amit Kumar Goyal, the complainant. Additionally, there was a failure to conduct an inquiry under Section 202 of the Criminal Procedure Code before the summoning order. These defects indicated a mechanical issuance of the order, leading to its dismissal.

FIRST CRUSH CAFE PVT. LTD. VS SH. SHUBHAM JAIN [CRL.M.C.-1733/2023]

Judges: Justice Manoj Kumar Ohri

A criminal complaint under Sections 138/142 of the Negotiable Instruments Act and Section 420 IPC was found to have material defects. The statutory notice attached referred to a different cheque number and was issued by a different individual than the complainant. The summoning order was issued without proper scrutiny of these discrepancies. The complaint did not comply with the procedural requirements of Section 138 of the NI Act, leading to the setting aside of the summoning order.

GARDENIA INDIA LIMITED VS CENTRAL BUREAU OF INVESTIGATION AND ANR [W.P.(CRL)-596/2023]

Judges: Justice Manoj Kumar Ohri

The FIR against the petitioner company and its directors was quashed due to the nature of the dispute being civil and a settlement reached between the parties. A forensic audit report found no evidence of fraud, and no involvement of bank officials was established. Criminal proceedings stemming from civil disputes can be quashed when compromise diminishes the likelihood of conviction and would cause undue prejudice to the accused. The petitioners were required to make voluntary contributions to welfare funds as a condition for quashing the proceedings.

GEETA OJHA VS STATE (GOVT.) NCT OF DELHI & ANR. [CRL.M.C.-1636/2023]

Judges: Justice Manoj Kumar Ohri

The criminal complaint against the petitioner under Section 138 of the Negotiable Instruments Act was quashed due to the lack of a statutory notice to the drawer of the dishonored cheque. Liability under Section 138 applies only to the signatory of the cheque and the account holder. The petitioner, not being the signatory and without a joint account, could not be prosecuted under this section, despite any joint liability for the debt.

GITA KUMARI VS THE STATE NCT OF DELHI & ANR. & ORS. [CRL.M.C.-9405/2023]

Judges: Justice Manoj Kumar Ohri

The order setting aside the summoning of Abhay Singh was upheld, as he was correctly listed in "Column 12" due to a lack of material evidence against him. The mention of his name on the nameplate of the matrimonial house was insufficient to summon him as an accused, and the statements from the complainant and her daughter did not specifically implicate him. Consequently, the justification for dismissing the summoning order was confirmed.

HARI OM RAI VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-3548/2024]

Judges: Justice Manoj Kumar Ohri

The twin conditions under Section 45 of the Prevention of Money Laundering Act (PMLA) were satisfied. Even if they were not, bail can be granted due to violations of constitutional rights under Article 21, including the right to a speedy trial. The investigation, initiated in 2022, involved 48 accused and 527 witnesses, with the trial at an early stage and unlikely to conclude soon. Given the accused's prolonged incarceration, not attributable to him, indefinite detention under Section 45 PMLA was deemed inappropriate, leading to the decision to grant regular bail with certain conditions.

HAZI MEHRUDDIN & ORS. VS THE STATE GOVT OF NCT OF DELHI & ORS. [CRL.M.C.-7716/2023]

Judges: Justice Manoj Kumar Ohri

The Revisional Court erred by hearing the revision petition without issuing notice to the accused, violating their right to be heard. This led to the setting aside of the Revisional Court's order and a remand for fresh consideration, ensuring the accused receive the opportunity to present their case.

IQBAL AHMED VS THE STATE (NCT OF DELHI) [CRL.A.-914/2002]

Judges: Justice Manoj Kumar Ohri

Iqbal Ahmed was convicted under Sections 366, 376, and 342 of the Indian Penal Code for kidnapping, rape, and wrongful confinement. The conviction was based on the victim's testimony, the accounts of her parents, and medical evidence. The defense of 'alibi' was rejected, and the absence of physical injuries on the victim did not negate the rape charge due to her unconscious state during confinement. The appeal was dismissed, and the conviction and sentence were upheld.

IQBAL SINGH VS STATE [CRL.A.-290/2011]

Judges: Justice Manoj Kumar Ohri

The appellant's conviction for possession of forged currency notes under Section 489C IPC was upheld, but his sentence was modified to the time already served. The evidence presented, including credible testimony and the recovery of fake currency, established the appellant's guilt. Initially challenging the conviction, the appellant later sought only a sentence reduction. Considering his personal circumstances, lack of prior criminal record, and good conduct in jail, the sentence was adjusted accordingly.

ISHWAR SINGH VS VIDYA SHRI DEVI [CRL.L.P.-1/2024]

Judges: Justice Manoj Kumar Ohri

The respondent successfully rebutted the presumption under Section 139 of the Negotiable Instruments Act by claiming the cheque was stolen by an employee and was never issued by her. The FSL report confirmed that the signature on the cheque did not match the respondent's specimen signature. The petitioner did not challenge the FSL report or cross-examine the bank witness, failing to provide evidence that the cheque was issued by the respondent. As a result, the petitioner's request to appeal the order of acquittal was dismissed.

JAMES VS STATE (GOVT. OF NCT DELHI) [CRL.A.-952/2024]

Judges: Justice Manoj Kumar Ohri

The convictions of Vicky @ Deepak and James for robbery under Sections 392/34 IPC were upheld. Vicky also faced additional convictions for robbery with an attempt to cause death under Section 397 IPC and violations of the Arms Act. Reliable testimonies from the complainant and an eyewitness supported the case, despite minor discrepancies. The recovery of a stolen mobile phone and a knife from Vicky further corroborated the prosecution's claims, distinguishing the case from a referenced Supreme Court decision due to the recoveries made. Both appellants' appeals were addressed in a common judgment.

MOHD. NASIM VS STATE NCT OF DELHI [CRL.REV.P.-160/2024]

Judges: Justice Manoj Kumar Ohri

The conviction of Mohd. Nasim and Jamil under Sections 394/34 (robbery) and 411 (dishonestly receiving stolen property) of the Indian Penal Code was upheld. Despite minor contradictions in the complainant's testimony, the accused were identified as having worked at the complainant's house, and the stolen goods were recovered from them shortly after the incident. No grounds were found to interfere with the convictions and sentences imposed by lower courts, leading to the dismissal of the criminal revision petitions filed by the accused.

JASPREET SINGH VS GOVT OF NCT OF DELHI [CRL.M.C.-7469/2023]

Judges: Justice Manoj Kumar Ohri

The petition challenging the order to increase interim maintenance for the estranged wife and minor child was dismissed. The petitioner had been properly served with notices but failed to comply with directions to pay maintenance despite multiple opportunities. Evidence indicated attempts to evade payment. This case stands as a single judgment without additional opinions.

JAWED IMAM SIDDIQUI VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-1864/2024]

Judges: Justice Manoj Kumar Ohri

Jawed Imam Siddiqui was granted bail in a money laundering case involving alleged administrative irregularities by Amanatullah Khan, the former chairman of the Delhi Waqf Board. The investigation revealed no pecuniary gains for Khan, although the Enforcement Directorate claimed he laundered proceeds through property investments with associates, in which Siddiqui was allegedly involved. Due to the complexity of the case and the unlikely quick resolution, the right to a speedy trial and personal liberty was prioritized over the stringent bail conditions under the Prevention of Money Laundering Act. Bail was granted subject to certain conditions.

JITENDRA BHATI VS SANTOSH DEVI [CRL.M.C.-6863/2023]

Judges: Justice Manoj Kumar Ohri

Criminal complaints against the petitioner under Section 138 of the Negotiable Instruments Act were quashed due to the issuance of the statutory notice beyond the required 30-day period. The petitioner was not the signatory of the cheques, which were issued by the sole proprietor of the firm, and therefore could not be prosecuted under Section 138. The summoning orders in both complaint cases were set aside.

K. JEGANATHAN VS P. SAMPATH [CRL.M.C.-2713/2024]

Judges: Justice Manoj Kumar Ohri

Continuation of criminal complaints under Section 138 of the Negotiable Instruments Act is considered an abuse of process when the parties have settled their disputes through a settlement agreement and consent award. The original complaints are subsumed within the settlement and cannot be maintained. A subsequent settlement agreement gives rise to a fresh cause of action if not complied with. Two complaint cases were quashed, but the respondent retains the right to seek remedies regarding the dishonor of cheques issued under the settlement agreement.

KAMAL KASHYAP VS THE STATE GOVT OF NCT OF DELHI [CRL.REV.P.-58/2024]

Judges: Justice Manoj Kumar Ohri

Kamal Kashyap's conviction under Section 394/34 IPC for robbery was upheld based on the complainant's statement and medical evidence. The sentence was modified to nine months of rigorous imprisonment, taking into account the petitioner's medical condition and time already served, while maintaining the fine and default sentence.

KAMALJEET SINGH VS STATE NCT OF DELHI [CRL.M.C.-5540/2023]

Judges: Justice Manoj Kumar Ohri

The petitioner's challenge to the charges under Sections 323/427/34 IPC was deemed invalid. The initial non-cognizable offense does not vitiate the trial once cognizance is taken by the magistrate, unless there is a miscarriage of justice. The FIR was registered under a cognizable offense, allowing the charge-sheet to be treated as a complaint under Section 2(d) Cr.P.C.

KIRAN VERMA AND ORS VS THE STATE AND ANR [CRL.M.C.-1776/2023]

Judges: Justice Manoj Kumar Ohri

The FIR and subsequent criminal proceedings against Kiran Verma, Divanshu Verma, Gridhar Lal Nischal, Vinti Diwan, and Amit Diwan were quashed due to general and non-specific allegations lacking details on the nature, date, time, and month of the alleged incidents. Continuation of the proceedings would lead to significant injustice, qualifying the case for quashing under Section 482 Cr.P.C.

KRISHAN GOPAL YADAV & ORS. VS THE STATE GNCT, DELHI & ANR. [CRL.M.C.-3820/2023]

Judges: Justice Manoj Kumar Ohri

The petition filed by the in-laws challenged the framing of charges under Sections 498A/34 IPC and Section 509 IPC. The allegations made by the wife were general and lacked specific details about demands or harassment incidents. The absence of material allegations led to the quashing of the charges against the petitioners.

KUNWARPAL VS STATE THROUGH SHO, P.S. SPECIAL CELL [CRL.M.C.-6586/2023]

Judges: Justice Manoj Kumar Ohri

The proceedings against Kunwarpal, charged under Sections 21 and 29 of the NDPS Act, have been quashed. The evidence, mainly call detail records showing connectivity with a co-accused, did not establish "grave suspicion" necessary for framing charges. Disclosure statements and secret information did not implicate Kunwarpal, and no recovery was made from him during apprehension. Mere CDR connectivity without incriminating conversations is insufficient for establishing a strong case, leading to the conclusion that continuing the proceedings would be an abuse of legal process.

LAL MOHAMMAD VS STATE [CRL.A.-78/2024]

Judges: Justice Manoj Kumar Ohri

The conviction of the appellant for attempt to murder under Section 307 IPC and under the Arms Act was upheld based on eye-witness testimonies and medical evidence detailing injuries inflicted on vital parts of the victim's body with a sharp weapon. Evidence was deemed sufficient to demonstrate the accused's intention to kill, with established precedent indicating that intent can be inferred from circumstances regardless of the non-fatal nature of the injuries. Arguments about contradictions in prosecution evidence and claims of assumptions were rejected.

LALLAN PRASAD SONKAR VS STATE NCT OF DELHI [CRL.A.-1088/2024]

Judges: Justice Manoj Kumar Ohri

The appellant was convicted under Section 308 IPC for causing grievous injuries to the victim, with sufficient evidence including the victim's testimony and medical reports indicating intent or knowledge of culpable homicide. Mitigating factors, such as the appellant's background as a poor rickshaw puller and sole breadwinner, led to a modification of the sentence to the duration already served, totaling approximately 2 years, 3 months, and 27 days.

M/S APEKSHA INTERNATIONAL & ANR. VS EMPLOYEE STATE INSURANCE CORPORATION [CRL.M.C.-314/2023]

Judges: Justice Manoj Kumar Ohri

Petitions by Apeksha International to quash criminal complaints under the Employees' State Insurance (ESI) Act were dismissed. Employers are required to insure and register employees within 10 days of employment. Disputes regarding the timely registration of deceased employees constitute factual issues to be resolved at trial. The petitioners' reliance on an inapplicable Supreme Court decision was rejected. Criminal complaints under the ESI Act were deemed maintainable and not subject to quashing at this stage.

M/S GLAZEBROOKE TRADING PRIVATE LIMITED VS M/S ORBIS TRUSTEESHIP SERVICES PRIVATE LIMITED & ANR. [CRL.M.C.-6062/2024]

Judges: Justice Manoj Kumar Ohri

The complaint filed against the company and its directors under Section 138 of the Negotiable Instruments Act was deemed time-barred. Service of the demand notice on the company was sufficient for the directors, starting the limitation period on 11.03.2022. The one-month limitation for filing the complaint expired on 27.04.2022, but the complaint was filed on 28.04.2022, one day late. The complainant did not submit an application for condonation of the delay as required. Consequently, the criminal complaint was quashed and the order taking cognizance was set aside.

M/S KELTECH INFRASTRUCTRUE LTD VS MS DEEPA CHAWLA [CRL.M.C.-8385/2023]

Judges: Justice Manoj Kumar Ohri

The concurrent findings of the lower courts resulted in the dismissal of revision petitions filed by M/s Keltech Infrastructure Ltd. and its director, Narinder Kumar, regarding their conviction under Section 138 and Section 141 of the Negotiable Instruments Act, 1881. Arguments claiming that the power of attorney holder could not substantiate the complaint and that the presumption under Section 139 of the NI Act was successfully rebutted were rejected. The power of attorney holder had knowledge of the transaction and could testify on behalf of the complainant. The petitioners did not present sufficient evidence to counter the presumption, leading to the dismissal of the petitions.

M/S MAGNUM RESOURCES PVT LTD VS M/S INDIA SEWING MACHINE COMPANY & ANR. [CRL.M.C.-8172/2023]

Judges: Justice Manoj Kumar Ohri

The trial court's order allowing the respondents to summon additional witnesses under Section 311 Cr.P.C. in a Section 138 Negotiable Instruments Act case was upheld. The respondents raised a defense regarding the absence of a legally enforceable debt from the case's inception, and the proposed witnesses were expected to support this defense. The decision by the trial court to summon these witnesses aimed to determine the truth and ensure a just outcome. The petition from the complainant was dismissed.

M/S SQUIRREL DESIGN HOUSE AND ORS VS VIVEK KUMAR TRIPATHI [CRL.M.C.-5269/2023]

Judges: Justice Manoj Kumar Ohri

The criminal complaint filed under Section 138 of the Negotiable Instruments Act against the partners of a partnership firm was deemed defective because the partnership firm was not included as an accused. The liability of the partners is vicarious, necessitating the firm's involvement in the complaint. Additionally, the demand notice was issued only to the partners, not the firm, constituting a material defect. Consequently, the complaint against the partners was quashed.

M/S T.G. BUILDWELL PVT. LTD.AND ORS. & ORS. VS M/S AGARWAL AGENCIES PVT. LTD [CRL.M.C.-7043/2023]

Judges: Justice Manoj Kumar Ohri

The criminal complaint filed by M/s Agarwal Agencies Pvt. Ltd. against M/s T.G. Buildwell Pvt. Ltd. was quashed, as the dispute was determined to be civil and not an offence of cheating under Section 420 IPC. The absence of any dishonest intention at the inception of the agreement was noted, along with the fact that the petitioner company refunded over three times the invested amount. Consequently, the complaint and the summoning order were set aside.

MAHAMAYA INFRABUILD PVT. LTD. VS EARTHCON CONSTRUCTIONS PVT. LTD. [OMP (ENF.) (COMM.)-142/2018]

Judges: Justice Manoj Kumar Ohri

The consent award between the parties did not impose an automatic liability on the Judgment Debtor (JD) to pay the sums claimed by the Decree Holder (DH), despite the JD's missed payment deadlines. The award specified that non-payment would only lead to the revival of abandoned arbitral proceedings. Consequently, the consent award was not enforced, and the DH's execution petition was dismissed, affirming the JD's interpretation that there was no automatic monetary liability from the consent award.

MAHESH VS THE STATE, NCT OF DELHI [CRL.A.-920/2001]

Judges: Justice Manoj Kumar Ohri

The appellant's conviction under Section 363 of the Indian Penal Code for kidnapping was upheld, with the sentence modified to the period already served. The victim's, her parents', and sister's testimonies were deemed credible in proving the kidnapping, despite delays in identifying the appellant. The appellant was acquitted of the rape charge under Section 376 IPC, which was not contested by the state.

MANEESH TRIVEDI VS PALLAVI TRIVEDI [CRL.REV.P.-239/2024]

Judges: Justice Manoj Kumar Ohri

The criminal revision petition by Maneesh Trivedi challenging the family court's grant of Rs. 40,000 monthly maintenance for his minor son was dismissed. The family court's decision adhered to established legal principles, and Maneesh Trivedi did not cross-examine the respondent or provide evidence, leaving her testimony unchallenged. Maintenance proceedings under Section 125 Cr.P.C. are summary in nature, allowing allegations of cruelty to be assessed without requiring proof beyond doubt. The denial of maintenance to the respondent wife was not contested, leading to the dismissal of the petition and the disposal of pending applications as unnecessary.

MANOJ KUMAR VS STATE [CRL.A.-248/2002]

Judges: Justice Manoj Kumar Ohri

The appellant's conviction for offenses under Sections 451, 393, and 398 of the Indian Penal Code was upheld. Discrepancies in prosecution witness testimonies were deemed minor and not detrimental to their credibility. The appellant's request for release on probation was granted under the Probation of Offenders Act, allowing for probation despite a minimum sentence requirement, contingent on entering a bond with two sureties to maintain peace and good behavior for the remainder of the sentence. Failure to comply may result in serving the sentence.

MEGHA JAIN VS STATE GOVT. OF NCT OF DELHI [CRL.M.C.-7985/2024]

Judges: Justice Manoj Kumar Ohri

Megha Jain was not liable under Section 25 of the Arms Act for a live cartridge found in her mother-in-law's baggage at the airport. The requirement for an offense under the Arms Act includes intention, consciousness, or knowledge of possession. Previous decisions established that "unconscious possession" does not constitute an offense. Based on the circumstances, Megha Jain's possession did not amount to "conscious possession," leading to the conclusion that continuing criminal proceedings against her would be an abuse of process. The FIR and subsequent proceedings were quashed.

MICROMAX INFORMATICS LIMITED VS M/S WAVE MOBILES [CRL.L.P.-67/2024]

Judges: Justice Manoj Kumar Ohri

The petitioner's application for leave to appeal against the respondent's acquittal was dismissed. The respondent successfully rebutted the presumption under Section 139 of the Negotiable Instruments Act by demonstrating that the cheque was given as security, not to discharge a debt. The trial court's finding of a probable defense raised doubt about a legally enforceable debt, deemed possible and plausible. A decision of acquittal reinforces the presumption of innocence, supporting the trial court's view.

MOHAMMAD HANEEF MOHAMMAD ISHAQUE VS STATE OF NCT DELHI THROUGH ACP SOUTH EAST [BAIL APPLN.-2385/2024]

Judges: Justice Manoj Kumar Ohri

Mohammad Haneef Mohammad Ishaque was granted regular bail after his name appeared in the case 22 days post-FIR registration, with initial police statements not implicating him. To prove an offence under Section 153-A IPC, intent to promote enmity or hatred must be established based on a reasonable person's standards. Concerns were raised regarding the service of a proclamation declaring him a Proclaimed Offender. Taking into account the circumstances, including the bail status of co-accused, bail was granted subject to conditions.

MOHD NASIR AND ORS. VS THE STATE GOVT. OF NCT OF DELHI [CRL.A.-112/2024]

Judges: Justice Manoj Kumar Ohri

The appellants were convicted under Sections 308, 326, and 34 of the Indian Penal Code based on the convincing testimonies of injured witnesses, supported by medical evidence and surrounding circumstances indicating deliberation and aggravation. The non-recovery of the weapon used did not undermine the prosecution's case, as such recovery is not essential for conviction. The appeal was dismissed, and the conviction and sentence were upheld.

MR PALLAV SINGHAL VS BANSAL TRADING COMPANY THROUGH PARTNER, MR DK AGGARWAL [CRL.M.C.-576/2023]

Judges: Justice Manoj Kumar Ohri

The offense under Section 138 of the Negotiable Instruments Act, 1881 is complete when three specified conditions are met. The petitioner paid the full amount of the dishonored cheque (Rs. 25,000) within 15 days of receiving the legal notice, satisfying the third condition. The respondent's claim that the payment was for another liability was not upheld. Payment of the dishonored cheque extinguished the liability, leading to the quashing of the complaint case against the petitioner and the setting aside of the summoning order.

MR PRATHAM AND ORS VS GOVT OF NCT OF DELHI AND ANR [CRL.M.C.-7230/2023]

Judges: Justice Manoj Kumar Ohri

The petition to quash a criminal complaint and maintenance case was dismissed. The appellants' reliance on a private handwritten "divorce deed" did not provide sufficient grounds for interference. The authenticity and genuineness of the documents can be tested in the concerned court. The material presented did not establish an irrefutable conclusion of innocence.

MR. RAM KISHOR ARORA VS DIRECTORATE OF ENFORCEMENT & ANR. [CRL.M.C.-8579/2023]

Judges: Justice Manoj Kumar Ohri

The petition for default bail under Section 167(2) of the Cr.P.C. was dismissed because the complaint against the petitioner was filed within the 60-day period. The right to default bail ceases once a complaint is filed, regardless of ongoing investigations. An incomplete investigation or pending FSL report does not grant entitlement to default bail.

MRS SANTOSH RANI DHARIWAL VS STATE (GOVT. OF NCT OF DELHI) AND ANR. [CRL.M.C.-6017/2023]
Judges: Justice Manoj Kumar Ohri
A petition to set aside a summoning order related to a dishonored cheque under Section 138 of the Negotiable Instruments Act was examined. The petitioner, a guarantor for her husband's loan, issued a cheque to cover any debt arising from that agreement. "Other liability" in Section 138 includes guarantor liabilities, allowing for a broad interpretation of the cheque's issuance. The presence of a legal notice and the cheque's dishonor met the necessary conditions for proceeding. Arguments regarding the necessity of the husband being a party to the proceedings were unpersuasive. The petition was dismissed, affirming the legality of actions against the petitioner.

MS. MAMTA TUSHAR CHAUDHARY VS STATE OF DELHI (GOVT. OF NCT) [CRL.M.C.-272/2023]
Judges: Justice Manoj Kumar Ohri
The petitioner was not held liable under Section 25 of the Arms Act for ammunition found in her baggage, as she plausibly explained that it belonged to her deceased father-in-law and she was unaware of its presence. Possession under the Arms Act requires a mental state of intention, consciousness, or knowledge, meaning mere physical custody without such mental state does not constitute an offense. The FIR and proceedings against the petitioner were quashed.

MURLI MANOHAR VS PRIYANKA PANCHARIYA & ANR. [CRL.M.C.-304/2023]
Judges: Justice Manoj Kumar Ohri
The Family Court's order required Murli Manohar to pay Priyanka Panchariya an interim maintenance of Rs. 10,000 per month. The assessment of his monthly income, based on income tax returns indicating a gross income of approximately Rs. 1.95 to 3.07 lakhs, was deemed reasonable. Separate petitions were filed by both parties regarding the interim maintenance, and a common order was issued without dissenting opinions.

NARESH ARYA VS SAVITRI KUKREJA [CRL.M.C.-8435/2023]
Judges: Justice Manoj Kumar Ohri
Naresh Arya's petition challenging the order to pay interim compensation of 15% of the cheque amount to Savitri Kukreja under Section 143A of the Negotiable Instruments Act was dismissed. Arya admitted to issuing the dishonored cheques and executing the sale deed, while Kukreja established a prima facie case in her favor. The decision to direct interim compensation was deemed appropriate.

NEELAM INDIA PVT. LTD. & ORS. VS THE INVESTIGATING OFFICER POLICE STATION LAHORI GATE & ANR. [CRL.M.C.-2853/2013]
Judges: Justice Manoj Kumar Ohri
The petitioners' plea to quash the FIR and criminal proceedings has been dismissed. Multiple witness statements indicate a case against the petitioners for allegedly hiding bags of husk behind pledged Guargum seeds to defraud a bank. The analysis of evidence cannot be conducted at this stage, and the credibility of the allegations will be assessed at trial. Grounds raised by the petitioners, such as lack of privity of contract and incomplete investigation, will be considered during the trial. The FIR and criminal proceedings will continue, as they are not deemed frivolous or malicious.

NEETA GUPTA VS SUMAN ANAND [CRL.M.C.-2067/2023]
Judges: Justice Manoj Kumar Ohri
The criminal complaint against the petitioner under Section 138 of the Negotiable Instruments Act was quashed because the cheque was signed only by her late husband, despite the account being jointly held. It was established that a joint account-holder cannot be prosecuted unless all account-holders sign the cheque.

NIKHAT PARVEEN@KHUSBOO KHATUN VS RAFIQUE@SILLU [CRL.M.C.-2987/2024]

Judges: Justice Manoj Kumar Ohri

The petition by Nikhat Parveen @ Khusboo Khatun challenging the trial court's decision to allow Rafique @ Sillu to submit previously unexhibited documents was dismissed. The provisions of Section 311 of the Code of Criminal Procedure permit the introduction of additional evidence independently of the finality of judgments under Section 362. The trial court's action did not constitute a review of its earlier decision, as cross-examination had not yet begun. No grounds existed to interfere with the trial court's order or the appellate court's dismissal of the petitioner's appeal.

NIPUN PADHA VS S S TECHNO MARKETING PVT. LTD. [CRL.M.C.-4187/2023]

Judges: Justice Manoj Kumar Ohri

The criminal complaint against Nipun Padha under Section 138 of the Negotiable Instruments Act was quashed. The mere mention of Padha as a director did not establish liability, as only directors responsible for daily affairs can be held accountable. The company, M/s Basic Comtech Private Limited, was not included as an accused party, which is mandatory. Additionally, required conditions for a complaint under Section 138, such as timely presentation of the cheque, issuance of a demand notice, and failure to pay within 15 days, were not satisfied. Since Padha was not a director at the time of the cheque issuance and the legal prerequisites for the complaint were unmet, the complaint was dismissed.

NIRMALJEET KAUR VS STATE OF NCT OF DELHI [CRL.M.C.-4837/2023]

Judges: Justice Manoj Kumar Ohri

The petitioner's plea to quash the FIR under Section 21 of the POCSO Act was dismissed due to her failure to report an incident of sexual harassment immediately. Filing the complaint only after being directed by school authorities was seen as a violation of the mandatory reporting requirement. This delay undermines the POCSO Act's objective of protecting children from sexual offenses. The petitioner's reliance on a previous judgment concerning delayed reporting was rejected as the current situation involved non-compliance.

OMBIR VS AYUSH GOEL [CRL.L.P.-27/2024]

Judges: Justice Manoj Kumar Ohri

The petition seeking leave to appeal against the acquittal of the respondent in a cheque dishonor case under Section 138 of the Negotiable Instruments Act was dismissed. Acquittal enhances the presumption of innocence, and reversal is warranted only if the trial court's conclusions are found to be manifestly unjust or unreasonable. The evidence and reasoning presented by the trial court were reviewed, revealing no errors or perversity in its judgment. The petitioner did not establish a case for appeal.

P VS THE STATE (GOVT. OF NCT OF DELHI) [CRL.A.-13/2024]

Judges: Justice Manoj Kumar Ohri

The trial court acquitted the accused of charges under Sections 354/323 IPC and Sections 8/21 POCSO Act for alleged sexual assault on a minor. The decision was based on discrepancies in the prosecution's case, including delayed reporting of the incident and absence of medical evidence. The appellate review indicated no grounds for interfering with the acquittal.

PANKAJ GOEL VS STATE OF DELHI & ANR. [CRL.M.C.-2399/2023]

Judges: Justice Manoj Kumar Ohri

The continuation of the criminal complaint under Section 138 of the Negotiable Instruments Act against the director is not maintainable because the company, from which the dishonored cheques were issued, was not included as an accused, and no demand notice was sent to the company. The liability of a director is vicarious under Section 141 of the NI Act, necessitating the company's inclusion for liability to apply. Therefore, the criminal complaint and summoning order against the director are quashed.

PANKAJ KUMAR VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-3269/2024]

Judges: Justice Manoj Kumar Ohri

Pankaj Kumar Tiwari and Pankaj Kumar were granted bail in a money laundering case linked to Bhushan Steel Limited. Serious allegations existed, but the lengthy delay in starting the trial and their extended custody warranted their release. The constitutional right to liberty and a speedy trial was deemed more important than statutory restrictions under the Prevention of Money Laundering Act since the trial delay was not their fault. Bail was granted with specific conditions, noting that the main accused and other co-accused had already been released on bail.

PANKAJ RAHEJA VS KIARA (MINOR) THROUGH HER MOTHER NATURAL GUARDIAN SMT NITIKA KATHURIA [CRL.REV.P.-240/2024]

Judges: Justice Manoj Kumar Ohri

The petition by Pankaj Raheja to set aside a Family Court order for interim maintenance of Rs. 35,000 per month for his minor child, Kiara, was dismissed. The analysis revealed Raheja's monthly income of approximately Rs. 1.5 lakhs, granting one-third of this amount for Kiara's maintenance needs, including medical treatment for autism.

PAWAN GUPTA VS SANJEEV MAHAJAN AND ANR. [CRL.L.P.-576/2024]

Judges: Justice Manoj Kumar Ohri

The leave petition challenging the acquittal of Sanjeev Mahajan for offences under Sections 323, 406, and 506 Part II of the Indian Penal Code was dismissed. The trial court's findings were deemed reasonable, and the petitioner was unable to establish his case beyond reasonable doubt. There were no grounds to grant leave to appeal the trial court's order, reinforcing the presumption of innocence for the respondent.

PAWAN KANT VS DIRECTORATE OF REVENUE INTELLIGENCE [CRL.M.C.-7919/2023]

Judges: Justice Manoj Kumar Ohri

The criminal complaint against Pawan Kant Munjal is not tenable as prior adjudication established he was not the 'beneficial owner' of the seized foreign currency. The CESTAT order exonerating him was based on merits, upheld by higher courts. Continuing the criminal complaint, based on the same established facts in Munjal's favor, would constitute an abuse of process, leading to the quashing of the complaint and the summoning order.

PAWAN SINGHAL VS STEEL INDIA CORPORATION & ORS. [CRL.M.C.-738/2023]

Judges: Justice Manoj Kumar Ohri

The criminal complaint against Pawan Singhal under Section 138 read with Section 141 of the Negotiable Instruments Act was quashed. Singhal had resigned as a non-executive additional director seven months before the alleged dishonor of cheques. The complaint lacked specific allegations regarding his responsibility for the company's business at the time of the offense, which would make its continuation an abuse of process.

PRANKUR MISHRA VS STATE NCT OF DELHI & ANR. [CRL.REV.P.-7/2024]

Judges: Justice Manoj Kumar Ohri

The order framing charges against the petitioner under Section 308 of the Indian Penal Code was upheld. The petitioner's arguments, including lack of mention in the FIR, the nature of injuries being simple, and non-seizure of weapons, were rejected. The intention and knowledge of the accused were deemed relevant factors. The limited scope for interference at the charge-framing stage was noted, with no grounds found for interference with the trial court's order. The petition was dismissed.

PRIYANKA GUPTA VS STATE OF NCT OF DELHI & ORS. & ORS. [CRL.M.C.-4408/2023]

Judges: Justice Manoj Kumar Ohri

The petition by Priyanka Gupta was dismissed as the Magistrate appropriately exercised discretion in rejecting her application for police investigation under Section 156(3) CrPC, given that she already possessed the necessary documents. The Magistrate opted to proceed under Section 200 CrPC instead of directing an FIR registration. Orders were issued after thorough consideration of the facts, with no evidence of infirmity or material that could only be obtained through a police investigation presented by the petitioner.

RAHUL VIJAYVARGIA VS THE STATE OF DELHI AND ORS. [CRL.M.C.-2654/2023]

Judges: Justice Manoj Kumar Ohri

The criminal complaint against the petitioner under Section 138 of the Negotiable Instruments Act was quashed. The petitioner, an Additional Independent Non-Executive Director of the accused company, could not be held vicariously liable for the dishonor of cheques due to a lack of specific allegations about his involvement in the company's operations at that time. The petitioner had resigned from the board before the cheques were dishonored, making the continuation of the complaint an abuse of the process of law.

RAJ KUMAR VS STATE [CRL.A.-191/2002]

Judges: Justice Manoj Kumar Ohri

The conviction of the appellant under Sections 304B and 498A IPC was set aside due to insufficient evidence. The prosecution failed to prove the alleged incidents of the appellant hitting the deceased with an iron press and demanding Rs. 10,000. Material contradictions and inconsistencies in the testimonies of the deceased's brothers, along with hearsay knowledge of the first incident, undermined the case. The prosecution did not establish the necessary elements of the charged offences.

RAJA RAM VS SH PAWAN KUMAR VERMA [CRL.M.C.-1189/2023]

Judges: Justice Manoj Kumar Ohri

The petitioner's application under Section 311 of the Criminal Procedure Code was allowed for the admission of documents, including an interrogation report and bank statements. These documents were considered relevant to the case, and their inclusion would not harm the trial. The focus was on uncovering the truth and ensuring a just outcome, allowing the petitioner to present additional evidence.

RAJAN DUTTA VS THE STATE OF NCT OF DELHI THROUGH SHO PS HAZRAT NIZAMUDDIN & ANR. [CRL.M.C.-4181/2023]

Judges: Justice Manoj Kumar Ohri

The petition to quash an FIR under Sections 354, 509, and 506 IPC, later supplemented by Sections 323 and 452 IPC, was dismissed. The initial complaint, the complainant's statement under Section 164 CrPC, and corroborative medical evidence supported the allegations of assault and outraging modesty. A prima facie case was established, and arguments regarding the absurdity of the allegations and claims of malafide intent were rejected. Observations made do not influence the trial.

RAJEEV @ SONU & ANR. VS STATE OF DELHI [CRL.A.-759/2002]

Judges: Justice Manoj Kumar Ohri

The appellant was convicted under Section 397 IPC for robbery with an attempt to cause grievous hurt and received a 7-year sentence. Arguments regarding the reliability of the complainant's identification and the non-recovery of the weapon were rejected. The complainant's testimony was deemed reliable, supported by the recovery of stolen items. Precedents confirmed that weapon recovery is not essential for proving an offense under Section 397 IPC. The appeal was dismissed, and the appellant's bail bonds were cancelled.

RAJESH JAIN VS THE STATE OF NCT OF DELHI AND ANR. [CRL.REV.P.-140/2024]

Judges: Justice Manoj Kumar Ohri

The revision petition filed by Rajesh Jain was dismissed regarding the order that allowed the complainant's application under Section 148 of the Negotiable Instruments Act, requiring the petitioner to pay 20% of the fine/compensation. The amended Section 148 allows for a discretionary deposit condition, which can be waived if deemed unjust. However, Rajesh Jain did not demonstrate an exceptional case for the waiver of the deposit condition.

RAKESH SABHARWAL AND ANR. VS STATE AND ANR. [CRL.M.C.-2333/2023]

Judges: Justice Manoj Kumar Ohri

The findings noted prima facie evidence of forgery in a will dated 22.02.2010, as the signatures differed from the deceased's admitted signatures and a witness claimed to be out of the country on the execution date. No grounds were found to challenge the decision allowing an investigation into the alleged forgery.

SUBHASH CHAND VS C.B.I. [CRL.A.-796/2002]

Judges: Justice Manoj Kumar Ohri

The appeals of Ram Dutt Tyagi and Subhash Chand were allowed, and their conviction under Sections 120B IPC and the Prevention of Corruption Act was set aside. The prosecution did not prove the demand for a bribe beyond reasonable doubt, a key fact in the case. The evidence presented included contradictions in the complainant's testimony and the absence of crucial witnesses. As a result, the case against the appellants was not established beyond reasonable doubt, leading to their acquittal.

RAM SINGH VS STATE [CRL.A.-653/2002]

Judges: Justice Manoj Kumar Ohri

The conviction of the appellant under Sections 120B IPC and the Prevention of Corruption Act was set aside due to a lack of conclusive evidence showing the appellant demanded or accepted illegal gratification. Testimonies did not indicate any specific demands or acceptance of bribes by the appellant, and the act of a co-accused passing bribe money was insufficient to establish an offense. The appeal was allowed, resulting in the discharge of the appellant's bail bonds.

RASHMI GOYAL VS M/S MAHALAXMI FABRICS [CRL.M.C.-2129/2023]

Judges: Justice Manoj Kumar Ohri

The petitioner, appointed as a company secretary in the accused company, cannot be held vicariously liable under Section 141 of the Negotiable Instruments Act for the company's offenses. The necessary averments for implicating the petitioner under Section 141(1) or 141(2) were absent in the criminal complaints, leading to the quashing of the complaints filed against the petitioner under Section 138 read with Section 141 of the Act.

RINKU SAINI VS STATE NCT OF DELHI [CRL.A.-550/2024]

Judges: Justice Manoj Kumar Ohri

Rinku Saini's conviction under Sections 307/34 of the IPC for attempt to murder was set aside due to lack of evidence for a common intention to cause grievous hurt. The conviction was modified to Section 323 IPC for voluntarily causing hurt, with a sentence of 6 months and 7 days already served. Although Saini was at the scene and held the victim during the assault, there was no evidence of prior knowledge or intention regarding the co-accused's use of a knife, nor any exhortation to the co-accused during the attack.

RUBY GAUTAM & ORS. VS DR SHIV RAM SINGH & ANR. [CRL.M.C.-6318/2023]

Judges: Justice Manoj Kumar Ohri

The interim maintenance of Rs. 30,000 per month for two minor daughters in a domestic violence case was upheld. The combined net income of the respondent and petitioner mother justified this amount. While income figures were disputed, considerations from income tax records and salary slips supported the maintenance decision. Any contrary evidence presented during the trial may lead to adjustments in the maintenance amount.

SADHU CHARAN DATTA VS THE DELHI SAFE DEPOSIT CO LTD [CRL.M.C.-4643/2023]

Judges: Justice Manoj Kumar Ohri

The petition filed by Sadhu Charan Datta was allowed, and the criminal complaint against him under Section 138 read with Sections 141 and 142 of the Negotiable Instruments Act was quashed. The complaint lacked sufficient allegations to establish vicarious liability, as mere directorship does not imply responsibility for the daily affairs of the company. Evidence showed that Datta had resigned as a director before the relevant events, and continuing the proceedings against him would constitute an abuse of the process of law.

SAMARTH SHARMA VS STATE & ANR. [CRL.M.C.-7536/2023]

Judges: Justice Manoj Kumar Ohri

The petition seeking to quash the summoning order in a complaint case under Section 138 of the Negotiable Instruments Act was dismissed. The issue of whether the cheque was issued as security or to discharge a debt is a disputed question of fact that requires evidence during trial. The petitioner failed to present substantial evidence to demonstrate that the offence under Section 138 is not established.

SANJAY BABU RINKU VS THE STATE GOVT OF NCT DELHI & ANR. [CRL.M.C.-7363/2023]

Judges: Justice Manoj Kumar Ohri

Serious offences like rape cannot be quashed solely based on a settlement between parties, but quashing is possible in appropriate cases. In this matter, the marriage between the parties after the FIR and the complainant's no-objection led to the decision to quash the FIR under Section 376(2)(n)/354/323/506 IPC. The resolution highlights that decisions depend on the specific facts of each case.

SANJAY KUMAR GAUR & ANR. VS STATE GNCT OF DELHI & ORS. [CRL.M.C.-2191/2023]

Judges: Justice Manoj Kumar Ohri

The application under Section 156(3) of the Criminal Procedure Code was dismissed because the dispute was deemed civil in nature, and the petitioners had access to necessary evidence. It was established that the power under Section 156(3) should be used judiciously, particularly when allegations are not serious and evidence is available to the complainant. No issues were identified with the lower court's order.

SATISH KUMAR VS STATE [CRL.A.-290/2009]

Judges: Justice Manoj Kumar Ohri

Satish Kumar was convicted of house-trespass, rape, and criminal intimidation. The credibility of the prosecutrix's testimony was affirmed despite minor inconsistencies, establishing that corroboration is not always necessary in sexual offence cases. Initially sentenced to rigorous imprisonment, his sentence was modified to the time already served, taking into account the passage of time, his young age during the incident, and satisfactory jail conduct. The sentence was reduced below the minimum prescribed due to "adequate and special reasons" under Section 376 IPC.

SAURABH KASHYAP VS SUNIL GOSWAMI [CRL.M.C.-153/2023]

Judges: Justice Manoj Kumar Ohri

The criminal complaint under Sections 138 and 142 of the Negotiable Instruments Act was quashed due to its defectiveness, as the company that issued the dishonored cheque was not named as an accused. It was noted that when a cheque is issued by a company, the company must be included in the proceedings, and only the authorized signatory can be held vicariously liable. The failure to include the company rendered the complaint fatally defective, leading to its quashing and the cancellation of the summoning order against the petitioner.

SHAHID VS STATE OF NCT OF DELHI & ANR. [CRL.REV.P.-336/2024]

Judges: Justice Manoj Kumar Ohri

Shahid was convicted for theft under Sections 379/34 of the Indian Penal Code for pick-pocketing a mobile phone from the complainant. The conviction was upheld, but the sentence was modified to the time already served, approximately 3 months and 11 days, with a requirement to pay a fine of Rs. 7,000 before the trial court.

SHRI BHAGWAN YADAV VS ADARSH KHANDELWAL [CRL.L.P.-392/2024]

Judges: Justice Manoj Kumar Ohri

The judgment of acquittal in a case under Section 138 of the Negotiable Instruments Act was upheld due to the complainant's failure to substantiate a loan transaction of R.S. 41 lakhs and to demonstrate financial capacity to provide such a loan. The case was deemed improbable, and the accused successfully rebutted the presumption under Section 139 of the Act. The appellate court's decision presented a plausible view, leading to the refusal to grant leave to appeal.

SHRI CHANDRAJIT SAHA VS SHRI VIJAY KHANNA [CRL.M.C.-3541/2023]

Judges: Justice Manoj Kumar Ohri

A complaint case against the petitioner under Sections 138/142 read with Section 117 of the Negotiable Instruments Act is not maintainable. A part-payment of Rs. 7,50,000 made after the cheque was drawn but before its encashment was not endorsed on the cheque for the full amount of Rs. 22,40,000. This lack of endorsement means the cheque did not represent a legally enforceable debt at the time of presentation, preventing the offense under Section 138 from being applicable. The complaint case and summoning order against the petitioner were quashed.

SHYAM SUNDER VS STATE NCT OF DELHI [CRL.A.-542/2011]

Judges: Justice Manoj Kumar Ohri

The appellant, initially convicted under Sections 186, 353, and 307 of the Indian Penal Code, lacked the necessary intent for a conviction under Section 307. The actions were more appropriately classified under Section 308 for culpable homicide not amounting to murder. The conviction was modified to Sections 186, 353, and 308 IPC, and the sentence was reduced to the period already served.

SIVANKUTTY & ORS. VS P. K PATRA [CRL.M.C.-1319/2023]

Judges: Justice Manoj Kumar Ohri

The period of limitation for taking cognizance of an offence is calculated based on the offences alleged in the complaint, not the offences for which the accused are ultimately summoned. A diligent complainant should not be penalized for delays caused by the court. Since the complaint alleged an offence under Section 452 IPC, punishable with up to 7 years' imprisonment and with no limitation period prescribed, the complaint was considered not time-barred.

SMT MAYA TYAGI VS MR. SIMMER SAHNI [CRL.M.C.-169/2023]

Judges: Justice Manoj Kumar Ohri

The criminal complaint against the petitioner under Section 138 of the Negotiable Instruments Act was quashed on the grounds that the necessary statutory notice was not issued and the dishonored cheques were signed solely by the co-accused, not the petitioner. Since the petitioner was not a signatory to the cheques, prosecution under Section 138 was not applicable, even with joint liability for the debt.

SMT. SANTOSH DEVI VS THE STATE NCT OF DELHI AND ORS. [CRL.M.C.-317/2024]

Judges: Justice Manoj Kumar Ohri

Smt. Santosh Devi's petition to club two complaint cases (Nos. 9213/2019 and 9214/2019) was allowed. The earlier complaints against Jitendra Bhati had been quashed. The analysis of Sections 219 and 220 of the CrPC, along with the "same transaction" concept, indicated that the complaints, concerning three cheques issued within two months for a common liability, warranted consolidation to save judicial time and facilitate effective arguments.

STATE NCT OF DELHI VS PARGUN & ANR. [CRL.REV.P.-344/2024]

Judges: Justice Manoj Kumar Ohri

The revision petition by the State regarding the lower court's refusal to take cognizance of a chargesheet was dismissed. The offense under Section 188 IPC has a maximum punishment of 6 months imprisonment, and the limitation period for taking cognizance is 1 year. The chargesheet was filed approximately 1 year and 6 months after the offense, exceeding the limitation period, which led to the upholding of the lower court's order.

STATE VS RAMESH @ BENGALI [CRL.A.-870/2011]

Judges: Justice Manoj Kumar Ohri

The acquittal of Ramesh @ Bengali on charges of attempted robbery under Sections 393/398 IPC was upheld due to a weak prosecution case. Key elements, such as the movement of the subject property, were not proven. Witness testimony and lack of material recoveries failed to establish his involvement. The respondent's refusal to participate in the Test Identification Parade was deemed justified since the complainant had previously seen him at the police station. The appeal against the acquittal was dismissed, reinforcing the presumption of innocence.

SUGANDHA SHARMA DIRECTOR OF M S AL SAPPHIRE VS M S SHIV SHAKTI FLOAT GLASSES PVT LTD THROUGH ITS AR SHYAM SAXENA [CRL.M.C.-2169/2024]

Judges: Justice Manoj Kumar Ohri

The summoning order against Sugandha Sharma, accused in a Section 138 complaint under the Negotiable Instruments Act, was quashed due to the lack of necessary allegations for vicarious liability. The complaint did not establish that she was in charge of the company's day-to-day affairs or responsible for its conduct, as required. Additionally, the cheques were not signed by her, leading to the conclusion that her mere status as a Director did not suffice for liability.

SUMAN ARORA VS B C GUPTA HUF [CRL.M.C.-2034/2024]

Judges: Justice Manoj Kumar Ohri

The petition by director Suman Arora to quash a complaint under Section 138 read with Section 141 of the Negotiable Instruments Act was dismissed. The complaint adequately alleged that she was in charge of and responsible for the company's business at the relevant time, meeting the criteria for vicarious liability. To succeed in quashing the complaint, she needed to present strong evidence proving her lack of involvement in the cheque's issuance.

SUNDER SINGH BISHT VS THE STATE GOVT OF NCT OF DELHI [CRL.M.C.-9628/2024]

Judges: Justice Manoj Kumar Ohri

The petitioner's application for re-examination of the child victim after a 5-year delay was dismissed due to the trial nearing completion. The victim had already been examined and cross-examined twice, and the belated application was deemed an abuse of the process of law, undermining the intent of the POCSO Act. Allowing such applications in a mechanical manner, especially in POCSO cases, is discouraged.

SUNIL JOSHI VS MANISH SINGH [CRL.L.P.-207/2024]

Judges: Justice Manoj Kumar Ohri

The petition filed by Sunil Joshi challenging the acquittal of Manish Singh under Section 138 of the Negotiable Instruments Act was dismissed. The trial court's conclusions were deemed reasonable, with the accused successfully rebutting the presumption. Key issues included the repayment of the loan, the agreed time period, and the interest rate, with contradictions noted in the petitioner's case. There was reluctance to interfere with the acquittal order due to the sound reasoning of the trial court's decision.

SUNIL KUMAR GANDHI VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-3443/2024]

Judges: Justice Manoj Kumar Ohri

The FIR and subsequent proceedings against Sunil Kumar Gandhi, charged under Sections 109 and 120B of the Indian Penal Code, were quashed. Gandhi, engaged by the bank as a panel lawyer, informed the bank of conditions before granting a loan and relied on records from the Sub-Registrar's office. No evidence indicated intent to mislead or conspire, and the bank withdrew its complaint after recovering dues from the borrower, showing a lack of interest in continuing the case.

SURENDER KUMAR VS URMILA [CRL.L.P.-22/2024]

Judges: Justice Manoj Kumar Ohri

The judgment of acquittal in a Section 138 case under the Negotiable Instruments Act was upheld. The respondent admitted to signing the dishonored cheques but successfully rebutted the presumption by proving the cheques were given to a third party named Ramesh. The complainant could not support his claim of lending Rs. 9 lakh to the respondent, and his financial capacity was also deemed questionable. The trial court's interpretation was considered plausible, with no grounds for appeal.

SUSHILA @ MAYA DEVI & ANR. VS STATE N.C.T. OF DELHI [CRL.A.-627/2002]

Judges: Justice Manoj Kumar Ohri

Sushila @ Maya Devi and another had their conviction under Sections 304B (dowry death) and 498A (cruelty) of the Indian Penal Code overturned. The evidence regarding demands for a color TV, fridge, and cash payments was not proven beyond reasonable doubt. Witness testimonies showed significant inconsistencies and improvements from earlier statements. Additionally, the deceased's complaint prior to her death contained only general allegations without specific demands. As a result, the convictions were set aside.

TARUN KUMAR PURI VS STATE (GOVT OF NCT OF DELHI) & ANR. [CRL.M.C.-3035/2024]

Judges: Justice Manoj Kumar Ohri

Tarun Kumar Puri cannot be summoned as an accused in a complaint under the Negotiable Instruments Act because he resigned as Director of the accused company before the cheques were issued. The allegations do not meet the requirements for vicarious liability, as mere association with the company is insufficient to implicate him. The complaint failed to show that he continued to act with consent and connivance after his resignation. The impugned orders summoning him as an accused are set aside.

TEK CHAND VS STATE N.C.T. OF DELHI [CRL.A.-208/2002]

Judges: Justice Manoj Kumar Ohri

The appeal of Tek Chand was allowed, and his conviction under Section 398 of the Indian Penal Code was set aside. Evidence did not clearly identify him or establish that he carried a dangerous weapon, which is necessary for the offense. Recovery of stolen goods occurred at the co-accused Prakash's house, not at Tek Chand's. Constructive liability under Section 34 of the IPC was deemed insufficient for this case, leading to the cancellation of Tek Chand's bail bonds.

TUSHAR SHARMA VS GRAPHIC ADVERTISING [CRL.M.C.-1705/2023]

Judges: Justice Manoj Kumar Ohri

The summoning order and complaint against the petitioner under Section 138 of the Negotiable Instruments Act were quashed. The petitioner was not a partner or authorized signatory of the accused firm, as indicated by the firm's registration certificate. Without evidence linking the petitioner to the allegations under Sections 138 and 141, requiring the petitioner to stand trial based solely on unsubstantiated claims would constitute an abuse of legal process. The principles established in related case law were applied, supporting the quashing of proceedings when it can be demonstrated that the individual had no involvement with the cheque issuance.

TUSHAR SHARMA VS SHELLZ TECHNO PACK PVT LTD [CRL.M.C.-1716/2023]

Judges: Justice Manoj Kumar Ohri

The petition filed under Section 482 CrPC resulted in the quashing of the summoning order and complaint against Tushar Sharma under Section 138 of the Negotiable Instruments Act. The petitioner was not a partner or authorized signatory of the accused company, and the claim of being a "deemed owner" lacked supporting evidence. The absence of credible evidence linking the petitioner to the alleged offense indicated that requiring him to stand trial based on unsupported assertions would constitute an abuse of legal process.

VEENA MALHOTRA VS GURMINDER SINGH [CRL.M.C.-4253/2024]

Judges: Justice Manoj Kumar Ohri

The petition by Veena Malhotra to quash the complaint under Section 138 of the Negotiable Instruments Act was dismissed. The fact that another individual filled out the cheque details does not exempt her from liability. The conditions for establishing an offense under Section 138 were satisfied. Arguments that she was merely a guarantor and that the proceedings were an abuse of process were rejected. The complaint case against her will proceed.

VIMAL KUMAR VS THE STATE & ORS. [W.P.(CRL)-2901/2023]

Judges: Justice Manoj Kumar Ohri

The externment order against the petitioner under Sections 47/50 of the Delhi Police Act, 1978 was upheld, indicating that the "habituality" requirement does not apply to orders under Section 47(a). Sufficient grounds were established for the externment based on the petitioner's extensive criminal history, including 21 prior cases and recent recoveries of illicit liquor. Despite a prior externment order and warnings, continued criminal involvement demonstrated a risk of causing harm to the community.

VINOD BANSAL VS M/S INTEC CAPITAL LTD. [CRL.M.C.-1013/2023]

Judges: Justice Manoj Kumar Ohri

The petition by Vinod Bansal under Section 482 of the Code of Criminal Procedure resulted in the quashing of a complaint by M/s Intec Capital Ltd. under Section 138 of the Negotiable Instruments Act. The initial complaint for cheque dishonor was subsumed by a Deed of Settlement between the parties, and a new cause of action would only arise from dishonored cheques issued after the settlement. The respondent cannot pursue the initial complaint alongside the settlement agreement.

VIRENDER GIRI VS THE STATE GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-518/2023]

Judges: Justice Manoj Kumar Ohri

The petition under Section 482 of the Cr.P.C. was dismissed, upholding lower court orders rejecting the application for FIR registration. Conflicting allegations arose between the petitioner, who claimed to have been manhandled, and the police officer, who stated the petitioner caused a disturbance for driving without a helmet. The petitioner sustained minor injuries, and all relevant evidence was already in his possession. It was concluded that no further police investigation was necessary, and the situation could be addressed through complaint proceedings before the Magistrate.

VISHAVJEET SINGH SANDHU VS THE STATE NCT OF DELHI [W.P.(CRL)-1403/2024]

Judges: Justice Manoj Kumar Ohri

The FIR against the petitioner under Section 25 of the Arms Act, 1959 was quashed due to a lack of "conscious possession" of the live cartridges found in his baggage. The petitioner inadvertently included the cartridges, which belonged to his father with a valid arms license, and had no knowledge or intention to possess them. Continuation of the criminal proceedings was deemed an abuse of the process of law.

X VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-51/2023]

Judges: Justice Manoj Kumar Ohri

Final compensation of Rs. 10,000 awarded under Section 33(8) of the POCSO Act was deemed inadequate due to the severe mental trauma and aggravated sexual assault suffered by the petitioner. Factors from the POCSO Rules, 2020 and the Delhi Victim Compensation Scheme, 2018 were considered, leading to an enhancement of the compensation to Rs. 10.5 lakhs, with a directive for the DSLSA to disburse Rs. 9.65 lakhs to the petitioner within 4 weeks.

YAJUR COMMODITIES LTD. VS SURESH ASRANI [CS(COMM)-164/2023]

Judges: Justice Manoj Kumar Ohri

The review petition by the defendant was dismissed. The prior decision to deny the defendant's application to dismiss the suit as time-barred was upheld, citing adherence to established precedent while noting that other High Court judgments do not serve as binding authority. The previous ruling to grant the plaintiff's application under Section 14 of the Limitation Act was confirmed, with clarification that no material was overlooked and the observations were based on the evidence presented. The argument regarding the exclusive jurisdiction clause was acknowledged as debatable, but it was stated that Section 14 does not necessitate determining the correct jurisdiction. The review was affirmed as not being a substitute for appeal.

YUSUF VS STATE GOVT. OF N.C.T. OF DELHI [CRL.A.-982/2001]

Judges: Justice Manoj Kumar Ohri

The conviction of the appellant for robbery causing hurt and common intention was set aside due to insufficient evidence. The injured complainant and an independent witness did not identify the appellant, there was a lack of medical evidence to substantiate the claim of injury, and contradictions existed in the testimonies regarding the recovery of the weapon. The appellant was acquitted.

YASHOVARDHAN BIRLA VS KAMDHENU ENTERPRISES LIMITED AND ANR. [CRL.M.C.-3780/2023]

Judges: Justice Manoj Kumar Ohri

Yashovardhan Birla's petitions were allowed, leading to the quashing of criminal complaints under Section 138 and Sections 141/142 of the Negotiable Instruments Act. The designation as a director or chairman does not imply vicarious liability without specific involvement in the company's affairs. The complaints did not provide sufficient details regarding Birla's role, and other co-directors were removed from the accusations. Continuing the proceedings against him was deemed an abuse of the court process. This decision addressed three separate criminal complaints in one judgment.

ABBOTT GMBH & ANR. VS MANKIND PHARMA LIMITED & ANR. [CS(COMM)-606/2024]

Judges: Justice Mini Pushkarna

The pink and white trade dress used by Mankind Pharma for its "THYRONEED" product infringes Abbott GMBH's trademark and trade dress rights over "THYRONORM." Mankind Pharma is prohibited from releasing new stock with the infringing trade dress and must alter the existing stock of 24,777 bottles by changing the cap to blue. The suit resulted in a permanent injunction and delivery up in favor of the plaintiffs.

ABBOTT PRODUCTS OPERATIONS AG & ANR. VS ATLANTIS FORMULATIONS PRIVATE LIMITED & ORS. [CS(COMM)-544/2024]

Judges: Justice Mini Pushkarna

The plaintiff's trademarks "DUPHALAC" and "DUPHASTON" were infringed by the defendants' use of "DUPHATIS" and "DUPHATIC". An ex parte interim injunction was granted to restrain the defendants from using the disputed marks. The parties later settled out of court, with the defendants agreeing to withdraw their trademark applications for "DUPHATIS" and "DUPHATIC". The suit was decreed in favor of the plaintiff based on the settlement, and for the non-appearing defendant, the suit was also decreed in favor of the plaintiff.

ADITYA MALHOTRA & ANR. VS CANARA BANK & ANR. [W.P.(C)-1518/2024]

Judges: Justice Mini Pushkarna

The declaration by Canara Bank that the accounts of petitioners Aditya Malhotra and another were classified as "fraud" was set aside due to the bank's failure to provide an opportunity for the petitioners to be heard. The principle of natural justice, specifically the right to be heard, was violated in this classification. The declaration was quashed, allowing the bank to initiate new proceedings against the petitioners while ensuring they are given the necessary chance to respond.

AJAY SINGAL VS SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA [W.P.(C)-4122/2024]

Judges: Justice Mini Pushkarna

Petitioners, as guarantors of a loan from a bank, can submit a comprehensive restructuring plan within one week, in line with RBI guidelines. The bank must consider this plan according to banking norms. The company has requested NOCs from the bank to sell mortgaged units for loan repayment, which the bank has denied. Ongoing insolvency proceedings against the company remain intact.

AJIT PAL SINGH & ORS. VS MS. ANKITA CHAKRABORTY & ORS. [CONT.CAS(C)-141/2021]

Judges: Justice Mini Pushkarna

The respondents have substantially complied with the previous order regarding the demarcation of land, leading to the cessation of contempt proceedings against them. The ownership dispute over the land is to be resolved in separate proceedings, where the petitioners can assert their claim. The petitioners are permitted to challenge the demarcation process in appropriate forums.

AKTIEBOLAGET VOLVO & ORS. VS JONAS WOODHEAD AND SONS INDIA LIMITED [CS(COMM)-350/2021]

Judges: Justice Mini Pushkarna

A permanent injunction was granted to Aktiebolaget Volvo & Ors. against Jonas Woodhead and Sons India Limited. As the prior user and registered owner of the 'VOLVO' trademark, the plaintiffs possess substantial common law and statutory rights over the mark. The defendant's unauthorized use of the 'VOLVO' trademark on inferior products resulted in trademark infringement and dilution of the plaintiffs' well-known trademark. The defendant is required to pay R.S. 10,00,000 to the plaintiffs for costs and damages.

AMBIENCE PRIVATE LIMITED & ANR. VS PUNJAB AND SIND BANK & ORS. [W.P.(C)-13438/2023]

Judges: Justice Mini Pushkarna

The Punjab and Sind Bank's withdrawal of the One Time Settlement (OTS) with Ambience Private Limited was deemed arbitrary and unsustainable. The bank had accepted the OTS proposal, granted an extension, and received the full OTS amount along with interest. The claim of misrepresentation regarding the company's financial status was rejected, as the company had transparently communicated its repayment to the lead bank, PNB. Following acceptance and compliance with OTS terms, a public sector bank cannot unilaterally withdraw the agreement without valid reasons. The bank's withdrawal was set aside, and it was directed to release the company's securities.

ANIL DUTT SHARMA VS SHRI SUBHASISH PANDA & ORS. [CONT.CAS(C)-742/2024]

Judges: Justice Mini Pushkarna

The contempt petition filed by Anil Dutt Sharma was dismissed due to evidence showing that the respondents, especially the Special Task Force (STF), actively addressed unauthorized constructions based on the petitioner's complaints. Reports indicated no willful disobedience of prior orders. The petitioner was advised to contact the STF regarding any specific grievances.

ANJU JAI MISRA VS DELHI DEVELOPMENT AUTHORITY AND ANOTHER [W.P.(C)-5107/2024]

Judges: Justice Mini Pushkarna

The Delhi Development Authority rejected Anju Jai Misra's application for membership in the Qutab Golf Course under the government category due to her failure to provide a required certificate confirming her pay and allowances from the Consolidated Fund of India/State. The DDA followed proper procedures and gave multiple opportunities for submission of the document, leading to a justified rejection of the application without any procedural impropriety or legal errors.

ANUPAM TRIVEDI VS RAM SINGH RATHWA AND ANOTHER [CONT.CAS(C)-1852/2023]

Judges: Justice Mini Pushkarna

The contempt petition is not maintainable as it cannot extend beyond the original writ petition order. The order did not include specific directions but acknowledged the petitioner's statement regarding a decision made by the TRIFED Chairman. Objections were raised about the Chairman's authority to issue the letter. Additional directions cannot be provided in contempt proceedings, leading to the dismissal of the petition.

APRESH GARG & ANR. VS INDIAN BANK [W.P.(C)-7825/2024]

Judges: Justice Mini Pushkarna

The Show Cause Notice issued by Indian Bank declaring the petitioners as "Willful Defaulters" for the loan account of M/s Agson Global Pvt. Ltd. was deemed premature. Principles of natural justice require the bank to provide all documents supporting the SCN to the petitioners for an effective reply. The bank must supply these documents within two weeks. The petitioners can then file their reply and request a personal hearing. If the outcome is unfavorable, they can appeal to the Review Committee, with the decision being stayed for two weeks to allow for legal remedies.

ARTI SHARMA VS CL BHALLA DAYANAND MODEL SCHOOL, & ORS. [CONT.CAS(C)-203/2024]

Judges: Justice Mini Pushkarna

The respondents delayed in deciding the petitioners' representations but have since issued detailed speaking orders, complying with a prior directive. The correctness of their decision cannot be challenged in contempt proceedings due to this compliance. An unconditional apology for the delay was accepted, leading to the disposal of the petitions.

ARUN KHANNA VS VINOD KHANNA [CONT.CAS(C)-916/2019]

Judges: Justice Mini Pushkarna

The contempt petition against the respondent was not entertained due to the presence of disputed questions of fact. The respondent had substantially complied with the settlement agreement by completing the construction and handing over the first and second floors. Issues related to the quality of materials and unauthorized constructions are to be addressed by appropriate authorities, not in contempt proceedings. The contempt petition was disposed of.

ARUN MITTAL & ANR. VS PUNJAB NATIONAL BANK & ANR. [W.P.(C)-6835/2023]

Judges: Justice Mini Pushkarna

The petitioners' account was declared 'Fraud' by Punjab National Bank without issuing a show cause notice or providing an opportunity for the petitioners to respond. This process violated principles of natural justice. The declaration was set aside, allowing the bank to take necessary actions in accordance with the law.

ASCON DAIRY PVT LTD THROUGH DIRECTOR MR. DINESH TIWARI VS STATE BANK OF INDIA AND ORS & ORS [W.P.(C)-8496/2024]

Judges: Justice Mini Pushkarna

The respondent bank did not provide the petitioner with all relevant documents linked to the show cause notice, impacting the petitioner's ability to respond and violating principles of natural justice. The bank must supply the complete Investigation Report dated 18th January 2024 and the full Stock and Receivables Audit Report within one week. The petitioner has four weeks to reply to the show cause notice upon receiving these documents and is permitted to request a personal hearing.

ASHISH GUPTA & ORS. VS STATE BANK OF INDIA & ORS. [W.P.(C)-4340/2024]

Judges: Justice Mini Pushkarna

The decisions of the respondent banks declaring the account of the respondent company as "Fraud" were set aside due to the violation of natural justice principles, specifically the right to be heard. The banks failed to provide the ex-directors of the company an opportunity for a hearing before classifying the account. The banks may take fresh action after following the proper procedure.

ASSOCIATED BROADCASTING COMPANY PRIVATE LIMITED VS UNION OF INDIA & ANR. [W.P.(C)-8702/2024]

Judges: Justice Mini Pushkarna

The disconnection of the TV9 Telugu channel by the multi-system operator (MSO) without a 21-day notice violated the channel placement agreement and the TRAI Interconnection Regulations. The MSO must continue uninterrupted transmission of the TV9 Telugu channel as it was prior to June 6, 2024. Other grievances from the petitioner can be addressed by the appropriate forum, the Telecom Disputes Settlement and Appellate Tribunal (TDSAT).

ASTRAZENECA AB & ANR. VS WESTCOAST PHARMACEUTICAL WORKS LIMITED [CS(COMM)-101/2022]

Judges: Justice Mini Pushkarna

AstraZeneca received a summary judgment against Westcoast Pharmaceutical Works Limited for infringing patent IN 297581 related to the drug Osimertinib. The defendant failed to file a written statement despite multiple opportunities and had a history of infringing on intellectual property rights. AstraZeneca was awarded costs of ₹7,00,000/-.

ATUL PUNJ VS IDBI BANK & ANR [W.P.(C)-4643/2024]

Judges: Justice Mini Pushkarna

The show cause notice issued by IDBI Bank to an ex-director/promoter of Punj Lloyd Limited is deemed flawed due to the bank's failure to provide complete audit reports referenced in the notice. IDBI Bank is required to supply the full Transaction Audit Report, Forensic Audit Report from Choksi and Choksi, and Ernst and Young's Forensic Audit Report within two weeks. It is noted that a majority of a 26-bank consortium has classified the account as "No Fraud," with only a minority yet to decide. The lead bank, SBI, must provide the petitioner with the report from Pipara and Co. LLP that analyzes Ernst and Young's forensic audit. IDBI Bank must reconsider its decision after allowing the petitioner a full opportunity to respond, adhering to natural justice principles.

AVADH KAUSHIK VS ANANT KUMAR & ORS. [CONT.CAS(C)-329/2023]

Judges: Justice Mini Pushkarna

Judicial interference with the expert traffic management authorities' decision on the necessity of a slip road at Majnu ka Tila Gurudwara is unwarranted. The Delhi Traffic Police conducted a detailed inspection and deemed the construction of the slip road unnecessary. The petition was disposed of without further orders, as there were no grounds to question the expert authorities' decision.

BABU LAL VS VICHITRA VIRYA AND ORS [CONT.CAS(C)-781/2024]

Judges: Justice Mini Pushkarna

The contempt petition was dismissed due to a lack of merit. The trial court had initially ordered the submission of original investigation documents but later modified this order, indicating that pressing for the production of untraceable documents was inappropriate given the DCP's request for further investigation. The complainant acknowledged that charges could be framed based on existing documents, leading the trial court to proceed with consideration for framing charges. These factors resulted in the dismissal of the contempt petition.

BANSRAJ PAL VS SH MANISH KUMAR GUPTA AND ANR [CONT.CAS(C)-1765/2023]

Judges: Justice Mini Pushkarna

The Delhi Urban Shelter Improvement Board (DUSIB) granted the petitioner a hearing and issued a speaking order deeming the petitioner an unauthorized occupant and trespasser. In the absence of any legal rights for the petitioner, DUSIB's actions were not considered contemptuous. The petitioner was permitted to challenge the DUSIB's order within six weeks, with no limitation concerns.

BARINDER KAUR VS CENTRAL BUREAU OF INVESTIGATION & ANR. [CRL.M.C.-4863/2024]

Judges: Justice Mini Pushkarna

Barinder Kaur's petition resulted in the reduction of her security deposit for traveling abroad from R.S. 1 crore to R.S. 5 lakhs in FDR form, deemed excessive and arbitrary compared to the main accused's deposit. She received permission to travel abroad from July 1 to August 12, 2024, with existing conditions, while the Look Out Circular against her was suspended during this period.

BENTLEY SYSTEMS INC & ANR. VS PUSHPARAJ KANDASWAMY & ANR. [CM(M)-IPD-22/2024]

Judges: Justice Mini Pushkarna

The order rejecting a settlement agreement between Bentley Systems Inc. and the respondents was set aside, with the settlement terms deemed lawful. The parties, registered companies represented by counsel, entered the settlement voluntarily without coercion, and the respondents required Bentley software for their business activities. The suit was decreed in favor of Bentley Systems Inc. according to the settlement agreement.

BHAN SINGH VS MITALI GOEL ,SDM(MEHRAULI) & ANR [CONT.CAS(C)-331/2019]

Judges: Justice Mini Pushkarna

The respondents substantially complied with the order to investigate the missing records, submitting two inquiry reports. The latest report indicated that the records could not be traced despite thorough efforts, and an FIR was lodged regarding the missing items. The petitioner requested a new inspection by the Sub-Divisional Magistrate and was granted the option to pursue this request in separate proceedings and seek appropriate legal remedies.

BHARTI SHARMA VS M.P JAIPURIA & ORS [CONT.CAS(C)-234/2019]

Judges: Justice Mini Pushkarna

The respondents have substantially complied with the orders of the Delhi School Tribunal by reinstating the petitioner and paying her monetary benefits from the date of the Tribunal's judgment. The petitioner did not make a comprehensive representation regarding back wages from her termination date until the Tribunal's judgment, as required. The petitioner has the liberty to address the issue of correct pay fixation in separate proceedings.

BP P.L.C. & ANR. VS SUBHASH CHANDRA, TRADING AS SHIVAY ENTERPRISES [CS(COMM)-587/2023]

Judges: Justice Mini Pushkarna

A permanent injunction was granted in favor of BP P.L.C. and Castrol Ltd. against Subhash Chandra, trading as Shivay Enterprises, for using marks, packaging, and container designs that are nearly identical to the plaintiffs' registered trademarks and copyrighted designs. The defendant admitted to using the infringing materials and had no real prospect of a successful defense. The plaintiffs were awarded costs and damages of R.S. 5,00,000, to be paid by the defendant within six months, and the destruction of seized infringing goods was ordered.

BRAJESH SINGH VS PROFESSOR TARUN KR DAS & ORS [CONT.CAS(C)-835/2017]

Judges: Justice Mini Pushkarna

The University Grants Commission (UGC) has substantially complied with earlier directives by appointing Ombudspersons under the new 2023 Regulations, which supersede the 2012 Regulations. The introduction of new Regulations renders the previous ones ineffective unless specifically retained. Consequently, the appointment of Ombudspersons in accordance with the 2023 Regulations fulfills the requirements of the previous order, negating the need for any contempt proceedings.

BRISTOL-MYERS SQUIBB HOLDINGS IRELAND & ANR VS KM SWARNALATHA & ORS [CS(COMM)-693/2018]

Judges: Justice Mini Pushkarna

Bristol-Myers Squibb Holdings Ireland is the patentee of Indian Patent No. IN 203937 for dasatinib and its related compounds. Defendant Nos. 1-3, 5, and 6 did not launch infringing products within the patent term, and the patent's validity was acknowledged. Defendant No. 7, a Bangladeshi company, launched the product "DASA SPL" and failed to appear in the proceedings. Consequently, the suit was decreed in favor of Bristol-Myers Squibb against Defendant No. 7, who was ordered to pay R.S. 5,00,000 to the Delhi High Court Bar Association Employee Welfare Fund.

CALVIN KLEIN TRADEMARK TRUST VS MR. SUNNY SACHDEVA TRADING AS M/S HACHE SHIRTS & ORS. [CS(COMM)-914/2022]

Judges: Justice Mini Pushkarna

Calvin Klein Trademark Trust holds valid trademarks and copyrights for the Calvin Klein brand, including the CK logo. Defendants Sunny Sachdeva, Hunny Sachdeva, and M/s Denim Culture infringed on these rights by selling counterfeit Calvin Klein shirts and jeans. The defendants did not file a written statement, resulting in a closure of their right to do so. A report from the Local Commissioner confirmed the presence of infringing goods at their premises. A permanent injunction was granted, requiring the delivery of the infringing goods and imposing costs of R.S. 35,000 on the defendants. The matter was part of a larger case, with a settlement reached concerning other defendants.

CASTROL LIMITED VS GAUTAM KUMAR, TRADING AS SHRI BALAJI OIL & CHEMICALS AND ANR. [CS(COMM)-886/2023]

Judges: Justice Mini Pushkarna

Gautam Kumar and Seema Devi were found guilty of trademark and copyright infringement, passing off, and unfair competition against Castrol Limited. They used marks and packaging similar to Castrol's registered trademarks and trade dress. The defendants were characterized as repeat offenders, continuing their infringement despite a prior court order. They did not file a defense, leading to a decree in favor of Castrol. Costs of R.S. 7,00,000 and damages of R.S. 1,00,000 were awarded, and the defendants were directed to destroy all infringing materials.

CASTROL LIMITED VS MOTOGULF INDIA PRIVATE LIMITED & ORS. [CS(COMM)-900/2023]

Judges: Justice Mini Pushkarna

A permanent injunction was granted in favor of Castrol Limited, preventing the defendants from using the marks 'CRISTROL', 'CARTOL', 'CARSOL', 'CARTOMAX', and related device marks of 'COASTAL'. The defendants are permitted to use the 'COASTAL' word mark but must withdraw certain trademark applications and oppositions concerning 'COASTAL' device marks. Defendant no. 4 is required to pay R.S. 3,00,000/- in costs to the plaintiff. The plaintiff agreed to assist in quashing the FIR against defendant no. 2 and is to receive a full refund of court fees.

CHAMAN SINGH AND ORS VS DDA AND ANR [W.P.(C)-6737/2024]

Judges: Justice Mini Pushkarna

The petition for a stay on demolition proceedings by the Delhi Development Authority (DDA) in Village Chak Chilla was deemed not maintainable. The DDA had already demarcated the land, with 1272 bigha and 3 biswas being developed as a Biodiversity Park and no encroachment present. The DDA was not taking action on the 506 bigha of private land in the same area. The petition was disposed of without the need for further directions.

CHANPREET SINGH BAMMI VS SUKHMANI KAUR OBEROI [CONT.CAS(C)-1277/2023]

Judges: Justice Mini Pushkarna

The contempt petition was dismissed due to lack of merit. The order directing the respondent to file a copy of the minor child's passport had been modified, allowing submission in a sealed cover. The issues of the child's custody and maintenance were pending, making further compliance unnecessary and rendering contempt proceedings unmaintainable.

CHARAT SINGH VS RAJIV KUMAR & ORS [CONT.CAS(C)-303/2019]

Judges: Justice Mini Pushkarna

The land in question, originally part of the Gram Sabha, has been urbanized and transferred to the Delhi Development Authority (DDA). As a result, the respondents, including the Municipal Corporation of Delhi and the Government of NCT of Delhi, lack jurisdiction over the area. Previous orders to remove unauthorized construction or encroachments cannot be enforced. The petitioner may approach the DDA directly to specify areas of concern, and the DDA is required to take appropriate action in accordance with the law.

CHARLES AND KEITH INTERNATIONAL PTE LTD VS AMBUD SHARMA & ANR. [C.O. (COMM.IPD-TM)-322/2023]

Judges: Justice Mini Pushkarna

The trademark registration for 'C&K' in Class 09 obtained by Ambud Sharma should be cancelled due to prior long-term use of the 'C&K' trademark by Charles and Keith International Pte Ltd, which includes manufacturing face masks. It was noted that Ambud Sharma is not engaged in the actual manufacturing of goods covered by this registration. The Trademark Registry is directed to rectify the register accordingly.

CHETAN RANA VS DELHI DEVELOPMENT AUTHORITY & ORS. [W.P.(C)-2573/2024]

Judges: Justice Mini Pushkarna

The petition by Chetan Rana was dismissed due to the acquisition of land (Khasra No. 12/24, Village Shahbad Daulatpur, Delhi) by the Delhi Development Authority (DDA), with the government having taken possession. Once acquired, any person retaining possession is deemed a trespasser, allowing the government to remove encroachments without notice. Rana's claims of ownership through various sale deeds were invalid, as the land vests with the government free of encumbrances. The DDA's decision to remove unauthorized construction and encroachments was upheld, as Rana holds no legal rights to the property.

CHIRAG SHARMA VS HIGH COURT OF DELHI & ORS. [W.P.(C)-15124/2023]

Judges: Justice Mini Pushkarna

Rule 4, Chapter VII of the Delhi High Court (Original Side) Rules, 2018, which requires a 120-day timeline for filing written statements in non-commercial matters, is valid and does not violate the Constitution. The Original Side Rules, authorized by Section 129 of the Code of Civil Procedure and Section 7 of the Delhi High Court Act, 1966, have precedence over general CPC provisions due to the non-obstante clause. The argument that Rule 4 is unconstitutional and discriminatory was rejected, as the distinction between High Court and Civil Court procedures is acknowledged in the CPC, allowing the High Court to establish such rules.

D.D. MOTORS (A UNIT OF DIVISION OF DD INDUSTRIES LTD.) & ORS. VS HDFC BANK LIMITED [W.P.(C)-7971/2024]

Judges: Justice Mini Pushkarna

The declaration of the petitioners' bank account as "Fraud" was deemed illegal and invalid due to failure to follow due process and violation of natural justice principles. The principles of natural justice apply to the RBI's Master Directions on Frauds, regardless of when decisions were made. The bank's orders designating the account as "Red Flagged" and "Fraud" were quashed, and the bank was instructed to notify the Central Fraud Registry to remove the petitioners' name.

DARSHAN SINGH POPLI VS MR GYANESH BHARTI [CONT.CAS(C)-801/2024]

Judges: Justice Mini Pushkarna

The ongoing civil dispute over property ownership and possession prevents adjudication on the matter. A report from the Municipal Corporation of Delhi indicated that the property has old construction protected under the Delhi Laws (Special Provisions) Second Act, 2011, and necessary actions had been taken as per a prior order. The contempt petition was disposed of with no further orders required.

DEEPAK TOMAR VS RAJIV KUMAR & ORS [CONT.CAS(C)-801/2019]

Judges: Justice Mini Pushkarna

An order for the removal of unauthorized construction on Gram Sabha land cannot be complied with due to the land's urbanization, which places it under the Delhi Development Authority's jurisdiction. The Delhi Development Authority is tasked with demarcating the land and addressing any unauthorized constructions, potentially collaborating with Revenue Authorities. A four-month timeframe is set for this task to be completed.

DHARAM DEV SHARMA VS VIRENDER SINGH [CONT.CAS(C)-576/2017]

Judges: Justice Mini Pushkarna

The respondent made efforts to comply with a previous order but struggled to identify and act against trespassers due to the dense urban environment. The petitioner was directed to assist authorities in locating the specific property for addressing encroachment. There was no evidence of willful disobedience by the respondent, leading to the dismissal of the contempt petition with the given directions.

DINESH CHHABRA VS M/S SHOWMAN CONSTRUCTION & IMPEX PVT LTD & ORS [CONT.CAS(C)-971/2018]

Judges: Justice Mini Pushkarna

No prima facie case was established to show that the respondents violated earlier orders to maintain status quo regarding the suit property. The respondents asserted that no third-party interests were created and that loans were taken prior to the status quo orders. With no third party claiming any interest, the contempt petition lacked merit and was disposed of.

DINESH SHARMA VS SHRI MAHENDER CHAWLA & ORS. [CONT.CAS(C)-729/2023]

Judges: Justice Mini Pushkarna

The respondents complied with a previous judgment by convening a Review Departmental Promotion Committee (DPC) to reassess the petitioner's case for Principal appointment. The contempt proceedings do not allow for adjudication on the merits of the respondents' decision in the Review DPC. The petitioner retains the right to pursue legal remedies regarding the constitution and outcome of the Review DPC.

DUGONG INTERNATIONAL PVT. LTD. VS UNION OF INDIA [W.P.(C)-IPD-9/2024]

Judges: Justice Mini Pushkarna

The Union of India must revoke the suspension of the petitioner's accounts on the Government E-Marketplace (GEM) platform and remove any warnings within 2 weeks. A personal hearing regarding the petitioner's concerns from December 29, 2023, is required, with a reasoned decision to be made within 8 weeks. The account suspensions resulted from technical and clerical errors.

EASTMAN AUTO AND POWER LTD VS MR. AMRITPAL SINGH PROPRIETOR OF AKAI BATTERY HOUSE [CS(COMM)-19/2024]

Judges: Justice Mini Pushkarna

The defendant's use of the mark "EASTPOWER" infringed the plaintiff's registered trademark "EASTMAN" due to visual and structural similarity, indicating deliberate copying. The defendant did not file a written statement despite being served. A decree was issued in favor of the plaintiff, granting a permanent injunction, rendition of accounts, damages, delivery up, and costs, as the defendant's actions necessitated legal action.

EICORE TECHNOLOGIES PVT. LTD. & ORS. VS EEXPEDISE TECHNOLOGIES PVT. LTD. & ORS. [CS(COMM)-1146/2018]

Judges: Justice Mini Pushkarna

The plaintiffs did not provide a reasonable cause for the late submission of documents 1-3, which included emails and company-related documents, as required by the Commercial Courts Act. Timelines and rules under the Act were strictly enforced, leading to the refusal of these late filings. However, the submission of a 2019 forensic report, which followed the filing of the plaint, was permitted.

ELANCO TIERGESUNDHEIT AG VS THE ASSISTANT CONTROLLER OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-479/2022]

Judges: Justice Mini Pushkarna

The Assistant Controller of Patents and Designs rejected a patent application without independent reasoning, resulting in a decision that merely reproduced an earlier hearing notice. This lack of a reasoned order violated principles of natural justice. The impugned order was set aside and the matter remanded for fresh consideration before a different officer, with all rights and contentions of the parties remaining open.

EMAMI LTD. VS DABUR INDIA LTD. [C.O. (COMM.IPD-TM)-604/2022]

Judges: Justice Mini Pushkarna

Dabur India Ltd. does not use the registered trademark 'CHYAWANPRASAD' and sells its products as 'DABUR CHYAWANPRASH'. Emami Ltd. sells products under the mark 'ZANDU CHYAVANPRASHAD' since 2017. Dabur conceded to initiate the removal process of the 'CHYAWANPRASAD' trademark from the Register of Trade Marks.

ENTERTAINMENT NETWORK (INDIA) LIMITED VS HTTPS//TUNEINCOM/PODCASTS/ARTS--CULTURE-PODCASTS/BANGLA-SUNDAY-SUSPENSE-P2082186/ AND ORS [CS(COMM)-880/2022]

Judges: Justice Mini Pushkarna

Entertainment Network (India) Limited established its case against defendants 1-25 and 29-63 for copyright infringement regarding audio content and trademarks such as "Sunday Suspense," "Mirchi," and "Radio Mirchi." With the rights of non-contesting defendants to file written statements closed, the judgment was passed based on the facts presented, leading to a decree in favor of the plaintiff against defendants 1-25.

EXXON MOBIL CORPORATION VS MOBILFUELS PRIVATE LIMITED & ANR. [CS(COMM)-608/2021]

Judges: Justice Mini Pushkarna

Exxon Mobil Corporation received a permanent injunction against Mobilfuels Private Limited and another defendant, prohibiting the use of the MOBIL trademark in their MOBILFUELS trademark or otherwise. The defendants ignored a cease-and-desist letter and continued using the infringing mark, leading to legal action. Following the seizure of infringing products, the defendants ceased using MOBILFUELS and rebranded as "Mishrafuels." A decree for permanent injunction was issued, and the defendants were ordered to pay R.S. 3,00,000 in costs to the plaintiff within six months.

FMI LIMITED VS FAKHRUDDIN SAIFUDDIN BHARMAL [CS(COMM)-304/2024]

Judges: Justice Mini Pushkarna

The defendant admitted in a written statement to dealing with products bearing the 'FREEMANS PROFESSIONAL' trademark, which is deceptively similar to the plaintiff's 'FREEMANS' trademark, establishing trademark infringement. A permanent injunction was granted, restraining the defendant from using the plaintiff's trademark or any similar marks, and costs of R.S. 50,000 were awarded to the plaintiff.

G.D. PHARMACEUTICALS PRIVATE LIMITED VS M/S CENTO PRODUCTS (INDIA) [CS(COMM)-53/2019]

Judges: Justice Mini Pushkarna

The trademark "BOROLINE" qualifies as a well-known trademark under the Trade Marks Act, 1999 due to its extensive use since 1929, widespread recognition, numerous registrations, and various awards. "BOROLINE" was added to the list of well-known trademarks. A permanent injunction was issued to prevent the use of the infringing mark "BOROBEAUTY" or any similar name or trade dress, with an order for the defendant to change its trademark and trade dress to avoid confusion.

GAURAV GOEL & ORS. VS IDBI BANK LIMITED & ORS. [W.P.(C)-3733/2024]

Judges: Justice Mini Pushkarna

IDBI Bank must provide the suspended Board of Directors with the documents underlying the show cause notice before classifying their account as "Fraud" under RBI Master Directions. Natural justice and transparency require this disclosure to ensure a fair process. The bank is directed to allow inspection of records, provide requested documents, and consider a personal hearing for the petitioners prior to their response to the show cause notice.

GLAXO GROUP LIMITED & ANR VS IVA HEALTHCARE PRIVATE LIMITED [CS(COMM)-593/2024]

Judges: Justice Mini Pushkarna

The "ZENTOVATE" trademark is deceptively similar to the registered and well-known "BETNOVATE" trademark in appearance, sound, and structure. The adoption of "ZENTOVATE" was deemed dishonest, intended to confuse consumers and invoke an association with "BETNOVATE." Given the pharmaceutical context, a stricter assessment of confusion was applied. The defendant must destroy all infringing material and pay R.S. 3,00,000 in costs to the plaintiff.

GOVERNMENT OF NCT OF DELHI VS MOHINDER SINGH NARULA [CONT.CAS(C)-28/2020]

Judges: Justice Mini Pushkarna

The contempt petition filed by the Government of NCT of Delhi against M/s DSC Limited cannot be maintained due to a final arbitral award favoring M/s DSC Limited, which rendered the need to keep bank guarantees alive unnecessary. The explanation for lapses in some bank guarantees indicated no willful disobedience by the respondent. Given the recent developments and the arbitral award, the contempt proceedings lack relevance, leading to the dismissal of the petition.

GRAM SUDHAR SABHA (REGD.) VS NATIONAL CAPITAL TERRITORY OF DELHI & ANR. [W.P.(C)-7384/2023]

Judges: Justice Mini Pushkarna

The digital shape file of the Wazirpur Extension Village unauthorized colony has been provided to the DDA. The matter is to be referred to the Boundary Committee for consideration of uploading the updated map. The Boundary Committee is to be reconstituted within 8 weeks by the Chief Secretary of the GNCTD, after which it will decide on uploading the corrected map within 10 weeks.

GREY MATTERS EDUCATIONAL TRUST VS EXAMINER OF TRADE MARKS [C.A.(COMM.IPD-TM)-121/2021]

Judges: Justice Mini Pushkarna

The appeal by Grey Matters Educational Trust regarding the trademark "Planet E School" for educational services was allowed. The registered marks citing "Planet" were found not to be similar to the appellant's mark when considered as a whole. The mark was deemed distinctive, despite generic elements. The Trademark Registry was instructed to process the application with the stipulation that the appellant cannot claim exclusive rights to the word "Planet" on its own and its usage will be limited to Punjab. Any opposition to the registration will be evaluated on its merits.

GUJARAT COOPERATIVE MILK MARKETING FEDERATION LIMITED & ANR. VS SMT KRISHNABEN DIPESH GOL & ORS. [C.O. (COMM.IPD-TM)-38/2024]

Judges: Justice Mini Pushkarna

The plaintiffs' trademark "AMUL" qualifies as a well-known trademark under the Trademarks Act, 1999, warranting extensive protection across all classes, including dissimilar goods and services. The Trademark Registry is to initiate the process for rectification or cancellation of the defendants' identical "AMUL" trademark registration in Class 6 within four months. The defendants' use of the "AMUL" trademark constitutes infringement and passing off of the plaintiffs' established well-known trademark.

GURNAM SINGH, TRADING AS M/S G.C. LABORATORIES VS DEEPAK ARORA, TRADING AS MS HEENA COSMETICS AND ANR. [C.O. (COMM.IPD-TM)-2/2022]

Judges: Justice Mini Pushkarna

The trademark "MAX HEAVEN," registered by Deepak Arora, is deemed deceptively similar to the prior registered trademark "BLUE HEAVEN," which Gurnam Singh has used since 1972. The similarity likely causes public deception and market confusion due to the dominant word "HEAVEN" present in both marks. The "MAX HEAVEN" trademark is to be cancelled from the register.

HAVELLS INDIA LIMITED VS ELECTROMECH INDIA PRIVATE LIMITED & ANR. [CS(COMM)-423/2023]

Judges: Justice Mini Pushkarna

Electromech India Private Limited and another were identified as habitual infringers of Havells India Limited's registered design for a ceiling fan. The defendants displayed the infringing designs at an exhibition, indicating plans for commercial launch. A permanent injunction was granted to prevent further infringement of the registered design. Havells India Limited was awarded Rs. 3,71,370/- in litigation costs due to the defendants' actions.

HAVELLS INDIA LIMITED VS MR. RAJESH KUMAR [CS(COMM)-439/2024]

Judges: Justice Mini Pushkarna

Havells India Limited succeeded in a trademark infringement case against Mr. Rajesh Kumar, who ceased using the 'RKREO' mark and agreed to withdraw his trademark application for it. A permanent injunction was issued against using 'RKREO' or any similar marks, with instructions to the Trade Marks Registry to reject the pending application. A full refund of court fees was awarded to the plaintiff since the case was resolved at the defendant's first appearance.

HYUNDAI MOTOR INDIA LIMITED VS AAA TELESHOPING PVT LTD [C.O. (COMM.IPD-TM)-319/2022]

Judges: Justice Mini Pushkarna

Trademark registration no. 1389640 in Class 11 for the mark "ELANTRA" registered in the name of AAA Teleshoping Pvt. Ltd. is liable to be canceled due to likelihood of confusion and deception among consumers, leading to passing off its products as those of Hyundai Motor India Limited. Hyundai, the registered proprietor of the "ELANTRA" trademark since 1990, has established priority and extensive use of the mark. The registration by the respondent contravenes Section 11(1) of the Trade Marks Act, 1999, warranting rectification of the register.

INDIAN ASSOCIATION OF CLINICAL CARDIOLOGISTS VS UNION OF INDIA [CONT.CAS(C)-793/2021]

Judges: Justice Mini Pushkarna

The Central Government substantially complied with an earlier order to reconsider IGNOU's application for recognition of the PGDCC qualification. Expert bodies, including the Medical Council of India and the National Medical Commission, identified deficiencies in the PGDCC course, such as lack of mandatory approvals and inadequate curriculum. Based on these assessments, the application for recognition was rejected. An independent exercise was undertaken, and no further actions were necessary in the contempt proceedings.

INDIRA TELEVISION LTD VS TELECOM REGULATORY AUTHORITY OF INDIA AND ORS. [W.P.(C)-8735/2024]

Judges: Justice Mini Pushkarna

The disconnection of the 'Sakshi TV' channel by the Multi System Operators (MSOs) violated the TRAI Interconnection Regulations, 2017, due to the lack of the required 3-week prior written notice. The regulation process was not followed, resulting in an order for the MSOs to resume uninterrupted transmission of 'Sakshi TV' as it was before the disconnection on June 20, 2024. Additionally, the petitioner has filed an appeal with the Telecom Disputes Settlement & Appellate Tribunal (TDSAT) regarding other grievances, and no further orders were issued in the current writ petition.

INDUS SOR URJA PRIVATE LIMITED VS INDIAN BANK [W.P.(C)-6390/2023]

Judges: Justice Mini Pushkarna

The respondent-bank cannot withhold the original title deeds of the mortgaged property after the petitioner-company has repaid the entire loan. Section 171 of the Indian Contract Act, 1872 and the loan agreement do not give the bank the right to retain the title deeds for the dues of the petitioner's group companies. The bank must release the original title deeds as per the 'No Dues Certificate' issued.

INTERDIGITAL TECHNOLOGY CORPORATION & ORS. VS GUANGDONG OPPO MOBILE TELECOMMUNICATIONS CORP. LTD. & ORS. [CS(COMM)-692/2021]

Judges: Justice Mini Pushkarna

InterDigital must disclose full patent licensing agreements with third parties to all members of the Confidentiality Club, including in-house representatives of Guangdong Oppo Mobile Telecommunications Corp. Ltd. This is essential for verifying claims of fair, reasonable, and non-discriminatory (FRAND) terms and assessing whether the defendants acted as "unwilling licensees." A two-year restriction is placed on the in-house representatives from engaging in negotiations with counterparties related to these agreements.

INTERDIGITAL TECHNOLOGY CORPORATION & ORS. VS GUANGDONG OPPO MOBILE TELECOMMUNICATIONS CORP. LTD. & ORS. [I.A.-41359/2024]

Judges: Justice Mini Pushkarna

The plaintiffs demonstrated reasonable cause for filing additional documents with the evidence affidavits of witnesses under Order XI Rule 1(5) of the CPC, as amended by the Commercial Courts Act, 2015. The additional documents aligned with the pleadings and did not establish a new or contradictory case. Challenges related to technology were acknowledged, explaining the incomplete transfer of log files during the initial filing. The relevance and admissibility of the additional documents will be assessed at the trial stage, with the current focus on reasonable cause for non-disclosure. The plaintiffs were permitted to include the additional documents.

INTERDIGITAL VC HOLDINGS INC & ORS. VS GUANGDONG OPPO MOBILE TELECOMMUNICATIONS CORP. LTD & ORS. [I.A.-32107/2024]

Judges: Justice Mini Pushkarna

The plaintiffs must disclose the complete Patent License Agreement (PLA) dated 1st June 2014 between Samsung Electronics Co. Ltd. and the plaintiffs to the in-house representatives of the defendants who are part of the confidentiality club. The PLA allows for disclosure under a court order, and the defendants need access to comparable license agreements to address issues related to Standard Essential Patents (SEPs) and Fair, Reasonable, and Non-Discriminatory (FRAND) terms. A restriction is in place preventing the defendants' in-house representatives from engaging in negotiations with Samsung for two years without consent.

IRVINDER KAUR CHADHA SUPREME AGENCIE VS GARNISH ELECTRONICS PVT. LTD. AND ANR [C.O. (COMM.IPD-TM)-197/2021]

Judges: Justice Mini Pushkarna

The trademark 'GARNISH' registered under Application no. 2342490 in Class 07 for Garnish Electronics Pvt. Ltd. expired on June 4, 2022, with the one-year grace period for renewal having lapsed. The Registrar of Trade Marks had notified the company about the expiration, but no renewal application was submitted. As a result, the expired trademark will be removed from the Register of Trade Marks, while all rights and contentions of the petitioner regarding the merits of the dispute remain open.

IRVINDER KAUR CHADHA SUPREME AGENCIE VS GARNISH ELECTRONICS PVT. LTD. AND ANR [C.O. (COMM.IPD-TM)-210/2021]

Judges: Justice Mini Pushkarna

The trademark "GARNISH GOLD," registered under Application no. 2379727 in Class 11 for Garnish Electronics Pvt. Ltd., expired on August 14, 2022. The one-year grace period for renewal had also lapsed in 2023. The Registrar of Trade Marks must remove the entry of this trademark, as it was not renewed despite prior notice. All rights and contentions of the petitioner regarding the merits of the dispute remain open.

IRVINDER KAUR CHADHA SUPREME AGENCIE VS GARNISH ELECTRONICS PVT. LTD. AND ANR. [C.O. (COMM.IPD-TM)-213/2021]

Judges: Justice Mini Pushkarna

The trademark 'GARNISH GOLD' registered to Garnish Electronics Pvt. Ltd. has expired, and the one-year grace period for renewal has also elapsed. The Registrar of Trade Marks issued a notice regarding the expiry, but the trademark was not renewed. Consequently, the Registrar is directed to remove the trademark from the Register of Trade Marks. Rights and contentions on the merits of the dispute remain open for the petitioner.

IRVINDER KAUR CHADHA SUPREME AGENCIE VS GARNISH ELECTRONICS PVT. LTD. AND ANR. [C.O. (COMM.IPD-TM)-123/2021]

Judges: Justice Mini Pushkarna

The petitioner established priority in the "GARNISH" trademark, first used by her father in 1956. Rights to the trademark were confirmed in a 2012 court-approved settlement. The respondent's registration of the same trademark in Class 6 stemmed from a potentially forged assignment deed and lacked actual use. The trademark was recognized as a distinctive coined trademark, and the respondent's identical mark posed a risk of confusion in the market. The respondent's trademark registrations in Class 6 were cancelled and removed from the Register of Trade Marks.

IRVINDER KAUR CHADHA VS GARNISH ELECTRONICS PVT LTD AND ANR [C.O. (COMM.IPD-TM)-122/2021]

Judges: Justice Mini Pushkarna

The trademark "GARNISH," registered under Application no. 2342492 in Class 11 for Garnish Electronics Pvt. Ltd., expired on June 4, 2022, with the one-year grace period for restoration and renewal having lapsed. The Registrar of Trade Marks was directed to remove the entry of the mark from the Register, while rights and contentions regarding the merits of the dispute remain open.

IRVINDER LAUR CHADHA VS GARNISH ELECTRONICS PVT LTD AND ANR. [C.O. (COMM.IPD-TM)-251/2021]

Judges: Justice Mini Pushkarna

The trademark 'GARNISH' registered under Application no. 2342491 in Class 09 for Garnish Electronics Pvt. Ltd. expired on June 4, 2022. The one-year grace period for restoration and renewal ended in 2023 without any application for renewal from the respondent. Consequently, the Registrar of Trade Marks is to remove the entry of the expired trademark from the Register. All rights and contentions of the petitioner regarding the merits of the dispute remain open.

ITC LIMITED VS ELORA TOBACCO COMPANY LIMITED & ORS. [CS(COMM)-201/2024]

Judges: Justice Mini Pushkarna

ITC Limited was permitted to amend its plaint to include additional infringing marks "Gold Forever" and "Forever Gold," discovered during an execution of a local commission at the defendants' premises. The amendment aimed to address the real controversy and prevent multiplicity of proceedings since the new marks were closely related to the original trademark infringement claims. The defendants had not appeared or filed a written statement, eliminating any potential prejudice from the amendment at this early stage.

JANKI PRASAD VS SANJEEV KHIRWAR (PRINCIPAL SECRETARY) STATE (NCT OF DELHI) & ANR. [CONT.CAS(C)-537/2022]

Judges: Justice Mini Pushkarna

The decision of the MCD's Vigilance Department in compliance with a previous court order cannot be assessed in contempt proceedings. Any grievances regarding the MCD's inquiry findings should be addressed through appropriate legal remedies, not a contempt petition. The contempt notice was discharged, and the petition was disposed of without addressing the merits of the MCD's decision.

JEEVAN KAMAL SEWA TRUST & ANR. VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-9497/2023]

Judges: Justice Mini Pushkarna

The petitioners must remove building material and goods from 1250 sq. yds. of land in Khasra no. 28/6/2 of Village Palam and Khasra no. 11/13/1 and 11/13/2 of Village Tokanpur within three weeks. A previous demarcation order from 1999 and a Demarcation Report from January 21, 2000, were acknowledged. The petitioners agreed to return possession of the land to the Delhi Development Authority as per the Demarcation Report.

JINDAL FILMS INDIA LTD. VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-2052/2024]

Judges: Justice Mini Pushkarna

The DDA's order forfeiting the petitioner's earnest money deposit was invalid due to a violation of natural justice; the final order was issued by a different officer than the one who granted the hearing. A new hearing must be provided, accompanied by a reasoned order, and the new order cannot take effect for one week after being received by the petitioner.

JINDAL INDIA THERMAL POWER LIMTIED VS PUNJAB NATIONAL BANK & ORS. [W.P.(C)-15218/2022]

Judges: Justice Mini Pushkarna

The petitioner fulfilled its obligations under the Master Resolution Agreement (MRA) by paying Rs. 2,450 crores. The release of pledged equity shares is contingent upon the valid transfer of 10% equity shares to the respondent-banks, as required by applicable law and necessitating a Shareholder Agreement to protect the banks' interests as minority shareholders. The argument against the need for a Shareholder Agreement was rejected, emphasizing the banks' responsibility to safeguard public funds. A Joint Lenders Meeting is to be convened to facilitate the transfer, after which the pledge on the remaining equity shares will be released, and the petitioner's account will be upgraded from NPA to standard.

JK CEMENT LIMITED VS ANKUR AGARWAL & ORS. [CS(COMM)-666/2022]

Judges: Justice Mini Pushkarna

The defendants Ankur Agarwal & Ors. violated the statutory and common law rights of JK Cement Limited by using the identical and deceptively similar trademark "J&K" and trade name "Jay Kay Industries" for their cement and wall putty products. Their actions were deemed malafide and dishonest, likely to deceive the public and exploit the plaintiff's goodwill associated with the "JK" trademark. The defendants did not file a written statement within the required timeframe, leading to an ex-parte decree in favor of the plaintiff.

K.K. ELECTRO APPLIANCES PVT LTD. VS SHREE VARDHMAN ENGG. AND ANR. [C.O. (COMM.IPD-TM)-346/2021]

Judges: Justice Mini Pushkarna

The adoption and use of the trademark 'INDO AIR' by Shree Vardhman Engg. for coolers and fans in Class 11 infringes upon K.K. Electro Appliances Pvt Ltd's prior registered trademarks 'INDO' and its device mark. The trademarks are deemed deceptively similar, creating a likelihood of confusion among average consumers. As a result, the trademark registration no. 3924750 for the respondent is cancelled, and the trademarks register will be rectified accordingly.

KAIRA DISTRICT COOPERATIVE MILK PRODUCERS UNION LTD & ANR. VS BIO LOGIC AND PSYCHOTROPICS INDIA PRIVATE LTD & ANR. [CS(COMM)-858/2022]

Judges: Justice Mini Pushkarna

The defendants infringed the plaintiffs' well-known registered trademark "AMUL" and are prohibited from using the mark or any similar mark. A permanent injunction was granted, preventing the defendants from manufacturing, selling, or dealing in products bearing the "AMUL" mark. The defendants are ordered to destroy the infringing goods and pay R.S. 5,00,000 in costs and damages to the plaintiffs. The adoption of the "AMUL" trademark by the defendants was deemed unauthentic, aimed at exploiting the plaintiffs' reputation and goodwill.

KALPANA DUDEJA VS JAIDEEP KUMAR MISHRA & ORS [CONT.CAS(C)-303/2020]

Judges: Justice Mini Pushkarna

The contempt petition by Kalpana Dudeja was dismissed as the respondent organization, NIELIT, complied with previous directives by reinstating her, releasing her arrears, and granting one promotion. Consideration for further promotions cannot be addressed in a contempt petition since the organization cited that she did not meet the minimum benchmark grading under its Promotion Policy due to adverse remarks in her Annual Performance Appraisal Reports. The petitioner may seek other remedies for her promotion grievances.

KARUNA NIDHAN VS RAJIV GAUBA & ORS [CONT.CAS(C)-211/2019]

Judges: Justice Mini Pushkarna

The respondents complied with the court order from 15th December 2015 by granting Non-Functional Selection Grade (NFSG) and other benefits to the petitioner. An affidavit confirmed this compliance. The petitioner can pursue further remedies for grievances related to NFSG dues but no additional directions beyond the original order will be issued.

KAVITA GROVER VS ANGEL BHATI CHAUHAN, DY. COMMISSIONER(SOUTH ZONE) & ORS. [CONT.CAS(C)-1954/2023]

Judges: Justice Mini Pushkarna

The Municipal Corporation of Delhi (MCD) has substantially complied with a previous order regarding illegal construction, having demolished unauthorized portions, rendered the properties uninhabitable, and sealed the premises. The MCD is directed to ensure the owner takes further action for complete demolition of the remaining illegal structure. The compliance reported by the MCD has been acknowledged, leading to the petition's disposal.

KAWAKAMI, SHIGEKI & ORS. VS ASSISTANT CONTROLLER OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-191/2022]

Judges: Justice Mini Pushkarna

The order rejecting the appellant's patent application was set aside due to the failure to communicate the ground of lack of novelty in the hearing notice. This omission violated the principles of natural justice, preventing the appellant from addressing the issue. The matter was remanded for fresh consideration, requiring a new hearing notice that includes all objections, with a decision on the application to be made within four months.

KOTESHWAR CHEMFOOD INDUSTRIES PVT. LTD. VS SACHDEVA AND SONS INDUSTRES PVT. LTD. AND ANR. [C.O. (COMM.IPD-TM)-375/2021]

Judges: Justice Mini Pushkarna

The trademark registration for the "PRIME" mark held by Sachdeva and Sons Industries Pvt. Ltd. was ordered to be rectified to remove salt and spices from its scope. Koteshwar Chemfood Industries Pvt. Ltd. has used the "PRIME" trademark for iodized salt since 1995 and possesses various registrations for it. The trademark registration for "PRIME" by the respondent expired on January 1, 2024, without renewal. The "PRIME" trademarks of both parties are deemed deceptively similar, likely causing consumer confusion due to their registration for similar goods in Class 30. The trademark registry is directed to implement the necessary rectification.

KUNAL KUMAR VS GOVT OF NCT DELHI & ORS. [W.P.(C)-14877/2023]

Judges: Justice Mini Pushkarna

The land in question is government/DDA land that was previously acquired. The petitioner is deemed an unauthorized encroacher with no legal right to occupy the land, as any occupation post-acquisition is classified as trespassing. The petitioner's claims of being a lawful tenant lack supporting documents and have been previously rejected by another judgment.

LAVKUSH VS MS. AISHWARYA SINGH AND ORS. [CONT.CAS(C)-667/2023]

Judges: Justice Mini Pushkarna

The petitioner, categorized as a vendor under the "others" category in his Certificate of Vending (COV), cannot claim to be a "stationary street vendor" as per the Street Vendors Act, 2014 and Street Vendors Scheme, 2019. The terms of the COV do not grant the right to occupy a vending site continuously. The contempt petition was dismissed as there was no evidence of willful violation of prior orders, which required the petitioner to vend within a specified zone under the COV's terms and conditions.

LOUIS VUITTON MALLETIER VS WWW.HAUTE24.COM & ORS. [CS(COMM)-874/2022]

Judges: Justice Mini Pushkarna

The defendants infringed the plaintiff's copyright by using copyrighted photographs and images on their website without authorization. A permanent injunction prevents the defendants from using the plaintiff's material. They may continue selling certified pre-owned Louis Vuitton products but must clearly indicate that the items are pre-owned. Selling new Louis Vuitton products is prohibited without written permission from the plaintiff. The defendants are to pay costs of ₹5,00,000 to the plaintiff in France.

LT CDR SANDEEP BHATNAGAR VS DIRECTOR GENERAL BORDER SECURITY FORCE & ANR. [CONT.CAS(C)-550/2021]

Judges: Justice Mini Pushkarna

The respondents substantially complied with the earlier order by communicating the DPC decision and issuing a speaking order on the petitioner's representation. In contempt proceedings, the merits of decisions regarding the petitioner's seniority and promotion cannot be reviewed, as established by precedent. The delay in compliance was not considered sufficient for contempt, as it did not indicate deliberate and willful disobedience. The contempt petition was dismissed, with the petitioner granted the option to pursue other legal remedies regarding the DPC decision or the speaking order.

M VS VIJAYPREET SINGH LAMBA & ORS. [CONT.CAS(C)-1441/2022]

Judges: Justice Mini Pushkarna

The petitioner remains in possession of the entire third floor of the matrimonial home under the protection order from the Domestic Violence Act. Disputed claims regarding possession exist, but emphasis is on upholding the dignity of the order rather than addressing factual disputes in contempt proceedings. The respondents are directed to comply with the protection order fully, leading to the disposal of the contempt petition.

M.P.SINGH & ORS. VS AVINASH KAUR MEHTA & ANR. [CONT.CAS(C)-819/2006]

Judges: Justice Mini Pushkarna

The petitioners, employees of NGOs in family planning clinics funded by the Delhi government, are entitled to equal pay and allowances as government employees in similar roles. The Delhi government has complied by paying approximately ₹61 lakhs of the ₹74 lakhs owed. The government is directed to pay the outstanding ₹13.48 lakhs within 8 weeks, and the petitioners can raise concerns about any discrepancies or interest. No willful disobedience or non-compliance was identified.

M/S GOEL EXIM INDIA PVT. LTD. & ORS. VS BANK OF INDIA & ANR. [W.P.(C)-7809/2024]

Judges: Justice Mini Pushkarna

The bank is required to provide the petitioners with all relevant documents, including Forensic Audit Reports related to the show-cause notice, in accordance with principles of natural justice. The bank has not officially designated the account as "Fraud" and is reassessing its previous decision. The bank must supply the documents within 4 weeks, allowing the petitioners 3 weeks to respond.

M/S M.H. ONE TV NETWORK PVT. LTD. VS M/S MH 7 NEWS AND ANR [C.O. (COMM.IPD-TM)-396/2022]

Judges: Justice Mini Pushkarna

The trademark "MH7" was found to be deceptively similar to the registered trademarks "MH ONE" and "MH1," indicating an attempt to exploit the goodwill and reputation of the petitioner. The Triple Identity Test showed that the marks, services, and consumers were similar. The registration of "MH7" was deemed wrong and illegal due to substantial copying, leading to its cancellation and a directive for the rectification of the trademark register.

M/S MARVEL TEA ESTATE INDIA LTD VS M/S NUSUN GENETIC RESERCH LTD [CS(COMM)-279/2018]

Judges: Justice Mini Pushkarna

A permanent injunction was granted to M/S Marvel Tea Estate India Ltd., prohibiting M/S Nusun Genetic Research Ltd. from using the mark "NUSUN MARVEL" or any similar marks to the registered trademark "MARVEL." The defendant had ceased operations and did not appear at the proceedings. The registered trademarks and copyright of the plaintiff over the "MARVEL" mark were acknowledged, leading to a favorable outcome for the plaintiff.

M/S SAI TRADING COMPANY VS M/S KRBL LIMITED [FAO-IPD-8/2022]

Judges: Justice Mini Pushkarna

The appeal by M/s Sai Trading Company against M/s KRBL Limited in a trademark dispute over "GOLDEN GATE" was dismissed due to the appellant's failure to provide instructions to counsel and lack of engagement in mediation. The appellant's apathetic conduct and the respondent's incurred costs led to an imposed cost of R.S. 10 lacs on the appellant, payable within 8 weeks.

M/S SUBHASH CHAND KATHURIA VS PUNJAB NATIONAL BANK [W.P.(C)-1869/2024]

Judges: Justice Mini Pushkarna

The Chief Metropolitan Magistrate's order allowing the bank to take possession of the property lacked jurisdiction, as the property fell under the North District's jurisdiction. The Debt Recovery Tribunal has the authority to evaluate the enforcement of security under the SARFAESI Act. The impugned order was suspended for one week to enable the petitioner to approach the Debt Recovery Tribunal under Section 17 of the SARFAESI Act.

M/S SUICH INDUSTRIES LIMITED & ANR. VS STATE BANK OF INDIA [W.P.(C)-7210/2024]

Judges: Justice Mini Pushkarna

The unilateral classification of the petitioner company's account and its directors as "Fraud" by the State Bank of India (SBI) was set aside due to a lack of show-cause notice and opportunity for a hearing, violating principles of natural justice. A detailed procedure established by the Supreme Court requires banks to allow borrowers to explain evidence before such classification. SBI failed to adhere to this procedure. The "Fraud" classification was annulled, and SBI was permitted to reevaluate the situation in compliance with the prescribed guidelines, while the ongoing investigation by the Central Bureau of Investigation (CBI) was allowed to continue.

M/S. V-MEGA STORES & ORS. VS V-MART RETAIL LIMITED [CM(M)-IPD-15/2024]

Judges: Justice Mini Pushkarna

The trial court dismissed the petitioners' applications for condonation of delay in filing the written statement based on technicalities, including the timing of affidavit drafting and the dual role of the petitioners' counsel. These findings were deemed speculative, and the fact that affidavits were attested prior to the applications did not invalidate them. Even if there were deficiencies in the affidavits, they were considered curable irregularities. The matter was sent back to the trial court for a fresh consideration of the applications on their merits, leaving the rights and contentions of both parties open.

MAHA RASHTRA APEX CROP & LTD VS PUREARTH INFRASTRUCTURE LTD & ORS [CONT.CAS(C)-314/2018]

Judges: Justice Mini Pushkarna

The petitioner deposited outstanding dues of R.S. 21,96,770, leading to the release of this amount to the respondent. Additionally, the petitioner is required to pay R.S. 8,02,060 in statutory charges. Following this payment, the respondent must register the sale deed in favor of the petitioner and issue a no-dues certificate.

MANISH RAWAT VS MUNICIPAL CORPORATION OF DELHI & ORS. [CONT.CAS(C)-283/2024]

Judges: Justice Mini Pushkarna

The contempt petition against the Municipal Corporation of Delhi, owner, and builder was dismissed due to substantial compliance with a prior order. The Municipal Corporation inspected the property, issued a completion certificate, and took action against unauthorized construction. The completion certificate was found to be valid, leading to the disposal of the contempt petition.

MANISH TIWARI & ORS. VS AMIT YADAV,CHAIRPERSON,NDMC & ANR. [CONT.CAS(C)-114/2024]

Judges: Justice Mini Pushkarna

The respondents (NDMC and NSES) complied with the order from 24th July 2023 by issuing a detailed order on 5th December 2023, approving the compassionate appointment of the petitioners according to government policy. The respondents are to complete the appointment process within four months, with the petitioners allowed to revive the petition if there is non-compliance.

MANJU YADAV @ RICHA YADAV VS RAJESH YADAV & ANR [CONT.CAS(C)-567/2018]

Judges: Justice Mini Pushkarna

The respondent cannot be held in contempt for the delayed payment of ₹25,00,000 to the petitioner, as he later presented a demand draft for the remaining amount, indicating intent to comply with the settlement. The absence of willful disobedience, only a delay in payment, led to the dismissal of the contempt petition.

MANKIND PHARMA LIMITED VS MAA AYURVED BHAVAN [CS(COMM)-184/2024]

Judges: Justice Mini Pushkarna

The defendant, a roadside vendor operating a small Ayurvedic medicine shop, was not connected to "Maa Ayurved Bhavan North 24 Parganas," which allegedly infringed the plaintiff's registered trademark "MANFORCE" and copyright in the product artwork. The defendant provided clear statements and an affidavit. The suit was decreed in favor of the plaintiff, granting the sought injunction relief, while the plaintiff waived claims for damages and costs.

MANKIND PHARMA LTD. 208, OKHLA INDUSTRIAL ESTATE, PHASE-III, NEW DELHI VS MANOJ KUMAR M/S NOVAKIND BIOSCIENCES, S. 15/10, 16/10, IST FLOOR, T.P. NAGAR, KANPUR ROAD, LUCKNOW, UP [C.O. (COMM.IPD-TM)-409/2022]

Judges: Justice Mini Pushkarna

The registration of the trademark "GYNOKIND" by Manoj Kumar M/S Novakind Biosciences is deemed untenable and subject to cancellation under Section 57 of the Trade Marks Act, 1999. Mankind Pharma Ltd. is established as the prior user of the "MANKIND" trademark and the "KIND" family of marks since 1986, having built significant goodwill and market presence. The use of "GYNOKIND" is likely to cause consumer confusion due to its deceptive similarity to Mankind's established marks. Previous judgments affirm Mankind's exclusive rights over the "KIND" component in the pharmaceutical industry.

MAYAPURI BEARING DEALERS ASSOCIATION REGD. THROUGH ITS SECRETARY VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-10207/2023]

Judges: Justice Mini Pushkarna

The writ petition filed by the Mayapuri Bearing Dealers Association was dismissed because the eviction order against M/s Hindustan Metal Works and unauthorized occupants of the property has become final. The association, representing unauthorized occupants, has no legal rights over the property due to the termination of the original lessee's rights. The petition is not maintainable as the members are unauthorized occupants with no claim to the property.

MCAM SURLON INDIA LTD VS MS METALON MARKETING DELHI PARTNERSHIP FIRM & ANR. [CS(COMM)-846/2023]

Judges: Justice Mini Pushkarna

MCAM Surlon India Ltd. is the registered proprietor of the trademark "METALON" since 1994 and has established a prima facie case of trademark infringement against M/s Metalon Marketing Delhi Partnership Firm and another. Any use of the trademark by a licensee after revocation constitutes infringement under the Trade Marks Act, 1999. An interim injunction has been granted to restrain the defendants from using the registered trademark "METALON" for their business activities.

MD DILWAR HUSSAIN VS PROF NAZIM HUSAIN AL-JAFRI REGISTRAR [CONT.CAS(C)-522/2024]

Judges: Justice Mini Pushkarna

The respondent university willfully disobeyed previous orders granting the petitioner admission to the B.Ed. (Urdu) course and denied him admission despite favorable judgments. An unsuccessful appeal was made to the Supreme Court. Although the university later offered admission, it was deemed infeasible for the petitioner to join the current session as classes had already started. The university was directed to compensate the petitioner with ₹50,000 for the loss of an academic year, and he was instructed to take admission in the next academic session.

MEENAKSHI SHARMA VS CL BHALLA DAYANAND MODEL SCHOOL & ORS. [CONT.CAS(C)-166/2024]

Judges: Justice Mini Pushkarna

The final calculations by the Directorate of Education (DOE) under the 6th and 7th Central Pay Commission faced challenges from both petitioners and the management committee. The DOE is instructed to reconsider the management committee's representation regarding arrears calculations and allow petitioners to raise objections. A fresh assessment must be completed within eight weeks, and the management committee is required to release 20% of the calculated amount within one week of finalization. Petitioners may revive contempt petitions in case of non-compliance.

MEHBOOB AHMAD & ANR. VS MUNEER AHMAD & ORS. [CM(M)-IPD-12/2024]

Judges: Justice Mini Pushkarna

The petition challenging the order allowing the respondents to submit additional documents in trademark infringement suits was dismissed. The Additional District Judge considered the respondents' reasons for the late filing and found reasonable cause. No errors were identified that warranted interference. The petitioners were also estopped from challenging the order since they accepted the costs imposed for allowing the additional documents.

MINISTRY OF WORK ,HOUSING & SUPPLY COOPERATIVE HOUSE BUILDEING SOCIETY LTD VS ASHOKTA TARNACHA (SECRETARY)SSR EDUCATIONAL & WELFARE SOCIETY & ORS [CONT.CAS(C)-307/2018]

Judges: Justice Mini Pushkarna

The respondents did not commit contempt of court by operating a school up to Class 8 instead of just a nursery. The Directorate of Education relaxed land norms, allowing schools on DDA land to operate up to the elementary level, and the respondents secured valid recognition to run the school accordingly. An earlier statement made under different legal norms does not bind the respondents when the law permits their actions. Additionally, the petition was barred by limitation, as the petitioner was aware of the middle school operations since 2015 but filed the contempt petition in 2018.

MINOR P(THR. FATHER N) VS STATE & ANR. [W.P.(CRL)-1899/2024]

Judges: Justice Mini Pushkarna

A 16-year-old rape victim sought medical termination of her 26-28 week pregnancy. The Medical Board indicated moderate chances of the baby's survival but high chances of premature complications, which led to the decision against termination. Given the victim's financial situation and status, she will be admitted to AIIMS for delivery, with the State covering all expenses. Preservation of the child's DNA for ongoing prosecution is required, and AIIMS will ensure the petitioner's mental and physical welfare during her stay.

MODERN MOLD PLAST PVT. LTD. & ANR. VS FLIPKART INTERNET PT. LTD. & ORS. [CS(COMM)-803/2024]

Judges: Justice Mini Pushkarna

The plaintiffs established common law rights in the trademark "MAHARAJA" and related marks through prior use since 2009. The defendants engaged in passing off by selling non-genuine products linked to the plaintiffs' listings on the Flipkart e-commerce platform. Flipkart must implement its "brand gating" feature to prevent unauthorized sellers from using the plaintiffs' listings and disable any instances of such behavior upon notification. The plaintiffs expressed satisfaction with these directions and did not seek further relief.

MODI PAINTS AND VARNISH WORKS VS SANJAY GUPTA AND ANR. [C.O. (COMM.IPD-TM)-324/2021]

Judges: Justice Mini Pushkarna

The trademark "MODI CRYL," registered to Sanjay Gupta, was not renewed after its validity expired on May 21, 2018, despite a renewal notice from the Registrar of Trademarks. Consequently, Modi Paints and Varnish Works' request for rectification and removal of the trademark has been satisfied, as it is no longer in effect.

MODI-MUNDIPHARMA PVT. LTD. & ANR. VS WIN HEALTH PHARMA THROUGH ITS PROPRIETOR MR. SANJAY SETH & ANR. [CS(COMM)-197/2022]

Judges: Justice Mini Pushkarna

The plaintiffs presented prima facie merit regarding the invalidity of the defendant's trademark registrations for "WIN HEALTH PHARMA" and another mark. Specific issues were framed to assess the validity of these registrations, noting the plaintiffs as prior adopters and users of similar marks like "WIN-MEDICARE" and "WIN-HEALTHCARE." Proceedings were adjourned for three months for further examination of the trademark validity under the Trademarks Act, 1999.

MOHAMMED MOINUDDIN AHMED VS BHOLA NATH SINGH SECRETARY GENERAL, HOCKEY INDIA [CONT.CAS(C)-353/2024]

Judges: Justice Mini Pushkarna

Hockey India has developed mechanisms to ensure transparency and fairness in the selection process for state hockey teams. As a one-time measure, an independent observer will attend the senior men's team selection trials for the Andhra Pradesh state hockey team. Hockey India must communicate selection trial guidelines to the Andhra Pradesh hockey association, which is required to publish trial dates on its website at least two weeks in advance.

MOTHER SPARSH BABY CARE PVT LTD VS AAYUSH GUPTA & ORS. [CS(COMM)-129/2022]

Judges: Justice Mini Pushkarna

The defendant's trademark "Plantpowered" is identical and deceptively similar to the plaintiff's registered trademark "Plant Powered," likely causing consumer confusion. The plaintiff has been the prior adopter and user of the mark since 2019, having extensively promoted it. Malicious conduct by the defendant included filing a false complaint against the plaintiff with Amazon, resulting in the delisting of the plaintiff's products. The defendant's trademark registration has been canceled, a decree has been granted in favor of the plaintiff along with costs of ₹7 lacs, and the defendant is directed to withdraw its opposition to the plaintiff's trademark application.

MR. RAVINDER KUMAR GARG VS PUNJAB NATIONAL BANK [W.P.(C)-7369/2024]

Judges: Justice Mini Pushkarna

The petitioner's writ petition under Article 226 is deemed not maintainable due to the availability of an alternate remedy under the SARFAESI Act. The petitioner is directed to approach the Debt Recovery Tribunal (DRT) to address concerns regarding the auction notice and the bank's conduct. The DRT is instructed to expedite the pending Securitization Application (SA). The auction notice dated 25th April, 2024, is stayed for 10 days to facilitate the petitioner's approach to the DRT.

MR.RAJAN CHADHA & ANR. VS MR.SANJAY ARORA & ANR. [CONT.CAS(C)-75/2021]

Judges: Justice Mini Pushkarna

The respondents did not willfully disobey court and arbitral tribunal orders. Non-payment of EMIs by respondent no. 1 was attributed to financial inability, not deliberate violation. The sale of the Flat Bed Printing Machine occurred before the court orders and did not constitute a violation. Respondent no. 2's entry into corporate insolvency resolution process (CIRP) resulted in respondent no. 1 losing control over the company's assets and management. The burden of proof for contempt requires evidence beyond reasonable doubt, and the presence of two interpretations negates willfulness. The notice to show cause was discharged, and the contempt petition was dismissed.

MRS ARTI GUPTA & ANR. VS PURAN RANA & ANR. [C.O. (COMM.IPD-TM)-89/2024]

Judges: Justice Mini Pushkarna

The petitioner is the prior adopter and registered owner of the trademarks "KONVIO" and "KONVIO NEER" in Class 11. The respondent's use of the identical trademark "KONVIO NEER" in Class 35 was considered dishonest, aimed at benefiting from the petitioner's goodwill. The respondent was subject to a permanent injunction preventing the use of the petitioner's mark and failed to provide justification for its actions, resulting in the cancellation of the respondent's trademark registration.

NARENDRA YADAV VS DILIP RANGWANI [CONT.CAS(C)-970/2018]

Judges: Justice Mini Pushkarna

The Enquiry Officer complied with the previous order from June 1, 2018, allowing the petitioner to cross-examine witnesses regarding additional documents and considering the petitioner's objections in the Enquiry Report. Substantial compliance negated the need to scrutinize the specifics of the measures taken. The petitioner had the opportunity to raise issues related to the additional documents, leading to no grounds for contempt. Additionally, the petitioner had previously withdrawn a similar contempt petition but retained the right to address issues in appropriate proceedings and has already challenged the Enquiry Officer's findings in a separate writ petition.

NAYAN INDIA SCIENCE AND TECHNOLOGIES PVT. LTD VS TUSHAR MAURYA & ORS. [CS(COMM)-526/2024]

Judges: Justice Mini Pushkarna

A mandatory injunction to compel a former employee to visit the plaintiff's office and transfer work product was not granted. Such an order would constitute compelling specific performance of a contract for personal services, which is prohibited under Section 14(c) of the Specific Relief Act, 1963. An employee cannot be forced to fulfill a contract based on personal qualifications, and the plaintiff's claimed loss can be compensated monetarily. The application for interim relief was dismissed.

NEERAJ SHARMA VS VINAY SHEEL SAXENA & ORS. [CONT.CAS(C)-851/2021]

Judges: Justice Mini Pushkarna

The respondents, including senior officials of the Public Works Department, planted over 2,000 trees as directed and an additional 6,000 trees across Delhi, demonstrating substantial compliance with previous orders. The remedial measures taken were acknowledged, leading to the discharge of contempt proceedings and the setting aside of the conviction of respondent no. 4.

NEW AVANTIKA CGHS SOCIETY VS DDA [W.P.(C)-4986/2020]

Judges: Justice Mini Pushkarna

The petitioner-society does not have a vested right to claim land allotment from the DDA at pre-determined rates, as no formal allotment occurred before the 2021 amendment of the DDA Nazul Land Rules. The DDA had only proposed land allotment, with no specific plot assigned. Following the rule change mandating that land be allotted through auction or tender, the petitioner-society cannot demand allotment at pre-determined rates. Additionally, the petitioner-society's significant delay in legal action after the initial proposal influenced the outcome. The petition was dismissed, but the DDA was instructed to refund the amount deposited by the petitioner-society with interest.

NEW BALANCE ATHLETICS INC. VS ASHOK KUMAR & ORS. [CS(COMM)-104/2023]

Judges: Justice Mini Pushkarna

New Balance Athletics Inc. established a clear case of trademark infringement and passing off against Indramani Sahu and Jagabandhu Sahoo, who operated a website selling counterfeit products bearing New Balance's registered trademarks. The defendants admitted on their website to selling "high quality products which look similar to the originals," indicating the sale of counterfeit goods. Their failure to submit a written statement or engage in the proceedings resulted in the plaintiff's claims being uncontested. The seriousness of counterfeiting as an economic offense that undermines brand value and misleads consumers was recognized. The suit was decreed in favor of New Balance, with an award for actual costs of litigation.

NEW BALANCE ATHLETICS, INC. VS PULKIT KHUBCHANDANI [CS(COMM)-452/2024]

Judges: Justice Mini Pushkarna

The defendant infringed the plaintiff's registered trademarks "N" and "550" by producing and selling footwear with nearly identical marks. The defendant's use of the plaintiff's marks was not legitimate and aimed to exploit the plaintiff's reputation. A permanent injunction against the defendant was issued, the confiscated infringing products were ordered to be destroyed, and the defendant was mandated to pay the plaintiff ₹5,00,000 in costs and ₹2,00,000 in damages.

NEW ERA CAP CO., INC. VS MR. SATISH SHUKLA & ORS. [CS(COMM)-548/2023]

Judges: Justice Mini Pushkarna

New Era Cap Co., Inc. is the registered proprietor of the 'NEW ERA' and '59FIFTY' trademarks, along with various device marks in India. The defendants were found to be selling counterfeit goods featuring these trademarks without authorization, constituting trademark infringement and passing off. A permanent injunction was issued against the defendants, prohibiting the use of the trademarks or any similar marks. The defendants were ordered to pay damages of Rs. 10,00,000 and costs of Rs. 6,00,000.

NNOVA AND COMPANY VS CHAND RAHEJA AND ANR [C.O. (COMM.IPD-TM)-417/2022]

Judges: Justice Mini Pushkarna

The registration of the trademark "NOGA" was cancelled due to its deceptive similarity to the well-known trademark "NOVA". The adoption of "NOGA" was found to be fraudulent, intended to exploit the goodwill associated with "NOVA", leading to public deception and confusion. The removal of the "NOGA" trademark from the register was directed, based on the respondent's commitment not to renew it.

OPELLA HEALTHCARE GROUP VS VAIBHAV VOHRA & ANR. [C.O.(COMM.IPD-CR)-9/2024]

Judges: Justice Mini Pushkarna

The trademark "PHENSERYL" and the copyrighted artistic work owned by Vaibhav Vohra are deemed deceptively similar to Opella Healthcare Group's well-known trademark "PHENSEDYL" and its registered artistic work. The visual and phonetic similarities likely cause confusion among consumers, particularly in the pharmaceutical sector where such mistakes can have serious consequences. Consequently, the respondent's trademark and copyright registrations are ordered to be canceled, and the respective entries are to be removed from the registers.

PARVIOM TECHNOLOGIES PRIVATE LIMITED VS KARTHIK DEVRAJ AND OTHERS [CS(COMM)-644/2022]

Judges: Justice Mini Pushkarna

No valid service of the lawsuit on Karthik Devraj occurred, as service at his previous address and by inaccessible email were deemed inadequate. The orders closing his right to file a written statement were set aside. The delay in appealing was condoned, and the defendant was directed to file an application concerning the consideration of his later-submitted written statement, as he claimed he was only informed of the lawsuit in September 2023.

PRABHJOT SINGH & ORS. VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-4886/2024]

Judges: Justice Mini Pushkarna

Concerns regarding the clear title to the residential property raised by Prabhjot Singh and others were addressed, as the Delhi Development Authority took steps to remove encroachments and secure the property. The petitioners are required to deposit the remaining 75% of the bid amount, with a provision for a refund and interest if the DDA faces an adverse order in a related writ petition.

PRADEEP GOEL & ANR. VS BANK OF INDIA & ORS. [W.P.(C)-7786/2024]

Judges: Justice Mini Pushkarna

The bank must provide the suspended directors of a company with all relevant documents, including the Forensic Audit Report, related to the Show Cause Notice for classifying their accounts as 'Fraud'. Natural justice principles require the bank to allow the directors an opportunity to explain the evidence against them. The bank is instructed to supply the documents within four weeks, after which the directors will have three weeks to file their reply.

PRATIK JINDAL VS SHRUTI JINDAL [CONT.CAS(C)-922/2024]

Judges: Justice Mini Pushkarna

The petitioner received permission to travel outside India with his minor daughters during school vacation, contingent upon filing undertakings to return custody to the respondent after 12 days. Details of their passports and property owned by the petitioner's mother were required as security, with a warning of action against the mother's property if custody is not returned as agreed.

PRAVESH NARULA TRADING AS M/S. CAPITAL ENTERPRISES VS RAJ KUMAR JAIN TRADING AS M/S. BHOLARAM PURANMALL AND ANR. [CS(COMM)-379/2022]

Judges: Justice Mini Pushkarna

The plaintiff's application to amend the plaint to include the registration of its trademark was allowed, as the amendment was necessary to address the real controversy and prevent multiple litigations. The amendment did not alter the case's basic nature since both infringement and passing off claims were based on similar facts. Arguments from the defendants regarding wrongful trademark registration were rejected, as a pending cancellation petition did not justify denying the amendment.

PUMA SE VS JUGAL KISHORE JAIN AND ANR. [C.O. (COMM.IPD-TM)-81/2023]

Judges: Justice Mini Pushkarna

Puma SE established priority over the trademarks of Sh Jugal Kishore Jain, with its 'PUMA' trademark declared well-known. The respondent's trademarks were found to be deceptively similar to Puma's and covered identical goods and services. One trademark had not been used for over 5 years, making it subject to removal under the Trade Marks Act. The trademarks were cancelled and removed from the Trade Marks Register.

RACHANA TELEVISION PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-8754/2024]

Judges: Justice Mini Pushkarna

The disconnection of the TV channel "NTV Telugu" by the MSO without the required 3-week notice under TRAI Interconnection Regulations, 2017, and the 30-day notice as per the Channel Placement Agreement was illegal. The MSO must resume uninterrupted transmission of the channel in its prior position. The petitioner has filed appeals with the TDSAT regarding this matter.

RAISINA BENGALI SCHOOL VS SHRI BHUPESH CHAUDHARY AND ORS. [CONT.CAS(C)-361/2024]

Judges: Justice Mini Pushkarna

The respondents (Directorate of Education) were not held in contempt for failing to comply with a prior order from December 18, 2023, due to ambiguity in the order's interpretation regarding the requirement for granting clearance approval to the petitioner-school (Raisina Bengali School). The order allowed for multiple interpretations, leading to the conclusion that the benefit of the doubt should favor the respondents. The petitioner was granted the right to challenge the DOE's rejection of their request dated February 1, 2024.

RAJESH MEHTA & ANR VS OAKLEY INC [FAO-IPD-10/2022]

Judges: Justice Mini Pushkarna

The stay on the trial court's order granting an interim injunction in favor of Oakley Inc. against Rajesh Mehta & Anr. was upheld. The trial is nearing completion, with only one witness from the appellants remaining. The trial court was directed to conclude the trial promptly, unaffected by previous interim orders. The stay allows the appellants to continue using the shape/trade dress of the goggles during the pendency of the suit.

RAJIV KOHLI VS SHRI RADHA KRISHAN DIRECTOR ESTATE 1 DEPARTMENT [CONT.CAS(C)-32/2024]

Judges: Justice Mini Pushkarna

The license deed for Shop No. 3, Mohan Singh Place, New Delhi, expired on 31st March 2019, and the NDMC chose not to renew it. In contempt proceedings, only explicit previous directions can be enforced, without reopening decided issues. The petitioner may raise concerns regarding the de-sealing of similar shops in separate proceedings. The timeframe to vacate the shop was extended from 7 days to 3 weeks, with a directive to the NDMC not to take coercive actions during this period.

RAJU VS MR AMIT YADAV AND ANR [CONT.CAS(C)-1816/2023]

Judges: Justice Mini Pushkarna

The NDMC is instructed to include the petitioner's name in the survey for vending licenses and provide a personal hearing for his stationery vending license request, considering his paralytic condition. Previous orders for renewal of his bakery license were not complied with due to the non-constitution of the Town Vending Committee. The competent committee is to address the petitioner's representation for a stationery vending license, recognizing his health condition and inability to engage in mobile vending.

RAMESH KUMAR VS SHRI GYANESH BHARTI & ORS. [CONT.CAS(C)-501/2024]

Judges: Justice Mini Pushkarna

The respondents have complied with previous directions to issue a Certificate of Vending (COV) to the petitioner, who had applied for it as per an earlier order. The application is registered with the Municipal Corporation of Delhi, but issuance of the COV is contingent on the completion of an ongoing area survey under the Street Vendors Act. The Town Vending Committee will issue the COV upon survey completion, and the petitioner may revive the contempt petition if grievances persist after the COV is issued.

RANNU DEVI & ANR VS SANDEEP KUMAR & ORS [CONT.CAS(C)-91/2020]

Judges: Justice Mini Pushkarna

Respondents cannot disburse the final reward to the petitioners as informers until all proceedings against M/s J.V. Industries Pvt. Ltd. are concluded. The ongoing proceedings include a writ petition from the assessee challenging a further demand by the department. The notice of contempt against the respondents was discharged due to no willful disobedience, but petitioners may revive the contempt petition after the conclusion of the proceedings. Petitioners are permitted to request the release of the interim reward of R.S. 5 lakhs that has been sanctioned.

RAVINDER KUMAR & ORS. VS SHRI NITIN AGARWAL & ORS. [CONT.CAS(C)-968/2023]

Judges: Justice Mini Pushkarna

The respondents complied with the previous order to address the petitioners' request for Assured Career Progression (ACP)/Modified Assured Career Progression (MACP) Scheme benefits from the start of Basic Recruit Training (BRT). The petitioners expressed dissatisfaction with the responses provided, but the merits of those responses cannot be evaluated in contempt proceedings. Since the respondents considered the petitioners' representation as directed, no contempt action will be taken, as issues related to the correctness of the responses fall outside contempt jurisdiction.

SAARTHI AIRWAYS PVT LTD VS DR. B.M MISHRA & ORS. [CONT.CAS(C)-744/2021]

Judges: Justice Mini Pushkarna

The respondents have substantially complied with the previous order for demarcation of the disputed land. The petitioner can challenge the demarcation process or establish ownership in separate proceedings, as the issue of ownership cannot be resolved in the current contempt context. The petition is disposed of, allowing the petitioner to seek legal remedy for ownership claims.

SANDEEP KUMAR YADAV VS NARESH KUMAR CHIEF SECRETARY GNCT OF DELHI & ORS. [CONT.CAS(C)-734/2024]

Judges: Justice Mini Pushkarna

The contempt petition filed by Sandeep Kumar Yadav against the respondents was dismissed. The original punishment against the petitioner had been deemed disproportionate; however, following a remand, the Disciplinary Authority upheld the punishment in a fresh order. In contempt proceedings, examination is limited to whether the Disciplinary Authority complied with prior directions, which it did by reconsidering the matter. The petitioner has the option to challenge the fresh order in separate proceedings.

SANJAY DHINGRA VS 1. IDBI BANK LIMITED & ORS. [W.P.(C)-8131/2020]

Judges: Justice Mini Pushkarna

The interim moratorium under Section 96 of the Insolvency and Bankruptcy Code, 2016 applies to the security interest of the petitioner created under a personal guarantee, preventing the respondent bank from proceeding with SARFAESI actions against the mortgaged property after the commencement of insolvency proceedings. The bank's argument regarding the personal insolvency of the guarantor was rejected, referencing a precedent. The matter of the bank's jurisdiction to initiate SARFAESI proceedings may be addressed by the petitioner before the Debt Recovery Tribunal, which holds the authority to evaluate the bank's authority. The writ petition lacks maintainability since an effective remedy exists under Section 17 of the SARFAESI Act before the Debt Recovery Tribunal.

SANJAY TIKU & ORS. VS RESERVE BANK OF INDIA & ANR. [W.P.(C)-2543/2024]

Judges: Justice Mini Pushkarna

The declaration of the petitioners' account as 'Fraud' by IDBI Bank was set aside due to the lack of an opportunity for the petitioners to be heard, violating principles of natural justice. It was emphasized that the right to be heard should be applied to classifications of fraud as these have significant civil consequences for borrowers. IDBI Bank can initiate new proceedings in accordance with the law and after allowing the petitioners to make representations.

SANJEEV MAHAJAN VS INDIAN BANK (ERSTWHILE ALLAHABAD BANK) & ANR. [W.P.(C)-6866/2024]

Judges: Justice Mini Pushkarna

The matter is remanded to the NCLT to address the petitioners' objections regarding limitation and the maintainability of the Section 95 IBC application filed by the respondent-bank. The NCLT previously considered similar preliminary objections from personal guarantors, but did not do so in this instance. Rights and contentions of the parties remain open for consideration on the merits, with no observations made on the substantive merits of the submissions.

SANKALP SHARMA VS KRITIKA KAUSHIK [CONT.CAS(C)-1813/2023]

Judges: Justice Mini Pushkarna

The petitioner-father's complaint of international parental child abduction to US authorities prevented the respondent-mother from complying with a prior order to travel to the US with their minor child. There was no willful disobedience by the respondent-mother, as the petitioner's actions created this inability to comply. The contempt petition was dismissed due to the lack of willfulness.

SARABJEET KAUR VS DIRECTORATE OF ENFORCEMENT 1 [CONT.CAS(C)-299/2023]

Judges: Justice Mini Pushkarna

In a contempt proceeding, it is not possible to adjudicate on the merits of the decision made by the Directorate of Enforcement regarding the petitioner's representations. The respondent complied with the earlier order to address the representations within the given timeframe. Any grievances by the petitioner regarding the decision represent a new cause of action, allowing the petitioner to pursue appropriate legal remedies in separate proceedings.

SARVJEET SINGH VS PRANAY SAHAY AND ORS [CONT.CAS(C)-130/2013]

Judges: Justice Mini Pushkarna

The respondents substantially complied with the September 1, 2011 judgment by reinstating the petitioner with 50% back wages and granting various promotions. Disputes regarding the petitioner's further promotion to Second-In-Command and Non-Functional Financial Up-Gradation benefits cannot be adjudicated in the current proceedings as they were not part of the 2011 directions. The petitioner may initiate independent proceedings to raise these claims.

SH DEVKI NANDAN AND ANR VS M/S CAPRI GLOBAL HOUSING FINANCE LIMITED AND ORS. [W.P.(C)-2000/2024]

Judges: Justice Mini Pushkarna

The petitioners approached the Debt Recovery Appellate Tribunal (DRAT) regarding an order from the Debts Recovery Tribunal (DRT) and a possession notice from the receiver. The DRAT chairman is unavailable until 13.02.2024, while possession is set for 12.02.2024. Therefore, the possession notice dated 05.02.2024 remains in abeyance until 13.02.2024, coinciding with the hearing of the petitioners' application.

SH DIPANKAR DUTTA AND ANR VS MUNICIPAL CORPORATION OF DELHI [W.P.(C)-8709/2024]

Judges: Justice Mini Pushkarna

The petitioners challenged a demolition order from the Municipal Corporation of Delhi for unauthorized construction in their flat. They were directed to rectify discrepancies in their regularization application within 7 days, and no coercive action will be taken during the application's pending status. No further orders were issued.

SH. DHANI RAM MEHTO VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-2561/2024]

Judges: Justice Mini Pushkarna

The writ petition challenging the withholding of the petitioner's pension and gratuity is not maintainable in the High Court, as jurisdiction over service matters lies with the Central Administrative Tribunal under the Administrative Tribunals Act, 1985. The petitioner is granted the opportunity to approach the CAT.

SH. LAGADAPATI MADHUSUDHAN RAO VS PUNJAB NATIONAL BANK [W.P.(C)-928/2024]

Judges: Justice Mini Pushkarna

The principles of natural justice require banks to provide directors and guarantors of LANCO Infratech Limited with the underlying documents and records related to show cause notices for classifying their accounts as 'fraud' under RBI Master Directions. The banks and the company's liquidator must allow inspection of relevant records and supply specific documents requested by the petitioners to enable them to respond to the notices. Ensuring access to necessary documents is essential to uphold the principles of natural justice.

SH. RAKESH KUMAR SHARMA VS DELHI DEVELOPMENT AUTHORITY [W.P.(C)-2328/2020]

Judges: Justice Mini Pushkarna

The allotment of a flat to Smt. Amba Rani by the Delhi Development Authority (DDA) was cancelled due to her failure to pay the demanded amount by the deadline of June 15, 1993. Payment within the stipulated time is a mandatory term in the allotment letter, and non-payment leads to automatic cancellation. A suit challenging the amount demanded was dismissed, along with an appeal against that dismissal. Consequently, a writ petition filed by Smt. Amba Rani's successor on the same cause of action is not maintainable based on the principle of constructive res judicata.

SHANTANU PRAKASH VS STATE BANK OF INDIA & ORS. [W.P.(C)-1730/2024]

Judges: Justice Mini Pushkarna

The petitioner must be provided with documents that form the basis of show cause notices issued by respondent banks regarding the declaration of the petitioner's company account as 'fraud'. Fair procedure requires disclosure of all investigative materials to enable effective response to allegations. The lead bank and Resolution Professional must allow the petitioner to inspect company records and provide specific requested documents within set timelines. The petitioner can also request a personal hearing, which the banks must consider.

SHARDA YADAV VS STATE OF NCT OF DELHI & ANR. [CONT.CAS(C)-1166/2023]

Judges: Justice Mini Pushkarna

The Delhi Development Authority (DDA) and the Government of NCT of Delhi are to grant a hearing to the petitioner's authorized representatives regarding encroachment on a Nalla/Rain Water Body in Khasra No. 56/1, Village Samlkha, New Delhi. The land, designated for development by the DDA, requires an investigation to determine the status of the encroachment and necessary action within a 4-month timeframe.

SHREE GHANTAKARAN PIPES PVT LTD AND ANR VS ROHIT GARG [CS(COMM)-403/2021]

Judges: Justice Mini Pushkarna

The defendant's use of the trademark "APPI SMONIKA GOLD" infringed the plaintiffs' registered trademark "MONICA GOLD" due to significant phonetic and structural similarity, likely causing consumer confusion. The defendant did not respond to the allegations or participate in the proceedings, resulting in a decree favoring the plaintiffs, who waived claims for costs and damages.

SHRI RAJESH CHUGH VS MEHRUDDIN ANSARI & ANR. [C.O. (COMM.IPD-TM)-28/2024]

Judges: Justice Mini Pushkarna

The registered trademark "ANDAAZ-E-NIZAAM" in Class-43 is considered deceptively similar to the prior registered trademark "NIZAM'S." The respondent admitted to abandoning the use of "ANDAAZ-E-NIZAAM" and intends to use "DAAWAT-E-NIZAMUDDIN" or "ANDAAZ-E-NIZAMUDDIN" for their business. The Registrar of Trademarks is directed to cancel "ANDAAZ-E-NIZAAM," and the respondent must change their trade name to "DAAWAT-E-NIZAMUDDIN" or "ANDAAZ-E-NIZAMUDDIN" within four weeks.

SHRI RISHABH GARG VS THE HDFC BANK LTD & ORS. [W.P.(C)-5965/2024]

Judges: Justice Mini Pushkarna

The petitioner is allowed to create two fixed deposit receipts of ₹50 lakhs each for a duration of 10 years for the benefit of the petitioner's son. After 10 years, the fixed deposits will be set to auto-renew by HDFC Bank. A lien will be marked in favor of the petitioner's son until the maturity of the deposits. The bank's system limitation of a maximum 10-year deposit term was acknowledged and accepted.

SIMBHAOLI SUGARS LIMITED VS PUNJAB NATIONAL BANK & ANR. [W.P.(C)-3903/2022]

Judges: Justice Mini Pushkarna

Simbhaoli Sugars Limited's account was declared 'fraud' by Punjab National Bank without providing an opportunity to be heard. The lack of a hearing violated principles of natural justice as established in a precedent involving the right to be heard. Consequently, the declaration of fraud was set aside, allowing the bank to pursue actions in accordance with the applicable legal principles.

SMC NOVA ESTATE PRIVATE LIMITED VS SURYA MARKETING COMPANY [CM(M)-IPD-16/2024]

Judges: Justice Mini Pushkarna

The petition challenging the trial court's orders to close the petitioner's right to cross-examine the plaintiff's witness and present its own evidence was dismissed. The petitioner's repeated requests for adjournments without valid justification to delay proceedings were deemed unacceptable. Previous judgments condemning the routine granting of adjournments were cited, emphasizing the need for expeditious disposal in commercial matters. The petition lacked merit and was dismissed.

SMT MEENU GARG AND ANR VS UNION BANK OF INDIA [W.P.(C)-11958/2021]

Judges: Justice Mini Pushkarna

The restraint order on the petitioners' bank locker, issued by the Income Tax Department in 2012, was revoked by the Department the same year. The authenticity of the revocation order was confirmed and served to Union Bank of India. The bank was directed to grant the petitioners access to their locker, as there were no legal impediments remaining.

SPORTA TECHNOLOGIES PVT LTD AND ANR VS ADITYA YADAV AND ORS [CS(COMM)-22/2024]

Judges: Justice Mini Pushkarna

Defendant no. 1 infringed the plaintiffs' registered trademarks "Dream 11" by using the mark in the sub-domain "dream11.hmriworld.com," constituting passing off. A decree was passed in favor of the plaintiffs due to the defendants' failure to submit a written statement, resulting in an imposed cost of R.S. 1,00,000 on defendant no. 1.

SPORTA TECHNOLOGIES PVT LTD AND ANR. VS JOHN DOE AND ORS [CS(COMM)-21/2024]

Judges: Justice Mini Pushkarna

Sporta Technologies Pvt Ltd is the registered owner of the "DREAM 11" trademark. The plaintiffs demonstrated trademark infringement and passing off by the defendants, who replicated their website and used confusingly similar marks. The defendants did not file a written statement, leading to an ex-parte decree in favor of the plaintiffs, who were awarded nominal costs. In cases where defendants do not contest, it is noted that the plaintiffs are not required to present further evidence.

STAR SCIENTIFIC LIMITED VS THE CONTROLLER OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-20/2024]

Judges: Justice Mini Pushkarna

The Controller of Patents and Designs erred in rejecting the patent application of Star Scientific Limited due to the applicant's absence at a scheduled hearing. The applicant's detailed response to the First Examination Report needed to be considered, requiring a reasoned decision under Section 15 of the Patents Act that addressed the application's merits. The matter was remanded for fresh consideration, with a directive to decide within 4 months and allow the applicant to submit written arguments within 5 days. The decision must systematically address each objection and issue.

SUMAN DAGAR VS MR.VIJAY DEV AND ORS [CONT.CAS(C)-345/2023]

Judges: Justice Mini Pushkarna

The respondents, including the Municipal Corporation of Delhi (MCD), complied with a prior order by issuing a show-cause notice to a government official for campaigning for his wife in MCD elections. This included hearing his reply and issuing a warning letter. As the previous order's directions were fulfilled, the petition was disposed of without further action.

SUN PHARMA LABORATORIES LIMITED VS NARENDER KUMAR & ORS. [CS(COMM)-424/2021]

Judges: Justice Mini Pushkarna

Sun Pharma Laboratories Limited was granted a permanent injunction against the defendants for using the mark "CAFTADAY," which was deemed deceptively similar to "CAFTA." The defendants did not participate in the proceedings despite being served notice, leaving them without a viable defense. Sun Pharma was awarded R.S. 5 Lacs in costs and damages.

SUNIL KUMAR SAXENA VS DR M BALAJI & ANR. [CONT.CAS(C)-1590/2023]

Judges: Justice Mini Pushkarna

The respondents complied with the directions from LPA No. 406/2019, treating the petitioner as in service until the actual date of superannuation and adjusting his salary notionally to enhance his pension and terminal dues. The petitioner disputed the adjustments to the released pension amount, but the details of compliance measures cannot be assessed in contempt proceedings as long as there is substantial compliance with the original judgment. The petitioner retains the option to separately challenge the respondents' order adjusting the pension amount.

SUNIL KUMAR VS SHALU GUPTA @ SHEELA & ORS [CONT.CAS(C)-712/2018]

Judges: Justice Mini Pushkarna

No contempt was committed by the respondents because the petitioner recalibrated from the earlier consent order by raising objections about the properties, obstructing the execution of the relinquishment deeds. Parties are free to seek legal remedies as per the law.

SURESH KUMAR RATHEE VS SHRI KRISHAN KUMAR [CONT.CAS(C)-1230/2023]

Judges: Justice Mini Pushkarna

The Registrar Cooperative Societies (RCS) substantially complied with previous directions and did not commit contempt. In contempt proceedings, examination is limited to specific prior orders. The RCS evaluated documents and payments from 39 members regarding 16 un-allotted flats and issued a reasoned order on the seniority list for flat allotment, without requiring a special audit as requested by the petitioner. This matter involves multiple claimants.

SURJAN SINGH RISAL SINGH MEMORIAL EDUCATION SOCIETY VS DELHI DEVELOPMENT AUTHORITY & ANR. [W.P.(C)-16896/2022]

Judges: Justice Mini Pushkarna

There is a dispute over land ownership between the Surjan Singh Risal Singh Memorial Education Society and the Delhi Development Authority, concerning the boundaries of Khasra No. 193 Min and Khasra No. 193/2 Min. A demarcation of the land is to be conducted by the Delhi Development Authority, which is the land-owning agency after urbanization. The petitioner must deposit R.S. 1,00,000 for the demarcation process, and if encroachment on public land by the petitioner is discovered, appropriate action may be taken. Both parties are to maintain the status quo until the demarcation is completed.

SWAMI NATH BAITHA & ORS VS GK PILLAI & ORS [CONT.CAS(C)-399/2011]

Judges: Justice Mini Pushkarna

The petitioners were not entitled to monetary benefits for the period from 2008 to 2015, as they were not working as Lower Division Clerks (LDCs) during that time. The respondents considered and rejected the petitioners' regularization claim as per previous directives. Although the petitioners were later promoted to LDC positions, they could not claim benefits for the period prior to their promotion. The merits of the decision regarding their regularization could not be re-examined in the current proceedings.

TATA SIA AIRLINES LIMITED & ANR. VS ASHRAF ALAM [CS(COMM)-40/2022]

Judges: Justice Mini Pushkarna

TATA SIA Airlines Limited and Vistara obtained a permanent injunction against a former employee for making defamatory posts about the company and its trademark 'Vistara' on social media. The defendant claimed he did not post any derogatory content and expressed positive sentiments towards the plaintiffs. The objectionable posts have been removed.

TEJO RATNA KONGARA VS NATIONAL HOUSING BANK & ORS. [W.P.(C)-4113/2024]

Judges: Justice Mini Pushkarna

The writ petition by a minority shareholder in Indiabulls Real Estate Limited (IBREL) was dismissed, seeking investigation into loan irregularities by Indiabulls Housing Finance Limited (IBHFL) related to the Embassy Group. The petitioner, engaged in ongoing litigation against IBREL, attempted to use the writ jurisdiction to collect evidence for his disputes. This approach was viewed as a misuse of the court's process, leading to the dismissal of the petition.

TEXZONE INFORMATION SERVICES PVT LTD VS ANKUR GOEL & ORS. [CONT.CAS(C)-813/2022]

Judges: Justice Mini Pushkarna

The respondents demonstrated substantial compliance with a previous settlement agreement by displaying the required disclaimer at their exhibition's entry and exit points, as evidenced by submitted photographs. Since the petitioner did not conduct any exhibitions in Delhi and the respondents primarily operated in northern India, no contempt was established, emphasizing the importance of caution over minute details in cases of substantial compliance.

THE INDIAN HOTELS COMPANY LIMITED VS MANOJ [CS(COMM)-683/2022]

Judges: Justice Mini Pushkarna

The defendant's unauthorized use of the plaintiff's registered trademarks 'TAJ', associated devices, and copyrighted content constituted infringement and passing off. A permanent injunction was issued to prevent the defendant from using the plaintiff's trademarks and reproducing their content. Damages of Rs. 10 lakhs and costs of Rs. 5 lakhs were awarded due to the defendant's malafide and fraudulent conduct, which included impersonation of the plaintiff and defrauding a jeweler.

THE SUPREME INDUSTRIES LIMITED VS ANKIT GOEL TRADING AS GOEL TRADING COMPANY [RFA-IPD-7/2023]

Judges: Justice Mini Pushkarna

The dismissal of the appellant's second suit regarding the new infringing mark "SUPREME WATERLINE" was set aside, establishing that this new act of infringement created a fresh cause of action. The second suit included an additional claim for copyright infringement, which was absent in the earlier suit. The case was decreed in favor of the appellant, with costs imposed on the respondent.

TREASURE STUDIO INC & ANR. VS MOHIT KHUNGAR & ANR. [C.O. (COMM.IPD-TM)-297/2023]
Judges: Justice Mini Pushkarna
The registration of the trademark "COCOMELON" in favor of the respondent is liable to be rectified and removed from the Trade Marks Register due to dishonest and unfair adoption, likely causing confusion with the petitioners' well-known trademark. The registration contravenes various provisions of the Trade Marks Act, 1999, leading to a directive for cancellation.

UBE INDUSTRIES LIMITED & ANR VS S. VIJAYA BHASKAR & ORS [CS(COMM)-807/2017]
Judges: Justice Mini Pushkarna
UBE Industries Limited and its Indian subsidiary are established prior registered proprietors of the 'UBE' trademark in India since 1972, having built substantial goodwill and reputation in the mark. The defendants' claims of prior use since 1988 were contradicted by evidence, leading to a determination of trademark infringement and passing off. The argument that mere registration of a trade name serves as a defense was rejected, emphasizing that rights are based on prior use and goodwill. The defendants were deemed unlikely to successfully defend against the claims, resulting in a decree in favor of the plaintiffs, granting a permanent injunction and costs.

URMIL MITTAL VS TAJOH TALOH [CONT.CAS(C)-406/2013]
Judges: Justice Mini Pushkarna
No contempt was committed regarding the earlier order from February 1, 2013. The Registrar of Cooperative Societies issued a final order on July 29, 2013, disqualifying all petitioners from membership, which the petitioners later appealed but was dismissed by the Financial Commissioner. Substantial compliance with previous directions was observed, and as there were two equally consistent possibilities, no grounds for contempt were established. The contempt petition was dismissed.

VARINDER KAUR VS JASVINDER KAUR BHATIA & ORS [CONT.CAS(C)-797/2019]
Judges: Justice Mini Pushkarna
The contempt petition filed by Varinder Kaur was dismissed. Kaur had abandoned her challenge regarding the applicability of the Memorandum dated 01 December 2005, which was central to her claim for higher grade pay and arrears under the 6th Central Pay Commission. The Department of Education determined that the Memorandum did not apply to Kaur, and this decision was not contested by her. As a result, Kaur's claim for arrears based on higher grade pay could not be granted. However, she was permitted to challenge the Department of Education's order separately, as her entire claim relied on the Memorandum.

VERIZON TRADEMARK SERVICES LLC & ORS. VS VERIZON GLOBAL & ORS. [CS(COMM)-105/2023]
Judges: Justice Mini Pushkarna
Verizon Trademark Services LLC was granted a summary judgment against Verizon Global due to the infringement of the 'VERIZON' trademark, which is recognized as a well-known mark under the Trade Marks Act, 1999. The defendant's use of a similar mark was classified as trademark infringement, passing off, and unfair competition. The defendant did not respond within the statutory period, indicating no viable defense. The judgment was based on the established well-known status of the trademark and the clear infringement by the defendant.

VIJAY KHODARIA AND ANR VS JAGPAL SINGH AND ORS. [CONT.CAS(C)-635/2024]

Judges: Justice Mini Pushkarna

A contempt petition addressed allegations of willful disobedience regarding unauthorized construction. The Municipal Corporation of Delhi issued a demolition order for unauthorized construction, exempting the 2nd and 3rd floors under the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011. The ground and 1st floors should have received similar protection, as they likely predated the upper floors. The contempt petition was disposed of, allowing the petitioners to pursue other legal remedies related to their easement rights.

VISHWAJEET SINGH AND ORS VS UNION OF INDIA AND ORS [W.P.(C)-14960/2023]

Judges: Justice Mini Pushkarna

Apartments in Signature View are deemed structurally unsafe and must be demolished and reconstructed by the Delhi Development Authority (DDA). Apartment owners possess proportionate undivided rights in common areas under the Delhi Apartment Ownership Act, which takes precedence over DDA's plans to construct additional flats using enhanced Floor Area Ratio. The DDA is required to pay rent to residents during the reconstruction phase and is prohibited from building extra flats, ensuring the benefits of enhanced FAR accrue to the apartment owners. The Municipal Corporation's order declaring the buildings dangerous is upheld.

VIVO MOBILE COMMUNICATION CO LTD VS MR JITENDRA KUMAR TIWARI TRADING AS MAA VAISHNAVI CHEMICALS [CS(COMM)-510/2021]

Judges: Justice Mini Pushkarna

The defendant's adoption and use of the "VIVO" mark and a similar logo constituted trademark infringement and passing off against the plaintiff's registered trademark rights. A permanent injunction was issued to restrain the defendant from using the "VIVO" mark or any deceptively similar mark. The plaintiff's "VIVO" marks were declared well-known trademarks in India due to their extensive use, promotion, and reputation. Costs of the litigation were awarded to the plaintiff.

WATEROTOR ENERGY TECHNOLOGIES INC VS UNION OF INDIA & ANR. [W.P.(C)-IPD-7/2024]

Judges: Justice Mini Pushkarna

The deemed abandonment of the petitioner's patent application was set aside due to miscommunication between patent agents in Canada and India, resulting in the petitioner not receiving the First Examination Report (FER). The requirement for detailed discussion about the FER was emphasized, indicating that a phone call alone was insufficient. The unique circumstances involving the location of the petitioner and agents were considered, leading to the revival of the patent application and a directive to update its status as pending. The petitioner was granted four weeks to respond to the FER, which the respondent must review according to the law. No findings were made regarding alleged negligence of the patent agents.

WOW MOMO FOODS PRIVATE LIMITED VS WOW CHINESE [CS(COMM)-203/2024]

Judges: Justice Mini Pushkarna

The defendant's trademark "Wow! Chinese" is identical and deceptively similar to the plaintiff's registered trademark "Wow! Chinese". The defendant did not file a written statement or provide justification for using the infringing mark, indicating an intention to unlawfully benefit from the plaintiff's goodwill. The plaintiff was awarded nominal costs of Rs. 2 Lakh.

YAHOO INC VS OMKAR COTTAGE INDUSTRIES [CS(COMM)-909/2022]

Judges: Justice Mini Pushkarna

Yahoo Inc. has established its rights over the trademark "YAHOO!" The use of the mark "YAAHOO! Mouth Freshner" by the defendant is considered trademark infringement and passing off. The defendant's actions are deemed dishonest, leading to an award of compensatory damages of R.S. 27,00,000 and costs of R.S. 8,92,451. A permanent injunction has been granted, preventing the defendant from further infringing on Yahoo Inc.'s trademark rights.

YAMUNA KHADAR SLUM UNION VS DELHI DEVELOPMENT AUTHORITY & ORS [W.P.(C)-10900/2019]

Judges: Justice Mini Pushkarna

Petitioners residing in alleged Jhuggi Jhopri (JJ) Clusters are not eligible for rehabilitation as these clusters are not part of the 675 identified by the Delhi Urban Shelter Improvement Board (DUSIB). The land in question belongs to the Delhi Development Authority (DDA), and the clusters are situated on the Yamuna Floodplains, unsuitable for residential use. Only clusters existing before January 1, 2006 qualify for rehabilitation, and the petitioners could not prove their existence before this date. The DUSIB survey, which identified eligible clusters, is final, precluding any new assessments. Petitioners may seek accommodations under other government schemes if eligible. The DDA is permitted to continue demolitions of the encroachments and must provide temporary shelter to affected dwellers while they arrange alternatives.

YUVA SANGHARSH SAMITI (RWA REGD.) VS VIJAY KUMAR DEV - CHIEF SECRETARY OFFICE & ORS. [CONT.CAS(C)-692/2021]

Judges: Justice Mini Pushkarna

The respondent authorities substantially complied with the directive regarding alleged encroachment and unauthorized constructions on public land and the Delhi Gate Qabristan. The Municipal Corporation of Delhi removed 49 out of 51 illegal structures, with 2 electricity transformers remaining. The Delhi Waqf Board issued notices to 7 encroachers and is referring the matter to the Waqf Tribunal for eviction. The notice of contempt was discharged, and the contempt petition was disposed of.

ZAHID HUSSAIN VS KOTAK MAHINDRA BANK LTD. [W.P.(C)-5452/2024]

Judges: Justice Mini Pushkarna

The petitioner's writ petition challenging the possession notice under the SARFAESI Act is not maintainable due to the availability of an alternative statutory remedy through the Debt Recovery Tribunal (DRT). The DRT can address legal and factual issues raised by the petitioner, such as the validity of the notice issued against a deceased person and the proper service of notice to legal heirs. The matter is to be considered in appropriate proceedings before the DRT, with all parties' rights and contentions remaining open.

ZYDUS HEALTHCARE LIMITED & ORS. VS ALDER BIOCHEM PRIVATE LIMITED [CS(COMM)-516/2023]

Judges: Justice Mini Pushkarna

The defendant's use of the "ALDER BIOCHEM" mark infringes on the plaintiff's registered "BIOCHEM" trademark and constitutes passing off. The mark is considered deceptively similar, prominently featuring the essential part of the plaintiff's mark. An interim injunction is granted, preventing the defendant from using "ALDER BIOCHEM" or any similar marks. The observations pertain solely to the interim injunction application, with final merits to be assessed at trial.

A VS STATE GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-1142/2022]

Judges: Justice Navin Chawla

The petitioner's challenge to the anticipatory bail granted to the respondent was dismissed due to the lack of merit. Allegations against the respondent were deemed vague and unsupported by public witnesses or investigations. The petitioner can report any future threats to the police for investigation.

ABC VS STATE GOVT.OF N.C.T.DELHI & ORS. [CRL.M.C.-2567/2022]

Judges: Justice Navin Chawla

The order granting regular bail to the respondents was obtained through fraudulent means, as they misled the Metropolitan Magistrate about having been granted interim bail by the High Court. In reality, the High Court had only provided interim protection against coercive action, contingent upon the respondents joining the investigation. The Metropolitan Magistrate lacked jurisdiction to grant regular bail after the charge sheet was filed for an offense under Section 376D IPC. The protection was extended for 4 weeks to allow the respondents to file a new bail application before the Trial Court, which must consider it without influence from the original order.

ABDUL SALAM VS STATE OF NCT DELHI [CRL.REV.P.-524/2024]

Judges: Justice Navin Chawla

The order framing charges against Abdul Salam under Sections 308/323/147/149 of the Indian Penal Code was upheld. At the charge framing stage, a prima facie case is sufficient; the prosecution's case does not need to meet the standard of proof beyond reasonable doubt. The discharge of other accused in a separate case for the same incident did not impact the case against Salam, as it was intended to avoid duplicate trials. The criminal revision petition was dismissed.

ABHISHEK VERMA VS ENFORCEMENT DIRECTORATE [CRL.M.C.-3732/2011]

Judges: Justice Navin Chawla

Charges against M/s Esam India Ltd. cannot be framed through Abhishek Verma, as he is no longer authorized to represent the company. Only the Provisional Liquidator can represent the company in trial proceedings. Charges against the company must be framed through the Provisional Liquidator, while individual charges against Abhishek Verma under the Foreign Exchange Regulation Act remain unaffected.

ADESH TYAGI VS POOJA KAUR [CRL.M.C.-233/2024]

Judges: Justice Navin Chawla

The requirement for a mandatory pre-deposit of 20% of compensation under Section 148 of the Negotiable Instruments Act is not absolute; attending circumstances must be considered to ensure the appellant's right to appeal is not negated. In this case, the appellant had already recovered more than 20% of the compensation through a civil decree. The previously deposited amount will remain until the appeal is resolved, and the lower appellate court has been asked to expedite the appeal's adjudication within one month.

AJAY GOYAL VS THE STATE AND ORS. [CRL.M.C.-2005/2024]

Judges: Justice Navin Chawla

The petition by Ajay Goyal to quash the FIR in Delhi was dismissed. A key part of the alleged offence, involving the obtaining of original property documents from the complainant in Delhi, validated the jurisdiction for the FIR. Arguments that the offence occurred entirely in Dehradun were rejected. The power to quash an FIR is to be used sparingly, and Goyal did not provide sufficient grounds for such action. The investigation is authorized to continue.

AJEY KUMAR MISHRA VS SANGEETA MISHRA & ANR. [CRL.REV.P.-138/2022]

Judges: Justice Navin Chawla

The petitioner husband's monthly income was established at Rs. 70,000, supported by evidence of his music academy and performances. It was acknowledged that parties may conceal true income in maintenance disputes, allowing some estimation for a reasonable figure. The respondent wife has begun working, presenting a changed circumstance that may warrant modification of the maintenance amount. The petitioner is required to pay arrears of maintenance but may seek to modify the interim maintenance order based on the wife's new employment.

AJIT SINGH CHAUHAN VS STATE THR. THR. GOVT. OF NCT OF DELHI [CRL.M.C.-1543/2022]

Judges: Justice Navin Chawla

Charges against Ajit Singh Chauhan under Sections 323/509/34 of the Indian Penal Code were deemed unsustainable due to the complainant's contradictory statements, initially naming only her sister-in-law Anjali as the assailant and later including the petitioner. Allegations of insulting the complainant's modesty were found to be vague, making it impossible to frame charges on such grounds. The petitioner's petition was partially allowed, setting aside the charges under Sections 323/509/34 IPC, while no opinion was expressed regarding a potential charge under Section 506 Part-II IPC. The sister-in-law Anjali had previously been discharged from the offences without challenge to that order.

AJIT SINGH VS STATE [BAIL APPLN.-3390/2023]

Judges: Justice Navin Chawla

Ajit Singh was granted bail in a case involving murder and conspiracy. The evidence against him, mainly based on the complainant's statement and circumstantial evidence, was deemed weak. His status as a "bad character" was not sufficient grounds for bail denial. Another co-accused had already received bail, and the trial's timeline was uncertain. Conditions for his bail included not leaving the country without permission, providing a permanent address, and avoiding interference with the investigation or contact with the complainant or victim's family.

AKASH MISHRA VS SHIVAM BHAGAT [CRL.M.C.-1067/2023]

Judges: Justice Navin Chawla

The petitions seeking to quash complaints under Section 138 of the Negotiable Instruments Act were dismissed due to inordinate delay and failure to pursue an alternative remedy through a revision petition. There was no interference with the maintainability of the complaints, and disputed facts regarding the adequacy of notice, nature of the cheques, and liability of resigned directors were deemed appropriate for resolution by the trial court. The trial court was instructed to expedite the adjudication of the cases, aiming for a resolution within six months.

AKIL AHMED VS STATE NCT OF DELHI [CRL.M.C.-3720/2024]

Judges: Justice Navin Chawla

The cost of Rs. 10,000 imposed on Akil Ahmed for recalling a witness is waived due to his financial constraints, as indicated by representation from a senior counsel pro bono and a reduced surety bail amount from the trial court. Despite claims of delays, Ahmed assured that the cross-examination would be completed in one day without adjournment. As a result, the order to waive the cost is modified, and the dismissal of his application for waiver is set aside.

ALKA VS STATE & ORS. [CRL.M.C.-115/2022]

Judges: Justice Navin Chawla

The petitioner's challenge to the dismissal of their application for a police investigation was dismissed. The identity of the accused was known, and relevant documents were available to the parties, making police assistance unnecessary. A Second Revision was not maintainable due to a statutory bar, and the case relied on documentary evidence, which justified the lower courts' dismissal of the application. Additionally, the complaint under Section 200 of the Cr.P.C. was dismissed in default, rendering the current petition no longer valid.

AMAN JAIN VS CUSTOMS [CRL.REV.P.-854/2022]

Judges: Justice Navin Chawla

Aman Jain's criminal revision petition regarding the denial of his passport for studying abroad was accepted. The right to travel internationally is part of personal liberty under Article 21 of the Constitution and cannot be restricted without lawful procedure. The lower court's denial was deemed unjustified, as allegations against the petitioner's brother did not warrant limiting his travel rights. Aman Jain was permitted to submit a new application with updated information, which the lower court must address expediently.

AMARENDRA DHARI SINGH VS ADITI SHIVINDER SINGH [CS(OS)-243/2022]

Judges: Justice Navin Chawla

The defendant admitted to borrowing R.S. 66.70 crores from the plaintiff. The claim that repayment was conditional on ability was rejected, rendering the transactions as gifts instead of loans. The defendant's arguments were deemed vague and contradictory. A judgment on admission favored the plaintiff, ordering the defendant to pay R.S. 66.70 crores plus costs. The issue regarding the dated cheques was dismissed, with the finding that dating them did not constitute a material alteration.

AMARENDRA DHARI SINGH VS ARUNDHATI KHANNA [CS(OS)-233/2022]

Judges: Justice Navin Chawla

The defendants admitted to taking loans from the plaintiff but contended that repayment was conditional upon their ability to pay, rather than on demand. Their argument that filling in dates on undated cheques constituted a material alteration was rejected. With no genuine triable defense presented, the applications for leave to defend were dismissed, and the defendants were ordered to repay the loan amounts to the plaintiff.

AMARJEET SINGH DHILLON VS STATE NCT OF DELHI [CRL.M.C.-3814/2022]

Judges: Justice Navin Chawla

At the stage of considering an application for statutory bail under Section 167(2) of the Code of Criminal Procedure, the trial court should not assess the merits of the case. The focus should be on whether the investigation was completed within the required timeframe. Statutory bail is a constitutional right and can be challenged in revision, as it is not purely interlocutory. The order granting statutory bail by the trial court was set aside.

AMIT CHOUDHRY VS KAVANDEEP SINGH SAMPURAN [CRL.M.C.-2358/2022]

Judges: Justice Navin Chawla

The trial court erred by allowing the respondent to withdraw consent for the petitioner's cross-examination via video conferencing (VC). Proceedings under Section 138 of the Negotiable Instruments Act are civil in nature, and established procedures for VC should be adhered to. The order allowing the withdrawal was set aside, and further examination of the petitioner/complainant is to proceed through VC, following specific guidelines. However, the trial court may require the physical presence of the petitioner/complainant if there are valid reasons.

K.K. GUPTA VS STATE NCT OF DELHI & ANR. [CRL.M.C.-3031/2022]

Judges: Justice Navin Chawla

The order summoning Amit Jain, K.K. Gupta, and Akshay Kumar Jain as accused under Sections 420 and 120B of the Indian Penal Code was deemed unjustified. The complaint against Renu Gupta, Alka Gupta, and Achla Gupta was found unsustainable since they were not involved in the alleged falsification of the arbitration record and were only included as legal representatives of their deceased father. The matter was remanded to the trial court for reconsideration of the summoning of the remaining petitioners, specifically to assess whether the essential elements of the offense under Section 420 IPC were established based on pre-summoning evidence. No opinion was offered on the merits of other contentions raised by the parties.

ANIL KUMAR JAIN VS STATE & ANR. [W.P.(CRL)-568/2024]

Judges: Justice Navin Chawla

The petition to quash the FIR regarding allegations of a forged Will was not allowed. The existence of a civil dispute does not negate the prima facie grounds identified for the FIR's registration. Criminal proceedings cannot be dismissed simply due to the civil aspects of the case. The petition was dismissed, with no prejudice to the investigation or parties involved.

ANIL KUMAR VS STATE & ANR. [CRL.M.C.-1820/2022]

Judges: Justice Navin Chawla

The petitioner's seized vehicle can be released on superdari upon providing a surety of Rs. 1 lakh. The condition to give an undertaking that the vehicle will not be used for a similar offense was rejected, as it is not required by law. The purpose of the surety is to ensure the vehicle's production before the trial court.

ANIL METRE VS POOJA PRESS AND PRAKASHAN PVT. LTD [CRL.M.C.-1731/2022]

Judges: Justice Navin Chawla

The order of the Additional Sessions Judge, which allowed revision petitions from the respondent and set aside a previous Metropolitan Magistrate order, has been set aside. The petitioner was not given an opportunity to respond to the revision petitions. The revision petitions have been restored to their original numbers, with the petitioner required to file a reply within 3 weeks and the respondent given 3 weeks thereafter for a rejoinder. The Additional Sessions Judge is instructed to decide the matters expeditiously after hearing both parties, without considering any prior observations. This involves a batch of 11 criminal miscellaneous petitions from the same petitioner challenging the same order.

ANISA SINGH AND ANR VS SIR SOBHA SINGH PUBLIC CHARITABLE TRUST AND ORS [CM(M)-1109/2023]

Judges: Justice Navin Chawla

The suit filed by the respondent trust, although seeking a mandatory injunction, is essentially a suit for possession against the petitioners as ex-licensees, triggering the application of Order XX Rule 12 CPC and Order XV-A CPC. Issues arose regarding the determination of the amount to be paid by the petitioners and the period for payment, as relevant factors were not adequately considered. The previous order was set aside, and the matter was remanded for fresh determination in line with the law and evidence on record.

ANKIT VS THE STATE [BAIL APPLN.-3358/2023]

Judges: Justice Navin Chawla

Ankit's application for interim bail on medical grounds was dismissed due to the injury being over 3 years old and the regular hospital visits he received while in custody. The decision emphasized that interim bail is only appropriate if prison treatment is insufficient or specific medical attention is required. Despite the denial of bail, jail authorities were instructed to take Ankit for scheduled surgery and subsequent post-operative care.

ANNIE THOMAS & ANR. VS PAWAN HANS HELICOPTERS LTD & ORS. [W.P.(C)-7455/2014]

Judges: Justice Navin Chawla

The petitioners are entitled to additional insurance coverage of Rs. 30 lakhs each, based on Pawan Hans Helicopters Ltd.'s prior practice of securing and renewing insurance for pilots in Naxal-affected areas. The failure to renew the policy before the accident does not negate this expectation. Pawan Hans Helicopters Ltd. is to pay the additional amount along with interest.

ANURAV JAJU VS STATE OF NCT DELHI & ANR. [BAIL APPLN.-2168/2022]

Judges: Justice Navin Chawla

The applicants are not entitled to anticipatory bail due to serious allegations of forgery related to loan acquisition. Evidence, including an FSL report, indicates that two applicants forged the complainant's signatures and siphoned loan funds into personal accounts. The nature of the economic offences necessitates custodial interrogation for proper investigation, balancing individual rights with public interest. The anticipatory bail applications were dismissed, with an emphasis on police discretion regarding arrests.

ARUN KUMAR @ VARUN VS NARCOTICS CONTROL BUREAU [CRL.REV.P.-495/2024]

Judges: Justice Navin Chawla

The petition by Arun Kumar @ Varun challenging the framing of charges under the Narcotics Drugs and Psychotropic Substances Act was dismissed. The assessment at the charge-framing stage focuses on the existence of a prima facie case, not the likelihood of conviction. Evidence presented included recovery of contraband from co-accused, financial transactions between them, and incriminating data on the petitioner's mobile phone. A previous bail order does not affect the framing of charges, as standards differ. The observations made should not influence the trial court's proceedings.

ARUN KUMAR GOENKA VS CENTRAL BUREAU OF INVESTIGATION [CRL.M.C.-954/2022]

Judges: Justice Navin Chawla

The CBI must provide the petitioner with certain un-relied documents mentioned in the Compliance Report, as they are relevant for the defense. The petitioner has a right to access these documents to ensure a fair trial. The CBI is directed to supply copies of documents specified in paragraphs 3(1) and 3(7) of the Compliance Report. For documents in paragraph 3(3), which are claimed to be confidential, the CBI must file an affidavit before the trial court to assert their confidentiality, with the trial court to consider the application accordingly.

ARVIND BALI VS STATE (GOVT OF NCT OF DELHI) & ANR. [BAIL APPLN.-231/2024]

Judges: Justice Navin Chawla

The anticipatory bail application of Arvind Bali, CEO of a company where the complainant was employed, was dismissed. Bali was found to be in a fiduciary relationship with the complainant, having introduced her to the job and serving as her superior. Due to the implications of Section 376(2)(k) of the Indian Penal Code and Section 114A of the Indian Evidence Act, a presumption of lack of consent was established. Bali did not present sufficient grounds for anticipatory bail.

ATUL PRAKASH & ORS. VS GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-3340/2024]

Judges: Justice Navin Chawla

The offence charged against the petitioners was deemed predominantly civil, arising from a commercial transaction. The main accused had passed away during the trial, and the petitioners had endured the stigma of being accused for 22 years. Given the nature of the offence and the circumstances, the FIR and the subsequent conviction of the petitioners were quashed, contingent upon the payment of costs. It was noted that punishment is not the only means of achieving justice, and in non-heinous cases, quashing a conviction post-conviction may be justified.

BABITA JAIN VS STATE (GNCT OF DELHI) [CRL.M.C.-4693/2022]

Judges: Justice Navin Chawla

The petition filed under Section 482 of the Code of Criminal Procedure was allowed, resulting in the trial court's order summoning Babita Jain as an accused being set aside. The allegations against her were deemed vague and not supported by corroborative evidence, even after a police investigation. The case was identified as manifestly frivolous or vexatious, with no material present to justify proceedings against her.

BALCORP LIMITED VS M/S GANGA RAM BRIJ MOHAN [CS(COMM)-1318/2018]

Judges: Justice Navin Chawla

The suit against "M/s Ganga Ram Brij Mohan" is maintainable under Order XXX Rule 10 of the Code of Civil Procedure, allowing a plaintiff to sue a defendant operating under a different business name. The defendant, Mr. Brij Mohan Goel, may file endorsed copies of the written statement previously submitted by Mr. Ankit Goel, along with an affidavit and Statement of Truth. This approach prevents dismissal on technical grounds and aims for a merits-based resolution. The defendant is also required to pay costs due to delays in the case.

BALMEET SINGH KATHURIA VS STATE & ANR. [CRL.M.C.-3097/2022]

Judges: Justice Navin Chawla

The petition by Balmeet Singh Kathuria challenging his conviction for an offense under Section 138 of the Negotiable Instruments Act was dismissed. The notice from the Magistrate was clear, and the plea of guilt was recorded in compliance with legal requirements. The argument that the plea was made due to a mistake or misunderstanding lacked merit, as he was represented by counsel and did not contest the plea until the sentencing.

MOHD DANISH VS THE STATE [BAIL APPLN.-621/2023]

Judges: Justice Navin Chawla

Bail was granted to Banadik and Mohd. Danish, accused under various sections of the IPC and the Arms Act. The case relied on call data records but lacked CCTV evidence linking the applicants to the crime. Both applicants had been in custody for an extended period, and the delay in trial impacted their right to personal liberty. Bail was granted with conditions to prevent misuse of liberty and tampering with evidence or witness intimidation.

BANTY VS STATE (NCT OF DELHI) [CRL.REV.P.-407/2024]

Judges: Justice Navin Chawla

The charge sheet in this case was filed on 11.03.2024, despite the physical copy being submitted on 13.03.2024. Filing within the 90-day period under Section 167(2) of the Code of Criminal Procedure removed the petitioner's right to statutory bail, regardless of whether cognizance was taken. The right to statutory bail ceases to exist once the charge sheet is filed.

BHANWAR SINGH SAINI VS STATE (GNCTD) ORS [CRL.M.C.-1473/2022]

Judges: Justice Navin Chawla

The petitioner's criminal petition challenging the rejection of his application for a police investigation into a family dispute was dismissed. The matter was determined to be primarily civil, related to a property claim, and the authorities had the discretion to decline the request for police intervention since the evidence was already available to the complainant. The existing orders were deemed without infirmity, and the observations made will not affect ongoing proceedings before the Magistrate.

BHARAT KUMAR CHAUDHARY VS NAVIN MALHOTRA [CS(OS)-28/2015]

Judges: Justice Navin Chawla

The agreement dated 14.06.2014 between the plaintiff and defendant no. 1 is valid, and defendant no. 1 breached it by filing a criminal complaint against the plaintiff after receiving Rs. 3 crores as per the settlement. The stipulated Rs. 3 crores for liquidated damages is considered a genuine pre-estimate of the plaintiff's damages, allowing recovery of this amount. Interest at 4% per annum on the decretal amount is awarded from the date of filing the suit until payment. The claim for an additional Rs. 50 lakhs is rejected as it was not included in the agreement. The judgment does not impact the ongoing police investigation concerning the FIR filed by defendant no. 1.

BISHAMBER DAYAL GUPTA VS THE STATE GOVT. OF NCT OF DELHI [BAIL APPLN.-1075/2024]

Judges: Justice Navin Chawla

The application for anticipatory bail by Bishamber Dayal Gupta was dismissed due to his involvement in creating false documents to claim title over property belonging to the complainant's late mother. Although Gupta provided a complete chain of documents, discrepancies were highlighted by the prosecution. Other individuals tied to the case were absconding, and proceedings under Section 82 of the Cr.P.C. were ongoing against Gupta. These factors, coupled with the prior rejection of his application on similar grounds, indicated that he did not establish a case for anticipatory bail.

CHANDER SHEKHAR YADAV & ORS. VS THE STATE (NCT) OF DELHI & ANR. [CRL.M.C.-5539/2022]

Judges: Justice Navin Chawla

The FIR and chargesheet against the petitioners were quashed due to allegations made with mala fide intent related to a private dispute over temple management. Evidence, including CCTV footage, contradicted the complainant's oral allegations. Frivolous or vexatious complaints must be quashed to protect the accused from harassment, regardless of the sufficiency of the victim's testimony.

CLARION DEALING PVT. LTD. VS COMPETENT FINLEASE PVT. LTD. & ANR. [CS(COMM)-173/2019]

Judges: Justice Navin Chawla

The defendant's application to amend its written statement and submit additional documents regarding the share transfer to Avtar Instalments Pvt. Ltd. (AIPL) and the loan to the plaintiff was allowed. The amendment was seen as an elaboration on an existing defense, and the timing before the trial warranted a liberal approach. Previous findings regarding the lack of a direct link between agreements did not prevent consideration of the defendant's claims and defenses. The amendment was permitted without the plaintiff's acknowledgment of its contents, and the plaintiff was instructed to file a replication and an affidavit of admission/denial concerning the new documents.

DALJEET SINGH SAINI VS THE STATE AND ANOTHER [CRL.M.C.-2446/2024]

Judges: Justice Navin Chawla

The petition challenging the dismissal of an application under Section 311 of the Criminal Procedure Code to recall the complainant for further cross-examination was dismissed. The application lacked specific details and presented vague reasons without demonstrating how the fair trial was compromised. The power under Section 311 is to be used sparingly to prevent abuse of the legal process. The delay in filing the application and absence of valid justifications contributed to the dismissal.

DEEPAK MEHTA & ANR. VS NIRMAL JINDAL [CS(OS)-516/2019]

Judges: Justice Navin Chawla

The plaintiffs substantiated their ownership of the disputed property through a series of registered sale deeds. Evidence, including a forensic report, indicated that the defendant's sale deed was based on forged documents. The defendant's sale deed was declared illegal and null and void, confirming the plaintiffs as the absolute owners. A permanent injunction was issued to prevent the defendant from creating any third-party interest in the property. The plaintiffs' claim for damages was rejected due to insufficient evidence, but they were awarded costs for the suit.

DEEPIKA PRASHAR & ANR VS SUMAN SINGH VIRK AND ANR [CS(OS)-71/2015]

Judges: Justice Navin Chawla

The Family Settlement dated 27.11.2012 is valid and binding, requiring the defendants to relinquish possession of the fourth floor of the property to the plaintiffs. Mesne profits/damages are awarded to the plaintiffs at Rs. 48,000 per month from the suit's filing date until possession is handed over, with 6% interest. Initially, the defendants denied the settlement's existence but later admitted their signatures, confirming it as a genuine effort to resolve family disputes and equitably divide property. A previous order was reiterated to file a complaint against the defendants for making false claims regarding the Family Settlement.

DEV KUMAR @ GOLU VS STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-2382/2023]

Judges: Justice Navin Chawla

Bail applications for Vishwajeet Singh and Dev Kumar @ Golu were approved in an NDPS Act case. The prosecution's argument to combine narcotics quantities requires trial consideration. The absence of criminal history and prolonged incarceration were highlighted as violations of their right to life and liberty under Article 21 due to trial delays. Bail was granted with conditions to uphold the right to a speedy trial, despite stringent NDPS requirements.

DEV SINGH & ANR. VS DIRECTORATE OF REVENUE INTELLIGENCE (DRI) [CRL.REV.P.-328/2024]

Judges: Justice Navin Chawla

The order to frame charges against the petitioners under Sections 29/23 read with Section 28 of the Narcotic Drugs and Psychotropic Substances Act, 1985 was upheld. At the charge-framing stage, the material on record indicated a strong suspicion of the accused's involvement rather than requiring sufficient evidence for conviction. The prosecution's allegations, including the recovery of documents and WhatsApp conversations, established a prima facie case for the petitioners' alleged conspiracy to import heroin disguised as rock salt.

DEV VART VS BANK OF BARODA [CRL.M.C.-2935/2022]

Judges: Justice Navin Chawla

A complaint filed under Section 138 of the Negotiable Instruments Act before the 15-day notice period is invalid and cannot be acknowledged. The complaint from the Bank of Baroda against Dev Vart was dismissed, but the Bank may file a new complaint and request consideration for any delays. Additionally, the trial court is encouraged to expedite the handling of the new complaint within one year.

DHEERPAL ALIAS KANA VS STATE GOVT OF NCT OF DELHI [BAIL APPLN.-593/2024]

Judges: Justice Navin Chawla

A prima facie case exists against the applicant under the Maharashtra Control of Organised Crime Act (MCOCA) due to prior criminal involvement and collected evidence. Arguments regarding the applicant's discharge or acquittal in earlier cases do not prevent MCOCA proceedings, as the reasons for those outcomes need examination by the trial court. Bail was denied based on the co-accused's history of jumping bail and the applicant's failure to surrender after being granted interim bail, indicating both are flight risks.

DHRUV VARMA VS STATE GOVT OF NCT OF DELHI [CRL.M.C.-2325/2022]

Judges: Justice Navin Chawla

The petition under Section 482 of the CrPC was dismissed due to a delay of over 15 years. The omission of details regarding a third cheque in the complaint was considered a typographical error, with an acceptable explanation provided. The petitioner had been in trial for the dishonor of all three cheques for more than 15 years, making it inappropriate to quash the proceedings at this late stage. The petition was dismissed with costs.

DIRECTORATE OF ENFORCEMENT THR. ASSISTANT DIRECTOR VS AMIT KUMAR RAUT @ AMISH RAVAL [CRL.M.C.-4332/2022]

Judges: Justice Navin Chawla

The petition by the Directorate of Enforcement, challenging the bail granted to Amit Kumar Raut @ Amish Raval in a case under the Prevention of Money-Laundering Act, 2002, was dismissed. The general directions regarding the procedure for producing an accused who was not arrested during investigation apply to PMLA cases. It was established that an accused appearing in court on a summons in a PMLA complaint cannot be taken into custody and must be released upon furnishing a bond under Section 88 of the Code of Criminal Procedure.

THE DIRECTORATE OF REVENUE INTELLIGENCE VS DEV SINGH [CRL.M.C.-5591/2022]

Judges: Justice Navin Chawla

Petitions for cancellation of bail for Dev Singh and Abdul Nasir were dismissed. The trial court had granted bail after considering the restrictions under Section 37 of the NDPS Act, citing the lack of admissible evidence against the respondents, primarily relying on statements from co-accused. No infirmities were identified in the trial court's reasoning. This case involved two petitions with common issues and facts.

DR KIRAN PAL SINGH VS PURNIMA SINGH [CRL.M.C.-3370/2022]

Judges: Justice Navin Chawla

The dismissal of the defamation complaint was upheld due to lack of territorial jurisdiction, as the complaint did not specify the place of publication and the parties' addresses were outside the trial court's jurisdiction. The dismissal is not on merits, allowing the petitioner to file the complaint in the appropriate court with jurisdiction.

DR. (MS.) USHA AGGARWAL VS SHRI AVDESH CHAND GUPTA & ORS. [CS(OS)-396/2019]

Judges: Justice Navin Chawla

In a case involving the substitution of a deceased plaintiff, it is necessary to determine the legal heir(s) in accordance with Section 15(1)(d) of the Hindu Succession Act, 1956, despite a registered will favoring the appellant. The requirement for the appellant to provide details of the deceased plaintiff's legal heirs was upheld. The appeal was dismissed, noting that issues related to Order XXII Rule 5 of the Code of Civil Procedure would only arise if the legal heirs object to the substitution, which has not occurred.

DR. ALOK KUMAR TIWARI VS SMT. MAMTA [CRL.REV.P.-1281/2019]

Judges: Justice Navin Chawla

The maintenance order of R.S. 20,000 per month was upheld in a case involving cross-petitions by the husband and wife. The court acknowledged that parties often do not fully disclose their income during maintenance proceedings, allowing some estimation to determine a reasonable figure. The decision balanced the rights and interests of both parties, taking into account the husband's previous income, the wife's employment status, and their living standards. The court indicated that the wife could submit a new application under Section 127 of the Cr.P.C. if her circumstances changed.

DR. KALIND PARASHAR VS DR. KAVERI PARASHAR [CRL.M.C.-3967/2022]

Judges: Justice Navin Chawla

Objections regarding the territorial jurisdiction of the Metropolitan Magistrate's court in a domestic violence complaint cannot be considered at the preliminary stage. The respondent's claim of permanent residence within the jurisdiction must be accepted. Allegations of mala fide intent or issues from previous litigations in the USA should be addressed by the Metropolitan Magistrate at a later stage. The petition challenging the lower court orders was dismissed.

DR. SENTHIL KUMAR DHARMAN VS S. THANGALAKHSMI [CRL.REV.P.-169/2024]

Judges: Justice Navin Chawla

The petitioner's revision petition was dismissed, and the appellate court's decision to restore the respondent's domestic violence complaint was upheld. The respondent had a statutory right to file the complaint under the Protection of Women from Domestic Violence Act, 2005, which remained intact despite a previous compromise. The respondent established a fresh cause of action based on the petitioner's alleged violation of a settlement agreement and ongoing acts of domestic violence. There was no identified error in the appellate court's rationale.

DR. TABASSUM SAIFI VS STATE OF NCT OF DELHI [BAIL APPLN.-2742/2023]

Judges: Justice Navin Chawla

Dr. Tabassum Saifi did not establish a case for anticipatory bail due to allegations of impersonating a qualified MBBS doctor and using a forged stamp to treat a deceased patient. This situation involves charges of impersonation and forgery under Sections 463/464/471/478 of the Indian Penal Code, suggesting the need for custodial interrogation to uncover the truth. No exceptional circumstances for anticipatory bail were demonstrated.

ESVINDER SINGH & ORS. VS CHASVINDER SINGH & ORS. [EX.P.-39/2022]

Judges: Justice Navin Chawla

The application by the Judgment Debtors was allowed, setting aside directions for the payment of government commission and deposit of the remaining sale consideration. The Local Commissioner's fee was fixed at Rs. 2.5 lakhs, and the provisions regarding auctioneer's commission were deemed inapplicable as the Commissioner was assisting in executing a previous order for the sale of jointly owned properties. Parties were instructed to execute the sale deed directly with the successful bidder upon receiving the balance sale consideration.

FAIZAN UMAR & ANR. VS THE STATE & ORS. [CRL.M.C.-570/2022]

Judges: Justice Navin Chawla

In a property dispute involving an FIR, it was noted that an empty cartridge was recovered, but no weapon was found, and the polygraph test was inconclusive. A settlement between the parties and the complainant's reluctance to pursue the complaint indicated that continuing proceedings would lead to unnecessary conflict and burden the legal system. The FIR and all consequential proceedings were quashed, conditional on the petitioners depositing costs with the Delhi State Legal Services Authority for POCSO victims.

FAYAZ ALAM VS THE STATE NCT OF DELHI AND ANR. [CRL.REV.P.-138/2024]

Judges: Justice Navin Chawla

The revision petition by Fayaz Alam against his conviction under Section 138 of the Negotiable Instruments Act was dismissed. The complainant met the necessary requirements, and the petitioner's defense lacked reliable evidence. The concurrent findings of the trial court and appellate court were upheld, as the petitioner sought re-appreciation of evidence beyond the scope of revisional jurisdiction.

GAGAN DEEP DUGAL & ORS. VS RELIGARE HOUSING DEVELOPMENT FINANCE CORPORATION LTD. [CM(M)-788/2022]

Judges: Justice Navin Chawla

The respondent is entitled to file a reply to the complaint, with the period for filing commencing only after the complaint is admitted. The request for an interim order to prevent the respondent from demanding further EMIs lacked merit, as the petitioners had previously filed multiple petitions and had an alternative remedy of appeal available. The petition was dismissed due to the absence of jurisdictional error or merit in the petitioners' arguments.

GARHWAL JEMS AND JEWELLERY PVT. LTD. & ORS. VS RMI STEELS LTD. THROUGH ITS AUHTORIZED REPRESENTATIVE [CRL.M.C.-2452/2022]

Judges: Justice Navin Chawla

The complaint under Sections 138 and 142 of the Negotiable Instruments Act was quashed due to the absence of necessary averments for the debt/liability. The terms of the Agreement to Sell and Addendum indicated that the liability connected to the Rs. 75 lakhs cheque had not arisen, thus failing to satisfy the ingredients of the offence under Section 138.

GEORGE NINAN VS STATE NCT OF DELHI & ANR. [CRL.M.C.-4342/2024]

Judges: Justice Navin Chawla

The petition by the Chief Financial Officer of the accused company to quash a complaint under Section 138 of the Negotiable Instruments Act was dismissed. The CFO can be held liable under Section 141 of the NI Act, even without being a signatory to the dishonored cheque, due to his position as Key Managerial Personnel. A person signing a cheque on behalf of a company is presumed to be responsible for the company's business conduct.

GOPAL PRASAD AGARWAL VS BLS POLYMERS LTD [CRL.M.C.-7003/2022]

Judges: Justice Navin Chawla

A complaint under Section 138 of the Negotiable Instruments Act against Gopal Prasad Agarwal is maintainable, with necessary averments present to establish vicarious liability under Section 141. The petitioner failed to present any evidence demonstrating a lack of involvement in the issuance of the dishonored cheque. Petitions challenging the summoning orders and framing of notice have been dismissed.

GULFAM VS STATE OF NCT OF DELHI [BAIL APPLN.-4324/2023]

Judges: Justice Navin Chawla

Charges against Gulfam are serious; however, the credibility of prosecution witnesses should not be evaluated in detail at the bail stage. Applicability of Section 149 IPC cannot rely on vague evidence and general allegations. The long period of incarceration and Gulfam's familial responsibilities are relevant factors in the bail decision. Bail has been granted subject to conditions to ensure availability for trial and prevent evidence tampering or witness influence. Observations made are solely for the bail application and do not reflect on the final merits of the case.

GURPREET SINGH VS STATE OF NCT OF DELHI [BAIL APPLN.-857/2023]

Judges: Justice Navin Chawla

The accused is entitled to bail due to non-compliance with the sampling procedure, which raises reasonable doubts about guilt, and significant trial delays, with only 2 of 22 witnesses examined after over 3.5 years. The delays, not caused by the accused, violate the right to a speedy trial under Article 21 of the Constitution. Bail is granted subject to specific conditions, taking into account the accused's right to personal liberty and stringent bail conditions in the NDPS Act.

GURVINDER KAUR VS HIMANSHU GUPTA & ORS. [CONT.CAS(C)-423/2022]

Judges: Justice Navin Chawla

The President and General Secretary of the Delhi Sikh Gurdwara Management Committee (DSGMC) are guilty of willful non-compliance with a previous judgment regarding the payment of arrears related to the 6th and 7th Central Pay Commission, as well as transport allowance, dearness allowance, and retiral benefits for teachers and staff. Show cause notices were issued to DSGMC officials and prior committee members for potential contempt. A Forensic Auditor was appointed to investigate the financial affairs of the Guru Harkrishan Public School (ND) Society and its schools. DSGMC was directed to provide necessary funds for timely salary payments according to the 7th CPC and to clear arrears with interest from the 6th CPC. Any rent received by the GHPS (ND) Society, its schools, and/or DSGMC is attached for the sole purpose of settling these arrears.

HAJI ASHRAF VS STATE GOVT NCT OF DELHI NEW DELHI [CRL.M.C.-3860/2022]

Judges: Justice Navin Chawla

The petitioner was discharged from charges of theft under Section 380 and wrongful restraint under Section 341 of the Indian Penal Code due to insufficient evidence regarding the alleged theft of onions. However, the trial will proceed on charges of causing hurt under Section 323 and trespass under Section 448, in conjunction with Section 34, as the allegations were supported by the complainant's and injured person's statements.

HARBHAJAN SINGH VS THE STATE OF DELHI [CRL.REV.P.-292/2022]

Judges: Justice Navin Chawla

The order framing charges against the petitioner under Section 23 of the Juvenile Justice Act was set aside due to a lack of documentary proof of the victim's age, with a medical examination estimating her age as between 16-18 years. The principle of giving the benefit of doubt regarding the victim's age was applied, resulting in the discharge of the petitioner from the charges.

HARPREET SAHNI & ANR. VS VINOD HEMNANI [CRL.M.C.-6097/2022]

Judges: Justice Navin Chawla

The complaint against the petitioners, who are Trustees of the accused trust, is maintainable under Section 138 and Section 141 of the Negotiable Instruments Act. The notice required by Section 138 was properly served on the trust, implicating the Trustees who are deemed aware of it and can be held responsible under Section 141 without needing separate individual notices. The pleadings in the complaint sufficiently establish liability against the petitioners as Trustees managing the trust's business. While the petitioners' defense can be argued at trial, it is not relevant at the summoning stage. The petitions challenging their summoning as accused were dismissed, and no opinion on the merits of the case was expressed, ensuring no prejudice to the petitioners' defense.

HEMANT KUMAR VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-4974/2022]

Judges: Justice Navin Chawla

The FIR against the petitioner for offenses under Sections 376/313/506/406 of the Indian Penal Code was quashed because the relationship was consensual. The complainant had concealed her existing marriage, which prevented any legal possibility of marriage between the parties. Consent was not obtained through a false promise of marriage, and continuing the criminal proceedings was deemed an abuse of the process of law.

HIKMATULLAH HIKMATI VS NARCOTICS CONTROL BUREAU [BAIL APPLN.-1130/2022]

Judges: Justice Navin Chawla

Hikmatullah Hikmati was granted bail in a case under the NDPS Act due to non-compliance with mandatory procedures regarding sampling and seizure of drugs. The evidence against him, primarily based on the recovery from a co-accused, disclosure statements, and WhatsApp chats, was deemed inadmissible due to procedural lapses. Additionally, Hikmati had been in custody for over 4 years without direct evidence linking him to the drugs. Bail was granted considering these factors, along with certain conditions.

HIMANSHU CHOPRA VS STATE & ANR. [CRL.M.C.-620/2022]

Judges: Justice Navin Chawla

The petitions filed by the accused under Section 482 of the Criminal Procedure Code, challenging the trial court's summoning orders in Section 138 cases of the Negotiable Instruments Act, were dismissed. At the summons stage, the trial court only needs to be prima facie satisfied that a case exists against the accused without detailed merits analysis. Specific allegations in the complaint indicated the petitioners were in charge of the company's affairs and made assurances to the complainant, meeting the criteria for vicarious liability under Section 141 of the NI Act. The petitions were dismissed without addressing the merits of the case, which will be determined by the trial court.

ICICI HOME FINANCE COMPANY LTD VS MR RAMESH GUPTA & ANR [CS(COMM)-1117/2018]

Judges: Justice Navin Chawla

The appeal by Neeru Gupta was allowed due to inadequate service of summons prior to using publication. Her absence was characterized as unintentional and bona fide, and she was permitted to submit her written statement within the allowed timeframe. An interim order from a separate suit against the plaintiff bank was maintained, preventing further actions against the suit property under the SARFAESI Act. Ramesh Gupta faced ex-parte proceedings due to his non-appearance.

IFFCO TOKIO GENERAL INSURANCE CO LTD VS KANCHAN & ORS [MAC.APP.-160/2019]

Judges: Justice Navin Chawla

The appeal by IFFCO Tokio General Insurance Co. Ltd. against the compensation award to claimant Kanchan was dismissed. The involvement of the offending vehicle in the accident was established through circumstantial evidence, applying the preponderance of probabilities standard. The argument of contributory negligence by the deceased was rejected, as the driver's negligence was proven. Additionally, the request to deduct the Medi-Claim amount from the compensation was denied, based on prior rulings that such amounts do not affect compensation for accidental death.

IFFCO TOKIO GENERAL INSURANCE CO.LTD.& ANOTHER VS INDER TRAVESLS PVT.LTD.& OTHERS [CS(COMM)-166/2017]

Judges: Justice Navin Chawla

The plaintiffs' application was partially granted, allowing the submission of additional documents, including powers of attorney and provisions from the Travel Agent's Handbook. The plaintiffs demonstrated "reasonable cause" for not including these documents with the initial plaint. One proposed document was not accepted for filing at this stage, but the plaintiffs were permitted to confront the defendants' witness with it, if legally allowable.

IFFCO TOKIO GENERAL INSURANCE INSURANCE CO LTD VS SAJJANPATI @ SAJNA & ORS [MAC.APP.-920/2018]

Judges: Justice Navin Chawla

The awards of the Motor Accident Claims Tribunal (MACT) were set aside and remanded for a fresh inquiry due to the failure to properly consider the testimony of eye-witness PW-2 Sudhir, who identified Naveen as the driver, not Sumit. The inquiry did not adequately address the use of a fake number plate on the offending vehicle, suggesting it might have been stolen. Adverse inferences against the vehicle's owner were drawn without sufficient justification. A fresh inquiry must be conducted within six months, allowing parties to present additional evidence.

INDER GOEL VS THE STATE & ANR. [CRL.M.C.-2974/2024]

Judges: Justice Navin Chawla

The petition by Inder Goel under Section 482 of the Cr.P.C. was dismissed. The dispute was identified as a civil family matter regarding a leasehold shop transfer, with the petitioner attempting to frame it as a criminal issue. The petitioner was also found to be in violation of the statutory bar under Section 397(3) Cr.P.C.

INDER SINGH SOLANKI VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-6424/2022]

Judges: Justice Navin Chawla

There is prima facie evidence to frame charges against the petitioner under Sections 336 and 506 of the Indian Penal Code for rash/negligent acts endangering life and criminal intimidation, as well as under Section 30 of the Arms Act for brandishing a licensed firearm in public, violating the Arms Rules. The petitioner's arguments against the framing of charges did not successfully challenge the prima facie case established by video footage and the recovery of the firearm. The lack of challenge to the charges under IPC before the Additional Sessions Judge and the State's challenge of the discharge under the Arms Act justified the decision to allow the framing of charges.

ISH KUMAR VS STATE OF NCT OF DELHI & ORS. [CRL.M.C.-2023/2022]

Judges: Justice Navin Chawla

The order dismissing the petitioner's application for contempt proceedings against police officials was upheld. The police had made efforts to comply with the court's order regarding CCTV footage and call records, but retrieval was not possible due to the hotel's limited storage capacity. The finding indicated no contempt of court. If the petitioner believes the police were negligent in the investigation, alternative remedies are available outside of contempt proceedings.

JAFFREY EXPORT PVT LTD AND ORS VS ASHISH CHAUDHARY [CRL.M.C.-5433/2022]

Judges: Justice Navin Chawla

The petition challenging the maintainability of a complaint under Section 138 of the Negotiable Instruments Act was dismissed. The issue of whether the cheque was returned unpaid due to the petitioner's bank account being attached by the Sales Tax Authority or for other reasons is a disputed fact for the trial court to determine. The petition lacked merit due to both delay in filing and the substantive issues, resulting in an order for the petitioners to pay costs of Rs. 10,000 to the respondent.

JAGMEET KAUR BABBAR AND ORS VS EUROCOPTER GROUP & OTHERS [CS(OS)-420/2012]

Judges: Justice Navin Chawla

The earlier order closing the defendant's evidence due to a missing witness from France has been set aside. The defendant is granted a final opportunity to present the witness via video conferencing, with specific instructions involving the Indian Consulate in France. If the video conferencing fails, the witness must appear in person, or the defendant's evidence will be closed.

JAVED VS THE STATE OF DELHI [BAIL APPLN.-3126/2021]

Judges: Justice Navin Chawla

Javed was granted bail in FIR No. 65/2020, which included serious charges under various sections of the Indian Penal Code. The prosecution's evidence, including witness statements and call detail records, was insufficient at the bail stage to establish a prima facie case of his common intention to commit murder. While witnesses identified him as part of an unlawful mob involved in rioting, none attributed a specific role in the murder to him. Javed's status as the sole breadwinner for his family and the prolonged trial delay contributed to the decision to grant bail under certain conditions.

JEEVAN LAL SINGHAL VS STATE & ANR. [CRL.M.C.-429/2024]

Judges: Justice Navin Chawla

The petitioner's challenge to lower court orders regarding an alleged 'friendly loan' was dismissed, establishing that the dispute is civil in nature. The use of criminal processes for loan recovery was deemed inappropriate, as it burdens the criminal justice system and undermines fairness. Concurrent dismissals by two lower courts precluded a reassessment of the evidence.

JEEVESH SABHARWAL & ANR. VS MAHARAJ KRISHEN PANDITA [CRL.M.C.-112/2024]

Judges: Justice Navin Chawla

The petition by the accused challenging the rejection of their application for the production of documents was dismissed. The requested documents, related to the advice from Karvy Realty India Ltd. and contact with the accused company, were deemed unnecessary for effective cross-examination and the case's resolution. The application lacked specifics regarding the documents, and the approach was considered a "fishing inquiry." No merit was found in the petition, and costs were directed to be deposited with the Delhi State Legal Services Authority.

JITIN MITTAL & ORS. VS GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-2438/2022]

Judges: Justice Navin Chawla

Section 202 of the Code of Criminal Procedure does not apply to proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005. Such proceedings are primarily civil in nature, with an 'offence' arising only from a breach of orders under the Act. Disputed factual issues regarding the complaint's probability, vagueness, or potential abuse of process cannot be resolved at this stage and should be addressed by the Metropolitan Magistrate. The petition by the husband and his family to quash the complaint was dismissed.

JYOTI JADAUN @ RENU JADAUN AND ORS VS STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-2140/2022]

Judges: Justice Navin Chawla

The FIR and subsequent trial against the petitioners, who are the sister-in-laws and a mediator, were quashed due to vague and general allegations lacking specific incidents or supporting evidence for charges under Sections 498A, 406, and 34 of the Indian Penal Code. Concerns regarding the misuse of Section 498A and the tendency to implicate the entire family in matrimonial disputes were noted. The proceedings were deemed an abuse of the criminal process, causing potential harassment to the accused. The observations made will not affect the trial against other individuals named in the FIR.

KARI YADAV VS THE STATE & ANR. [CRL.M.C.-4944/2022]

Judges: Justice Navin Chawla

The petitioner received substantive sentences of 1 year of simple imprisonment in two cases under Section 138 of the Negotiable Instruments Act. These sentences relate to cheques issued for the same underlying transaction and should run concurrently. The petitioner has already served the full sentences and default payments, leading to the direction for concurrent sentencing in both cases.

KASIM VS STATE NCT OF DELHI AND ORS [CRL.M.C.-1941/2022]

Judges: Justice Navin Chawla

The trial court's dismissal of the petitioner's application to be recalled as a witness under Section 311 of the Code of Criminal Procedure was upheld. The petitioner claimed he was threatened by the respondent not to identify him, but this claim was made 16 months after completing his evidence without any explanation for the delay. It was emphasized that the discretionary power under Section 311 should be exercised judiciously to prevent abuse of the legal process, and delayed applications without valid reasons are not permissible. The dismissal of the application was deemed justified.

KAVERI PARASHAR VS KALIND PARASHAR & ORS. [CRL.M.C.-933/2022]

Judges: Justice Navin Chawla

The order dismissing the complaint for lack of territorial jurisdiction was set aside. The trial court lacked the authority to recall the summons issued against the accused. The only recourse for the accused was to challenge the summoning order through a revision petition or another legal remedy. The complaint was restored to its original status in the trial court, with no opinion expressed on the merits of the trial court's order.

KRIPA SHANKER GIRI VS UNITED BREWERIES LIMITED THROUGH ITS AUTHORIZED REPRESENTATIVE [CRL.M.C.-549/2022]

Judges: Justice Navin Chawla

The petition filed by Kripa Shanker Giri to quash a criminal complaint by United Breweries Limited under Section 138 of the Negotiable Instruments Act was dismissed. The disputed relationship among Giri, the respondent, and the appointed commission agent involves factual questions that require examination of evidence, making them unsuitable for summary resolution. Therefore, the petition lacked merit at this stage.

KRISHAN PAL @ BOBBY VS STATE GOVT OF N C T OF DELHI [BAIL APPLN.-1030/2024]

Judges: Justice Navin Chawla

Bail was denied to Krishan Pal, charged with murder under Section 302 of the Indian Penal Code. Evidence presented included CCTV footage and witness statements indicating his involvement. One witness became hostile, but the impact of this will be assessed during the trial. The seriousness of the offense and the potential risk of witness tampering were noted. The trial court was instructed to expedite proceedings and aim for case resolution within one year, with any observations made strictly related to the bail decision.

KULDEEP SINGH VS THE STATE OF NCT OF DELHI & ANR. [CRL.REV.P.-453/2024]

Judges: Justice Navin Chawla

The criminal revision petition filed by Kuldeep Singh was dismissed, challenging the trial court's rejection of his application under Section 91 of the CrPC for the production of certain documents. At the charge framing stage, the accused cannot invoke Section 91 CrPC to obtain documents for defense purposes, as the necessity of these documents is assessed in relation to their intended use during investigation, inquiry, or trial. The scope of revisional jurisdiction is limited to clear errors or non-compliance with the law, and no such issues were found in the trial court's order.

LALIT MOHAN & ORS. VS THE STATE (NCT OF DELHI) & ANR. [CRL.M.C.-1368/2024]

Judges: Justice Navin Chawla

FIRs and all consequential proceedings against the petitioners in two criminal miscellaneous petitions can be quashed under Section 482 of the Code of Criminal Procedure, despite the offenses being non-compoundable. The parties reached an amicable settlement, making the continuation of the criminal proceedings unnecessary. Each petitioner is required to pay a cost of Rs. 25,000 to be deposited with the Delhi State Legal Services Authority for support to POCSO victims.

M A SURESH VS STATE OF NCT OF DELHI [CRL.M.C.-4862/2022]

Judges: Justice Navin Chawla

M.A. Suresh's petition challenging the framing of charges under Sections 408, 409, 477A, and 120B of the Indian Penal Code was dismissed. The standard for framing charges is whether a prima facie case exists rather than proof of guilt beyond a reasonable doubt. Allegations of misappropriation of funds and irregular transactions related to vehicles were deemed sufficient for charge framing. Defense arguments suggesting a mini-trial at this stage were rejected. There was no indication of disagreement or referral to a larger bench.

M/S BOOKS CYBERTECH PVT. LTD & ANR. VS SATYASAI PANIGRAHY [CRL.M.C.-1894/2022]

Judges: Justice Navin Chawla

Service of notice of demand under Section 138 of the Negotiable Instruments Act was deemed valid when addressed to the director of the accused company, who signed the dishonored cheques. The director's awareness of the liability and the purpose of the notice negated any claim of disadvantage due to the incorrect address. Petitions to quash complaints were dismissed, allowing the complainant to proceed to trial for the defense to be presented.

M/S GANGOTRI QUALITY SEEDS P. LTD. & ORS. VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-1548/2022]
Judges: Justice Navin Chawla
The orders of the trial court and sessions court were set aside due to an error in not granting the petitioners additional time to file an application under Section 145(2) of the Negotiable Instruments Act. However, the petitioners' conduct of filing multiple applications to delay proceedings was acknowledged. To balance interests, the petitioners were directed to pay costs to the respondents, and the trial court was instructed to expedite the adjudication of the complaint cases. This matter involves four separate complaint cases filed by the respondents against the petitioners.

M/S GATI INFRASTRUCTURE PVT LIMITED VS ASHWANI SAINI & OTHERS [CS(COMM)-19/2017]
Judges: Justice Navin Chawla
An ex parte judgment and decree in favor of M/s Gati Infrastructure Pvt Limited was set aside due to improper service of summons on defendants Ashwani Saini and others. The process server's report was contradictory, and the plaintiff knew the defendants had moved but still attempted service at the old address. The defendants demonstrated sufficient cause for their non-appearance, leading to the reinstatement of the suit and a directive for the defendants to file their written statement within the prescribed period.

M/S GURU EXIM VS INDIAN OVERSEAS BANK & ANR [CS(COMM)-74/2017]
Judges: Justice Navin Chawla
The interim order did not prevent the defendant bank from pursuing legal action under the SARFAESI Act to recover amounts owed by the plaintiff. However, the bank is not allowed to recover Rs. 1,80,00,000, plus interest, related to goods supplied by the plaintiff, and must reserve this amount until the suit is resolved. The final hearing is scheduled for December 6, 2024.

M/S HOTEL MARINA & ANR VS VIBHA MEHTA [EX.P.-128/2012]
Judges: Justice Navin Chawla
The Decree Holder is entitled to execute the 2006 decree based on a settlement agreement, as the Judgment Debtor unjustifiably refused to sign necessary documents. The Decree Holder was prepared to make the agreed payment of Rs. 2 crores, while the Judgment Debtor failed to comply. Arguments from the Judgment Debtor claiming the settlement only pertained to her 8% share in the partnership firm were rejected, as this matter had been previously resolved.

M/S JAI AGRO ENTERPRISES VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-1444/2024]
Judges: Justice Navin Chawla
Petitions by M/s Jai Agro Enterprises to quash two criminal complaints for dishonored cheques were dismissed. The issues raised regarding the cheques and discrepancies in the account statements were identified as disputed facts requiring trial. The petitioner did not establish a case for quashing the criminal proceedings, indicating that such power should be exercised sparingly and in rare instances.

M/S JAI DURGA INDUSTRIES VS PHOOL CHAND BHAGAT SINGH [CRL.M.C.-2084/2024]
Judges: Justice Navin Chawla
The petition filed by M/S Jai Durga Industries was dismissed, upholding the order that rejected the revision petition. The Metropolitan Magistrate's decision to close the petitioner's right to cross-examine the respondent was justified, as the petitioner had been provided multiple opportunities to do so but failed to act, indicating a defiant attitude. Granting further opportunity for cross-examination would undermine the summary procedure under Section 138 of the Negotiable Instruments Act and unfairly advantage the petitioner at the expense of the respondent.

M/S POOJA BANGLES & ORS. VS M/S SUMAN JEWELLERS [CRL.M.C.-3392/2024]

Judges: Justice Navin Chawla

The petition challenging the summoning of the petitioners as accused in a complaint under Section 138 of the Negotiable Instruments Act was dismissed. A spelling mistake in the petitioner's firm name did not render the legal notice or complaint defective. Proper service of the notice on the petitioners, including the third petitioner, was confirmed despite the firm being registered in Delhi and the notice served on partners in Saharanpur. The petition was dismissed with an order to deposit costs of Rs. 15,000 with the Delhi High Court Legal Services Committee.

M/S SACHDEVA ENTERPRISES VS STATE OF NCT OF DELHI & ANR. [CRL.L.P.-69/2024]

Judges: Justice Navin Chawla

The petition by M/s Sachdeva Enterprises for leave to appeal the Trial Court's dismissal of their complaint under Section 138 of the Negotiable Instruments Act was dismissed. The Trial Court raised doubts about the respondent's liability for the claimed amount of Rs. 1.5 crores, highlighting a lack of documentary evidence from the petitioner and inconsistencies in the respondent's statements. Consequently, there was no basis to contest the Trial Court's decision.

M/S SUNSHINE INFRAHEIGHTS PVT LTD & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-2326/2022]

Judges: Justice Navin Chawla

Petitions by M/S Sunshine Infraheights Pvt Ltd & Ors were dismissed regarding the summoning of the accused under Section 138 of the Negotiable Instruments Act. At the process issuance stage, only a prima facie satisfaction of sufficient grounds is required, without detailed merit analysis. Complaints remain maintainable despite the cheques being presented before the liability arose under the Buy Back Agreements, as the reasons for the earlier dates on the cheques necessitate evidence examination. This situation is not deemed one suitable for quashing the complaints at this stage.

M/S TABISH AIRWAYS VS PROTECTOR GENERAL OF EMIGRANTS AND ANR [W.P.(C)-5142/2013]

Judges: Justice Navin Chawla

The cancellation of the petitioner's registration certificate as a recruiting agent was upheld due to actions as a representative of non-existent overseas employers, violating the Emigration Act and Rules. A recruiting agent is responsible for verifying the genuineness of the overseas employer represented, and the grounds for cancellation under Section 14 of the Act were established. No infirmity was found in the decision-making process of the appellate authority.

MAHDOOM BAWA BAHRUDEEN NOORUL VS KAVERI PLASTICS [CRL.M.C.-2164/2022]

Judges: Justice Navin Chawla

The criminal complaint under Section 138 of the Negotiable Instruments Act was not maintainable because the notice of demand incorrectly stated a sum of Rs. 2 crores instead of the actual cheque amount of Rs. 1 crore. The requirement for the notice to demand the precise amount of the dishonored cheque is strictly enforced, making the complaint invalid. As a result, the criminal complaint was quashed.

MAHENDRA GAMBHIR VS SERIOUS FRAUD INVESTIGATION OFFICE [BAIL APPLN.-3741/2022]

Judges: Justice Navin Chawla

Applications for anticipatory bail by Abraham George, Yogesh Sudhanshu Kumar, and Mahendra Gambhir are maintainable despite the filing of a complaint and the issuance of summons. The applicants demonstrated a reasonable apprehension of arrest. Anticipatory bail is granted to the applicants with certain conditions, as they were not arrested during the investigation by the Serious Fraud Investigation Office.

MAHTAB TYAGI VS THE STATE GOVT. OF NCT OF DELHI [BAIL APPLN.-3030/2022]

Judges: Justice Navin Chawla

The petitioner has been in custody for over 3 years, and the recovery of 525 kg of Ganja, classified as a commercial quantity, affects the decision on bail. The trial should be expedited and concluded within 6 months, with an option for the petitioner to renew the bail application if there are further delays.

MANISH JAIN @ MANISH KUMAR VS STATE OF NCT OF DELHI [CRL.M.C.-6132/2022]

Judges: Justice Navin Chawla

The petition by Manish Jain challenging the trial court's rejection of his application to recall witness PW-4 Mohd. Javed for further cross-examination was dismissed. The application lacked necessary details and did not explain a 6-year delay in filing. A change of counsel was deemed an insufficient reason for recalling the witness, leading to the conclusion that the petition had no merit.

MANOHAR SINGH VS PRADEEP MEHTA & ANR. [CRL.M.C.-47/2024]

Judges: Justice Navin Chawla

The petitioner's criminal complaint against the respondents was dismissed due to insufficient grounds. The primary issue related to service conditions and benefits, which had already been adjudicated in higher courts. The petitioner was found to be abusing the court process by raising similar grievances in different forums. Additionally, the statutory bar under Section 397(3) of the Cr.P.C. was noted as a reason for the non-maintainability of the second revision petition. The lower courts had previously considered the evidence and found the petitioner's complaint without merit.

MANOJ KUMAR VS STATE NCT OF DELHI [CRL.REV.P.-814/2022]

Judges: Justice Navin Chawla

Evidence against the petitioner, especially the suicide note, is insufficient to support charges under Section 306 of the Indian Penal Code. The note does not indicate that the petitioner actively instigated or intended to aid the deceased in committing suicide. A mere refusal to repay a loan does not constitute abetment. There is no prima facie case or grave suspicion against the petitioner, leading to the discharge of the petitioner.

MANOJ RANA VS THE STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-4829/2022]

Judges: Justice Navin Chawla

At the charge framing stage, the assumption is that the prosecution's material is true, focusing on whether it discloses necessary ingredients for the alleged offence without assessing its probative value or the accused's defense. For Section 509 IPC, intent to insult a woman's modesty is crucial and evaluated through various factors. Sufficient prima facie evidence warranted framing charges under Sections 506, 509, and 34 IPC, with no identified issues in the previous decision to proceed with the trial.

MATER DEI SCHOOL THROUGH SISTER SHEEBA ANTONY SECRETARY SOCIETY OF THE FRANCISCAN SISTERS OF MARY DELHI VS STATE GOVT OF NCT OF DELHI & ORS. [CRL.M.C.-2321/2022]

Judges: Justice Navin Chawla

The order directing the petitioner to produce numerous documents was set aside due to a lack of justification that their production was "necessary or desirable" for the investigation, as required under Section 91 of the Code of Criminal Procedure. The decision noted that the order amounted to a fishing expedition and failed to assess the relevance of the requested documents. A fresh application may be submitted for reconsideration.

MOHD AKIL VS MOHD FAREED [CRL.REV.P.-204/2023]

Judges: Justice Navin Chawla

The criminal revision petitions filed by Mohd Akil, challenging his conviction under Section 138 of the Negotiable Instruments Act, were dismissed. The burden of proof was correctly placed on Akil, and the total sale consideration of Rs. 27 lakhs was deemed applicable to the entire 300 sq. yards plot, despite the sale of 100 sq. yards to a third party. No merit was found in the argument regarding the execution of the power of attorney for Rs. 11 lakhs. The lower courts' decisions were upheld, with no jurisdictional errors identified.

MOHD SHAKEEL @ SHAKEEL AHMED VS SABIA BEGUM AND ORS. [CRL.REV.P.-795/2022]

Judges: Justice Navin Chawla

The petition by Mohd Shakeel @ Shakeel Ahmed challenging orders from the Family Court regarding execution petitions filed by Sabia Begum and others was dismissed. The maintenance order from the Family Court was deemed final, and the execution petitions were for its enforcement. The petitioner failed to comply with a prior statement to pay a reduced monthly installment, which nullified his claim for relief. The Family Court was instructed to proceed with the execution petitions and consider the petitioner's request for property sale.

MOHD SHUEB VS FAYZA NISAR & ANR. [CRL.REV.P.-656/2024]

Judges: Justice Navin Chawla

Mohd. Shueb's petition challenging a maintenance order was dismissed. He was required to pay Rs. 25,000 per month to respondent no. 1 and Rs. 20,000 per month to respondent no. 2. The notice from the Family Court was properly served, but Shueb did not appear, resulting in an ex-parte order. His explanation for his absence was deemed frivolous, and claims of forgery and misleading the Family Court were not accepted, given his choice not to defend against the complaint.

MOHD. WASEEM & ORS. VS THE STATE (GOVT. OF NCT OF DELHI) AND ORS. [CRL.M.C.-7062/2022]

Judges: Justice Navin Chawla

FIR No. 1357/2015 against the petitioners under various IPC sections and the Arms Act was quashed based on an amicable settlement between the parties. The injured individuals expressed a desire not to pursue the case, and the injuries were deemed 'simple'. Continuing the prosecution was considered unproductive and burdensome. A condition for quashing the FIR included the petitioners depositing Rs. 50,000 each with the Delhi State Legal Services Authority.

MR DIGVIJAY SINGH & ANR. VS M/S VAKA & ORS. [CRL.M.C.-3240/2024]

Judges: Justice Navin Chawla

The petitioners' attempt to quash the complaint under Section 138 of the Negotiable Instruments Act was dismissed. The complaint's assertion that M/s Indirashree Sourcing is solely owned by petitioner no. 1 is accepted as true at this stage, despite a GST certificate indicating it is a partnership. The complaint alleges that a notice was served and returned deliberately by the petitioners, which will be evaluated during the trial. Additionally, a Magistrate is permitted to conduct mandatory inquiries under Section 202 of the Cr.P.C. by accepting the complainant's affidavit without requiring sworn witness testimony. The petition lacked merit, with trial proceedings still at an initial stage.

MR MAHENDER KUMAR KHANDELWAL VS DIRECTORATE OF ENFORCEMENT & ANR. [W.P.(C)-10993/2023]
Judges: Justice Navin Chawla
Under Section 8(3)(a) of the Prevention of Money Laundering Act (PMLA), the retention of seized documents, digital devices, and property is limited to 365 days unless there are specific pending proceedings related to the seizure. Proceedings must be before a Special Court concerning the property or individual from whom it was seized. In this case, no such proceedings were initiated against the petitioner within the 365 days following the Adjudicating Authority's order, necessitating the return of the seized items. Arguments suggesting that other pending writ petitions could extend the 365-day period were dismissed, as extending seizure without PMLA proceedings beyond this timeframe would violate constitutional rights.

MRS MITHLESH GUPTA VS M/S NATIONAL INDUSTRIAL CORPORATION LIMITED [CRL.M.C.-2057/2022]
Judges: Justice Navin Chawla
The petitioner, identified as accused no. 3 in a complaint under Section 138 of the Negotiable Instruments Act, cannot be held vicariously liable under Section 141. As the complaint indicates that accused no. 1 is a proprietorship concern and the cheque was signed by accused no. 2, who is the proprietor, mere signing of an agreement by the petitioner on behalf of accused no. 1 does not establish vicarious liability. The complaint against the petitioner was quashed, without affecting the proceedings against the other accused.

MRS. KUSUM TANEJA VS SHRI MANIK TANEJA AND OTHERS [CS(OS)-174/2018]
Judges: Justice Navin Chawla
The Will dated 04.02.1970 of Sh. Lakhmi Chand Taneja bequeathed the suit property to late Sh. Avinash Kumar Taneja and late Smt. Parbati, which was acknowledged by defendant no. 1. There was no oral partition of the suit property, leading to the conclusion that the plaintiff, defendant no. 1, and defendant no. 2 each hold a 1/6th share, while defendant no. 3 holds a 1/2 share. A decree for rendition of accounts was granted against defendant no. 1 from the date of the legal notice seeking partition.

MRS. SHUMITA SANDHU VS TANI SANDHU BHARGAVA & ORS. [CS(OS)-585/2024]
Judges: Justice Navin Chawla
The plaintiff's suit for partition of the property was dismissed due to a lack of merit in the claim that it was ancestral Hindu Undivided Family (HUF) property. A prior judgment had already rejected the plaintiff's defense as baseless. The matter was not adjourned indefinitely while the plaintiff sought an appeal against the previous judgment.

MS PRACHI JAIN VS SHRI SUNIL KUMAR JAIN [CRL.M.C.-3475/2024]
Judges: Justice Navin Chawla
The order dismissing the petitioner's appeal regarding the modification of the maintenance order was set aside. The petitioner's status as a complainant and 'Aggrieved person' under the Domestic Violence Act, 2005, was not adequately considered, affecting her entitlement to maintenance despite employment. The appeal was restored for a fresh decision, with instructions to expedite the hearing.

MS. P VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-4329/2022]
Judges: Justice Navin Chawla
The bail order granted to the respondent was set aside due to a violation of the prosecutrix's participatory rights, as she was not provided a copy of the bail application or informed about the hearing. The respondent must submit a new bail application to the trial court, which will be considered without influence from the previous order. Interim protection from arrest was granted to the respondent until the trial court reviews the new application.

MUNNA SINGH & ANR. VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-1657/2024]

Judges: Justice Navin Chawla

The trial court's failure to provide the petitioners with a copy of the judgment and to pronounce the judgment in open court constituted a procedural lapse, but this did not invalidate the conviction. The petitioners retain the right to pursue other legal remedies. The Principal District and Sessions Judges are directed to ensure that trial courts announce judgments only when ready and promptly provide copies to convicted individuals.

NARCOTIC CONTROL BUREAU (DZU) VS AQYAR KHAN SHINWARI [CRL.M.C.-3866/2024]

Judges: Justice Navin Chawla

The petition by the Narcotic Control Bureau was dismissed, affirming the bail granted to Aqyar Khan Shinwari in a case under the NDPS Act. The decision highlighted non-compliance with the mandatory documentation and certification requirements of Section 52A of the NDPS Act, raising doubts about the prosecution's case. Additionally, Shinwari's lengthy incarceration of nearly 4.5 years was considered a factor in granting bail.

NARCOTIC CONTROL BUREAU VS NIMATULLAH MANGAL & ANR. [CRL.M.C.-3924/2024]

Judges: Justice Navin Chawla

The petition by the Narcotic Control Bureau challenging the bail grant to Nimatullah Mangal was dismissed. Non-compliance with Section 52A of the NDPS Act regarding sample procedures raised serious doubts about the prosecution's case and the contraband status of the substance. Previous judgments emphasized the importance of adhering to Section 52A, supporting the decision to uphold the bail order.

NARCOTICS CONTROL BUREAU VS SUKHWINDER SINGH [CRL.M.C.-4206/2024]

Judges: Justice Navin Chawla

The petition by the Narcotics Control Bureau (NCB) challenging the bail granted to Sukhwinder Singh was dismissed due to NCB's failure to meet mandatory requirements under Section 52A of the NDPS Act, including the preparation of an inventory of the seized contraband and drawing samples in the presence of a magistrate. This non-compliance raised serious doubts about the prosecution's case, satisfying the conditions under Section 37 of the NDPS Act for the respondent to be granted bail, regardless of the availability of the seized substance.

NARENDER SINGH VS STATE [CRL.REV.P.-829/2022]

Judges: Justice Navin Chawla

The criminal revision petition filed by Narender Singh was dismissed, challenging the trial court's rejection of his application to recall the victim and her mother for further cross-examination. The application lacked strong and valid reasons, appearing to be an attempt to harass the witnesses. A previous similar petition had already been dismissed, achieving finality. Costs of Rs. 50,000 are to be deposited by the accused with the Delhi State Legal Services Authority for counselling support for POCSO victims.

NARESH KUMAR AND OTHERS VS THE STATE NCT OF DELHI & ANR. [CRL.REV.P.-257/2024]

Judges: Justice Navin Chawla

The order to frame charges against the petitioners under Sections 307/34 of the Indian Penal Code was upheld. Medical evidence indicated that the victim sustained grievous injuries. The petitioners' argument that the injuries did not meet the severity required for Section 307 was not accepted, as the intention of the accused remains the primary consideration to be assessed during the trial. A detailed evaluation of the evidence was not undertaken due to the limited jurisdiction in a criminal revision petition. Rulings caution against excessive quashing of proceedings were noted.

NAVEEN KUMAR VS GOVERNMENT OF NCT OF DELHI & ORS. [CRL.M.C.-6365/2022]

Judges: Justice Navin Chawla

The petitioner, a former director of the accused company, remains liable for the dishonored cheque despite claiming resignation. The cheque bears the petitioner's signature, and the circumstances of its possession require trial evidence. Allegations of cheque misuse necessitate further examination, leading to the dismissal of the petition.

NAVITA ARJUN VOHRA VS NITIN ARJUN & ANR [CS(OS)-787/2015]

Judges: Justice Navin Chawla

The plaintiff's application to amend her evidence by affidavit was permitted, as she should not be compelled to rely on a false statement. The defendants will have the chance to cross-examine the plaintiff regarding the amended affidavit and address earlier pleadings. The defendants experienced no prejudice since the elderly defendant had already been confronted with the information the plaintiff seeks to add.

NAZIM VS STATE [BAIL APPLN.-1587/2021]

Judges: Justice Navin Chawla

The bail application of Nazim, accused of involvement in the murder of Intelligence Bureau officer Ankit Sharma, was dismissed. Witness statements identified Nazim as part of the mob and as the individual wielding the knife that killed Sharma. The nature and gravity of the offense, along with concerns about witness tampering and the risk of absconding, contributed to the decision against bail. A prior bail request for Nazim's brother, Kasim, facing similar allegations, was also rejected.

NEERAJ PIPLANI VS THE STATE OF NCT OF DELHI & ANR. [CRL.M.C.-3068/2024]

Judges: Justice Navin Chawla

The petition by Neeraj Piplani to quash a complaint by Rajan Syal under the Negotiable Instruments Act was dismissed. Contentions regarding overpayment and cheques as security were deemed matters for trial, as they cannot be resolved at the preliminary stage. There is no basis for interference with the trial court's decision to take cognizance and issue summons without evidence of illegality or abuse of process.

NEERU KAPOOR VS BLUE STATE INFOTECH PVT LTD & ORS [CS(OS)-1632/2012]

Judges: Justice Navin Chawla

The plaintiff's application to amend the plaint to include a prayer for possession of the suit property was allowed. Substantive justice should not be hindered by technicalities, and amendments relating to relief predicated on already pleaded facts are typically permissible. The bar under Order II Rule 2 CPC applies only to subsequent suits, not to amendments. The proposed amendment did not alter the nature of the suit or surprise the defendants, and it was deemed necessary for effective adjudication. The amendment was permitted with the condition that the plaintiff pays costs to the defendants.

NICHOLAS NZUBE UKAEGBU VS NARCOTIC CONTROL BUREAU & ANR. [BAIL APPLN.-2708/2022]

Judges: Justice Navin Chawla

Failure to comply with mandatory requirements under Section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985, regarding sample drawing in the presence of a Magistrate and inventory certification, raised reasonable doubts about the guilt of the accused. The compromise of the original seized substance also contributed to the uncertainty of the prosecution's case. Bail was granted to the accused due to the negative impact of prolonged incarceration on the right to liberty, with conditions imposed to restrict international travel and contact with witnesses.

NIRUPA BERRY VS M/S GOEL ESTATE & PROMOTERS PVT LTD & ANR [CS(OS)-67/2011]

Judges: Justice Navin Chawla

The plaintiff's application to submit an additional document, a Power of Attorney executed by defendant no. 1 through defendant no. 2 in favor of Mr. Ramji, was accepted. Although the plaintiff should have disclosed the document earlier, it was considered vital for the case. The plaintiff was allowed to re-summon witness PW-2 for further evidence regarding the document, and the defendants were given the opportunity to present additional evidence. The plaintiff was required to pay costs of Rs. 1 lakh to the defendants within 4 weeks due to the delay in producing the document.

OMIRICO LIMITED & ANR. VS PJSC SBERBANK & ANR. [CS(COMM)-800/2024]

Judges: Justice Navin Chawla

The suit for enforcement of a Mareva Injunction from a Cyprus court against a defendant bank was dismissed due to lack of territorial jurisdiction, as the relevant assets and transactions were located in Russia, with existing Russian court orders. The suit was described as misconceived and indicative of mala fide intentions, resulting in an imposition of costs amounting to Rs. 1,00,000 on the plaintiffs.

ONKAR INFOTECH PVT. LTD. VS DELHI INTERNATIONAL AIRPORT LTD. & ORS. [CS(COMM)-660/2024]

Judges: Justice Navin Chawla

The plaintiff established a prima facie case for interim relief based on the lease deed, which affirmed the plaintiff's unrestricted right to access an unleased portion of the suit land, allegedly blocked by the defendants. Concerns about potential third-party rights being created by the defendants prompted the need for an interim injunction. Due to the urgency of the situation, the plaintiff was exempted from the mandatory pre-institution mediation requirement under Section 12A of the Commercial Courts Act, 2015.

P VS STATE AND ANR [CRL.M.C.-6185/2022]

Judges: Justice Navin Chawla

The anticipatory bail granted to the respondent was upheld due to the absence of any issues with the lower court's order. The parties had previously married, divorced, and later entered into a 'live-in relationship agreement'. Allegations from the petitioner were related to events during either the marriage or the 'live-in relationship'. The petitioner had not raised complaints at the time of the divorce, and there were no concerns regarding the respondent's presence during the trial. The petition was dismissed, with clarifications that observations made do not affect either party's case in the trial.

PANKAJ RAI VS STATE [CRL.REV.P.-702/2022]

Judges: Justice Navin Chawla

The conviction of the petitioner under Sections 419/420/471 of the Indian Penal Code remains intact despite a settlement with the complainant. The sentence was reduced to the period already served, contingent on the petitioner depositing Rs. 1,00,000 with the Delhi Police Martyrs Fund. Given the petitioner's ongoing trial since 2007, clean criminal record, and current employment as a pilot, the decision reflected a balance between justice and punishment.

PARAM PREET SINGH VS STATE GOVT OF NCT OF DELHI & ORS. [CRL.M.C.-5999/2022]

Judges: Justice Navin Chawla

The petitioner's challenge to the order allowing the revision petitions of the respondents was dismissed. The respondents' bank account was attached in a separate FIR, rendering the petitioner's complaint under Section 138 of the Negotiable Instruments Act not maintainable, as they could not operate their account when the cheques were returned unpaid. The reasoning of the Additional Sessions Judge was upheld, and the petition was deemed not to serve any useful purpose.

PATIRAM VS STATE OF NCT AND ANR. [BAIL APPLN.-3316/2023]

Judges: Justice Navin Chawla

The bail application of Patiram, charged with sexually assaulting a 6-year-old girl under Sections 366A/376 of the Indian Penal Code and Section 6 of the POCSO Act, was dismissed. The victim's statement, corroborated by CCTV footage and additional evidence, indicated a prima facie case against him. The seriousness of the allegations and the risk of absconding were also considered in the decision.

PAWAN DHANPATRAI MALHOTRA VS MAHENDER KHARI [CRL.M.C.-4074/2024]

Judges: Justice Navin Chawla

A single complaint under Section 138 of the Negotiable Instruments Act is maintainable for the dishonour of multiple cheques if they were issued for the same transaction and a common notice was served on the accused. The cause of action arises from the service of notice rather than the individual dishonour of cheques, meaning the restrictions under Section 219 of the Code of Criminal Procedure do not apply in such cases. The petition challenging the maintainability of the complaint was dismissed.

PRAKASH VASANT AJGAONKAR & ORS. VS THE STATE NCT OF DELHI & ANR. [CRL.REV.P.-525/2022]

Judges: Justice Navin Chawla

Section 143A of the Negotiable Instruments Act allows for discretionary, not mandatory, direction for interim compensation from the drawer of a dishonored cheque. The trial court mistakenly treated this provision as mandatory, directing individuals who were not the drawers to pay compensation without considering relevant factors such as the merits of the case and the accused's financial status. The ruling clarifies that Section 143A applies only to the drawer of the cheque and not to others potentially implicated under Section 141 of the Act.

PRAVIN JAIN VS ALPS INDUSTRIES LIMITED [CRL.M.C.-3471/2022]

Judges: Justice Navin Chawla

The criminal complaints against Pravin Jain were quashed as the requirements under Section 138 of the Negotiable Instruments Act were not met. The only allegation against Jain was that he was an agent of the accused firm, with no indication that he was responsible for the company's operations during the alleged offense. Jain may still be summoned as a witness in ongoing proceedings against other accused individuals.

PREETI ANAND VS STATE (NCT OF DELHI) [BAIL APPLN.-4364/2023]

Judges: Justice Navin Chawla

Preeti Anand's anticipatory bail application was dismissed due to severe allegations against her, which include a conspiracy to obtain an overdraft loan of Rs. 1.30 crores from Punjab National Bank using forged documents and the complainant's identity. The complete details of the conspiracy remain under investigation, and there is a history of the applicant attempting to evade the inquiry. Being a woman does not provide additional protection in this context, and this assessment pertains only to the current bail application without affecting future proceedings.

R S INFRAPROJECTS PVT LTD VS ZAMIL INFRA PVT LTD & ORS [CS(OS)-1197/2015]

Judges: Justice Navin Chawla

Defendant No. 2's delay in releasing the mobilization advance and issuing Letters of Credit was deemed a fundamental breach of contract, negating their insistence on the Plaintiff adhering to the delivery schedule. Defendant No. 2 revised the schedule without claiming damages and accepted delayed deliveries without objection. As no actual damages were proven, claims for liquidated damages against the Plaintiff were rejected. Defendant Nos. 1 and 2 were directed to pay Rs. 2,00,00,000 plus 9% interest to the Plaintiff due to wrongful invocation of the Bank Guarantee, along with costs of the suit.

RADHA PHOOL FIN-INVESTMENTS PVT. LTD. VS PARAMSUKH NIRMAN PVT. LTD. [CS(COMM)-1053/2018]

Judges: Justice Navin Chawla

The timelines for filing a written statement and affidavit of admission/denial of documents are strictly enforced, with a non-extendable 120-day period. If a written statement is submitted within this period but lacks the accompanying affidavit, it constitutes a defect that can be remedied within an additional 30 days. If the defect is corrected within this timeframe, the written statement and affidavit must be accepted, even if the affidavit is submitted after the initial 120 days.

RAGHAVENDRA KRISHNAMURTHY YALAKODU VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-7149/2022]

Judges: Justice Navin Chawla

Petitioner Raghavendra Krishnamurthy's challenge to summons as an accused in complaints under Section 138 of the Negotiable Instruments Act was dismissed. As Executive Director and Promoter of Garage Cowork Pvt. Ltd., he is presumed responsible for the company's conduct. The requirement at the summons stage is only a prima facie satisfaction regarding allegations. Arguments regarding lack of involvement in daily affairs, absence of signature on documents, and resignation were deemed matters for trial, not for adjudication at this stage. The petitions were dismissed, allowing all submissions to be considered in trial.

RAHUL DARBARI VS ARUN KUMAR KHOBRAGADE & ORS. [CRL.M.C.-1171/2022]

Judges: Justice Navin Chawla

The petitioner's application under Section 311 of the Code of Criminal Procedure to introduce certain documents from earlier proceedings was dismissed as it was considered to be filed without justification for the delay and after a previous similar application had been withdrawn. The discretionary powers under Section 311 should be exercised judiciously, and the nature of proceedings under Section 138 of the Negotiable Instruments Act requires stricter application against the complainant. The petitions lacked merit and were dismissed.

RAHUL KASHYAP VS STATE (NCT OF DELHI) & ORS. [CRL.M.C.-3387/2024]

Judges: Justice Navin Chawla

The anticipatory bail granted to the accused was upheld, as the dispute involved family members and centered on a minor issue regarding Diwali lights. Evidence indicated no serious injuries or weapon recovery. The delay in FIR registration was not attributed to the accused, and custodial interrogation was deemed unnecessary. The decision to consider the bail applications of all accused together was deemed acceptable, despite the petitioner not receiving copies for two applications.

RAJAT KUMAR VS THE STATE (NCT OF DELHI) [CRL.M.C.-4608/2022]

Judges: Justice Navin Chawla

Continuation of criminal proceedings against the petitioner would be against the interest of justice, as the departmental disciplinary authority concluded there was no dishonest or mala fide intention regarding the loss of a weapon and cartridges, classifying it as mere negligence. Consequently, the FIR and all related proceedings against the petitioner were quashed.

RAJAT RANA RAHUL RANA VS STATE OF NCT OF DELHI & ANR. [CRL.REV.P.-825/2022]

Judges: Justice Navin Chawla

The petition filed by Rajat Rana challenging the framing of charges under Sections 376, 354C, 384, and 506 of the Indian Penal Code was dismissed. At the charge framing stage, only a prima facie case is required, and the prosecution's case does not need to be proved beyond reasonable doubt. The existing material indicated suspicious circumstances against the accused, supporting the trial court's decision to frame charges. Observations made do not affect the ongoing trial proceedings.

RAJENDER PRASAD SHARMA VS NCB [BAIL APPLN.-2291/2023]

Judges: Justice Navin Chawla

Rajender Prasad Sharma was granted bail in a case under the Narcotic Drugs and Psychotropic Substances Act, 1985. The prosecution's evidence included call records and Sharma's presence at a cold storage facility, but the mulethi logs he supplied were not tested for heroin. The only positive test for heroin was from a loose piece not directly linked to Sharma. Voluntary statements made under Section 67 of the NDPS Act were deemed inadmissible. The absence of direct evidence connecting Sharma to the heroin and significant trial delays contributed to the decision to grant bail, with standard conditions imposed to prevent tampering with evidence or absconding.

RAJESH AGGARWAL & ANR. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-4616/2022]

Judges: Justice Navin Chawla

The FIR and all related proceedings against the petitioners, the maternal uncle and aunt of the complainant's husband, were quashed due to vague and general allegations, with specific claims dating back 10 years. The petitioners were not summoned during the preliminary inquiry, and the case relied solely on the complainant's statement without additional evidence. Continuation of the proceedings was deemed an abuse of the criminal process, potentially causing undue harassment to the petitioners. Observations made do not affect proceedings against the remaining accused.

RAJESH KUMAR VS STATE [BAIL APPLN.-2531/2022]

Judges: Justice Navin Chawla

The applicant is entitled to bail due to a prolonged trial delay, having been in custody for over two and a half years without the trial commencing. There is no imminent prospect of trial conclusion. Prolonged incarceration can override the statutory limitations of Section 37 of the NDPS Act, as it infringes on the fundamental right to life and liberty under Article 21 of the Constitution. The applicant will be released on bail, subject to certain conditions.

RAKESH KUMAR & ANR. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-481/2024]

Judges: Justice Navin Chawla

The petitioners' request to quash an FIR under Sections 498A and 406 IPC was dismissed. Arguments regarding lack of territorial jurisdiction and prior acquittal were deemed unacceptable at this stage, given that a chargesheet had been filed. Allegations against the petitioners involving the taking of jewelry and demanding dowry were considered prima facie supported. The validity of these allegations cannot be evaluated in a summary manner now, but the petitioners may contest their claims during the trial court's charge framing.

RAKESH ROY AND ANR VS OXFORD UNIVERSITY PRESS INDIA [CRL.M.C.-349/2022]

Judges: Justice Navin Chawla

The order of the trial court was set aside, allowing petitioners Rakesh Roy and another to cross-examine the complainant. The petitioners asserted that the cheques in question were issued as security and provided in blank, contradicting the trial court's dismissal of their request for cross-examination due to lack of specific defense. Conditions for cross-examination include payment of costs and no requests for adjournment, with instructions to expedite the trial.

RAM BHAROSE VS VIKRAM DUTT [CRL.M.C.-6064/2022]

Judges: Justice Navin Chawla

The application for interim compensation under Section 143A of the Negotiable Instruments Act was dismissed. The presumption under Section 139 alone is insufficient for granting interim compensation; the prima facie merits of the case and the defense must be evaluated. The complainant failed to establish a strong prima facie case to justify interim compensation.

RAM KAWAR HUF VS M/S SMC GLOBAL SECURITIES LIMITED [CRL.M.C.-1794/2022]

Judges: Justice Navin Chawla

The petition by Ram Kawar HUF challenging the dismissal of a revision petition was dismissed. The Metropolitan Magistrate had previously rejected the petitioner's application for summoning various documents related to forgery and audit results. The request for these documents was deemed irrelevant and not necessary for the adjudication of the complaint under Section 138 of the Negotiable Instruments Act, as it was considered a fishing inquiry.

RANJEET KUMAR CHOUDHARY VS MAHESH BAGCHANDKA AND ANOTHER [CRL.M.C.-843/2024]

Judges: Justice Navin Chawla

The petitioner's complaint regarding alleged land encroachment by the respondents was dismissed due to lack of locus standi. The Delhi Development Authority confirmed that no encroachment occurred and that all construction was within the demarcated area. The petitioner had previously filed multiple litigations on the same issue, all of which were withdrawn, leading to the conclusion that the current petition constituted an abuse of court process.

RAVINDER SONI VS URMILA VERMA & ANR [CRL.M.C.-1344/2018]

Judges: Justice Navin Chawla

The petitioner's challenge to the Revision Court's upholding of the Metropolitan Magistrate's order to pay interim maintenance to his parents was dismissed. The obligation of a child to support aging parents was reiterated, emphasizing that the contributions of the petitioner's siblings and the closure of his factory did not exempt him from liability. The petition lacked merit and was dismissed with costs.

RIGHT CHOICE MARKETING SOLUTIONS JLT & ORS. VS STATE NCT OF DELHI & ANR. [CRL.M.C.-6853/2022]

Judges: Justice Navin Chawla

The complaint under Section 138 of the Negotiable Instruments Act concerning dishonor of a foreign cheque is maintainable in Delhi, where the cheque was presented for payment. The argument that jurisdiction lies solely in Dubai was rejected, as the amendment to Section 142(2) states the offense is considered to have occurred at the presentation location. Additionally, the petition's unexplained delay was not accepted as a valid reason for dismissal.

ROHIT JAIN VS GOVT. OF NCT OF DELHI. & ANR. [CRL.M.C.-4334/2024]

Judges: Justice Navin Chawla

The petition to quash the FIR under Section 406 IPC was dismissed. The petitioner did not establish a case for quashing, as the vehicle remains in his possession and his assertion of purchasing it in the complainant's name conflicts with the Benami Transactions Act. The settlement agreement did not support the petitioner's claims, and any compliance issues are subject to investigation. Criminal proceedings cannot be halted solely based on the settlement at this early stage.

ROHIT VS STATE [CRL.M.C.-371/2022]

Judges: Justice Navin Chawla

The accused is entitled to bail despite stringent Section 37 NDPS Act requirements due to over 2 years of incarceration and delays in trial, which violate the right to a speedy trial under Article 21. The request for default bail was not supported, as the charge-sheet was filed within the statutory period, even without the initial FSL report. Bail is granted subject to conditions.

RUCHIR MODI VS BINA MODI & ORS. [CS(OS)-493/2024]

Judges: Justice Navin Chawla

Bina Modi remains the Managing Trustee of the K.K. Modi Family Trust, allowing her to make certain decisions without unanimous consent from the Board of Trustees, according to the Trust Deed. Her actions, including the removal of the plaintiff and another trustee from GPIL and her reappointment as Managing Director, do not violate the Trust Act or the Trust Deed. The application for interim relief to appoint an administrator for voting at GPIL's annual general meeting was dismissed, but Bina Modi is required to disclose her remuneration as Managing Director. The observations made are prima facie and do not affect the final outcome of pending applications or the main suit.

RUPESH KUMAR PANDEY AND ANR. VS STATE (GOVT. OF NCT OF DELHI) [CRL.M.C.-2806/2022]

Judges: Justice Navin Chawla

The petition under Section 482 CrPC to quash the FIR for offences under Sections 420, 380, and 120B of the IPC was dismissed. The FIR indicates a cognizable offence, and disputed facts regarding financial transactions and misuse of a cheque require police investigation. Quashing the FIR at this stage is not permissible, and the investigation is to proceed.

RUSLAMN PETROV METODIEV VS STATE OF NCT OF DELHI [BAIL APPLN.-4319/2023]

Judges: Justice Navin Chawla

The bail application of Ruslamn Petrov Metodiev, facing charges under Sections 489B, 489C, and 489D of the Indian Penal Code and Section 14 of the Foreigners Act, was dismissed. Default bail under Section 167(2) Cr.P.C. was not applicable due to the complete charge-sheet despite a pending FSL report. The prosecution's case included the recovery of fake currency notes and incriminating materials from the applicant. The seriousness of the offenses contributed to the decision, but the merits of the case would be addressed during the trial.

S VS STATE NCT OF DELHI AND ORS. [CRL.M.C.-1833/2024]

Judges: Justice Navin Chawla

The petitioner's application under Section 311 of the Criminal Procedure Code to be examined as a witness was dismissed due to a lack of merit. The petitioner, as the complainant, caused unreasonable delays in the trial by seeking adjournments on frivolous grounds. The right to an expeditious trial for the accused was emphasized, stating that the complainant could not appear as a witness only at her convenience. Claims of ill health made by the petitioner were deemed false and viewed as a tactic to delay proceedings.

S VS THE STATE OF NCT OF DELHI & ANR. [CRL.REV.P.-606/2024]

Judges: Justice Navin Chawla

The petitioner's revision petition against the trial court's order discharging the respondent from a rape case was dismissed. The trial court's decision was based on the material presented, including the petitioner's own admission of entering into a Memorandum of Understanding and an affidavit to quash the FIR. The findings of the trial court were considered neither perverse nor unreasonable, leading to no grounds for interference.

SACHIN KUMAR PAROLIA VS RAHUL RAJAN & ORS. [CRL.M.C.-3828/2019]

Judges: Justice Navin Chawla

Right Choice Builders Private Limited and Right Choice Marketing Solutions JLT are separate legal entities with no evidence indicating they are part of a single group. Section 141 of the Negotiable Instruments Act, which addresses vicarious liability, does not apply to group companies. Additionally, the complaint lacks necessary details to establish vicarious liability against the directors of Right Choice Builders, as there is no indication they were in charge of the accused company's business during the relevant time. The lower court's order to set aside the summons against the respondents stands.

SACHIN SINGH VS MASTER AVYAN THROUGH HIS MOTHER NIMISHA KUMAR [CRL.REV.P.-158/2022]

Judges: Justice Navin Chawla

The petitioner, Sachin Singh, is ordered to pay an interim maintenance of R.S. 40,000 per month to the respondent, Nimisha Kumar, for their child Avyan. The assessment of the parties' incomes and living standards was deemed appropriate. The maintenance order is justified to ensure the child's welfare remains unaffected by parental property disputes. The petitioner must deposit the arrears within two weeks, or arrest warrants will be enforced.

SAIJEE DEVELOPERS (P) LTD. VS MR. INDERJEET KHANDUJA & ORS. [CS(COMM)-100/2019]

Judges: Justice Navin Chawla

Defendants 1 and 2 were permitted to access the suit property and engage their own expert for valuation, aiming to contest the plaintiff's valuation report. This decision recognized the significance of property valuation in determining the plaintiff's claimed damages and emphasized the defendants' right to present their case. Defendants must notify the plaintiff of their chosen valuer and schedule a mutually agreeable inspection date. After the new valuation report is submitted, the plaintiff will have the chance to further examine the plaintiff's witness. Defendant no. 1 is allowed to accompany the valuer during the inspection, while defendants 3 and 4 are not permitted this access as they opted not to have their own valuer.

SAMEER SINGH VS STATE ANR. [CRL.M.C.-3357/2022]

Judges: Justice Navin Chawla

The complaint against the petitioner under Section 138 of the Negotiable Instruments Act was quashed due to the demand notice's non-compliance with statutory requirements. The notice claimed an amount of Rs. 1,82,850/- without specifying reasons for the increase from the cheque amount of Rs. 1,10,000/-, making it vague and insufficient. The complaint and the corresponding summons were consequently quashed.

SANDEEP @ CHIKU VS STATE (NCT OF DELHI) [BAIL APPLN.-3016/2023]

Judges: Justice Navin Chawla

The sampling procedure followed by the prosecution did not adhere to the mandatory guidelines outlined in the Narcotics Control Bureau's Standing Orders 1/88 and 1/89. The prosecution improperly combined all recovered drug packages into a composite whole instead of taking representative samples from each individual package. This non-compliance with sampling guidelines undermined the prosecution's case and raised reasonable doubts about the accused's guilt. Consequently, the applicants qualified for bail under Section 37 of the NDPS Act, despite the significant commercial quantity of drugs involved, and bail was granted with specific conditions.

SANJAY BAJAJ VS STATE OF NCT AND ANR. [CRL.M.C.-1877/2022]

Judges: Justice Navin Chawla

A criminal complaint filed under Sections 418 and 420 of the Indian Penal Code was quashed. The dispute was determined to be civil in nature, involving non-payment for supplied goods, with partial payments made by the petitioner undermining claims of dishonest intent. The criminal proceedings were considered an abuse of process, as a civil remedy was available. It was noted that commercial disputes should not be framed as criminal matters.

SANJAY GOHAIN VS STATE OF NCT OF DELHI [CRL.M.C.-2247/2024]

Judges: Justice Navin Chawla

The criminal petition filed by Sanjay Gohain was dismissed, confirming the lower courts' orders to frame charges under Sections 365/380/341/323/506/34 of the Indian Penal Code. Sufficient evidence, including CCTV footage and the complainant's testimony, was present to establish a prima facie case of assault, robbery, and criminal intimidation against him. At the charge framing stage, only a preliminary assessment of the available evidence is required.

SANJAY KUMAR & ORS. VS THE STATE (GOVT. OF NCT OF DELHI) & ORS. [CRL.M.C.-4017/2022]

Judges: Justice Navin Chawla

The FIR and subsequent proceedings against the petitioners for offenses under the Indian Penal Code and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act were quashed due to a settlement between the parties. Despite the seriousness of the offenses, the petitioners' OBC community status and their age were considered, leading to the conclusion that continuing the case would only exacerbate tensions. Costs were imposed on the petitioners to support POCSO victims through the Delhi State Legal Services Authority.

SANJAY MORE VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-856/2024]

Judges: Justice Navin Chawla

The accused is entitled to release on statutory bail under Section 167(2) of the Code of Criminal Procedure due to the charge-sheet not being filed within the 60-day period from his arrest. The FIR, registered under Section 304 of the Indian Penal Code, does not suggest the accused had the intention to cause death, warranting a lesser charge under Section 304-II. The interpretation favors the accused's fundamental right to personal liberty under Article 21 of the Constitution.

SARABJIT SINGH AHLUWALIA VS THE STATE OF NCT OF DELHI [CRL.M.C.-4778/2022]
Judges: Justice Navin Chawla
The framing of a charge against the petitioner under Section 420 of the Indian Penal Code was upheld due to evidence indicating a lack of endorsement on the FDR as security and the petitioner's signatures on it, establishing a prima facie case. At the charge framing stage, only the existence of a prima facie case is required, without the need for a detailed review or mini-trial.

SATNAM SINGH SALUJA VS INDERBIR SINGH SALUJA & ORS. [CS(OS)-399/2019]
Judges: Justice Navin Chawla
The plaintiff can amend the plaint to challenge a gift deed executed by the plaintiff's father in favor of the defendant's wife and to claim partition of property in Lucknow. However, the plaintiff cannot seek partition of property in Kanpur as it constitutes a separate cause of action. The request for rendition of accounts for a property in Bombay is permitted. Unauthorized amendments to the amended plaint led to the defendant's application to strike it off, highlighting the plaintiff's laxity in proceeding with the suit. The plaintiff is allowed the originally permitted amendments but must pay exemplary costs to the defendant. The challenge to the gift deed is permissible as previously allowed.

SBI GLOBAL FACTORS LTD VS STATE (GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-4562/2024]
Judges: Justice Navin Chawla
The Appellate Court granted the respondent an exemption from depositing 20% of the compensation amount under Section 148 of the Negotiable Instruments Act due to her exceptional circumstances, including a medical condition of multiple sclerosis and lack of income. Additional documents and pleas submitted by the respondent were limited to the exemption application and did not affect the main appeal. The Appellate Court was directed to hear the case promptly.

SENTHILVELKUMAR VS STATE THROUGH SHO & ANR. [CRL.M.C.-141/2022]
Judges: Justice Navin Chawla
The petition challenging the order for FIR registration was dismissed. The complaint was deemed maintainable as it included an affidavit and prior complaints, fulfilling requirements from established legal precedents. The argument of mala fide intent was regarded as premature, with the correctness of allegations to be resolved at trial. The dismissal allows the police to proceed with the investigation.

SH HONEY VERMA VS PIYUSH NAUTIYAL [CRL.M.C.-3002/2022]
Judges: Justice Navin Chawla
The legal notice issued by the respondent prior to filing the complaint under Section 138 of the Negotiable Instruments Act was non-compliant, as it demanded a different amount than the cheque without explanation. The notice must only demand the cheque amount; any deviation renders the complaint under Section 138 not maintainable. As a result, the complaint filed by the respondent against the petitioner was quashed.

SH. AJIT SINGH VS SMT.ADARSH KAUR GILL [CS(OS)-2167/1993]
Judges: Justice Navin Chawla
The plaintiff's suit for partition of property is permissible as the rule against partial partition does not apply to self-acquired or separate properties held as tenants-in-common. Defendant no.1, having redeemed the mortgage, retains possession until the plaintiff and co-sharers pay their respective shares of the redemption amount. The lease deed in favor of defendant no.1 is genuine. A preliminary decree of partition is granted, allowing the parties to seek final partition or sale later.

SH. GAURAV SARDANA VS THE STATE GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-2069/2022]
Judges: Justice Navin Chawla
The petition filed by Sh. Gaurav Sardana to recall the prosecutrix (PW1) and the Investigating Officer (PW4) for further cross-examination was granted. The earlier approval for recalling PW1 was acknowledged, despite her non-appearance for almost four years, and the Trial Court was directed to ensure her recall subject to availability. The Trial Court was also instructed to consider the request to recall PW4. A cost of Rs. 15,000 was imposed on the petitioner to be paid to the prosecutrix for the delay caused.

SH. HEMAL MEHTA & ANR. VS STATE GOVT. OF N.C.T. OF DELHI THROUGH S.H.O [CRL.M.C.-1084/2022]
Judges: Justice Navin Chawla
The charges against Hemal Mehta and Mihir B Sanghvi under Sections 120B/420/406/506/34 of the Indian Penal Code were found unsustainable due to insufficient evidence of their involvement in the alleged conspiracy and fraud. The only allegation was that they introduced another accused to the complainant, and there was no corroborating evidence. The impugned order framing charges was quashed, and the petitioners were discharged from the criminal case.

SH. SUMIT GAHLOT & ORS. VS SH. YOGINDER SINGH & ORS. [CS(OS)-170/2019]
Judges: Justice Navin Chawla
The counter-claim by defendant no. 1 regarding adverse possession of a suit property was dismissed due to reliance on sale deeds that had been declared null and void. The plaintiffs challenged these deeds promptly, leading to the conclusion that claims of title and adverse possession are inconsistent; adverse possession cannot be asserted while claiming title based on those deeds. Consequently, the defendant's argument for adverse possession lacked validity.

SHABNAM HASHMI VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-1741/2022]
Judges: Justice Navin Chawla
The Metropolitan Magistrate could not take cognizance of the chargesheet against the petitioner under Section 188 IPC due to the lack of a written complaint from the concerned public servant as required by Section 195 CrPC. Previous judgments indicated that a written complaint is necessary for cognizance of offenses under Sections 172-188 IPC. The order of the Metropolitan Magistrate was quashed, but the prosecution was permitted to file a fresh complaint if advised.

SHAN MIYAN CHAUDHARY AND ORS VS STATE(NCT OF DELHI) & ANR. [W.P.(CRL)-969/2024]
Judges: Justice Navin Chawla
The petition to quash the FIR for offenses under Sections 420/467/468/471/120B of the Indian Penal Code was dismissed due to serious allegations of impersonation and fraud involving the Life Insurance Corporation. These offenses were deemed to have a significant societal impact, rendering settlement between parties insufficient to quash the FIR.

SHARAD NAGRE VS STATE [BAIL APPLN.-183/2024]
Judges: Justice Navin Chawla
The bail application of Sharad Nagre was dismissed due to charges of fraud involving forged cheques under Sections 420, 468, 471, and 120B of the Indian Penal Code. Evidence indicated that Nagre was the primary beneficiary of the fraud, with significant funds credited to companies associated with his wife, and his phone number linked to those accounts. The money was subsequently funneled to shell companies to obscure its origin. The nature of economic offences necessitates stringent responses, resulting in the denial of bail.

SHARVAN JHA VS STATE (GOVT. OF NCT OF DELHI) & ANR. [CRL.M.C.-1707/2022]

Judges: Justice Navin Chawla

The lower court's order did not grant anticipatory bail to the respondent but allowed for a future application if needed. The direction to the investigating officer to provide 7-days notice before arrest was set aside, as the prosecution indicated no need for custodial interrogation. The matter remains open for the parties to pursue legal remedies.

SHIKHA GUPTA VS ANISH GUPTA [CRL.M.C.-2802/2022]

Judges: Justice Navin Chawla

Under Section 138 of the Negotiable Instruments Act, 1881, only the drawer of a cheque can be prosecuted. The petitioners were not the drawers of the dishonored cheques, which were issued from the personal account of petitioner no. 1's husband. Section 141, concerning offenses by companies, does not apply as the petitioners were not directors or partners of the issuer. The complaint against the petitioners was quashed, allowing proceedings only against the actual drawer of the cheques.

SHIKHA SHAH VS RENU PROMOTERS PVT LTD [CRL.M.C.-456/2022]

Judges: Justice Navin Chawla

The petition challenging the summoning order was dismissed. The complaint included specific assertions that the dishonored cheque was issued with the petitioner's consent, as she is a director of the accused company. This established grounds for her to stand trial under Section 141 of the Negotiable Instruments Act, which assigns criminal liability to company directors in case of cheque dishonor. The petitioner did not deny her consent in the response to the notice, creating a presumption against her. The limited scope of scrutiny at the summoning stage resulted in the petition's dismissal.

SHIV CHARAN CHAUHAN & ORS VS STATE OF NCT OF DELHI [CRL.M.C.-361/2011]

Judges: Justice Navin Chawla

The Additional Sessions Judge violated the principles of natural justice by framing additional charges against the petitioners without prior notice and an opportunity to be heard. The order framing the additional charges was set aside, and the matter was remanded for notice and a hearing before deciding on the charges.

SHOAIB ALAM @ BOBBY VS STATE (NCT OF DELHI) [BAIL APPLN.-3965/2021]

Judges: Justice Navin Chawla

Shoaib Alam was granted bail on charges related to the murder of Ankit Sharma during the Delhi riots. The evidence presented by the prosecution was not sufficiently strong, as witness statements failed to clearly identify him as part of the mob involved. Additionally, the possibility of being charged for the same acts under multiple FIRs was noted. Considerations included Alam's long incarceration of over four years and his family circumstances. Bail was approved with strict conditions to prevent absconding or evidence tampering, with clarifications that the observations made were solely for the bail application and not a final determination of guilt.

SHRI KARRAR HUSAIN KHAN VS N C T OF DELHI AND ANR. [CRL.M.C.-2620/2022]

Judges: Justice Navin Chawla

The petition filed by the accused seeking to quash an FIR for offences under Sections 420, 406, and 120B of the Indian Penal Code was dismissed. The power to quash an FIR should be exercised sparingly and only in rare cases, with no inquiry into the reliability of the allegations at this initial stage. Specific allegations against the petitioner regarding involvement in meetings related to the alleged conspiracy warrant thorough investigation, and the petition did not establish grounds for quashing the FIR. The dismissal clarified that the observations made would not influence the ongoing investigation or trial.

SHRI PUNIT CHITKARA VS SHRI GAGAN PREET SINGH & ORS [CS(OS)-398/2017]

Judges: Justice Navin Chawla

The plaintiff's application to amend the plaint was allowed, enabling necessary corrections for proper adjudication of the dispute. This included fixing a typographical error in a receipt date, adding a claim for an additional cash payment of Rs. 10 lakhs, and challenging a sale deed executed by certain defendants. The amendments did not alter the suit's nature or retract any admissions made by the plaintiff.

SHRI RAJAN WALIA & ANR. VS STATE & ORS. [TEST.CAS.-68/2019]

Judges: Justice Navin Chawla

The petitioners proved the due execution of the will of Smt. Kamlesh Kumari, meeting the requirements of the Indian Evidence Act and the Indian Succession Act. There were no suspicious circumstances regarding the will's execution. Letters of Administration were issued in favor of the petitioners, who are the sole beneficiaries, without the need for an administrative bond. Pending interlocutory applications were deemed infructuous.

SHRI RAKESH KUMAR GHEI & ANR. VS STATE & ORS. [TEST.CAS.-77/2018]

Judges: Justice Navin Chawla

The Will dated March 30, 1994, executed by Shri Vas Dev Ghei is valid. The petitioners proved its due execution without any suspicious circumstances. The petition for letters of administration is not barred by limitation. Letters of administration are granted to the petitioners, contingent upon payment of the required Court Fee/Stamp Duty and the provision of necessary Administrative Bonds and surety.

SHRI VIJAY PRAKASH VS M/S ALOK INDUSTRIES LTD [CS(COMM)-272/2016]

Judges: Justice Navin Chawla

The plaintiff's claim in the pending suit was extinguished upon approval of the Resolution Plan for the defendant company by the National Company Law Tribunal. The plaintiff did not file its claim during the insolvency proceedings, and the approved Resolution Plan specified that claims of operational creditors who failed to file would be extinguished. The inherent powers under Section 151 of the Code of Civil Procedure were exercised to dismiss the pending suit, as the relief sought could no longer be granted.

SHRI VIPIN PRAKASH AGGARWAL VS THE STATE & ANR. [CRL.M.C.-3165/2022]

Judges: Justice Navin Chawla

The order directing the children to meet their mother in a controlled setting was upheld, despite their reluctance. The recent separation of about six months was noted, along with potential influence from the father. This case differed from the precedent involving a long separation where the children were firmly against the meeting. The approach to re-establish the bond between the children and their mother was deemed to be in the children's best interests.

SMT. SEEMA KOHLI VS SH. SUNIL DUA & ORS. [CS(OS)-617/2019]

Judges: Justice Navin Chawla

A preliminary decree of partition was granted, declaring the plaintiff and defendants 1 to 3 as co-owners of the suit property, each with a 1/4th share. The defenses raised by defendants 1 and 2 were dismissed as lacking merit, and their counter-claim was rejected.

SOMRAJ@DHAMI VS STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-2180/2022]
Judges: Justice Navin Chawla
Anticipatory bail granted to the respondent, the wife of deceased Ashok Maan, was canceled due to her breach of cooperation with the investigation. She failed to disclose the whereabouts of her late husband's licensed pistol, essential for the inquiry into the alleged attack on the petitioner. This lack of cooperation justified the necessity for custodial interrogation to uncover the full conspiracy, leading to the cancellation of her bail.

SONIA MADAN VS SANJEEV BISLA [CRL.M.C.-294/2024]
Judges: Justice Navin Chawla
Sonia Madan received a final opportunity to cross-examine Sanjeev Bisla in a complaint case under the Negotiable Instruments Act, after her right to file an application was previously closed due to defaults. The opportunity is contingent upon her depositing additional costs of Rs. 25,000. The trial court was instructed to expedite the case and avoid further unnecessary adjournments.

SONU @ SUNIL VS STATE OF NCT OF DELHI & ORS. [CRL.M.C.-4168/2022]
Judges: Justice Navin Chawla
The FIR and subsequent proceedings against Sonu @ Sunil, charged under Sections 363 and 376 of the IPC, Section 6 of the POCSO Act, and Section 3 of the Child Marriage Act, were quashed. The girl, though initially a minor when she eloped with him, is now living happily with Sonu and their two children. Both the girl and her father indicated that the relationship was consensual. Continuing the prosecution would unjustly affect the girl and their children, serving no beneficial purpose.

SPECTRA TELEVENTURES PVT LTD VS ALLIANC TELENET PVT LTD & ORS [CS(COMM)-530/2016]
Judges: Justice Navin Chawla
The plaintiff completed the work as per the contract with the defendant company, which had received full payment from the principal employer NCCL. The defendant company's claims that the work was incomplete lacked support. The defendant company is required to pay the remaining amount of Rs. 79,70,985/- with interest at 9% per annum from the date of the legal notice, along with the costs of the suit.

SPEEDACC LEARNING SYSTEMS PVT LTD & ANR. VS SATYASAI PANIGRAHY [CRL.M.C.-2641/2022]
Judges: Justice Navin Chawla
The petition seeking to quash a complaint under Section 138 of the Negotiable Instruments Act was dismissed. Petitioner no. 2, a director and signatory of the dishonored cheque, can be considered an accused as responsible for the company's business conduct. Authority to sign implies responsibility, as established in prior judgments. The liability of petitioner no. 1 to the respondent presents a disputed question of fact, which cannot be resolved at this stage. The presumption under Section 139 is that the cheque was issued to discharge a debt, and the petitioners may challenge this during the trial. The power to quash complaints should be used cautiously when factual disputes exist, leaving the trial court to evaluate the evidence. The petition was dismissed with costs directed to be paid to the respondent.

STATE VS MUNISH KUMAR GAUR [CRL.M.C.-3371/2022]
Judges: Justice Navin Chawla
The discharge of the respondent was deemed valid as the prosecution's material did not create grave suspicion for framing charges. The findings of the Internal Complaints Committee, which exonerated the respondent after examining multiple witnesses, supported this conclusion. Continuing the criminal prosecution under the same circumstances was viewed as an abuse of the legal process. The petition challenging the discharge was dismissed.

STATE VS ROCKY [CRL.M.C.-219/2022]

Judges: Justice Navin Chawla

The State's petition challenging the trial court's grant of bail to the respondent under the Narcotic Drugs and Psychotropic Substances Act was dismissed. The peculiar facts, including the trial being at the charge framing stage and no delay caused by the respondent, led to the decision not to cancel the bail. Observations made by the trial court were stated not to affect its future adjudication of the criminal trial.

STATE VS SATISH KUMAR & ORS. [CRL.REV.P.-551/2022]

Judges: Justice Navin Chawla

The allegations against Satish Kumar and others were deemed vague and lacking specific details, with evidence insufficient to create a "grave suspicion" for framing charges. The charges appeared retaliatory, especially after the main accused, Mohit, was acquitted. At the charge-framing stage, it is crucial to consider the overall probabilities of the case rather than act solely on the prosecution's claims.

SUBHASH ARORA VS KALVINDER SINGH SANDHU & ORS [EX.P.-54/2017]

Judges: Justice Navin Chawla

M/s. Wimpy International Limited's application to set aside a decree in favor of Mr. Subhash Arora was dismissed due to the lack of documentary proof of property ownership. The applicant's claim of possession was insufficient, and it was deemed a trespasser. No merit was found in the application, leading to its dismissal.

SUBHASH CHANDER SACHDEVA & ANR VS BOCHU VENKATESHWAR RAO & ORS (UNITED INDIA INSURANCE CO LTD) [MAC.APP.-515/2017]

Judges: Justice Navin Chawla

Amounts received as death benefits from Infosys cannot be deducted from compensation under the Motor Vehicles Act. Future prospects to be applied is 50% of the deceased's actual income, with a multiplier of 18 based on the deceased's age. The compensation was modified based on the deceased's actual income of Rs. 35,870 per month at the time of the accident. This matter involves two appeals from claimants and the insurance company.

SUKHRAM BANSAL VS ASHOK KUMAR [CRL.M.C.-2764/2022]

Judges: Justice Navin Chawla

The dismissal of the complaint under Section 204(4) of the Code of Criminal Procedure for non-payment of process fees was valid. Sections 204(4) and 256 Cr.P.C. were distinguished in their applicability. The proper remedy for the complainant against the dismissal was a revision petition under Section 397 Cr.P.C., which was invoked correctly. The challenge to the revisional order was dismissed with no error found in the impugned order.

SULTAN@RAJESH VS STATE OF NCT OF DELHI [W.P.(CRL)-312/2024]

Judges: Justice Navin Chawla

The grounds cited by the State for rejecting the petitioner's furlough application were unsupported, as similar grounds had been previously rejected when granting furlough and parole. The petitioner generally surrendered on time after earlier releases, except for one occasion where he lacked information about the surrender date. The petitioner's medical condition and need for aftercare during the post-treatment period were also considered. The order dated 17.05.2023 was set aside, and the petitioner was granted a three-week furlough, subject to certain conditions.

SUMA GEORGE VS STATE NCT OF DELHI & ORS. [CRL.REV.P.-357/2024]

Judges: Justice Navin Chawla

No fault was found in the order framing charges under Sections 304/34 IPC instead of Section 302 IPC. The incident was characterized as not premeditated, occurring in the heat of the moment due to sudden provocation by the deceased. The accused did not use a deadly weapon and lacked the intent to cause death, despite severe injuries inflicted. A petition challenging the framing of charges was dismissed.

SUMIT KUMAR VS MANOJ KUMAR AND ORS. [CRL.M.C.-6954/2022]

Judges: Justice Navin Chawla

The petition by Sumit Kumar challenging the judgment and order from the Metropolitan Magistrate was dismissed. The petitioner initially appealed the conviction and sentencing order in the wrong court and later sought clarification on the appropriate appellate court, which was also dismissed. The proper jurisdiction for the appeal was established as the Sessions Court at Patiala House Courts, indicating that the petitioner's attempt to file elsewhere constituted an abuse of process.

SUNIL KUMAR KHUNTETA VS ASHOK CHAUDHARY & ANR. [CS(OS)-292/2018]

Judges: Justice Navin Chawla

The plaintiff's application to amend the plaint and add a request for recovery of the balance sale consideration of Rs. 1,04,50,000/- was permitted. The amendment does not alter the nature of the suit, as it is based on the same facts concerning the defendant's failure to pay the full sale price. The claim is not time-barred, as the amendment relates back to the filing of the suit. The amendment is deemed necessary for effective resolution of the dispute.

SUNIL VS STATE NCT OF DELHI [BAIL APPLN.-1688/2022]

Judges: Justice Navin Chawla

Sunil was granted bail on charges under the NDPS Act due to a significant delay in trial, exceeding three years and ten months without commencement, and failure to follow sample collection procedures. These factors raised reasonable doubts about his guilt, meeting the bail conditions under the NDPS Act.

SURAJ KUMAR (IN JC) VS STATE NCT OF DELHI & ANR. [CRL.REV.P.-278/2024]

Judges: Justice Navin Chawla

The revision petition filed by Suraj Kumar challenging the trial court's order to frame charges under Sections 302/34 of the Indian Penal Code was dismissed. Sufficient cause to proceed against him was established based on prosecution allegations, including CCTV footage. At the charge-framing stage, the existence of a prima facie case is assessed without detailed analysis of evidence probative value. The circumstances alleged by the prosecution met the requirements for invoking Section 34 regarding common intention. The dismissal clarified that the observations would not prejudice the petitioner during the trial.

SURESH KUMAR SHARMA VS STATE GOVT OF NCT OF DELHI & ANR. [CRL.REV.P.-219/2024]

Judges: Justice Navin Chawla

Suresh Kumar Sharma's revision petition was dismissed, confirming his conviction under Section 630 of the Companies Act for wrongfully withholding possession of a flat belonging to BSES Yamuna Power Ltd. The flat had been transferred to BSES as per the Delhi Electricity Reforms Act and Rules, granting BSES the authority to evict unauthorized occupants. The evidence and findings of the lower courts were not shown to be unreasonable or perverse by Sharma.

TANI SANDHU BHARGAVA VS SHUMITA DIDI SANDHU [CS(OS)-452/2019]

Judges: Justice Navin Chawla

The defendant's claim that the property was a Hindu Undivided Family (HUF) property lacked documentary evidence and was dismissed as implausible. The property was established to belong solely to the plaintiff's mother, who transferred it to the plaintiff through a registered gift deed. The burden of proving the existence of an HUF and its properties rested on the defendant, which was not satisfied. Under the Hindu Succession Act, the plaintiff's mother had the right to gift her absolute property. The plaintiff's application for possession was granted, and the defendant was ordered to relinquish the property.

TATA POWER DELHI DISTRIBUTION LIMITED VS AMIT BANSAL [CRL.L.P.-173/2024]

Judges: Justice Navin Chawla

The petition by Tata Power Delhi Distribution Limited to appeal the acquittal of Amit Bansal was dismissed. The petitioner failed to prove the charges of electricity theft beyond reasonable doubt. The forensic expert's report was deemed presumptive and lacking in scientific validity. The burden of proof remained on the prosecution and could not be shifted to the accused. The leave petition was dismissed without separate judgments from the judges.

THE FERTILIZER ASSOCIATION OF INDIA & ORS VS UNION OF INDIA & ANR [W.P.(C)-1800/2015]

Judges: Justice Navin Chawla

In the absence of a provision for interest on delayed subsidy payments in the relevant policy, fertilizer companies cannot claim such interest. Previous judgments indicate that interest may only be awarded to petitioners if a reciprocal stipulation exists or compelling reasons are presented. The interest component is already factored into the cost of fertilizer; thus, allowing such claims would result in unjust enrichment for the companies. The petition was dismissed, as framing a policy or providing specific relief was not permissible under Article 226 of the Constitution.

UNION OF INDIA VS CAIRN INDIA LTD & ORS [CS(OS)-2445/2015]

Judges: Justice Navin Chawla

The suit filed by the Union of India lacked territorial jurisdiction because the available remedies are in Kuala Lumpur, where challenges to the Arbitral Tribunal's decisions must be filed. The suit was dismissed, allowing the plaintiff to seek remedies in the competent court in Kuala Lumpur.

VAKAMULLA CHANDRASHEKHAR & ORS. VS REGISTRAR OF COMPANIES -THROGH ITS DEPUTY REGISTRAR NCT OF DELHI AND HARYANA [CRL.M.C.-2372/2022]

Judges: Justice Navin Chawla

The learned Special Judge lacked jurisdiction to restore a complaint dismissed due to the non-appearance of the complainant, as subordinate criminal courts do not possess inherent powers to review or recall their orders. The dismissal of the complaint is considered a final order. The order restoring the complaint and taking cognizance of the case was set aside, but the respondent may pursue appropriate legal remedies for restoration of the complaint.

VANDANA SHARMA VS AMAN MALLICK [CS(OS)-267/2019]

Judges: Justice Navin Chawla

The defendant can use the will dated June 19, 2018 as a defense, despite withdrawing the probate petition for it, as this withdrawal does not constitute a final decision on the merits. The present suit was filed before the withdrawal, and the principle of res judicata does not apply. The plaintiff cannot obtain a decree on admission under Order 12 Rule 6 of the CPC due to contested issues that require both parties to present evidence. The case will proceed to trial to address various issues, including the validity of the wills executed by the parties' mother.

VARUN VS TOOLIKA PANDEY [CRL.M.C.-5187/2022]

Judges: Justice Navin Chawla

The complaint against the petitioner, an Additional/Non-Executive Director appointed after the issuance of dishonored cheques, was quashed. The cheques were presented after corporate insolvency proceedings were initiated, which included an Interim Resolution Professional authorized to operate the bank accounts. Since the petitioner was not in control or management of the company's affairs at the relevant time, prosecution for the dishonor of the cheques was not applicable.

VEERPRABHU PROJECTS PVT. LTD. & ORS. VS JAYANT JAIN & ORS. [CS(COMM)-1118/2018]

Judges: Justice Navin Chawla

The defendants' application to reject the plaintiffs' suit under Order VII Rule 11 was dismissed. The plaintiffs are not bound by the sale consideration in the disputed sale deed due to allegations of forgery. An earlier suit and a pending execution petition do not bar the current suit, as the plaintiffs claim ignorance of the sale deed details at the time of those proceedings. The principle of Order II Rule 2 does not apply, as these issues require evidentiary examination beyond the scope of the current application.

VIJENDRA NATH GUPTA VS THE STATE (GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-5884/2022]

Judges: Justice Navin Chawla

The petition under Section 482 of the Criminal Procedure Code was dismissed, affirming that the application regarding the alleged forgery of a document should be considered alongside the final adjudication of the complaint case under Section 138 of the Negotiable Instruments Act. The determination of the forged document's impact on justice is to be addressed by the Metropolitan Magistrate with the complaint case's final judgment, following established legal principles.

VIKAS GUPTA VS WILEY INDIA PRIVATE LIMITED & ORS. [CRL.M.C.-3686/2022]

Judges: Justice Navin Chawla

Vikas Gupta, as the Director of Miles Education Private Limited, is liable under Section 141 of the Negotiable Instruments Act, 1881 for the offence of dishonor of cheque under Section 138, as the conditions for liability were met during his tenure. The plea to quash the complaint from Wiley India Private Limited was dismissed due to the presence of disputed facts that could not be resolved in the current proceedings.

VIKRAM VS THE STATE NCT OF DELHI [BAIL APPLN.-94/2024]

Judges: Justice Navin Chawla

The bail application of Vikram, the elder brother of the deceased's husband, was dismissed due to serious allegations of dowry harassment, cruelty, and abetment of suicide, supported by corroborative evidence from a prior complaint by the deceased's sister. The existence of specific allegations against Vikram did not support his claim for bail parity with other co-accused family members. No significant change in circumstances was present since the previous dismissal of his bail application, justifying the decision to deny bail.

VIMAL KUMAR VS STATE NCT OF DELHI [BAIL APPLN.-2834/2023]

Judges: Justice Navin Chawla

Vimal Kumar's anticipatory bail application was dismissed due to serious offenses undermining public confidence in the police. CCTV and video footage depicted him and his family assaulting police officials during his attempted arrest for violating an externment order. His lack of full cooperation with the investigation, including not providing relevant video footage, contributed to the decision against granting bail.

VIMMI RANDHAWA VS HARMEET SINGH KALKA AND ORS [CONT.CAS(C)-495/2023]

Judges: Justice Navin Chawla

A judgment was pronounced in a batch of connected matters, specifically in CONT.CAS(C) 131/2022 involving Mrs. Tejinder Pal Gujral and S Manjinder Singh Sirsa & Ors. The judgment for CONT.CAS(C) 495/2023 has been reserved and is scheduled for further hearing on 12th August 2024. The focus is on the decision-making process in the connected matter without specific details on legal reasoning or points addressed.

VIPUL GUPTA VS STATE & ANR. [CRL.M.C.-229/2022]

Judges: Justice Navin Chawla

The orders imposing a condition requiring petitioners to seek prior permission before traveling abroad were set aside. The right to travel abroad is recognized as part of personal liberty under Article 21 of the Constitution. The trial court failed to provide reasons for the restriction. Petitioners had a history of traveling abroad without any issues, and the trial had been pending for a significant time. Arguments regarding delay and acquiescence were dismissed, as the infringement of fundamental rights was the main focus.

VIPUL JAIN VS STATE THROUGH GOVT OF (NCT) OF DELHI & ANR. [BAIL APPLN.-4304/2023]

Judges: Justice Navin Chawla

The petitioner's application for anticipatory bail was dismissed due to the need for a detailed investigation into allegations of producing a forged arbitration order. It was noted that while the complainant had not paid loan instalments, vehicle recovery must adhere to legal procedures. The petitioner's involvement at the scene and potential fabrication of the order requires further investigation, possibly involving confrontation with witnesses. Reliance on previous judgments was rejected as they were factually distinguishable. The dismissal clarified that this does not prejudice the petitioner's rights in future proceedings.

VISHWAS INGALE VS M/S ZENITH RUBBER PRIVATE LIMITED [CRL.M.C.-1870/2022]

Judges: Justice Navin Chawla

The complaint against Vishwas Ingale under Section 138 of the Negotiable Instruments Act was quashed because the cheque in question was issued by his wife, the proprietor of M/s AakarPackart. Since only the drawer of the cheque can be prosecuted and vicarious liability provisions do not apply to proprietorships, Ingale cannot be considered an accused in the complaint.

VIVEK KESHAVAN VS CENTRAL BUREAU OF INVESTIGATION [CRL.M.C.-6503/2022]

Judges: Justice Navin Chawla

Charges have been framed against Vivek Keshavan under Section 120-B (criminal conspiracy) in conjunction with Sections 419 (impersonation) and 420 (cheating) of the Indian Penal Code. Sufficient circumstantial evidence indicates Keshavan's involvement in a conspiracy with Pramod Kumar Singh to impersonate government officials and obtain benefits from various government departments. Evidence includes call detail records, witness statements, and the use of Keshavan's mobile number and identity by the co-accused to solicit favors. Keshavan also utilized a vehicle from a government office in Pondicherry. The defense's claim of misuse of his name and mobile number will need to be substantiated at trial. The request to quash the charges has been dismissed, allowing the case to proceed to trial.

VLS FINANCE LTD VS STATE NCT OF DELHI AND ORS [CRL.M.C.-8758/2023]

Judges: Justice Navin Chawla

The victim/complainant has a right to be heard in revision petitions filed by the accused regarding the order framing charges, but this does not include the right to be made a party in such petitions. The importance of the public prosecutor's role in the prosecution process must be balanced with the victim's right to justice. The previous order was partially set aside, allowing the complainant a fair and reasonable opportunity to present their case in the revision petitions.

X VS STATE NCT OF DELHI & ANR. [CRL.A.-526/2023]

Judges: Justice Navin Chawla

The trial court's order granting bail to the accused was set aside due to non-compliance with mandatory notice requirements under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which failed to notify the victim and provide her an opportunity to be heard. The defect in the process necessitated a restoration of the bail application to the trial court for a hearing involving the victim before deciding on bail.

YOGESH CHANDAR GOYAL & ORS. VS THE STATE & ANR. [CRL.M.C.-888/2022]

Judges: Justice Navin Chawla

Cognizance of the offense under Section 447 of the Companies Act requires a complaint from the Director of the Serious Fraud Investigation Office or a Central Government officer; private complaints are not permissible, leading to the dismissal of the summoning order for this offense. The complaint under Section 185 was barred by the statute of limitations, as it was filed years after the alleged offense. In contrast, the offense under Section 452 is considered a continuing offense, allowing the complaint to proceed without limitation issues, thus the summoning order for this offense was upheld. Dismissal of the Section 185 offense does not prevent the complainant from requesting an extension of the limitation period under Section 473 of the Criminal Procedure Code in the trial court.

ZAHIR ABBAS ANSARI VS VINOD KUMAR JAIN [CRL.REV.P.-457/2024]

Judges: Justice Navin Chawla

The petitioner was convicted under Section 138 of the Negotiable Instruments Act based on acknowledgment of a business relationship with the respondent, previous dishonored cheques, and a signed settlement agreement. The petitioner could not rebut the presumption that the cheques were issued to settle a legally enforceable debt. The trial and appellate courts provided clear reasoning for the conviction, which remained unchallenged.

ABBOTT HEALTHCARE PRIVATE LIMITED VS UNION OF INDIA & ANR. [CS(COMM)-225/2019]

Judges: Justice Neena Bansal Krishna

Abbott Healthcare Private Limited is entitled to recover Rs. 3,25,76,118 deducted by the Ministry of Health and Family Welfare as liquidated damages, which were taken unilaterally without following the contract's proper procedures. Interest at 7% per annum on the decretal amount will accrue from the date of suit initiation until realization. Other claims by Abbott, including costs from prior arbitration against RITES Ltd. and reimbursements for capital expenditures and payments to Bharat Parenterals Limited, were rejected due to lack of sufficient evidence and responsibility for the arbitration failure.

ABHIJIT KUMAR RAVIDAS VS THE NATIONAL INSURANCE COMPANY LIMITED & ORS. [MAC.APP.-276/2021]

Judges: Justice Neena Bansal Krishna

The appeals filed by Abhijit Kumar Ravidas, the registered owner of the offending vehicle, were dismissed regarding his liability for compensation related to an accident. Despite having sold the vehicle to Anju Azad prior to the accident and providing evidence of this sale, Ravidas remained jointly and severally liable to compensate third parties, as his name was still registered with the RTO. Although he did not disclose the sale initially, it was confirmed that he informed the police during the investigation. Consequently, Ravidas cannot avoid liability as the registered owner, though he may seek remedies against the actual owner.

ADITYA BIRLA FINANCE LIMITED VS ADI LAKSHMI TRADERS & ORS [ARB.P.-521/2024]

Judges: Justice Neena Bansal Krishna

Aditya Birla Finance Limited's petition under Section 11(5) of the Arbitration and Conciliation Act, 1996 resulted in the appointment of Justice Deepa Sharma as the sole arbitrator to resolve disputes with Adi Lakshmi Traders & Ors. A valid arbitration agreement between the parties was established, and the parties were instructed to present objections to the appointed arbitrator. The arbitrator is required to make necessary disclosures and must meet eligibility criteria under Section 12 of the Act. The appointment and associated fees will follow the rules set by the DIAC.

ADITYA BIRLA FINANCE LIMITED VS D K INDUSTRIES AND ORS. [ARB.P.-242/2024]

Judges: Justice Neena Bansal Krishna

Aditya Birla Finance Limited's petition led to the appointment of Mr. Justice G.P. Mittal as the sole arbitrator for disputes with D K Industries and others. The arbitration clauses in the agreements were validly invoked, and the respondents did not respond to arbitration notices. The parties can raise objections before the arbitrator, whose fees will be determined according to the Fourth Schedule of the Arbitration and Conciliation Act, 1996, or as mutually agreed.

AGILUS DIAGNOSTICS LIMITED VS VIKASH KUMAR CHAUDHARY [ARB.P.-509/2024]

Judges: Justice Neena Bansal Krishna

Agilus Diagnostics Limited's petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 resulted in the appointment of Ms. Justice Mukta Gupta (Retd.) as the sole arbitrator to resolve disputes with Vikash Kumar Chaudhary. The agreement between the parties, dated 28.05.2018, included an arbitration clause, and arbitrable disputes were identified. The parties were instructed to contact the appointed arbitrator within one week of the order communication.

AJAY NARAIN VS AARTI SINGH & ORS. [CS(OS)-1336/1998]

Judges: Justice Neena Bansal Krishna

Agreements to sell, general powers of attorney, receipts, and associated documents executed by the plaintiff were recognized as genuine sale transactions favoring the defendants, not merely security for a loan. The defendants had paid the full sale consideration for the property's first and second floors. The plaintiff's claim of returning Rs. 45 lakhs was rejected due to proven forgery of the receipts. The valuation of the suit property was amended, allowing the plaintiff to pay enhanced court fees. The defendants were granted specific performance of the agreements to sell, with the plaintiff directed to execute sale deeds within 60 days, while the plaintiff's suit was dismissed.

AJIT KUMAR GOLA VS STATE (GNCTD) AND ORS [CRL.M.C.-1918/2024]

Judges: Justice Neena Bansal Krishna

The Revisional Court erred in discharging Inspector Khushal Singh, despite allegations of his involvement in a conspiracy to assault the complainant. At the summoning stage, the truth of the allegations does not need to be evaluated, and the complainant's sworn testimony cannot be disregarded. While the decision to remand the case for reconsideration of the summoning order against the other accused (respondents No. 2-7) was upheld, it was noted that the evidence and allegations against them warranted their summoning. Consequently, the petitions were allowed, partially setting aside the Revisional Court's order while affirming the original summoning order.

AKASH S/O SALLI VS STATE [CRL.A.-360/2009]

Judges: Justice Neena Bansal Krishna

Akash was convicted for robbery under Section 394 of the Indian Penal Code, but his conviction under Section 397 for robbery with attempt to cause death or grievous hurt was set aside. The testimonies of the injured victim and an eyewitness were deemed credible, establishing the identity of the accused and confirming that robbery occurred with injuries inflicted. However, Akash was not found to have inflicted the stab injuries. His sentence was modified from 7 years to 5 years of rigorous imprisonment under Section 394 IPC.

AKASH VS STATE (NCT OF DELHI) [BAIL APPLN.-2741/2024]

Judges: Justice Neena Bansal Krishna

The bail application of petitioner Akash was denied following accusations of forcibly entering a scrap godown, demanding money from laborers, and assaulting them and local residents, resulting in injuries to five individuals, including a 62-year-old woman. Co-accused Arun disclosed Akash's involvement after surrendering. The investigation is at an early stage, with the recovery of case property still pending, leading to the rejection of the anticipatory bail application due to the seriousness of the offenses under the BNSS Act, 2023.

AKSHAY CHATURVEDI VS AYUSH CHATURVEDI & ANR. [ARB.P.-228/2024]

Judges: Justice Neena Bansal Krishna

Valid arbitration agreements existed between the parties through two partnership deeds dated 06.06.2021 and 01.01.2022, despite being labeled "proposed." The death of one original partner did not invalidate these agreements, as the legal heirs are bound by them. The argument regarding the non-registration of the partnership deeds was rejected since the bar under Section 69 of the Partnership Act does not apply to arbitration proceedings. A sole arbitrator, Ms. Ruchi Narula, was appointed to resolve the disputes.

AKSHAY KUMAR VS NATIONAL INSURANCE CO. LTD. & ORS. [MAC.APP.-260/2022]

Judges: Justice Neena Bansal Krishna

The compensation award of Rs. 11,17,000 for the appellant with 40% permanent neuropsychological and locomotor disability due to a road accident was upheld. The lack of evidence connecting the disability to the revocation, cancellation, or denial of the driving license, which affected his ability to work as a commercial driver, was noted. The original assessment based on a 25% loss of earning capacity was deemed reasonable.

AMAARA & ORS. VS MRIDULA DALMIA & ORS. [CS(OS)-380/2017]

Judges: Justice Neena Bansal Krishna

The plaintiffs' application for amendment of the plaint to include additional details about the shares of S.N. Dalmia & Sons HUF in Durga Enterprises Pvt. Ltd. was dismissed. The proposed amendments would change the suit's nature from partition and rendition of accounts to declaration of title over the shares, which is not permissible. The plaintiffs can only claim partition of HUF assets as they existed at the time the suit was filed. The application for status quo and disclosure regarding the sale consideration of the HUF's shares was also dismissed. The case is scheduled for issue framing on 08.07.2024.

AMANDEEP SINGH DHALL VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-2761/2024]

Judges: Justice Neena Bansal Krishna

Amandeep Singh Dhall is entitled to bail in the money laundering case related to the Delhi Excise Policy 2021-22. He meets the conditions for bail under Section 45 of the Prevention of Money Laundering Act, 2002, as the investigation is complete and further detention violates his right to life and liberty. Bail conditions include furnishing a bond, reporting to the Investigating Officer, and not leaving the country without permission.

AMANDEEP SINGH UBEROI VS TRIPPING MR PINK PRIVATE LIMITED [ARB.P.-336/2024]

Judges: Justice Neena Bansal Krishna

The notice of invocation of arbitration by Mr. Siddharth Sharma was deemed valid, as Section 21 of the Arbitration and Conciliation Act, 1996 does not require the notice to be issued by a party to the arbitration agreement, provided it indicates the intent to refer disputes to arbitration. The earlier termination notice sufficiently defined the scope of disputes, and the subsequent notice was considered a continuation of that. Mr. Anant Vijay Palli was appointed as the sole arbitrator to resolve the disputes between the parties.

AMARJEET MALIK VS DDA & OTHERS [CS(OS)-1170/2010]

Judges: Justice Neena Bansal Krishna

The plaintiff's application to restore a previously dismissed application was granted due to reasonable explanations for non-appearance, such as being delayed at Patiala House Courts and facing heavy traffic. While the CPC does not provide for the restoration of an application, inherent powers were exercised to allow the restoration for adjudication.

AMARJIT SINGH KOHLI VS ASHOK KUMAR SAPRA [C.R.P.-117/2024]

Judges: Justice Neena Bansal Krishna

The plaintiff's suit for specific performance of an oral agreement to sell property is maintainable. Oral agreements to sell remain valid and enforceable despite amendments to the Registration Act, Transfer of Property Act, and Stamp Act. The plaintiff's pleadings detail the alleged agreement, including the sale consideration and part-payment made. An alternative request for a refund of the money also discloses a cause of action. The defendant's civil revision petition against the dismissal of his application under Order VII Rule 11 of the Code of Civil Procedure is dismissed.

AMIT ARORA VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-2727/2023]

Judges: Justice Neena Bansal Krishna

Amit Arora is entitled to bail in a case under the Prevention of Money Laundering Act, 2002, based on serious medical conditions, including morbid obesity. The delay in investigation and trial, his strong societal ties, and the absence of flight risk or evidence tampering contributed to the decision. Bail was granted with specific conditions.

AMIT KATHURIA VS STATE NCT OF DELHI & ANR. [BAIL APPLN.-333/2024]

Judges: Justice Neena Bansal Krishna

Amit Kathuria received anticipatory bail in a case involving allegations of forgery and cheating under the Indian Penal Code. The dispute was assessed as primarily civil, focusing on the sale of shares and loan repayment, rather than criminal activity. The loan application, signed by directors and documented in the company's tax returns, indicated awareness of the transaction by all parties. Insufficient justification for custodial interrogation was noted, with the matters being identified as long-standing civil disputes.

AMIT KATYAL VS DIRECTORATE OF ENFORCEMENT GOVERNMENT OFINDIA [BAIL APPLN.-2024/2024]

Judges: Justice Neena Bansal Krishna

Amit Katyal, a witness in the "Land for Job Scam" case, can be charged as an accused under the Prevention of Money Laundering Act (PMLA) despite not being an accused in the underlying offense. He was found to be involved in acquiring, possessing, and concealing proceeds of crime related to the main accused, specifically concerning one land parcel worth Rs. 10.83 lakhs, which qualifies for an exemption from certain bail conditions under the PMLA. Bail was granted with specific conditions, given the completion of investigations and the potential length of the trial.

AMIT SAINI VS JAI PRAKASH MITTAL [CRL.M.C.-1892/2020]

Judges: Justice Neena Bansal Krishna

Amit Saini's petition challenging the summoning order under Section 138 of the Negotiable Instruments Act was dismissed. The legal notice sent to Saini as the director of Kanak Developers and Infrastructure Pvt. Ltd. was deemed sufficient, and the company was also an accused in the case. Saini's argument regarding the maintainability of proceedings against him without prosecution against the company was rejected, indicating that his defense needed a trial for resolution. The petition lacked merit and was dismissed without comment on the case's merits.

AMIT SINGH BAKSHI VS HARVINDER SINGH & ORS. [CS(OS)-214/2020]

Judges: Justice Neena Bansal Krishna

The plaintiff, claiming to be the sole executor of Smt. Mohindar Bakshi's will dated 15.07.2016, is not entitled to a decree on admissions against the defendant Harvinder Singh. Disputed facts and issues raised by both parties require a full trial, as there are no clear admissions from the defendant to justify a decree in favor of the plaintiff. The plaintiff's application under Order XII Rule 6 CPC was dismissed, and the case was referred back for further proceedings.

AMITA GANDOAK VS HARKIRAT SINGH SODHI & ANR [CS(OS)-90/2017]

Judges: Justice Neena Bansal Krishna

The plaintiff's suit for partition of ancestral family properties is not maintainable due to a previous consent decree from 10.09.1985 that partitioned certain properties, which the plaintiff acknowledged. The plaintiff cannot challenge this decree with a separate suit and should have approached the original court. For the remaining properties, the plaintiff's lack of detail regarding ownership and the absence of evidence for a Hindu Undivided Family (HUF) preclude any claim for a share during her father's lifetime. Therefore, the plaintiff's suit was rejected.

AMRIT PAL SINGH GAMBHIR VS INDERJEET SINGH GAMBHIR & ANR [CS(OS)-331/2017]

Judges: Justice Neena Bansal Krishna

The application by defendant No. 2 to amend the written statement was allowed. The amendments aimed to include facts about prior litigation related to the suit property, assert that no relief was sought against defendant No. 2, and argue that the current suit is barred by estoppel. As the case was at an initial stage and no prejudice would occur to either party, the amended written statement was permitted. The plaintiff must file a replication within 15 days of receiving the amended document, with no extensions allowed.

ANAND RATHI GLOBAL FINANCE LIMITED VS ACCURATE ENGINEERING WORKS & ORS. [ARB.P.-156/2024]

Judges: Justice Neena Bansal Krishna

A Sole Arbitrator, Mr. Abhijat, has been appointed to resolve the dispute between Anand Rathi Global Finance Limited and Accurate Engineering Works & Ors. The dispute involves a secured loan defaulted by the respondent. The parties are to contact the appointed Arbitrator within one week to initiate arbitration under DIAC rules.

ANIL DUTT SHARMA VS THE GOVT. OF GNCT OF DELHI [W.P.(CRL)-902/2023]

Judges: Justice Neena Bansal Krishna

Anil Dutt Sharma's criminal writ petition challenging the special judge's decision in a bribery case was dismissed. Sharma sought to summon 11 witnesses for his defense, but the judge allowed only 3. The examination of the proposed witnesses showed that the judge had considered the relevance of each and provided detailed reasoning for the decisions. No infirmity or illegality was found in the judge's order.

ANIL JAIN VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-3892/2022]

Judges: Justice Neena Bansal Krishna

The original complaint under Section 138 of the Negotiable Instruments Act against Anil Jain, a non-executive director of the accused company, was subsumed in a mediated settlement agreement with another director of the company. Once a complaint is settled through a mediated agreement endorsed by the court, it cannot continue, with remedies limited to contempt proceedings or recovery of the settlement amount under the Criminal Procedure Code. The plea to quash the original proceedings was dismissed, as the matter was restricted to executing the mediated settlement. Anil Jain's grievance regarding not being a party to the settlement can be addressed in contempt proceedings if applicable.

ANIL KUMAR AND ORS VS SURESH AND ORS [MAC.APP.-272/2022]

Judges: Justice Neena Bansal Krishna

In MAC.APP 248/2022, compensation for loss of dependency was denied to Nitu and others because evidence of financial dependence on the deceased Aniket/Anil was lacking. In MAC.APP 272/2022, the decision to deduct 15% from the compensation awarded to the legal heirs of the deceased Usha for contributory negligence was modified. It was established that Usha's status as a pillion rider with two others did not constitute contributory negligence, as there was no proof that it contributed to the accident or its impact. Full compensation was granted without any deduction.

ANIL KUMAR GARG VS THE STATE OF N C T OF DELHI & ORS. [W.P.(CRL)-2774/2023]

Judges: Justice Neena Bansal Krishna

The criminal writ petition was dismissed. The application for a cross-FIR under Section 156(3) Cr.P.C. was rejected by lower courts. The petitioner can still prove his case through evidence recording under Section 200 Cr.P.C., with no police assistance needed at this stage due to sufficient corroboration from CCTV and mobile video recordings. The deferment of FIR registration does not indicate a lack of merit in the complaint, and the petitioner may seek police assistance under Section 202 Cr.P.C. during evidence recording if necessary.

ANIL KUMAR SHARMA & ORS VS AWADH KISHORE [C.R.P.-213/2023]

Judges: Justice Neena Bansal Krishna

The civil revision petition filed by the defendants resulted in the rejection of the plaintiff's suit for possession and damages. The plaintiff lacked valid title to the property, as the documents he provided did not confer ownership rights. Admission of signing blank papers and stamp papers in favor of the defendants in 1984 indicated those were the actual title documents. The suit also lacked a cause of action, as the plaintiff did not seek a declaration regarding the validity of the documents favoring the defendants. Furthermore, the suit was filed nearly 38 years after the alleged dispossession, exceeding the limitation period under the Limitation Act.

ANIL VS THE STATE (GOVT OF NCT) DELHI THROUGH SHO, P.S. PASCHIM VIHAR WEST & ANR. [BAIL APPLN.-2562/2024]

Judges: Justice Neena Bansal Krishna

Anil, charged under Sections 376D, 394, 397, 506, and 34 of the Indian Penal Code, was granted bail. The prosecutrix's testimony showed contradictions, but detailed analysis was not necessary at this stage. Anil has been in custody since August 18, 2020, with only 7 out of 25 prosecution witnesses examined, indicating trial delays. Due to these delays and the right to liberty under Article 21 of the Constitution of India, bail was granted with conditions including a personal bond, mandatory appearances, providing a mobile number to the investigating officer, and no engagement in criminal activities or witness contact.

ANITA & ORS VS ANSHU LAL SHARMA & ORS (THE ORIENTAL INSURANCE CO LTD) [MAC.APP.-119/2020]

Judges: Justice Neena Bansal Krishna

The appeal was allowed, establishing that the accident resulted from the negligence of the bus driver. Testimonies indicated the bus had been parked on the extreme left side of the road for 2-3 days without warning indicators, violating the law. The bus driver failed to take necessary precautions or remove the vehicle, which directly caused the accident. A chargesheet was filed against the bus driver under the Motor Vehicles Act, supporting claims of negligence. The previous conclusion attributing negligence solely to the deceased driver of the car was overturned, and the parties were directed to determine compensation before the Tribunal.

ANJALI AND OTHER VS UNION OF INDIA AND OTHERS [W.P.(CRL)-3344/2023]

Judges: Justice Neena Bansal Krishna

A criminal writ petition was dismissed due to lack of merit in claims of police harassment and false implication. Petitioner no. 4 was identified as a notorious bootlegger involved in over 100 cases, with his family operating an illicit liquor syndicate. The police case against the petitioners for assaulting officials during a raid was deemed a legitimate law enforcement action. No evidence of rights violations or threats was found, and the requested directions were not granted.

ANJU MAHAJAN VS NASIR ALI & ORS (NEW INDIA ASSURANCE COMPANY LTD) [MAC.APP.-155/2018]

Judges: Justice Neena Bansal Krishna

The appellant is entitled to an upgraded wheelchair, with the insurance company responsible for verifying the cost and making payment to the vendor within 6 weeks. The open-ended direction for wheelchair provision is not acceptable due to existing legal precedents. The appellant may pursue a TDS refund through the appropriate channels, with execution applications for the award/order to be filed before the Tribunal, not the High Court.

ANKUSH & ANR. VS STATE [CRL.REV.P.-398/2024]

Judges: Justice Neena Bansal Krishna

The revision petition filed by Ankush and Shivanu resulted in the order framing charges under Sections 307/34 IPC and 27 Arms Act being set aside. There was a lack of sufficient prima facie evidence against them, highlighted by the complainant's delayed identification, investigation lapses, and the potential for false implication due to a property dispute. The weak evidence indicated that subjecting them to a full trial would be unjust, leading to their discharge.

ANOOP SINGH & ANR VS STATE & ORS [TEST.CAS.-18/2009]

Judges: Justice Neena Bansal Krishna

Upon the death of the sole executor named in the will, the beneficiaries are entitled to seek a letter of administration with the will annexed under Section 232 of the Indian Succession Act, 1925. The petitioners may amend the original probate petition to request this letter, as the law allows beneficiaries to continue proceedings and seek appropriate relief after the executor's death.

ANSH CHOUDHARY & ORS. VS HARKISHAN & ANR. [CS(OS)-450/2019]

Judges: Justice Neena Bansal Krishna

A preliminary decree for partition of a disputed residential plot was issued, recognizing the plaintiffs and defendants as recorded co-owners with shares ranging from 1/3rd to 1/6th. The analysis of the chain of title and devolution of rights established the specific shares of each party in the property. The case is adjourned for the final decree.

ANUJ NATH AND ORS VS NARENDER NATH AND ORS [CS(OS)-243/2015]

Judges: Justice Neena Bansal Krishna

A Final Decree was issued directing the auction sale of the suit property and the distribution of proceeds among the parties. A previous Preliminary Decree had determined the shares and noted that the property could not be partitioned by metes and bounds. The Final Decree is subject to the outcome of a pending case regarding the same property.

ARASDEEP SINGH VS STATE GNCT DELHI [W.P.(CRL)-2669/2023]

Judges: Justice Neena Bansal Krishna

The FIR against the petitioner under Section 25 of the Arms Act, 1959 was quashed due to the recovery of a single live cartridge without a firearm, which did not demonstrate the necessary mental element of conscious possession for the offense. The petitioner's explanation, as a poor farmer traveling abroad, indicated no criminal intent. The absence of other incriminating evidence led to the conclusion that prosecution under the Arms Act was not warranted.

ARUN RAMCHANDRAN PILLAI VS DIRECTORATE OD ENFORCEMENT [BAIL APPLN.-3322/2023]

Judges: Justice Neena Bansal Krishna

Arun Ramchandran Pillai was granted bail in a PMLA case involving allegations of conspiracy related to the Delhi Excise Policy 2021-22, including forming a cartel and collecting kickbacks. Investigations are complete, and a chargesheet has been filed. Other co-accused have also received bail under similar conditions. Considerations included Pillai's professional background, social ties, trial delays, and low risk of flight or evidence tampering. Bail was granted with certain conditions.

ARUN SUD VS DR(MRS) ABHA SOOD & ORS [CS(OS)-2682/2012]

Judges: Justice Neena Bansal Krishna

The will dated 18.01.2010 executed by Smt. Ved Kumari Sud was not proven to be her final testamentary intent due to numerous interpolations and alterations that created doubts about whether they were made per her instructions. Given her frail health at the time, accepting the will as genuine required excessive speculation. Therefore, Smt. Ved Sud died intestate, and her property is to be divided equally among her four children according to succession rules.

ARUNA KHERA VS COL(RETD) VIPIN KHERA & ANR [CS(OS)-2348/2013]

Judges: Justice Neena Bansal Krishna

The Will dated 12.11.2001 executed by Smt. Vidya Khera is recognized as her last and final valid Will, overriding the earlier Will dated 26.10.1993. The execution of the 12.11.2001 Will was proved in accordance with the law, and the reasons for the unequal distribution of property were deemed justified. A preliminary decree of partition was passed based on the 12.11.2001 Will, with further proceedings scheduled to determine the mode of partition for the final decree.

ARVIND AGGARWAL VS CHANDAN AGGARWAL & ANR [CS(OS)-249/2017]

Judges: Justice Neena Bansal Krishna

The plaintiff's application to recall a previous order dismissing their application under Section 151 of the Code of Civil Procedure was allowed, leading to consideration of the substantive application regarding the preparation of a decree sheet for a settlement agreement. The settlement agreement resulted in the physical partition of the Chhatarpur farm, while the New Friends Colony and Ashoka Estate properties were treated as a memorandum for future partition. Accordingly, stamp duty is required only for the Chhatarpur property, and the decree sheet will be based on the settlement agreement's terms.

ARVIND KEJRIWAL VS CENTRAL BUREAU OF INVESTIGATION [W.P.(CRL)-1939/2024]

Judges: Justice Neena Bansal Krishna

The petition filed by Arvind Kejriwal challenging his arrest by the CBI in the Excise Policy case was dismissed. The arrest followed proper legal procedure with court permission, and the CBI provided sufficient justification for the arrest and custodial interrogation. Arguments claiming the arrest was arbitrary, malicious, or lacking grounds were rejected.

ARVIND KEJRIWAL VS CENTRAL BUREAU OF INVESTIGATION & ANR. & ANR. [BAIL APPLN.-2285/2024]

Judges: Justice Neena Bansal Krishna

The bail application filed by Mr. Arvind Kejriwal is advised to be first approached to the trial court, as it has the relevant comprehensive record and can better adjudicate his role in the alleged conspiracy under Section 120-B. The bail application is disposed of, allowing the petitioner to seek regular bail from the Special Judge.

ARVIND KEJRIWAL VS DEPARTMENT OF DELHI PRISONS AND ANR. [CRL.M.C.-5116/2024]

Judges: Justice Neena Bansal Krishna

Arvind Kejriwal's petition resulted in the recognition of his fundamental right to a fair trial and effective legal representation, leading to the entitlement of two additional legal meetings per week via video conferencing with his lawyers. This decision addresses the challenges of multiple cases across various states and negates the need for separate applications, which would cause unnecessary delays. The prior denial of these meetings, based on jail policies and the lack of special status, was deemed unfounded, especially in light of similar relief granted to a co-accused.

ASHA BUDHANI VS STATE & ANR. [CRL.M.C.-4544/2024]

Judges: Justice Neena Bansal Krishna

Orders discharging Nawab Singh Bhati and Asha Budhani from charges under Section 304A IPC were set aside due to lack of evidence showing negligence or recklessness. The incident involving a 12-year-old student's fall from a second-floor railing was deemed an accident, with no responsibility attributed to the petitioners. The parapet height did not contribute to the fall, and the teacher was not accountable for the student's presence on the second floor, as it was an established routine. The petitioners were not considered criminally liable for the student's accidental death.

ASHA SRIVASTAVA VS ARUN SRIVASTAVA & ORS. [CS(OS)-270/2016]

Judges: Justice Neena Bansal Krishna

The registered Will dated February 2, 2002, executed by Late Smt. Kaushalya Srivastava was deemed valid and duly proved. The Testator exhibited sound mind and disposing capacity at the time of execution, bequeathing her entire estate to her three sons and excluding the plaintiff and her sisters. Claims of forgery or incompetence were dismissed, supported by testimonies from attesting witnesses and medical experts indicating the Testator's recovery and mental soundness in 2002, despite prior health issues in 1999.

ASHISH AZAD VS THE NATIONAL INSURANCE COMPANY LIMITED & ORS. [MAC.APP.-101/2022]

Judges: Justice Neena Bansal Krishna

The appeal by Ashish Azad was dismissed regarding recovery rights. Evidence, including the testimony of an eyewitness, the FIR, and documents, established Azad as the driver of the offending vehicle during the accident. Azad's failure to present evidence to support his claim that his brother was driving led to the conclusion of his liability.

ASHISH BHALLA VS VISHVENDRA SINGH [CS(OS)-65/2020]

Judges: Justice Neena Bansal Krishna

The plaintiff's suit for malicious prosecution does not demonstrate a cause of action and is rejected. The defendant's multiple applications under Section 340 Cr.P.C., dismissed as premature, do not signify malicious prosecution, as there is no evidence of lack of reasonable cause or malice. Additionally, with the trial against the plaintiff still pending and no demonstrated loss of reputation or business, the plaintiff's claims are unsupported. The defendant's application is accepted, leading to the dismissal of the suit.

ASHKARAN OJHA VS SHIVAM KUMAR & ORS(L & T GENERAL INSURANCE CO LTD) [MAC.APP.-1032/2018]

Judges: Justice Neena Bansal Krishna

Compensation for the appellant injured in a road accident was increased from Rs. 5,23,614.15 to Rs. 8,10,000 with an additional 9% interest per annum. Compensation for loss of income was granted for 3 months, attendant charges for 8 months were enhanced, and amounts for non-pecuniary damages such as mental and physical shock, loss of amenities of life, and disfiguration were also increased. The assessment of 21% functional disability was upheld, indicating that the appellant could continue working as an LIC agent with assistance.

AYUSH VERMA VS LRS OF BEERU VERMA & ANR (UNITED INDIA INSURANCE CO. LTD) [MAC.APP.-842/2018]

Judges: Justice Neena Bansal Krishna

Negligence of the deceased motorcycle driver was established through eyewitness testimony, FIR, site plan, and cancellation report. The lower tribunal incorrectly granted compensation under the no-fault liability provision of Section 163A of the Motor Vehicles Act, 1988, instead of Section 166, which requires proof of negligence. The matter is referred back to the lower tribunal to determine compensation following Section 166.

ASHOK KUMAR & ANR VS KARAN BHATIA [MAC.APP.-271/2018]

Judges: Justice Neena Bansal Krishna

The accident resulting in Smt. Surjit Kaur's death was attributed to the rash and negligent driving of the offending vehicle by the respondent. The filing of the chargesheet against the respondent was deemed sufficient to demonstrate prima facie negligence, despite the respondent's later acquittal in the criminal case. The lower tribunal incorrectly dismissed the claim petition on the basis of insufficient proof of negligence. The case has been remanded to the tribunal to determine the compensation owed to the claimants.

ASHOK KUMAR VS MUNNI DEVI (SINCE DECEASED) THROUGH L.RS AND ANR. [CS(OS)-330/2018]

Judges: Justice Neena Bansal Krishna

The plaintiff's application to amend the plaint in a suit concerning a forged and fabricated GPA executed by defendant no. 2 was allowed. The amendments included claims for damages, mesne profits, and usage charges against the defendants for illegal occupation of the suit property, which were deemed consequential to the claim for possession and did not alter the nature of the suit.

AVINASH KOTA VS STATE OF NCT OF DELHI [W.P.(CRL)-1071/2023]

Judges: Justice Neena Bansal Krishna

The FIR against the petitioner under Section 25 of the Arms Act for possession of a single live cartridge was quashed due to lack of conscious possession or knowledge. The cartridge was inadvertently left in the petitioner's baggage by a friend who had borrowed it for target practice. Previous judgments emphasized the need for proof of conscious possession for prosecution under this section, and the petitioner's explanation was deemed credible.

BABRA ELECTRICALS VS QVC INTERIORS &OTHERS [CS(OS)-448/2018]

Judges: Justice Neena Bansal Krishna

The defendant's statements in the written statement were not clear, unequivocal, or unambiguous admissions of liability. An offer of Rs. 19,04,238 was deemed a conditional settlement, not an unconditional admission of outstanding dues. The plaintiff's application for a partial decree was dismissed.

BADRI BHAGAT JHANDEWALA TEMPLE SOCIETY VS SMT HAR PYARI [CS(OS)-381/2016]

Judges: Justice Neena Bansal Krishna

The plaintiff's application to include pleadings from a previous suit was allowed as they contained pertinent facts about the defendants. Additional issues were framed regarding res judicata based on a prior judgment, limitations, and whether the plaintiff approached with clean hands. The defendant's application to dismiss the suit was rejected due to the presence of disputed facts. An attempt to implead additional parties was dismissed, as they were deemed witnesses but not necessary or proper parties to the suit.

BALRAM @ BALLU VS SANJAY & ANR (RELIANCE GENERAL INSURANCE CO LTD) [MAC.APP.-959/2019]

Judges: Justice Neena Bansal Krishna

The accident was caused by the rash and negligent driving of the offending vehicle, despite the claimant attempting to escape police custody. The tribunal's conclusion of no rashness or negligence was deemed flawed, as it relied too heavily on the MLC statement regarding the claimant's suicide attempt while ignoring eyewitness testimony and the charge sheet against the vehicle driver. The tribunal's findings on rashness and negligence were set aside, and the matter was remanded to consider the quantum of compensation for the claimant.

BALVINDER KAUR BRAR VS BALDEV SINGH GILL & ORS [CS(OS)-1213/2012]

Judges: Justice Neena Bansal Krishna

The release of 50% of the deposited money to the plaintiff's brother was based on the plaintiff's concession, not on merits. The remaining 50% cannot be released at this stage due to unresolved issues regarding the disputed properties' classification as coparcenary/HUF or individual properties under Will. An application by the sixth defendant to modify the interim status quo order was dismissed, as preserving the properties is necessary until final adjudication.

BARKHA SINGH VS VIKRAM [C.R.P.-187/2023]

Judges: Justice Neena Bansal Krishna

The revision petition by Barkha Singh regarding the rejection of her application for interrogatories in a property dispute was dismissed. The application sought information on ownership already present in the records concerning Shri Suraj Mal, Smt. Bhagwati Devi, and their legal heirs. As the necessary documents were on file, the interrogatories were deemed unnecessary.

BHADRA INTERNATIONAL (INDIA) PVT. LTD. & ORS. VS AIRPORTS AUTHORITY OF INDIA [O.M.P. (COMM)-414/2018]

Judges: Justice Neena Bansal Krishna

The unilateral appointment of the sole arbitrator by the Airport Authority of India was valid, as the petitioners had explicitly waived any objections in writing during the arbitral proceedings. Despite concerns about impartiality, the petitioners submitted to the tribunal's jurisdiction and stated they had no objections, constituting an express waiver under Section 12(5) of the Arbitration and Conciliation Act, 1996. The petitioners' preliminary objection was rejected, and the main petitions challenging the arbitral award were directed for consideration on merits.

BHAGWAN PRASAD BARANWAL VS STATE (N.C.T.) OF DELHI [BAIL APPLN.-1167/2024]

Judges: Justice Neena Bansal Krishna

A practicing chartered accountant was granted regular bail in a criminal case involving allegations of forgery of bank guarantees. Although he introduced the complainant to co-accused individuals, there was no evidence of his direct involvement in the fraud. Co-accused had already received bail, and the petitioner's long professional history, absence of criminal records, and family responsibilities were considered. Bail was granted with conditions including restrictions on leaving Delhi/NCR, mandatory court appearances, and limitations on contacting witnesses.

BHANU RAGHAV VS STATE OF NCT OF DELHI [CRL.M.C.-729/2024]

Judges: Justice Neena Bansal Krishna

The petition by Bhanu Raghav seeking to recall prosecution witness PW-7, Virender Kumar, for further cross-examination was dismissed. PW-7 had already been thoroughly cross-examined by prior counsel, and the current counsel's reasons for recalling the witness lacked merit, as no new facts emerged. The decision emphasized that recalling the witness to address issues outside the original defense was not justified.

BHARAT HEAVY ELECTRICALS LIMITED VS ETHIOPIAN ELECTRIC POWER CORP & ORS [CS(COMM)-244/2016]

Judges: Justice Neena Bansal Krishna

The plaintiff, Bharat Heavy Electricals Limited, can recover court fees and legal fees, provided invoices or proof of payment are submitted. Claims for bank guarantee commission charges and travel expenses were rejected, as they do not qualify as litigation costs. Bank guarantee commission should have been included as substantive relief in the suit, and travel expenses for settlement talks do not meet the criteria for litigation costs.

BHARAT MOHAN KOHLI VS STATE & ORS [TEST.CAS.-48/2017]

Judges: Justice Neena Bansal Krishna

The will dated 27.10.2013 executed by Mr. Man Mohan Kohli is affirmed as valid. Challenges to the will concerning the testator's mental capacity, alleged coercion, and claims of forgery were dismissed due to a lack of evidence. Administration was granted to the petitioner, the sole beneficiary named in the will.

BHOJRAJ VS DHARAMVIR & ORS (HDFC ERGO GEN INS CO LTD) [MAC.APP.-383/2019]

Judges: Justice Neena Bansal Krishna

The appeal for enhanced compensation was dismissed. The appellant, a head constable, had a 25% permanent disability in his right lower limb but was assessed with a 15% functional disability of the whole body. It was noted that there was no loss of income due to the disability, and the previously awarded compensation was deemed just and fair, requiring no changes.

BHUSHAN STEEL AND STRIPS LTD. VS TYO TRADING ENTERPRISES AND ORS. [CS(COMM)-669/2016]

Judges: Justice Neena Bansal Krishna

Bhushan Steel and Strips Ltd. is entitled to recover Rs. 1,79,38,582.72 from defendant No. 3 without interest, as previously determined. The defendant's argument to reconsider earlier findings based on jurisdiction issues was rejected, affirming that jurisdiction was established by higher authorities. The plaintiff's name has been successfully substituted to Tata Steel Ltd.

BIBHAV KUMAR VS STATE OF NCT OF DELHI [W.P.(CRL)-1827/2024]

Judges: Justice Neena Bansal Krishna

The petitioner was arrested by the police in compliance with Section 41 of the Code of Criminal Procedure and relevant legal guidelines. The necessity for the arrest was established to prevent the petitioner from committing further offenses, tampering with evidence, and influencing witnesses. Sufficient reasons were provided in the remand application, which led to the approval of police custody. The petition challenging the legality of the arrest was dismissed, as the facts confirmed that the arrest adhered to legal standards.

BIJENDERI & ORS VS SHYAMVEER SINGH & ORS (M/S ICICI LOMBARD GENERAL INSURANCE CO LTD) [MAC.APP.-925/2019]

Judges: Justice Neena Bansal Krishna

The appeal by the claimants against the dismissal of their claim under the Motor Vehicles Act was successful. Sufficient evidence showed that the accident resulted from rash and negligent driving by the Xylo car's driver. The chargesheet filed against the driver served as prima facie proof of negligence, supported by the doctrine of res ipsa loquitur. The original award was set aside, and the matter was remanded to the Tribunal for determination of fair compensation to the claimants.

BIKANERVALA FOODS PVT LTD VS M/S. NAMASTE FOODS & ORS. [O.M.P. (T) (COMM.)-22/2024]

Judges: Justice Neena Bansal Krishna

The petitioner's application under Section 15 of the Arbitration and Conciliation Act, 1996 for the appointment of a substitute arbitrator was allowed due to the previous sole arbitrator's death, which made him unable to perform his functions. Justice Jayant Nath (Retd.) was appointed as the new arbitrator to resolve the disputes between the parties.

BINDRA TRAVEL LINE PVT. LTD. VS SEHWAG INTERNAIONAL SCHOOL [CS(COMM)-1231/2016]

Judges: Justice Neena Bansal Krishna

The plaintiff is entitled to recover Rs.20,42,727 with 9% interest for bus services provided in April and May 2015. Claims for Rs.92,80,353 regarding annual increments and Rs.30,00,000 for loss of business were not granted. The contract was terminated by the plaintiff on 21.05.2015, disallowing claims for charges for June and July 2015. The suit was within limitation, and the plaintiff's court fee was appropriate.

BIPIN LALSINGH PAGAR @ PAGAR BIPIN LALSINH & ANR. VS STATE (GNCT OF DELHI) & ORS. [CRL.M.C.-2941/2024]

Judges: Justice Neena Bansal Krishna

Bipin Lalsingh Pagar and his firm M/s Amax Agro Exports cannot be summoned under Section 138 of the Negotiable Instruments Act for dishonoured cheques, as they are not signatories on those cheques. Liability under Section 138 applies only to the drawer of the dishonoured cheque, which remains applicable to Bhagat Daulat Gawali, the actual drawer. The summoning orders against Pagar and his firm are set aside.

BIPIN LALSINGH PAGAR @ PAGAR BIPIN LALSINH VS STATE (GNCT OF DELHI) & ANR. [CRL.M.C.-2986/2024]

Judges: Justice Neena Bansal Krishna

Bipin Lalsingh Pagar, sole proprietor of M/s Amax Agro Exports, cannot be summoned for the dishonor of a cheque under Section 138 of the Negotiable Instruments Act, 1881, as he was not the signatory. The cheque was signed by Bhagawat Daulat Gawali, who had no employment or authorization from Pagar or his firm. The summoning order was deemed illegal, leading to the quashing of the complaint against Pagar.

BKP ENTERPRISE & ANR VS SPICEJET LIMITED [CS(COMM)-1118/2016]

Judges: Justice Neena Bansal Krishna

A binding contract existed between the parties based on the Letter of Intent (LoI) dated 16.03.2016, despite its label as a non-binding document. Extensive services rendered by the plaintiffs were accepted by the defendant, leading to the LoI maturing into a binding contract. The defendant's claims of being absolved from obligations due to cautioning by the Haj Committee of India and alleged fraud by the plaintiffs were rejected. The plaintiffs were found ready and willing to perform their contractual duties, while the defendant was deemed to have breached the contract. Plaintiffs were awarded 22.5% of the defendant's actual profits of ₹31.7 crores from the Haj operations, along with 8% interest per annum from the date of the suit until payment.

BLOOMING ORCHID VS FP LIFE EDUCATION FOUNDATION [ARB.P.-630/2024]

Judges: Justice Neena Bansal Krishna

The petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of a sole arbitrator is not barred by limitation. The period from February 2020 to March 2021, during which the parties engaged in negotiations, is excluded from the limitation period. The second notice of invocation of arbitration dated 31.01.2024 is within the three-year limitation period from the previous notice. A sole arbitrator is appointed to adjudicate the disputes, with parties allowed to raise their respective contentions before the arbitrator.

BOSCH LIMITED VS M/S GUPTAJEE ENGINEERS & ORS. [CS(OS)-135/2006]

Judges: Justice Neena Bansal Krishna

The delay of 120 days in filing the application to set aside the abatement of the suit against defendant No. 2 was condoned due to inadvertence, affirming that procedural laws should not obstruct substantive rights. The abatement of the suit was set aside because the liabilities of the dissolved partnership firm may transfer to the legal heirs of defendant No. 2. The liabilities of a partnership firm do not disappear upon dissolution, and the sole proprietor's personal liability may be pursued against his legal heirs.

CAMPOS BROTHERS FARMS VS MATRU BHUMI SUPPLY CHAIN PVT. LIMITED AND ORS. [CS(COMM)-1173/2018]

Judges: Justice Neena Bansal Krishna

The civil suit filed by the plaintiff is not maintainable because the original cause of action has merged into an arbitral award granted in the plaintiff's favor. Under the Arbitration and Conciliation Act, 1996, a foreign arbitral award is considered a deemed decree, and its enforceability can only be challenged on specific grounds in Section 48. Since the award was not set aside, its findings are binding and cannot be re-agitated in a new suit. The principles for foreign judgments differ from those for foreign arbitral awards, which do not need a separate decree for enforceability. Thus, the plaintiff cannot initiate a new suit based on the original cause of action, as it has already been conclusively resolved.

CAP CAB INDIA LTD & ANR VS MITTAL CABLES INDUSTRIES [C.R.P.-216/2019]

Judges: Justice Neena Bansal Krishna

The petitioners' application to set aside an ex-parte decree was dismissed. The summons was properly served at the address on the invoices, which was also where goods were delivered and a cheque was issued. The petitioners' claims of fabrication and the need for service at other addresses were deemed to be afterthoughts. No merit was found in the revision petition.

CAPT. KUNAL KHAJURIA & ANR. VS MAJOR GENERAL SUDHIR MOHAN (RETD.) & ORS. [CS(OS)-219/2019]

Judges: Justice Neena Bansal Krishna

The onus of proof lies on defendant No. 2 to establish the existence of the Will dated 03.09.1997, as this is a new fact introduced in response to the plaintiff's claim for partition. Defendants were required to present their evidence first to prove the Will. Defendant No. 2 has the right to exhibit the original Will, and objections from the plaintiff regarding this were without merit. Defendant No. 2's applications were dismissed, and they were directed to present their evidence before the Joint Registrar.

CEC INTERNATIONAL CORPORATION (INDIA) PVT LTD & ANR VS VED PRAKASH SHARMA (DECEASED) THR LRS [C.R.P.-282/2019]

Judges: Justice Neena Bansal Krishna

The suit by the respondent against petitioner companies CICI and individuals Nita Ing and Ken V.C. Hung was rejected due to a lack of privity of contract. The contract existed only between the respondent and Taiwanese company CEC, and CICI, being a subsidiary, did not share liability. The individuals could not be sued independently of the company. The application to reject the suit was allowed based on failure to disclose a valid cause of action against the petitioners.

CHANPREET SINGH RAYAT VS ENFORCEMENT DIRECTORATE [BAIL APPLN.-2095/2024]

Judges: Justice Neena Bansal Krishna

Bail was granted to Chanpreet Singh Rayat in a money laundering case by the Enforcement Directorate (ED) due to weak evidence against him and the significance of his right to personal liberty under Article 21 of the Constitution. Conditions for bail include furnishing a bond, reporting to the investigating officer, and not leaving the country without permission.

CEC-CICI JV & ORS. VS ORIENTAL INSURANCE CO. LTD. [CS(COMM)-53/2020]

Judges: Justice Neena Bansal Krishna

The plaintiffs' application to include additional documents was dismissed due to a failure to provide a valid explanation for the delay in submission. Under the Commercial Courts Act, all documents must be filed within 30 days of initiating a suit, without discretion for late submissions. The plaintiffs had knowledge of the documents' relevance and the defendants' defenses but did not submit them with the response. Consequently, the application was dismissed as the issues were already framed and the case was scheduled for evidence recording.

CEMENT CORPORATION OF INDIA LTD VS MAHAVIR COAL WASHERIES PVT LTD [ARB.P.-104/2024]

Judges: Justice Neena Bansal Krishna

Cement Corporation of India Ltd's petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 resulted in the appointment of Mr. Justice R.K. Gauba (Retd.) as the Sole Arbitrator for disputes arising from an agreement dated 11.10.2018. A valid arbitration clause existed in the agreement, and the petitioner presented arbitrable disputes without objection from the respondent. The arbitrator's fees will follow Schedule-IV of the Act or as agreed by the parties.

CENTAURUS GREEN ENERGY PRIVATE LIMITED VS PDM EDUCATIONAL AND CHARITABLE TRUST [ARB.P.-400/2024]

Judges: Justice Neena Bansal Krishna

Centaurus Green Energy Private Limited's petition under the Arbitration and Conciliation Act resulted in the appointment of Mr. Gaurav Sarin as the sole arbitrator to resolve disputes with PDM Educational and Charitable Trust concerning a Power Purchase Agreement for a 100kWp Rooftop Solar Photovoltaic Power System. The agreement included a valid arbitration clause, and the parties were instructed to contact the appointed arbitrator within one week of notification.

CHAMANPREET SINGH VS STATE GOVT OF NCT OF DELHI & ANR. [W.P.(CRL)-2538/2024]

Judges: Justice Neena Bansal Krishna

The FIR against the petitioner under Section 25 of the Arms Act was quashed due to the recovery of a single live ammunition from a borrowed bag. The petitioner's claim of unknowingly packing the bag was deemed insufficient to establish conscious possession. The mere recovery of one cartridge, without additional suspicious circumstances, does not constitute an offence under the Arms Act.

CHANDER KANTA VS SHAM LAL PAHUJA & ORS. [C.R.P.-42/2022]

Judges: Justice Neena Bansal Krishna

The civil revision petition filed by the defendant was allowed, and the lower court's order was set aside. The plaintiff's suit for declaration of ownership and partition was barred by limitation, as the plaintiff had knowledge of the oral partition from 1995-96 and was aware of it by at least 2013, when the defendant filed a previous suit. The plaintiff was estopped from denying the partition, as evidenced by various documents and records. The defendant's application under Order VII Rule 11 CPC was granted, resulting in the rejection of the plaintiff's suit.

CHOLAMANDALAM MS GENERAL INSURANCE CO LTD VS ROHTASH KUMAR GUPTA & ORS [MAC.APP.-643/2019]

Judges: Justice Neena Bansal Krishna

The compensation awarded to the deceased's son was modified, with the deduction for the deceased's personal expenses adjusted to 50% of the monthly pension of Rs. 29,813. The revised compensation for loss of dependency was set at Rs. 8,75,490, resulting in a total compensation of Rs. 9,05,490, which includes amounts for loss of estate and funeral charges, along with 9% interest per annum.

CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD VS SMT. BABITA & ORS. [MAC.APP.-338/2022]

Judges: Justice Neena Bansal Krishna

Compensation awarded to the family of Mr. Baljeet Singh, who died in a road accident, was upheld with modifications. The deceased's parents and married daughter were not considered financially dependent, leading to a deduction for non-dependent family members set at 1/4 instead of 1/5 in calculating the loss of financial dependency. The deceased's 2018-2019 tax return was chosen to assess annual income, accounting for COVID-19's impact on subsequent years. The total compensation was recalculated from Rs. 65,55,000 to Rs. 61,66,625, with interest at 6% per annum, and any excess amount was to be returned to the insurance company.

COMBITIC GLOBAL CAPLET PVT LTD VS SH SURAJ CHAUHAN [CS(COMM)-533/2020]

Judges: Justice Neena Bansal Krishna

The plaintiff company proved its claims against the defendant for recovery of Rs. 1,73,58,801 along with interest at 9% per annum from the due date. Evidence including invoices, ledger accounts, and dishonored cheques was accepted as unchallenged. The defendant's failure to file a written statement or appear resulted in a decision in favor of the plaintiff.

DARSHAN DABAS VS STATE (NCT OF DELHI) [BAIL APPLN.-1134/2024]

Judges: Justice Neena Bansal Krishna

The bail application of Darshan Dabas, accused of offenses under Sections 302, 364A, 201, 120B, and 34 of the Indian Penal Code, was dismissed. Evidence included the recovery of a weapon in another case linked to Dabas and his prior criminal history, which suggested a tendency towards criminal behavior and the potential to influence witnesses. Some prosecution witnesses have turned hostile, and the pending FSL report on the weapon was noted. The overall circumstances indicate the gravity of the offenses committed.

DAVINDER GOYAL & ANR. VS VIKRAM SINGH & ORS. [MAC.APP.-312/2021]

Judges: Justice Neena Bansal Krishna

The Tribunal's dismissal of the claim petition filed by the parents of the deceased victim was set aside. The driver's account of the accident indicated negligence and rash driving at high speed, resulting in the car overturning and the victim's death. The case was remanded to the Tribunal to determine the appropriate compensation for the appellants.

DEEN MOHAMMAD ALIAS BHOLA VS STATE NCT OF DELHI [BAIL APPLN.-1069/2024]

Judges: Justice Neena Bansal Krishna

Deen Mohammad @ Bhola was granted bail on charges under the Narcotic Drugs and Psychotropic Substances Act. There was a noted lack of strict compliance with the sampling procedure, but this did not undermine the case, as the seized drugs were within permissible limits. A significant delay in trial proceedings, with only 6 of 13 prosecution witnesses examined over three and a half years, supported the bail decision despite Section 37 restrictions. Bail was granted with conditions for a personal bond, surety, and cooperation in the trial.

DEEPAK VS SATYA & ORS. [MAC.APP.-131/2022]

Judges: Justice Neena Bansal Krishna

The injured's monthly income was calculated at Rs. 9,802 as an unskilled worker due to a lack of evidence for specialized training as a skilled car mechanic. The assessment of 60% permanent disability was adjusted to 100% functional disability, as the injury prohibited taking jobs involving skill or mental activity. Total compensation was increased from Rs. 31,03,151 to Rs. 42,88,628, with 9% interest per annum.

DEISM ENTERPRISES PRIVATE LTD AND ANOTHER VS INDUSTRIAL FINANCE CORPORATION OF INDIA AND ANOTHER [CS(COMM)-36/2017]

Judges: Justice Neena Bansal Krishna

The suit by Deism Enterprises Private Limited and Wrinkle Enterprises Pvt. Limited against the Industrial Finance Corporation of India for the refund of Rs.112 lakhs is maintainable. Parekh Platinum Limited was not a necessary party, as the defendant could assign the loan without its consent. The plaintiffs are entitled to a refund because the proposed loan purchase from PPL did not materialize despite negotiations. An agreement for the loan purchase is supported by correspondence and payments made by the plaintiffs. Additionally, the plaintiffs are entitled to interest at 7% per annum on the refundable amount from October 2007 until payment is made.

DELHI CANTONMENT BOARD VS DEEN DAYAL TANWAR [CRL.M.C.-5947/2024]

Judges: Justice Neena Bansal Krishna

The petitions by the Delhi Cantonment Board to appoint an expert witness for determining the age of unauthorized construction were dismissed. The request was considered an abuse of process, as the Board was aware of the respondent's defense regarding the construction dating back to 2001-2002 since 2016, yet failed to address it earlier. Allowing subsequent applications under Section 311 Cr.P.C. was deemed inappropriate, particularly as a prior order to recall a witness did not pertain to examining an expert on construction age.

DELHI TRANSPORT CORPORATION VS UNITED INDIA INSURANCE COMPANY LTD & ORS [MAC.APP.-688/2015]

Judges: Justice Neena Bansal Krishna

The Delhi Transport Corporation (DTC) is not liable for recovery by the insurance company, as DTC took due care in verifying the driver's credentials at the time of appointment, including a driving skill test and obtaining a copy of the driver's license. The licensing authority's initial verification certified the license as genuine, and DTC had no reason to suspect fraudulent documentation. Although DTC has a higher duty of care in verifying drivers' licenses, reliance on the initial verification report was justifiable. Consequently, recovery rights against DTC were set aside.

DELHIVERY LIMITED VS FAR LEFT RETAIL PRIVATE LIMITED [ARB.P.-481/2024]

Judges: Justice Neena Bansal Krishna

Delhivery Limited's petition for the appointment of a sole arbitrator under Section 11(5) of the Arbitration and Conciliation Act, 1996 was accepted due to the existence of a valid arbitration agreement with Far Left Retail Private Limited and sufficient efforts made for amicable settlement. The Delhi International Arbitration Centre has been requested to appoint an arbitrator, allowing parties to raise objections once appointed.

DEV RAJ CHAUDHRY VS RAJ KUMAR & ORS. [CS(OS)-478/2019]

Judges: Justice Neena Bansal Krishna

The plaintiff's partition suit is maintainable despite pending probate proceedings for competing wills. Probate and partition suits are distinct and can occur simultaneously since their scopes and issues differ. The plaintiff has paid the correct court fee for the partition suit, with no express plea of ouster from the defendant. Applications by defendant Nos. 4 and 1 to reject the plaint or stay proceedings were dismissed.

DEVENDER & ORS VS SAVITA JINDAL & ORS [CS(OS)-1459/2010]

Judges: Justice Neena Bansal Krishna

The applications by the defendants for rejection of the plaint were dismissed. The plaint was found to disclose a cause of action, with specific claims of the plaintiffs regarding their status as recorded Bhumidars and challenges to sale deeds by a third party in favor of the defendants. The suit was deemed not barred by limitation, having been filed within three years of the plaintiffs learning of the sale deeds. Additionally, as the plaintiffs are not the executants of the challenged documents, only a fixed court fee was required.

DEVENDER AGGARWAL VS THE STATE NCT OF DELHI AND ANR. [CRL.REV.P.-1000/2024]

Judges: Justice Neena Bansal Krishna

Devender Aggarwal was convicted and sentenced under Section 138 of the Negotiable Instruments Act for issuing three dishonored cheques to repay a cash loan of Rs. 15,00,000 taken from the respondent. The petitioner admitted to the loan but claimed to have repaid it in cash, lacking any evidence or acknowledgment of repayment. The presumption against him under Section 139 was not successfully discharged, leading to the affirmation of his conviction and sentence. The revision petition was dismissed.

DEVENDRA KUMAR VS THE STATE & ANR [W.P.(CRL)-2047/2013]

Judges: Justice Neena Bansal Krishna

The Magistrate's order to register an FIR against the SHO of Nand Nagri Police Station under Sections 186 and 341 of the IPC was deemed valid. Evidence, including an inquiry report, established prima facie misconduct and misbehavior by the SHO towards a process server. Arguments claiming a need for prior sanction, challenges to the specification of offenses, and requirements for a preliminary inquiry were rejected. No infirmity was identified in the Magistrate's decision.

DEVIKA ALIAS DEVIKA BHADOLA & ORS. VS UNITED INDIA INSURANCE CO LTD & ORS. [MAC.APP.-445/2023]

Judges: Justice Neena Bansal Krishna

Compensation for the death of Sh. Pramod Bhadola in a road accident was enhanced to ₹15,70,000. Loss of Consortium was increased to ₹2,00,000, with ₹40,000 allocated for each of the five legal heirs. The deceased's income was recalculated based on his Matriculate status, leading to a higher loss of dependency amount of ₹13,39,065. Interest of 9% per annum is applicable from the date of filing until realization.

DHARMU SAROJ & ORS VS MADAN LAL SAINI & ORS (BAJAJ ALLIANZ GENERAL INSURANCE CO LTD) [MAC.APP.-262/2019]

Judges: Justice Neena Bansal Krishna

The appeal by the insurance company was dismissed based on reliable eyewitness testimony confirming the driver's involvement and negligence in the accident. The delay in filing the FIR and its initial registration under a different section did not affect the nature of the case as a road accident. Compensation for the claimants was increased, specifically for loss of dependency and loss of consortium.

DR ANIL KUMAR BANSAL VS SH ASHOK KUMAR BANSAL & ANR [CS(OS)-68/2017]

Judges: Justice Neena Bansal Krishna

The application by the plaintiffs to amend the plaint was permitted, as the proposed changes aimed to correct nomenclature and reflect the transposition of parties without introducing new substantive claims. The original plaintiff sought to withdraw the suit unsuccessfully, and the amendments were deemed clerical, not altering the original cause of action.

DHEERAJ TANEJA VS KISHAN DUA & ANR. [C.R.P.-312/2024]

Judges: Justice Neena Bansal Krishna

The testimony of the plaintiff indicated that a loan of Rs. 6,00,000 was provided by a third party, Sanjay Chawla, at the plaintiff's request. This did not serve as a clear admission that the plaintiff did not lend the money to the defendant. According to Section 2(d) of the Indian Contract Act, consideration for a contract can originate from a third party. The contract between the plaintiff and defendant was supported by the issuance of a cheque from the defendant to the plaintiff. The application for dismissal of the suit was rejected as the plaintiff's testimony did not constitute an admission justifying such action.

DIGVIJAI SINGH & ANR. VS STATE & ORS [TEST.CAS.-17/2009]

Judges: Justice Neena Bansal Krishna

The amendment of the original probate petition was permitted following the death of the sole executor. Beneficiaries under the will can continue the proceedings and seek letters of administration with the will annexed, as per Section 232 of the Indian Succession Act, 1925. Arguments that proceedings would abate upon the executor's death and that the amendment is barred by limitation were rejected. It was emphasized that beneficiaries have a substantive right to protect their interests under the will, and technical issues should not hinder just causes.

DINESH KUMAR DABAS & ANR. VS TILAK RAJ [C.R.P.-203/2024]

Judges: Justice Neena Bansal Krishna

The civil revision petition resulted in the plaintiff's suit for recovery of Rs. 20,00,000 being decreed with interest at 9% per annum. The Agreement to Sell dated 15.10.2018 was deemed valid, and the defendant confirmed receipt of the advance payment. The defendant's failure to obtain necessary permissions and the government's acquisition of the land rendered the contract impossible to perform, leading to the conclusion that the plaintiff is entitled to a refund of the advance amount due to frustration of the contract.

DINESH KUMAR VS KRISHAN LAL KHURANA & ORS [C.R.P.-156/2019]

Judges: Justice Neena Bansal Krishna

The eviction petition filed by some co-owners against the tenant is maintainable without including other co-owners as parties. One co-owner can initiate an eviction on behalf of all co-owners unless there is an explicit objection from the others. In this case, no objections were raised, and the other co-owners have also filed their own eviction petitions, indicating their consent. The tenant's application to reject the eviction petition was dismissed, with no issues found in the lower court's order.

DR LALCHANDANI LABS LIMITED VS HOPEBERRY DIAGNOSTICS AND HEALTHCARE LLP & ORS. [ARB.P.-1167/2023]

Judges: Justice Neena Bansal Krishna

Dr Lalchandani Labs Limited raised arbitrable disputes against Hopeberry Diagnostics and Healthcare LLP & Ors. A valid Arbitration Clause existed in their Agreement dated 04.07.2019. The matter was referred to the Delhi International Arbitration Centre (DIAC) for the appointment of a Sole Arbitrator, with proceedings governed by DIAC rules, including fees and disclosures under the Arbitration and Conciliation Act, 1996.

DR PREETI SETHI AND OTHERS VS SUSHEEL SETHI & ORS [CS(OS)-50/2016]

Judges: Justice Neena Bansal Krishna

Plaintiffs were permitted to amend the plaint to include details of fixed deposit receipts held by the late Smt. Sarla Sethi, as they were previously unaware of these specifics. Proposed amendments regarding income from Sunshine Public School and rental income from certain properties were disallowed due to documentary evidence showing the school was owned by a registered society and lack of specific pleadings regarding rental income. Additionally, claims related to gold, diamond jewelry, bonds, and shares were not allowed due to insufficient supporting details in the application. The matter is set for completion of pleadings and recording of defendants' evidence.

DR SURAJ PRAKASH SETH AND OTHERS VS DR. ASHOK KUMAR SETH & OTHERS [CS(OS)-46/2017]

Judges: Justice Neena Bansal Krishna

The application by defendant no. 2, Sudha Seth, to set aside the ex-parte judgment and decree dated 18.02.2020 in a civil suit for partition and declaration was dismissed. Service of summons on her was valid as it occurred at her permanent address, despite her residing elsewhere. The defendant was aware of the suit and the judgment prior to applying for its dismissal in April 2024, which exceeded the 30-day limitation under Article 123 of the Limitation Act. The reason provided for the delay, citing ongoing settlement talks, was deemed insufficient. The application was dismissed without addressing the positions of other defendants in the case.

DR. BRIJ MOHAN GANDHI VS M/S EMPROCELL CLINICAL RESEARCH PRIVATE LIMITED [CS(COMM)-668/2018]

Judges: Justice Neena Bansal Krishna

The plaintiff's suit for recovery of money for alleged balance shares and compensation for termination of directorship was barred by limitation. The defendant company had issued the plaintiff 3% of the total paid-up shares as agreed. The plaintiff lacked a valid cause of action for additional shares or their value. A prior winding-up petition, although filed within the limitation period, did not save the limitation for this suit, as it was also time-barred. The suit was rejected on the grounds of being barred by limitation.

DR. DHARAM CHAUDHURY VS THE STATE & ORS [TEST.CAS.-68/2017]

Judges: Justice Neena Bansal Krishna

A Letter of Probate was granted for the Will dated 18.09.2014 executed by Shri Ishwar Deen Chaudhury in favor of Dr. Dharam Chaudhury. The Will was executed by the testator in a sound state of mind, free from force or undue influence, and complied with the Indian Succession Act, 1925. Testimony from the petitioner and the attesting witness went unchallenged, with no contest from other legal heirs.

DR. PRITHVIRAJ SWAMY VS M/S FIITJEE LTD [ARB.P.-1345/2023]

Judges: Justice Neena Bansal Krishna

Dr. Prithviraj Swamy filed a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, requesting the appointment of an independent sole arbitrator to resolve disputes with M/s FIITJEE Ltd. It was established that there were arbitrable disputes and a valid arbitration clause existed. Ms. Vansha Suneja, Advocate, was appointed as the sole arbitrator, with the parties allowed to raise objections. The arbitrator's fees will be determined as per Schedule-IV of the Arbitration and Conciliation Act, 1996 or as agreed by the parties.

DURGAWATI VS STATE [CRL.M.C.-103/2020]

Judges: Justice Neena Bansal Krishna

The dismissal of the petitioner's complaint under Section 200 CrPC was upheld due to insufficient evidence supporting allegations of assault on her daughter and theft of cash and jewelry. The testimony of the petitioner's witness contradicted her own account, and the petitioner did not provide necessary medical records, photographs, or purchase bills to back her claims. Although the petitioner argued that an FIR should have been registered per the Supreme Court's judgment in Lalita Kumari, the lack of established allegations made the question of FIR registration irrelevant. The revision petition against the lower courts' orders was rejected.

EAST DELHI MUNCIPAL CORPORATION VS BALAJI & SONS [CS(COMM)-1073/2018]

Judges: Justice Neena Bansal Krishna

The plaintiff, East Delhi Municipal Corporation, is entitled to recover Rs.3,81,07,461.3 from the defendant, Balaji & Sons, for outstanding monthly license fees for operating the parking site at Preet Vihar Commercial Complex from 07.09.2015 to 06.12.2017, despite the contract's expiration. Interest at 6% per annum is awarded from the suit's initiation until recovery, along with costs of the suit.

EROS CITY DEVELOPERS PVT LTD VS STATE GOVT. OF NCT DELHI & ANR. [W.P.(CRL)-745/2023]

Judges: Justice Neena Bansal Krishna

The dispute between the petitioner company and the complainant is identified as a civil matter, lacking the elements of fraud or deceit necessary for an offence under Section 420 IPC. The petitioner constructed the property per the agreement and offered possession, with the disagreement centered on additional charges. The FIR against the petitioner company has been quashed.

ESCORTS LTD. VS BENGAL TRACTORS & ORS. [O.M.P. (COMM)-414/2019]

Judges: Justice Neena Bansal Krishna

The petition by Escorts Ltd. to set aside the arbitral award was dismissed. The arbitrator's reasoning and decision-making process were not found to contain "patent illegality" under Section 34 of the Arbitration and Conciliation Act, 1996. The arbitrator provided valid interpretations of the contract, specifically the MoU/Settlement Agreement dated 05.03.2005. The denial of pendente lite interest, alongside the granting of future interest at 12% per annum, was within the arbitrator's discretion. Contract interpretation is within the arbitrator's authority, and the award was upheld as it did not exhibit any patent illegality.

FAIZUL(DECEASED) THR LRS VS MOHD HAMID & ORS [C.R.P.-198/2018]

Judges: Justice Neena Bansal Krishna

The revision petition by the legal representatives of Faizul, the deceased defendant, was dismissed. The petitioners, as legal heirs and individual occupants of the disputed property, were properly impleaded. Previous objections raised by them had been dismissed and had attained finality. The petitioners had not challenged their impleadment, resulting in the dismissal of their objections due to lack of merit.

FRANCIS MARION GEGG VS CUSTOMS [BAIL APPLN.-931/2024]

Judges: Justice Neena Bansal Krishna

The bail application of Francis Marion Gegg was dismissed due to possession of 9.950 kg of heroin. The search of his baggage did not require compliance with Section 50 of the NDPS Act. A minor weight discrepancy of 9 grams did not invalidate the prosecution's case. The embargo under Section 37 of the NDPS Act applied, as the quantity of heroin was commercial, and the applicant did not meet the conditions for bail. Given the nature of the contraband and his status as a foreign national, he was considered a potential flight risk.

GAE PROJECTS PVT. LTD. VS GE T&D INDIA LTD.(FORMERLY ALSTOM T&D INDIA LTD. [ARB-39/2019]

Judges: Justice Neena Bansal Krishna

The arbitration proceedings initiated by GAE Projects were deemed maintainable since the Settlement Agreement dated January 23, 2015 did not resolve all disputes between the parties. Examination of the Settlement Agreement and subsequent correspondence indicated that several arbitrable disputes persisted under the original contracts with arbitration clauses. The respondent's counterclaim before the Arbitrator further indicated that not all disputes were settled. Consequently, the order terminating the arbitration proceedings was set aside, affirming the Arbitral Tribunal's jurisdiction to adjudicate the disputes.

GAMUT BUILDCON PVT LTD VS MAHIMA PRODUCTION LTD [O.M.P.(MISC.)(COMM.)-192/2024]

Judges: Justice Neena Bansal Krishna

Gamut Buildcon Pvt Ltd's petition under Section 29A(4) of the Arbitration and Conciliation Act, 1996, for an extension of the arbitrator's mandate was granted. Mr. Shyam Sharma, Advocate, was appointed as the new arbitrator following the agreed substitution. The mandate was extended by six months from March 3, 2024, allowing parties to raise objections before the new arbitrator, with fees to be determined according to the Fourth Schedule of the Act or as agreed by the parties.

GATI KINTETSU EXPRESS PVT LTD VS M/S NARMADA MEDICAL AGENCY & ANR [C.R.P.-248/2019]

Judges: Justice Neena Bansal Krishna

A technical error in naming the parties, specifically suing a proprietorship firm instead of the individual proprietor, is correctable and does not warrant the rejection of the suit. The carrier, Gati Kintetsu Express Pvt Ltd, is liable for not collecting payment on delivery as per the cash-on-delivery arrangement, leading to a loss for the plaintiff. The issue of the carrier's right to file a written statement, which was denied for being submitted past the statutory period, was not addressed in the relevant order.

GAURAV BHATIA VS NAVEEN KUMAR & ORS. [CS(OS)-274/2024]

Judges: Justice Neena Bansal Krishna

The plaintiff, a senior advocate and political spokesperson, maintains a right to reputation that must be balanced with the defendants' freedom of speech and expression. Certain videos and social media posts portraying the plaintiff in a false or exaggerated manner are to be removed due to their potential to inflict irreparable harm to his reputation. However, a blanket injunction against all defendants is not issued, recognizing that public figures should anticipate greater scrutiny and criticism. Specific defamatory content will be removed, while legitimate reporting and commentary on the incident involving the plaintiff is permitted. Further proceedings are scheduled.

GAYATRI JAIN & ORS. VS SAHIL & ORS. [MAC.APP.-647/2024]

Judges: Justice Neena Bansal Krishna

The deduction for the deceased's personal expenses was changed from 50% to 1/3rd because the deceased was survived by his wife, son, and daughter, with major, married children still reliant on him for various supports beyond financial. The total compensation amount was increased from Rs. 48,72,102/- to Rs. 64,29,091/-, with interest set at 7.5% per annum.

GEETA MEHTA & ANR. VS ANIL MEHTA & ANR. [CS(OS)-364/2019]

Judges: Justice Neena Bansal Krishna

The applications by the defendants to vacate the ex parte ad interim injunction order were dismissed. The Noida Authority is not a party to the suit and may take action against Plot No. A-33, Sector 65, Noida according to its regulations. Issues regarding construction completion and business commencement on the property are outside the scope of the current partition and permanent injunction suit. Several related applications are scheduled for future hearings.

GHANSHYAM @ JAVED VS STATE (NCT OF DELHI) [W.P.(CRL)-2242/2023]

Judges: Justice Neena Bansal Krishna

The three punishment tickets issued on 23.01.2023, 24.01.2023, and 27.01.2023 against a convict serving a life sentence were quashed due to non-compliance with Rule 1272 of the Delhi Prison Rules, 2018. The jail authorities failed to provide a show-cause notice and an opportunity for a hearing before imposing major punishments. Additionally, the allegations against the petitioner lacked substantiated evidence.

GIANI RAM/GYANI RAM & ANR. VS ARJUN YADAV & ANR. [CS(OS)-168/2019]

Judges: Justice Neena Bansal Krishna

The appeal by the appellants/defendants resulted in the overturning of the order that closed their right to cross-examine the plaintiff's witness (PW1). The impact of the COVID-19 pandemic was considered, leading to the decision to provide the appellants/defendants one opportunity to cross-examine PW1, contingent on payment of costs to the respondents/plaintiffs. The elderly respondents/plaintiffs were advised to expedite the recording of evidence and avoid unnecessary adjournments.

GOPI CHAND @ PAPPU VS STATE OF NCT OF DELHI [W.P.(CRL)-2493/2024]

Judges: Justice Neena Bansal Krishna

The writ petition seeking to quash the rejection of a furlough application was dismissed. Under the Delhi Prison Rules, 2018, an application for furlough must be made to the appellate court where the appeal against conviction is pending. As the petitioner's appeal was pending before the Supreme Court, the application could only be submitted there. The order refusing furlough could not be interfered with, even in the presence of strong mitigating circumstances, as it would undermine the appellate powers of the Supreme Court.

GOVIND VS STATE GOVT. OF NCT OF DELHI [BAIL APPLN.-1090/2024]

Judges: Justice Neena Bansal Krishna

Bail was granted to Govind in an FIR under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, due to a discrepancy in the weight of seized ganja between the seizure memo and the FSL report. A prima facie discrepancy and reasonable grounds indicating the accused may not be guilty of offenses involving commercial quantity were noted. Additionally, the trial faced significant delays, with only 6 out of 21 witnesses examined, and Govind had been in custody since February 2021. Bail was granted under certain conditions.

GOVT OF NCT OF DELHI VS M/S DSC LIMITED [O.M.P. (COMM)-331/2020]

Judges: Justice Neena Bansal Krishna

The government's petition challenging an arbitral award regarding the completion date of a construction project was dismissed. The quantification of liquidated damages was designated as an "excepted matter" exclusive to the Superintendent Engineer, but the determination of project delay was deemed arbitrable. The arbitrator concluded that the contractor completed the project on September 22, 2010, within the extended time. This finding, based on evidence, was well-reasoned and free from patent illegality or fundamental policy violations, leading to the dismissal of the government's petition.

GURPREET SINGH ANAND @ VINNY VS STATE NCT OF DELHI [BAIL APPLN.-2356/2024]

Judges: Justice Neena Bansal Krishna

The bail application of Gurpreet Singh Anand was dismissed due to serious allegations of cheating involving around Rs. 55 crores through a conspiracy that included forged documents, impersonation of a DDA official, and embezzlement. The case involves multiple victims and significant economic offenses, making it unsuitable for bail given the gravity of the charges and the ongoing investigations.

HAKEEM AHMED KHAN VS LOKESH KUMAR & ORS. [MAC.APP.-235/2022]

Judges: Justice Neena Bansal Krishna

The bus driver was 70% negligent for suddenly moving the bus while the passenger was deboarding, resulting in the passenger's leg being crushed and amputated. The injured passenger was deemed 30% contributorily negligent for attempting to deboard a moving bus. Compensation awarded to the passenger totaled Rs. 28,48,160/- with an additional 8% interest per annum, reflecting 70% of the total calculated compensation.

HARI MOHAN SHARMA & ORS. VS C.S.R POULTRY RESEARCH & BREEDING FARMS & ORS. [CS(OS)-1511/1991]

Judges: Justice Neena Bansal Krishna

The compromise decree passed on January 25, 2019, in a specific performance suit for certain properties is valid and cannot be set aside. Contentions by plaintiff no. 6 (Inder Pratap Singh Akoi) and plaintiff no. 5 (Manju Mishra) regarding forgery and fraud were previously considered. The inter se disputes between the plaintiffs do not affect the decree's validity, as their rights against each other were preserved. Applications by plaintiffs nos. 6 and 5 to set aside the compromise decree were dismissed.

HARI RAM VS THE STATE (NCT OF DELHI) [BAIL APPLN.-2749/2024]

Judges: Justice Neena Bansal Krishna

Separate quantities of Ganja recovered from the petitioner (4.015 kg) and a co-accused (23.465 kg) cannot be combined. The amount seized from the petitioner qualifies as "intermediate quantity" under the NDPS Act, allowing for bail without the restrictions of Section 37. The petitioner has no prior criminal record, and there is no indication of a risk of tampering with evidence or flight. Bail was granted with specific conditions.

HARISH KUMAR MITTAL & ANR VS NATIONAL INSURANCE CO LTD & ORS [MAC.APP.-93/2020]

Judges: Justice Neena Bansal Krishna

Compensation in a motor vehicle accident case was modified to deduct 1/3rd for the deceased's personal expenses, in line with the Supreme Court's ruling in Pranay Sethi. The interest rate of 9% per annum was deemed reasonable. Both the husband and minor daughter were granted compensation for loss of consortium, but a separate award for loss of love and affection was denied. The total revised compensation amounted to Rs. 22,64,384/- with 9% interest per annum.

HARISH SINGLA VS MINISTRY OF EXTERNAL AFFAIRS & ORS. [W.P.(CRL)-1063/2023]

Judges: Justice Neena Bansal Krishna

The Look-Out Circular (LOC) against Harish Singla was deemed unjustified. Singla served as Director (Marketing) at M/s Gajanan Oils Pvt. Ltd. but was not involved in the consortium banking transactions or alleged fraud. He resigned in 2018, prior to the bank's complaint to the CBI, and there were no claims of him evading investigation or being a flight risk. His established ties in India, stable employment, and willingness to cooperate contributed to the quashing of the LOC.

HARKESH SHARMA VS NATIONAL INSURANCE CO LTD & ORS [MAC.APP.-911/2019]

Judges: Justice Neena Bansal Krishna

The dismissal of the claim petition was set aside and the matter was remanded for adjudication on compensation. The accident was sufficiently proven despite the delay in FIR registration and the lack of damage to the offending tractor. A chargesheet was filed against the driver, and medical records supported the injured's account. The delay in FIR registration was deemed not fatal to the claim, and the lack of damage to the tractor did not negate the occurrence of the accident due to the nature of the collision.

HARMEET SINGH AND ANR. VS RAVI INDER SINGH, DECEASED THROUGH LEGAL REPRESENTATIVES [CS(OS)-621/2019]

Judges: Justice Neena Bansal Krishna

Defendants, as legal representatives of the late Ravi Inder Singh, are liable only to the extent of the deceased's estate and not personally. An application under Section 152 CPC was inappropriate, leading to a correction under Section 153 CPC to reflect this liability principle.

HARMOHINDER SINGH VS JOGINDER SINGH AND ORS. [CS(OS)-566/2018]

Judges: Justice Neena Bansal Krishna

Excess court fee paid by the plaintiff for the partition suit must be refunded, as a fixed court fee was sufficient under the Court Fees Act, and stamp duty is required for the decree. The application for a separate decree was rejected, with an instruction that only a single final joint decree can be established, requiring both parties to approach the registry for registration and certified copies. Applications for condonation of a 6-day delay in re-filing certain applications were allowed.

HAZI ACCHEY MIAN & ANR VS MOHD SHAHID & ORS [C.R.P.-242/2019]

Judges: Justice Neena Bansal Krishna

The dismissal of the plaintiff's suit under Section 6 of the Specific Relief Act, 1963 was upheld due to the plaintiff's failure to prove possession of the disputed property within six months prior to filing. Evidence indicated that the defendants were in possession and had executed sale deeds to third parties. The lack of proof of actual physical possession rendered the suit under Section 6 unmaintainable, leading to the rejection of claims for declaration, mandatory injunction, and damages/mesne profits. Section 6 strictly aims for the restoration of possession and does not permit additional reliefs.

HDFC ERGO GENERAL INSURANCE CO LTD VS RAJ KUMARI & ORS [MAC.APP.-798/2018]

Judges: Justice Neena Bansal Krishna

The assessment of the deceased's potential monthly income was established at ₹40,000 after deducting 20% for income tax, with a subsequent 40% increase for future prospects. Compensation of ₹80,000 was awarded for loss of consortium to the deceased's parents. The total compensation was set at ₹49,50,000, accompanied by 9% interest per annum, based on relevant legal precedents and arguments from both the insurance company and the claimants.

HEAVEN LOUNGE PVT LTD & ORS. VS STATE OF GNCTD & ANR. [CRL.REV.P.-1129/2024]

Judges: Justice Neena Bansal Krishna

Heaven Lounge Pvt. Ltd. and its two directors were convicted under Section 138 of the Negotiable Instruments Act for issuing a dishonored cheque. Arguments regarding the complainant's witness lacking personal knowledge and one director's lack of involvement in the company's affairs were rejected. The witness was deemed competent to testify based on documents, and under Section 141 of the NI Act, the directors were held vicariously liable for the company's actions. The revision petition was dismissed without identifying any infirmity in the lower court's judgment.

HDFC ERGO GENERAL INSURANCE CO. LTD VS UMA DEVI & ORS [MAC.APP.-200/2019]

Judges: Justice Neena Bansal Krishna

Compensation awarded to the claimants for the death of Shri Tek Chand in a road accident was upheld with modifications. The driver of the offending vehicle was found negligent based on eyewitness testimony and the chargesheet. The argument of contributory negligence by the deceased was rejected. The deceased's net monthly income was recalculated at Rs. 42,779 after deducting certain allowances and arrears, with a 1/3rd deduction for personal expenses, recognizing the financial dependence of his wife and daughters. A multiplier of 9 was applied, given the deceased's age of 57 at the time of the accident. Compensation under non-pecuniary heads was revised according to Supreme Court guidelines, totaling Rs. 41,60,000, plus 9% interest per annum.

HEM MANOHAR & ANR. VS RACHNA GUPTA & ORS. [CS(OS)-600/2019]

Judges: Justice Neena Bansal Krishna

Defendant nos. 1-3 forfeited their tenancy under Section 111(g) of the Transfer of Property Act due to non-payment of rent since 2017 and denial of the plaintiffs' title. The tenancy was validly terminated through notice under Section 111(h). Defendant nos. 4-7, as sub-tenants, became direct tenants of the plaintiffs upon the termination of defendant nos. 1-3's lease and are also subject to eviction. The defendants must vacate the property within 3 months, and the matter is set for determination of mesne profits and accounts.

HEMCHANDRE RAM VS BUSHRAA & ORS (THE NEW INDIA INSURANCE COMPANY) [MAC.APP.-394/2017]

Judges: Justice Neena Bansal Krishna

The appellant, as the registered owner of the vehicle involved in a motor accident, is held jointly and severally liable with the actual owner, despite selling the vehicle before the incident. Liability persists for the registered owner until the new owner's information is updated in the RTO records. The appeals by the appellant are dismissed, confirming the lower court's decision.

HOME AND SOUL INFRATECH PVT. LTD. VS RAJ KRISHNA CONSTRUCTION COMPANY PVT. LTD. [ARB.P.-1204/2023]

Judges: Justice Neena Bansal Krishna

There was a valid arbitration agreement between the parties under the original work order dated 12.10.2018. The issue of novation raised by the respondent constituted a disputed question of fact meant for the arbitrator's resolution. Arguments regarding the invalidity of the arbitration notice and the non-arbitrability of the dispute were rejected. Justice Vineet Saran was appointed as the Sole Arbitrator to resolve the disputes.

HRTC NALAGARH ORS & ANR. VS VIJAY RAM [MAC.APP.-416/2023]

Judges: Justice Neena Bansal Krishna

The appeal against the Motor Accident Claims Tribunal's award of compensation to Vijay Ram was dismissed. The compensation for loss of income, pain and suffering, loss of general amenities, and related expenses was deemed appropriate and consistent with the law, and no justification for interference was found.

IFFCO TOKIO GENERAL INSURANCE CO. LTD VS RANVIR & ORS. [MAC.APP.-64/2022]

Judges: Justice Neena Bansal Krishna

Negligence of delivery van driver Rakesh was established through testimony from the injured person and an eyewitness. Arguments from the Insurance Company regarding an untraced vehicle and the injured person being a gratuitous passenger were rejected. The Tribunal's findings on negligence and the compensation award of Rs. 4,97,500 with 9% interest per annum were upheld. The Insurance Company's appeal was dismissed.

IFFCO TOKIO GENERAL INS. CO. LTD. VS SHARDA NAND CHAUDHARY THR AMITESH KUMAR & ORS. [MAC.APP.-483/2013]

Judges: Justice Neena Bansal Krishna

The appeal by the insurance company against the compensation awarded to the injured person was dismissed. Reimbursement of medical bills based on photocopies was deemed justified due to the original bills being misplaced, with verification by the Investigating Officer. Future treatment expenses of Rs. 1,00,000 were considered reasonable due to the extensive injuries resulting in 75% temporary disability. Compensation for pain and suffering and loss of income, calculated based on minimum wages of a skilled worker running a general store business, were upheld. The decision indicated no issues with the Tribunal's order.

IFFCO TOKIO GENERAL INSURANCE CO LTD VS NEETU YADAV & ORS [MAC.APP.-794/2019]

Judges: Justice Neena Bansal Krishna

The Motor Accident Claims Tribunal's finding of negligence by the truck driver was upheld, despite his acquittal in criminal proceedings. Testimony from an eyewitness and the FIR contents supported the conclusion of negligence. The compensation award was modified by deducting certain allowances from the deceased's salary to correctly calculate the loss of dependency. Compensation for loss of consortium was increased to account for all legal heirs. Compensation received by the claimants from the employer was not deducted from the final compensation.

IFFCO TOKIO GENERAL INSURANCE CO LTD VS POONAM SHARMA & ORS [MAC.APP.-725/2017]

Judges: Justice Neena Bansal Krishna

Negligence of the driver was established through eyewitness testimony and the charge sheet, while the driver's contradictory claims were rejected. The deceased's age was determined using the Class 10 admit card, and monthly income calculated at Rs. 15,200 based on employment documents. Future prospects for the deceased's income were not considered previously, leading to an increase in total compensation to Rs. 34,90,840, with 9% interest per annum. Two appeals were decided together, one from the insurance company and one from the claimants.

IFFCO TOKIO GENERAL INSURANCE CO LTD VS RAUSHAN KUMAR & ANR. [MAC.APP.-205/2020]

Judges: Justice Neena Bansal Krishna

The appeals from both the insurance company and the claimant regarding the compensation awarded by the Motor Accident Claims Tribunal were dismissed. There was a determination of no contributory negligence by the injured claimant. The claimant's monthly income of ₹25,000 was reasonably established through testimony and supporting documents, despite the lack of formal income proofs. The compensation awards for future loss of income, attendant charges, and non-pecuniary damages were deemed reasonable, with no need for enhancement.

INDIABULLS HOUSING FINANCE LTD. VS YOGESH KUMAR AND ANR [ARB.P.-583/2024]

Judges: Justice Neena Bansal Krishna

Disputes between Indiabulls Housing Finance Ltd. and respondents Yogesh Kumar and Uma Sharma are subject to arbitration per the loan agreement's arbitration clause. The matter is referred to the Delhi International Arbitration Centre to appoint a sole arbitrator for adjudicating the disputes, which include the recovery of an outstanding loan amount of Rs. 3,91,745/- plus interest.

INDRAPRASTHA LOGISTICS PRIVATE LIMITED VS NAVEEN KUMAR & ORS. [MAC.APP.-113/2021]

Judges: Justice Neena Bansal Krishna

The insurance company was granted recovery rights against the owner and driver of the vehicle due to the driver operating under the influence of alcohol, with a blood alcohol content of 162 mg/100 ml, exceeding the permissible limit. The driver's loss of control and collision with multiple objects indicated that intoxication was a significant factor in the accident. Driving under the influence constituted a fundamental breach of the insurance policy, validating the insurance company's entitlement to recover its costs from both the owner and the driver.

INDU WAHI VS VINOD KUMAR [C.R.P.-351/2024]

Judges: Justice Neena Bansal Krishna

The revision petition by defendant Indu Wahi to dismiss the suit for specific performance of an agreement to sell filed by plaintiff Vinod Kumar was dismissed. The issues raised by the defendant regarding ownership rights and capacity to execute the sale deed are to be established through evidence at trial. The plaintiff adequately pleaded a valid cause of action in the plaint, allowing the suit to proceed to trial.

ISHERDAS SAHNI AND BROS VS IMPRESARIO ENTERTAINMENT AND HOSPITALITY PVT LTC [CS(COMM)-274/2020]

Judges: Justice Neena Bansal Krishna

The COVID-19 pandemic and resulting lockdown were recognized as a force majeure event, rendering the lease agreement fundamentally frustrated. The complete closure of the defendant's restaurant during the initial lockdown made contract performance impossible, allowing the defendant to suspend rent for April-May 2020. For June-August 2020, when the business partially reopened, the defendant was required to pay 50% of the rent. The defendant's termination of the lease under the force majeure clause was upheld, with recognition of compliance despite claims of premature termination. The security deposit was to be adjusted against outstanding dues, with the remaining balance refunded to the defendant, and no interest awarded to the plaintiff due to the retention of the security deposit.

ITC LIMITED VS MS. SAMITA BHATIA PROPRIETOR S.S. ENTERPRISES [CS(COMM)-1165/2018]

Judges: Justice Neena Bansal Krishna

ITC Limited is entitled to recover Rs. 1,98,01,705 from Ms. Samita Bhatia, along with 9% interest per annum from September 30, 2015, until payment is made. The claim of forgery regarding the letter of confirmation of balance was rejected, as the defendant admitted to facts of payment, goods delivery, and credit release. The application from the defendant seeking leave to defend the suit on merits was dismissed for lack of pursuit.

JAGADISH NANGINENI VS DIRECTORATE OF ENFORCEMENT & ORS. & ORS. [W.P.(CRL)-1184/2023]

Judges: Justice Neena Bansal Krishna

The Look-Out Circular (LOC) against Jagadish Nangineni, issued by the Directorate of Enforcement in a case under the Prevention of Money Laundering Act, was quashed. Grounds for the LOC, such as evasion of law or flight risk, were not established. Nangineni has cooperated with the investigation, has strong ties to India, and was granted anticipatory bail without travel restrictions. He must keep the trial court informed about his residence, contact details, and any plans for foreign travel.

JAGDISH & ORS VS OM PAL SINGH & ANR (M/S IFFCO TOKIO GENERAL INSURANCE CO LTD) [MAC.APP.-279/2019]

Judges: Justice Neena Bansal Krishna

The deceased was classified as a skilled worker as a housewife, leading to income calculation based on skilled worker minimum wages. The deceased's children, including the adult daughter, were recognized as dependents, allowing for a deduction of 1/4th of earnings for personal expenses. Compensation was increased for loss of consortium, loss of estate, and funeral expenses, including a 10% enhancement in line with a prior Supreme Court decision.

JAGDISH KUMAR ARORA VS DINESH MITTAL [C.R.P.-305/2024]

Judges: Justice Neena Bansal Krishna

The dismissal of the defendant's applications to reject the plaintiff's suits was upheld. The absence of a registered lease deed does not prevent the establishment of a valid tenancy, which can be established orally or through a written document. The plaintiff is entitled to seek mesne profits alongside rent recovery, as evidence is required to determine tenancy termination and unauthorized occupation. The plaintiff's second suit for possession is not barred under Order 2 Rule 2 of the Civil Procedure Code, as the right to recover possession constitutes a continuing cause of action.

JAGDISH KUMAR VS RAMJANI @ KAILASH & ORS. [MAC.APP.-127/2021]

Judges: Justice Neena Bansal Krishna

Jagdish Kumar's appeal against the Motor Accident Claims Tribunal award led to a recognition of his functional disability as 100% due to his occupation as a commercial taxi driver, despite a 90% permanent disability in his left lower limb. Compensation for loss of future income was increased to Rs. 25,69,008. Additional compensation for medical expenses, attendant charges, and non-pecuniary damages was also enhanced, resulting in a total compensation of Rs. 30,18,711, to be paid by the respondent insurance company within one month, with a 9% annual interest penalty for any delay.

JAI HEALTHCARE PVT. LTD. VS TATA POWER DELHI DISTRIBUTION LTD. [CS(OS)-112/2017]

Judges: Justice Neena Bansal Krishna

The defendant lacked a legal right to keep its transformer on the plaintiff's premises after the plaintiff's tenant vacated. The defendant must remove the transformer at its own cost within six months and pay the plaintiff user/occupation charges with annual increases and interest. Arguments that the plaintiff should bear removal costs or provide an alternate site were rejected, as the defendant was benefiting from the use of the plaintiff's property.

JAI PRAKASH VS KHALID HUSSAN & ORS. [MAC.APP.-286/2019]

Judges: Justice Neena Bansal Krishna

The injured appellant was traveling in the offending vehicle with his goods (honeybees), contradicting a lower tribunal's finding. The insurance company was found liable for compensation. Adjustments were made to the assessment of the appellant's functional disability and loss of earning capacity. Enhanced compensation of Rs. 11,70,000/- with 9% annual interest was awarded, to be paid by the insurance company.

JAI PRAKASH VS SMT. ANITA DEVI & ORS. [C.R.P.-337/2024]

Judges: Justice Neena Bansal Krishna

The revision petition by Jai Prakash was partially granted. He is allowed to examine a handwriting expert to verify the authenticity of specific documents, with costs to be paid. The request to examine two official witnesses was dismissed as their testimony was deemed irrelevant to the case.

JANAK PROPERTIES PVT LTD & ANR VS AMARJEET SINGH [CS(OS)-1210/2013]

Judges: Justice Neena Bansal Krishna

The application by the legal heirs of Urmila Vohra to be impleaded in the suit between Janak Properties Pvt. Ltd. and Amarjeet Singh was deemed not tenable, as Urmila Vohra was not a party to the suit. She had filed a separate suit for specific performance against the plaintiffs. The current suit was decreed based on a settlement involving the plaintiffs and the defendant, excluding Urmila Vohra. Consequently, both the application for impleadment and the application by Urmila Vohra's husband to recall the decree were dismissed due to lack of locus standi.

JASMEET SINGH @ GINNI VS THE STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-3658/2023]

Judges: Justice Neena Bansal Krishna

The bail application of Jasmeet Singh, charged with murder under Sections 302/120B/201/34 of the Indian Penal Code, was dismissed. Despite approximately four years in custody, the severity of the murder charge and the circumstantial evidence, which includes CDR records, CCTV footage, and recovery of items, justify the denial of bail, especially with the trial expected to conclude soon.

JEYANTH KISHORE RAMASAMY VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-2533/2024]

Judges: Justice Neena Bansal Krishna

The FIR against the petitioner under Section 25 of the Arms Act for possessing a live cartridge was quashed. The cartridge is classified as "ammunition" under the Act. The petitioner explained that he inadvertently carried the cartridge after using it at a shooting range in the US, indicating a lack of conscious possession necessary for an offense. Previous cases support the view that mere custody without awareness does not constitute the required mental element for liability under the Arms Act. Consequently, the FIR and related proceedings were quashed.

JITENDER KUMAR @ PALTU VS STATE OF NCT OF DELHI [BAIL APPLN.-2336/2024]

Judges: Justice Neena Bansal Krishna

The bail application of Jitender Kumar @ Paltu was dismissed due to serious allegations of sexual assault against the complainant and her minor daughters. The defense of false implication must be proven during the trial. Testimony from the complainant and victims has not yet been recorded, and there has been no change in circumstances since the previous bail application was rejected.

JUHI MISHRA VS STATE OF NCT & ORS. [TEST.CAS.-65/2018]

Judges: Justice Neena Bansal Krishna

Smt. Juhi Mishra's petition for a letter of administration regarding the last will of Shri Diva Kant Thakur, dated 06.04.2012, was granted. The will was executed according to the Indian Succession Act, 1925, supported by the testimony of attesting witness Sh. Ajit Rohilla and the petitioner. No objections from other legal heirs, who are beneficiaries under the will, were present.

JYOTI GUPTA VS STATE NCT OF DELHI [BAIL APPLN.-2130/2024]

Judges: Justice Neena Bansal Krishna

The petitioner's application for anticipatory bail was dismissed due to serious allegations of forgery of invoices and misappropriation of over R.S. 1.65 crores from the complainant. The petitioner, a proprietor of Kanishka Traders, did not cooperate with the investigation despite receiving notices. Custodial interrogation was deemed necessary to locate and recover the proceeds of the alleged crime.

KADEER AHMED VS ZISHAN ZAMA KHAN & ANR. [CS(OS)-125/2019]

Judges: Justice Neena Bansal Krishna

The plaintiff's suit for specific performance of a property sale agreement and for a refund was dismissed due to a lack of documentary evidence proving the defendants' ownership of the property. The agreement alone does not confer ownership rights, and without title documents, the suit could not proceed. Additionally, the claim for a refund was rendered moot since defendant No. 2 had already issued a cheque for the amount. The amendment application was also dismissed as it did not demonstrate a valid cause of action.

KALAWATI VS THE STATE GOVT. OF NCT OF DELHI [CRL.REV.P.-159/2024]

Judges: Justice Neena Bansal Krishna

The criminal revision petition by Kalawati, mother of deceased Santosh Koli, was dismissed regarding the rejection of her application for FIR registration under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. An FIR had already been registered for the incident under the Indian Penal Code, which prohibits a second FIR for the same event. Additionally, the allegations did not indicate any offense under the SC/ST Act, as mere belonging to a Scheduled Caste is insufficient without evidence of caste-based abuse or insult.

KAMAL NAIN VS BIHARI LAL & ORS. [C.R.P.-66/2022]

Judges: Justice Neena Bansal Krishna

The trial court dismissed the plaintiff's application for a decree of possession of the first floor because of a dispute over the identity of the purchased floor. The defendants claimed the plaintiff was in possession of the second floor, and there was no clear admission regarding the property, necessitating further evidence to clarify the situation.

KAMLA VARMA & ORS. VS SURENDRA PAL SINGH [CS(OS)-71/2020]

Judges: Justice Neena Bansal Krishna

The Deed of Family Settlement dated 10.04.2015 between four plaintiff sisters and their brother is a binding agreement that does not require registration under the Registration Act 1908. This Family Settlement is a bona fide arrangement for dividing the estate of their deceased father and is exempt from registration as it merely records existing rights without creating new ones. The brother, having accepted the terms and received his share, is estopped from challenging its validity. The plaintiffs are entitled to have the suit property at A-27, Vivek Vihar, Phase-I, Delhi, mutated in their names, and the funds distributed according to the Family Settlement.

KARAN LUTHRA VS SH. M.K. SUBBA [CS(OS)-45/2018]

Judges: Justice Neena Bansal Krishna

The plaintiff's suit for specific performance of an agreement to sell dated June 7, 2011 is barred by limitation under Article 54 of the Limitation Act, 1963. The entire sale consideration was paid on June 7, 2011, and all necessary documents for the property transfer were executed by the defendant at that time. The cause of action arose on that date, requiring the suit to be filed by June 2014. The suit was filed in February 2018, exceeding the limitation period. Subsequent demands for additional payments did not extend the limitation, as the cause of action was already established. The application under Order VII Rule 11 of the Code of Civil Procedure was accepted, resulting in the suit being dismissed as time-barred.

KAVITA SHARMA VS KAMALJEET SHARMA [CS(OS)-359/2019]

Judges: Justice Neena Bansal Krishna

The plaintiff and defendant are entitled to equal shares in the ground and first floors of the property, and a preliminary decree of partition was made. The defendant's claim of ownership of the second floor based on an oral family settlement lacked documentation, as the property remained in the plaintiff's name. Permanent and mandatory injunctions were granted to the plaintiff, preventing the defendant from creating third-party rights or denying access to common areas. The claim for mesne profits by the plaintiff was dismissed, with the defendant deemed to be in permissive possession of the second application under Order XII Rule 6 CPC read with Section 151 CPC for Judgment on Admission.

KINGS CHARIOT VS TARUN WADHWA [ARB.P.-421/2024]

Judges: Justice Neena Bansal Krishna

M/s Kings Chariot's petition for the appointment of a sole arbitrator was dismissed due to lack of territorial jurisdiction. The arbitration clause did not specify a seat or venue, and no part of the cause of action occurred in Delhi. The contract was signed and executed in Madhya Pradesh, indicating that jurisdiction for the dispute lies with the courts in Madhya Pradesh.

KOHLI ONE HOUSING & DEVELOPMENT PVT LTD VS C.S. AGARWAL AND OTHERS [CS(OS)-76/2010]

Judges: Justice Neena Bansal Krishna

The plaintiff's application to amend the plaint is partly allowed; amendments in paragraphs 3A and 18A are permitted as they elaborate on existing facts, while those in paragraphs 20A, 20B, and 20C are rejected as unnecessary for resolving the core issue of recovery of an advance payment. The dispute centers on an MOU for a Special Economic Zone (SEZ) project, with the plaintiff seeking recovery of Rs. 43 crores paid to defendant no. 3 after the project did not materialize. The attempt to implead defendant nos. 4 to 11 as sister concerns of defendant no. 2 is denied, as such relationships do not establish liability under the contract. The plea to lift the corporate veil to hold defendant nos. 4 to 11 accountable is also rejected, as it is not essential for determining the recovery issue.

KOTAK GENERAL INSURANCE CO. LTD. VS ANJU & ORS. [MAC.APP.-154/2024]

Judges: Justice Neena Bansal Krishna

The insurance company, Kotak General Insurance Co. Ltd., cannot avoid its liability to pay compensation despite the owner of the offending vehicle presenting a fake insurance policy. The company's own agent had verified the authenticity of the previous year's policy, which was later discovered to belong to a different vehicle. No misrepresentation by the claimants was evident, and the insurance policy for the current year was valid. Consequently, the insurance company remains liable for the compensation amount.

KOTAK MAHINDRA GENERAL INSURANCECO LTD VS SMT BABITA & ORS. [MAC.APP.-101/2023]

Judges: Justice Neena Bansal Krishna

The appeal by the insurance company was dismissed, affirming the award in favor of the claimants. Testimony from an eyewitness confirmed the tractor-trailer's involvement in the accident, and the insurance company did not present contradictory evidence. The filing of a chargesheet against the tractor-trailer driver was considered prima facie proof of negligence, with the driver's subsequent acquittal not affecting liability. No evidence of contributory negligence from the deceased motorcyclist was provided by the insurance company.

KRISHAN KUMAR VS ARJUN RAJPUT (DRIVER) & ORS. [MAC.APP.-620/2024]

Judges: Justice Neena Bansal Krishna

The appeal increased the compensation awarded for grievous injuries, including a fracture and multiple bodily injuries, as shown in medical reports. A permanent disability of 6% in the lower limb was acknowledged and not previously accounted for. Enhanced compensation covered medical expenses, pain and suffering, conveyance, special diet, attendant charges, loss of income, and loss of amenities, totaling Rs. 2,84,000 with 7.5% interest from the petition filing date until realization.

KULDEEP SINGH VS RAMA SHANKAR [C.R.P.-70/2024]

Judges: Justice Neena Bansal Krishna

A civil suit to declare a Memorandum of Agreement dated 01.04.2013 null and void is barred by limitation. The plaintiff's claim of ignorance regarding the agreement's contents until 2022 is invalid, given his active participation in related criminal proceedings since 2013. The suit appears to be an attempt to support his defense in the ongoing criminal case, leading to the rejection of the plaint as it is plainly barred by limitation.

KUMKUM DANIA VS KUL BHUSHAN DANIA & ORS. [C.R.P.-3/2022]

Judges: Justice Neena Bansal Krishna

The plaintiff's suit against the defendant for family pension lacks a valid cause of action as the defendant is alive and receiving her pension. The defendant promptly corrected her marital status in service records upon becoming aware of the issue, and no legal obligation exists for government employees to declare all family members in their service book. The plaintiff's numerous complaints have been seen as harassment, complicating the defendant's ability to access her pension. The plaintiff's suit is viewed as an attempt to further harass the defendant, leading to its rejection.

KUNWAR S VISHAL VS KOHLI REALTORS PVT LTD [CS(OS)-19/2010]

Judges: Justice Neena Bansal Krishna

The plaintiff's application to amend the plaint to claim damages for delay in the completion of work under a Collaboration Agreement and to seek a Mandatory Injunction for the completion of remaining work was dismissed. The claim for damages was deemed an afterthought and contradictory to the plaintiff's intention to avoid the Collaboration Agreement, also being barred by limitation. The request for a Mandatory Injunction was not maintainable as the plaintiff had already taken possession of the Second Floor in 2009, with the appropriate remedy being the completion of remaining work at the defendant's cost and seeking damages instead.

KUNWER SACHDEV VS THE STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-6700/2024]

Judges: Justice Neena Bansal Krishna

The FIR against the petitioner under Sections 420 and 120B IPC was quashed due to the allegations being civil in nature rather than criminal. Two addendum agreements were signed by the parties, with the second being accepted during divorce proceedings and binding on both parties. The ex-wife cannot challenge its terms, and any breach of the first addendum agreement would result in civil liabilities only, lacking the necessary elements of dishonest or fraudulent intention for criminal charges.

KURUVITADAM AGENCIES (P) LTD VS M/S SONY INDIA (P) LTD. [ARB.P.-1312/2023]

Judges: Justice Neena Bansal Krishna

A valid arbitration agreement exists between Kuruvitadam Agencies (P) Ltd and M/s Sony India (P) Ltd, prompting the appointment of Ms. Kajal Sharma, Advocate, as the sole arbitrator to resolve disputes under their franchise agreement. Parties may present objections before the arbitrator, who must comply with necessary disclosures and eligibility criteria as per the Arbitration and Conciliation Act, 1996. The appointment and related processes will follow the rules of the Delhi International Arbitration Centre.

LAJJA WATI VS MOHAMMAD SHARUCK & ANR. [MAC.APP.-97/2024]

Judges: Justice Neena Bansal Krishna

The claim petition filed by Ms. Lajja Wati under Section 163A of the Motor Vehicles Act for her mother's death was converted to a claim under Section 166, as she had also submitted a separate petition for the same incident. A claimant cannot pursue compensation under both sections simultaneously. Compensation was increased from Rs. 55,000 to Rs. 73,000, with adjustments for loss of estate and funeral expenses. The award was modified accordingly.

LALLI DEVI & ORS VS SHRIRAM GEN INS CO LTD & ORS [MAC.APP.-244/2019]

Judges: Justice Neena Bansal Krishna

The appeal was allowed, and the dismissal of the claim petition by the lower tribunal was set aside. The accident was determined to be caused by the rash and negligent driving of the TATA 407, supported by eyewitness testimony and the chargesheet against the driver. The principle established states that a chargesheet is sufficient proof of negligence, requiring proof on a balance of probabilities. The case was remanded for compensation assessment.

LATE AMAR SINGH THROUGH L.RS. VS GURDIAL SINGH AND ANOTHER [CS(OS)-807/2009]

Judges: Justice Neena Bansal Krishna

The suit property, jointly owned by the plaintiff and two defendants as partners in M/s Compressors India, is to be partitioned with each party entitled to a 1/3rd share. The claim of an oral partition in 1995 was rejected due to insufficient evidence. A preliminary decree for partition of the suit property by metes and bounds has been issued.

LAXMI SHARMA & ANR. VS ANIRUDH SHARMA @ SONU & ORS. [CS(OS)-459/2019]

Judges: Justice Neena Bansal Krishna

A preliminary decree defined the shares in the properties of the deceased Brij Mohan Sharma, confirming that ownership and entitlement are not disputed. The properties will be divided equally among the parties, with two exceptions where shares differ: one property will be jointly owned by some parties, and another by all. The case will proceed to consider the rendition of accounts and the final partition of the properties.

LINK ENGINEERS (P) LIMITED VS BIELOMATIK LEUZE GMBH + CO. KG [CS(COMM)-812/2016]

Judges: Justice Neena Bansal Krishna

The suit filed by the plaintiff is not barred under Order II Rule 2 of the Code of Civil Procedure. It is based on a distinct cause of action that arose during the earlier suit, which the plaintiff withdrew after settling with the defendant. The plaintiff had obtained permission to file a subsequent suit for recovery of the balance amount under the settlement, making Order II Rule 2 CPC inapplicable. The preliminary issue is decided in favor of the plaintiff, allowing the suit to proceed.

LINK ENGINEERS P.LTD. VS M/S ASIA BROWN BOVERY LTD. & ORS. [CS(OS)-1180/2002]

Judges: Justice Neena Bansal Krishna

Link Engineers (P) Limited cannot claim Rs. 5.29 crores from M/S Asia Brown Bovery Limited (ABB India) based on an alleged agreement dated 15.07.1998. ABB India's power business was demerged and transferred to ABB Management Ltd. in 2019, which assumed any related liabilities. There is no evidence of a joint venture between ABB India and NTPC; only a joint venture was formed between NTPC and ABB's German entity. The plaintiff did not prove that it provided services as outlined in the alleged agreement, such as tender follow-up and periodic reporting. The suit against ABB India was dismissed, and the suit against POWERCO had already been withdrawn.

LT COL KAPIL DUTT(RETD) & ANR VS THE STATE & ORS [TEST.CAS.-71/2010]

Judges: Justice Neena Bansal Krishna

The Will dated 09.06.1992 executed by Major M.S.N. Dutt is valid and genuine, leading to the granting of probate in favor of the petitioners. The execution of the Will was confirmed through witness testimony, while the respondents failed to present sufficient evidence to contest its validity. The probate petition is maintainable and not barred by limitation, as the cause of action arose in 2010 when the respondents refused to facilitate the property mutation.

M S PAUL ENGINEERING WORKS AND ANR. VS SHRI RAM DIYA SHARMA [C.R.P.-71/2024]

Judges: Justice Neena Bansal Krishna

The plaintiff's application to amend the plaint was allowed, as the original plaint inadequately stated the defendant's refusal to execute the sale deed. The agreement lacked a specific timeframe for execution, indicating that the cause of action arose when the defendant explicitly refused in 2019. Consequently, the suit filed in 2021 is not time-barred. The defendant's objection regarding limitation remains subject to consideration by the trial court.

M/S A AND B TOUR TRAVELS VS M/S APPEAL FOOTWEAR PVT.LTD [CRL.REV.P.-1059/2024]

Judges: Justice Neena Bansal Krishna

The conviction of the revisionist under Section 138 of the Negotiable Instruments Act for dishonor of a cheque was upheld. The presumption under Section 139 that the cheque was issued for a valid debt or liability was not rebutted. The co-revisionist partner was also found liable since the cheque was issued on behalf of the partnership firm. Arguments regarding non-service of the legal notice and the date of dishonor were deemed unsubstantiated. The criminal revision petition was dismissed with a modification to reduce the compensation amount, which is payable within one month.

M/S AKASH CONSTRUCTION VS M/S INDRIA PRIYADHARSHINI HYDRO POWER PRIVATE LIMITED [O.M.P. (COMM)-283/2017]

Judges: Justice Neena Bansal Krishna

Petitions under Section 34 of the Arbitration & Conciliation Act, 1996 challenging an arbitral award are unmaintainable after the approval of a resolution plan by the National Company Law Tribunal under the Insolvency and Bankruptcy Code, 2016. Once a resolution plan is approved, all claims not included in the plan are extinguished, and the successful resolution applicant takes over the business on a "clean slate." The petitioner did not submit claims during the Corporate Insolvency Resolution Process, leading to the dismissal of their petition as unmaintainable. The respondent's petition challenging the arbitral award was allowed to be withdrawn.

M/S ALTRUIST CUSTOMER MANAGEMENT INDIA PVT. LTD. VS M/S O2 SPA SALON PVT. LTD. [ARB.P.-128/2024]

Judges: Justice Neena Bansal Krishna

Mr. Abhilash Mathur, Advocate, has been appointed as the arbitrator to resolve disputes between M/s Altruist Customer Management India Pvt. Ltd. and M/s O2 Spa Salon Pvt. Ltd. The dispute arose from a 2016 agreement for customer services, with payment issues starting in June 2017 after the respondent ceased payments, despite acknowledgment of delays. A previous claim under the Micro, Small and Medium Enterprises Development Act, 2006, was dismissed due to non-maintainability. The parties are free to present their objections to the arbitrator.

M/S ANTRIKSH ENGINEERS PVT. LTD. VS SH. BRAHAM PRAKASH YADAV & ORS. [CS(COMM)-586/2022]

Judges: Justice Neena Bansal Krishna

The application from the legal heirs of Defendant No. 1 for rejection of the plaintiff's plaint was dismissed. The plaintiff's suit is not barred by limitation, as the collaboration agreement allowed termination within 7 years, with the suit filed within the limitation period. The plaint discloses a valid cause of action, seeking recovery of money paid under an unimplemented collaboration agreement. The defendants' claims of concealment, misrepresentation, and improper valuation were found to lack merit, and the application was dismissed with costs.

M/S B.E. BILLIMORIA AND COMPANY LIMITED VS ASHOK KHANNA [C.R.P.-267/2024]

Judges: Justice Neena Bansal Krishna

The petition by M/S B.E. Billimoria and Company Limited was dismissed due to a 330-day delay in filing. The explanations provided, including communication gaps with former employees and the need for management approval, were deemed contradictory and not credible. No adequate grounds for condoning the delay under Section 5 of the Limitation Act were established.

M/S BIMAL DUGAR VS M/S S.K. INTERIOR [C.R.P.-316/2024]

Judges: Justice Neena Bansal Krishna

The revision petition by M/S Bimal Dugar was dismissed, challenging the trial court's order that rejected their application under Order 7 Rule 11 of the CPC. The trial court had previously addressed the issue of territorial jurisdiction, leaving it open for determination at trial. The cause of action was linked to the location where the offer was accepted, which was Delhi, making it inappropriate to conclude that no part of the cause of action arose there at this stage. The arguments presented by the defendant were found to lack merit.

M/S CELEBRATION HOTELS & RESORTS(P) LTD VS M/S SARTAJ HOTELS APARTMENTS & VILAS PVT LTD & ORS [CS(OS)-612/2012]

Judges: Justice Neena Bansal Krishna

Documents submitted by the plaintiff, including an Agreement to Sell and MOU, are classified as instruments that create or transfer rights in immovable property and require proper stamping under the Indian Stamp Act. These documents were deemed insufficiently stamped and are inadmissible in evidence unless the proper stamp duty and penalty are paid, despite the plaintiff's claim that admissibility could not be questioned due to prior admission by the defendants. The original documents must be impounded and submitted to the Collector of Stamps for assessment of the correct stamp duty and penalty before considering the plaintiff's readiness and willingness to perform the contract.

M/S D PAULS TRAVEL & TOURS LIMITED VS JAMAL SIDDIQUI & ANR [CS(COMM)-575/2019]
Judges: Justice Neena Bansal Krishna
The plaintiff's application to amend the plaint was approved due to the issuance of a termination notice for the Agreement to Sell. Although the defendants objected, claiming the amendments would alter the suit's nature, the original plaint already sought alternative relief such as possession, mesne profits, and damages. The defendants could address their objections in their written statement, leading to the approval of the amendment application.

M/S DURGA BUILDERS PRIVATE LIMITED VS M/S SONAL DEVELOPERS PRIVATE LIMITED & ORS [CS(OS)-86/2016]
Judges: Justice Neena Bansal Krishna
The plaintiff company's suit will proceed despite its name being struck off the Registrar of Companies for non-filing of annual accounts for 16 years. The company has substantially complied with the National Company Law Appellate Tribunal's conditions for restoration, including depositing the required costs and taking steps to file overdue annual returns. The company is not considered "dead," and the defendant's application for dismissal of the suit is rejected, allowing the matter to move forward with the plaintiff's evidence.

M/S GOLDEN M P CHIT FUND PVT. LTD. VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-4974/2024]
Judges: Justice Neena Bansal Krishna
The petition filed by a chit fund company to reopen a withdrawn complaint case under Section 138 of the Negotiable Instruments Act was dismissed. The parties had reached an oral settlement, and the respondent had made partial payments. The petitioner's claim of inadvertently withdrawing the wrong complaint was unconvincing as significant dues had already been paid. Additionally, the petitioner's delays in acting and pursuing the second complaint case indicated a lack of merit in the claim of inadvertence.

M/S GUPTA ENTERPRISES VS UNION OF INDIA [ARB.P.-831/2024]
Judges: Justice Neena Bansal Krishna
The petition filed by M/s Gupta Enterprises for the appointment of a sole arbitrator was dismissed due to lack of territorial jurisdiction. The arbitration clause in the contract did not specify a seat or venue, requiring the determination of jurisdiction based on relevant legal provisions. Analysis of precedent indicated that since the cause of action did not occur within the Delhi High Court's jurisdiction, it could not claim jurisdiction over the matter.

M/S HARI DASHAN SEVASHRAM PVT. LTD. VS M/S PAUL SALES PVT. LTD. [CS(COMM)-300/2018]
Judges: Justice Neena Bansal Krishna
The defendant's application to amend its written statement was dismissed due to the proposed amendments being irrelevant to the existing disputes. The plaintiff's application for a judgment based on an admission was also dismissed, as the account between the parties was running and continuous, with the alleged admission in the defendant's ledger not being clear or unequivocal. The plaintiff's claims could not be granted solely based on ledger entries without considering the overall business transactions.

M/S HIGHWAY TRAVELS VS PRADEEP KUMAR SHARMA & ORS (ORIENTAL INSURANCE CO LTD) [MAC.APP.-950/2018]

Judges: Justice Neena Bansal Krishna

The driver possessed a valid driving license in booklet format during the accident in October 2014, which was within the validity period from 2010 to 2016. The requirement for a smart card format had not yet come into effect at the time of the accident. There was no evidence to suggest the license was fake or invalid. Consequently, recovery rights against the driver/owner were set aside, and the insurance company was deemed liable to pay the compensation amount.

M/S KAPOOR BROTHERS ROLLERS FLOUR MILLS VS M/S BREAD BAKERS FOOD SPECIALITIES P. LTD. [CO.PET.-317/2001]

Judges: Justice Neena Bansal Krishna

The Official Liquidator received permission to close the accounts and dissolve M/s Bread Bakers Food Specialities Pvt. Ltd., which had been in liquidation since 2005. The company had no remaining assets, and its funds were negative. As a result, the dissolution of the company was approved under Section 481 of the Companies Act, 1956, and the pending winding up petition was disposed of.

M/S LEO ISPAT LIMITED VS HIND STEEL SALES & ORS [CS(OS)-2457/2012]

Judges: Justice Neena Bansal Krishna

The defendants raised triable issues regarding a potential settlement from March 2010 involving the supply of goods to offset outstanding liabilities, the actual procurement and delivery of goods through AJAX Projects Pvt. Ltd., and the authenticity of invoices presented as evidence. The defendants' application to defend the suit was allowed, leading to the case being classified as a Commercial Suit with directions for further progress.

M/S METRO BUILDTECH PRIVATE LIMITED VS MR. SHRIDHAR Y. CHITALE & ANR [CS(COMM)-793/2023]

Judges: Justice Neena Bansal Krishna

The delay in filing the written statement by the defendant was condoned with costs, as the delay fell within permissible limits in a specific performance suit. The plaintiff's application for contempt proceedings against the defendant was dismissed, as the defendant's relinquishment of part of the suit property to his estranged wife resulted from matrimonial disputes, not willful disobedience. The defendant was directed to file an affidavit disclosing any property transfers, and successors would be bound by the orders based on the doctrine of lis pendens.

M/S MUSCLE FUELZ & ANR. VS UNITED SPIRITS LTD. [CRL.M.C.-364/2020]

Judges: Justice Neena Bansal Krishna

The petition by M/s Muscle Fuelz and Lalit Mohan Pandey challenging the summoning order in a complaint by United Spirits Limited under Section 138 of the Negotiable Instruments Act was dismissed. The petitioners admitted their signatures on the cheque and were required to explain the circumstances of its issuance, which necessitates a trial. The remark "Kindly Contact Drawer Drawee Bank" on the dishonored cheque did not imply that the dishonor was due to insufficient funds. Prima facie elements for summoning under Section 138 were established, and the trial court was instructed to proceed with the trial promptly.

M/S NHPC LIMITED VS M/S HINDUSTAN CONSTRUCTION CO. LTD. & ANR [O.M.P. (COMM)-224/2018]

Judges: Justice Neena Bansal Krishna

The arbitral award in favor of M/s Hindustan Construction Co. Ltd. was upheld, with the interpretation of contract clauses on rate variation and damages deemed reasonable. The tribunal granted the respondent's claims for rate revisions on specific BOQ items due to abnormal quantity variations and delays not caused by the respondent. The tribunal's reasoning was substantiated, providing no grounds for interference with the award.

M/S NITYA NAND AND SONS CONTRACTORS PVT. LTD. VS UNION OF INDIA [ARB.P.-488/2024]

Judges: Justice Neena Bansal Krishna

M/s Nitya Nand and Sons Contractors Pvt. Ltd. filed a petition under Section 11 of the Arbitration and Conciliation Act, 1996, leading to the appointment of Ms. Justice Mukta Gupta (Retd.) as the sole Arbitrator for disputes with the Union of India. The parties entered into a contract for an RCC Perimeter Security Wall, but unresolved site issues prompted the petitioner to request work suspension, which the respondent did not formalize. The petitioner later claimed abandonment of the work due to inaction and submitted a final bill, which the respondent neither paid nor acknowledged. The petitioner invoked the arbitration clause, but the respondent did not respond to the notices.

M/S NITYA NAND AND SONS CONTRACTORS PVT. LTD. VS UNION OF INDIA [ARB.P.-683/2024]

Judges: Justice Neena Bansal Krishna

M/s Nitya Nand and Sons Contractors Pvt. Ltd. filed a petition under Section 11 of the Arbitration and Conciliation Act, 1996, leading to the appointment of Mr. Tariq Khan, Advocate, as the sole arbitrator for disputes arising from a construction contract with the Union of India. The arbitration clause was invoked by the petitioner, and the respondent did not take steps to resolve the disputes. Parties are permitted to raise objections before the arbitrator, with proceedings to be conducted under the Delhi International Arbitration Centre.

M/S PADMASHREE INC VS M/S UTTAM ASSOCIATES [CS(COMM)-26/2019]

Judges: Justice Neena Bansal Krishna

The plaintiff is entitled to recover Rs. 5,77,00,012.81 from the defendant due to a breach of contract for the procurement of coriander. The plaintiff procured the contracted quantity, but the defendant did not take delivery. The plaintiff demonstrated losses from a market price drop, along with incurred warehouse and insurance charges. The claim includes interest at 9% per annum from the date the amount became due.

M/S PADMASHREE INC VS M/S UTTAM ENTERPRISES [CS(COMM)-25/2019]

Judges: Justice Neena Bansal Krishna

Padmashree Inc. demonstrated that Uttam Enterprises breached their agreement by not taking delivery of 1290 MT of Coriander Badami. Padmashree Inc. incurred a loss of Rs. 5,13,06,988.8 due to market price decline and is entitled to recover warehouse charges of Rs. 30,36,950.42 and insurance expenses of Rs. 53,357.59, totaling Rs. 5,43,97,296.8. Interest is due at 9% per annum from 08.11.2017 until the suit was filed, and 6% per annum thereafter until payment. The defendant could not submit a written statement as the deadline lapsed.

M/S PRAGATI CONSTRUCTION CONSULTANTS VS UNION OF INDIA & ANR. [ARB.P.-674/2024]

Judges: Justice Neena Bansal Krishna

Pragati Construction Consultants' petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 led to the appointment of Justice Vikramjeet Sen as the sole Arbitrator for disputes with the Union of India. A valid Arbitration Agreement existed, and the Union of India did not appoint an Arbitrator despite the request. The parties were instructed to contact the appointed Arbitrator within one week, with the appointment governed by DIAC Rules.

M/S SANDHU MOTOR FINANCE PVT LTD VS SUSHIL KUMAR & ANR. [ARB.P.-79/2024]

Judges: Justice Neena Bansal Krishna

A valid arbitration agreement existed between M/S Sandhu Motor Finance Pvt Ltd and Sushil Kumar, who defaulted on a personal loan and issued a dishonored cheque. The petitioner invoked the arbitration clause and an ex-parte award was passed in their favor. However, the execution petition was dismissed, rendering the award a nullity. A new sole arbitrator, Ms. Nikita Dewan, was appointed to adjudicate the disputes, allowing both parties to present their objections.

M/S SANMATI GEO TEXTILES VS M/S LINKCON AND DIGNITY INFRA PROJECTS JV [ARB.P.-398/2024]

Judges: Justice Neena Bansal Krishna

M/s Sanmati Geo Textiles' petition was accepted, leading to the appointment of Mr. Amit Kapur as the sole arbitrator to resolve disputes with M/s Linkcon and Dignity Infra Projects JV. The validity of the arbitration clause was confirmed, and M/s Linkcon and Dignity Infra Projects JV did not appear. The parties were instructed to contact the arbitrator within one week of receiving the order.

M/S SPACE 4 BUSINESS SOLUTION PVT LTD VS THE DIVISIONAL COMMISSIONER & ANR. [ARB.P.-360/2024]

Judges: Justice Neena Bansal Krishna

The petition filed by M/s Space 4 Business Solution Pvt Ltd for the appointment of an arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996 is barred by limitation. The relevant award was set aside on November 2, 2018, and the petitioner had three years to seek a new arbitrator but did not do so. The approach of directly applying to the Delhi International Arbitration Centre was incorrect, as the authority to appoint an arbitrator lies solely with the court. The entire claimed amount of Rs. 52,23,401 has been paid, and the only remaining issue pertains to the interest, which is at the arbitrator's discretion. The petition was dismissed as time-barred.

M/S SYNERGY CONSULTANTS VS M/S TD WILLIAMSON INDIA PVT. LTD. [O.M.P. (COMM)-451/2019]

Judges: Justice Neena Bansal Krishna

The arbitral award concerning the ONGC Hazira 42 project was upheld, with findings that the petitioner did not prove participation or contribution to the project, aligning with the arbitrator's reasonable interpretation of the non-exclusive representative agreement. The non-grant of pre-institution interest for the ONGC Uran project was considered rejected by the arbitrator due to silence on the matter despite the petitioner's claim. The award was deemed free of patent illegality or public policy violations, leading to the dismissal of the petition.

M/S TWENTY-FOUR SECURE SERVICES PVT. LTD. VS M/S COMPETENT AUTOMOBILES COMPANY LIMITED [ARB.P.-24/2024]

Judges: Justice Neena Bansal Krishna

The petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of a sole arbitrator is maintainable. The arbitration clause in the Services Agreement required the appointment of a sole arbitrator, and since the parties could not agree on one, the petition is timely. A sole arbitrator is appointed to resolve the disputes.

M/S VOLUNTEER FOR VILLAGE DEVELOPMENT VS M/S INNOVATIVE FINANCIAL ADVISORS PVT. LTD. [ARB.P.-1356/2023]

Judges: Justice Neena Bansal Krishna

An arbitrator, Ms. Radhika Dubey, was appointed to resolve disputes between a non-profit organization and a financial advisory firm over a Fund Raising Services Agreement. The non-profit made an advance payment to access corporate social responsibility funds, but the firm failed to fulfill the agreement and did not refund the payment. The arbitration clause in the agreement was deemed valid, and the parties were directed to contact the appointed arbitrator within one week to initiate arbitration proceedings.

M/S VOLUNTEER FOR VILLAGE DEVELOPMENT VS M/S INNOVATIVE FINANCIAL ADVISORS PVT. LTD. [ARB.P.-1349/2023]

Judges: Justice Neena Bansal Krishna

An arbitrator, Ms. Radhika Dubey, Advocate, was appointed to resolve disputes between a non-profit organization and a financial advisory firm related to a Fund Raising Services Agreement. The non-profit paid an advance, but the firm failed to fulfill the agreement's terms and did not refund the amount. The arbitration clause in the agreement was deemed valid, and the parties were instructed to contact the appointed arbitrator within one week.

M/S VOLUNTEER FOR VILLAGE DEVELOPMENT VS M/S INNOVATIVE FINANCIAL ADVISORS PVT. LTD. [ARB.P.-1348/2023]

Judges: Justice Neena Bansal Krishna

The petition filed by M/S Volunteer for Village Development sought the appointment of an arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996. The petitioner had a Fund Raising Services Agreement with M/S Innovative Financial Advisors Pvt. Ltd., which failed to comply with the agreement and did not refund an advance payment made by the petitioner. Ms. Radhika Dubey, Advocate, was appointed as the arbitrator to resolve the disputes, with a directive for the parties to contact her within one week of the order.

M/S. ASSAM PETROLEUM LTD. & ORS. VS M/S. CHINA PETROLEUM TECHNOLOGY DEV. CORP. & ORS. [CS(COMM)-1266/2016]

Judges: Justice Neena Bansal Krishna

The defendant's application to refer disputes to arbitration under Section 8 of the Arbitration and Conciliation Act, 1996 was dismissed. The defendant initially filed the application but later abandoned it by seeking time to file a written statement, thus submitting to the court's jurisdiction. This submission forfeited the right to request arbitration.

M/S. SHIV PROBUILD PVT. LTD. VS M/S. KUNDU NIRMAN [CM(M)-84/2024]

Judges: Justice Neena Bansal Krishna

The definition of "owner" under the Motor Vehicles Act, 1988 includes not only the registered owner but also the person who has actual possession and control of the vehicle. The registered owner remains liable to third parties as long as their name is in the RTO records, even if the vehicle has been transferred. Kundu Nirman, in possession and control of the offending vehicle under a work contract, was to be added as a necessary party in the pending claim petition, allowed to present available defenses.

MAAN SINGH GHARTI VS STATE NCT OF DELHI [BAIL APPLN.-737/2024]

Judges: Justice Neena Bansal Krishna

The bail application of Maan Singh Gharti was dismissed due to evidence linking him to drug supply, including a co-accused's disclosure statement, UPI transactions, and cash recovery. His prior conviction for a similar offense, resulting in a 10-year sentence, further influenced the decision, highlighting the seriousness of the allegations and his criminal history.

MADHU KODA VS STATE THRU CBI [CRL.A.-1186/2017]

Judges: Justice Neena Bansal Krishna

The application by Madhu Koda for suspension of his conviction under IPC and the Prevention of Corruption Act was dismissed. An earlier similar application had been dismissed in 2020, and there were no new circumstances or legal changes to warrant reconsideration. The facts of the cited Supreme Court judgment in Afjal Ansari were distinguished, indicating no shift in the law. The current application was deemed not maintainable due to the prior dismissal.

MADHU SHARMA (SINCE DECEASED) THR. L.RS. AND OTHERS VS SURESH KAUSHIK AND OTHERS [CS(OS)-404/2010]

Judges: Justice Neena Bansal Krishna

The application by defendant no. 1(b) to reject the plaint was dismissed, with the plaintiffs establishing a prima facie case for their interest in the disputed properties. The plaint cannot be partly rejected. Applications by the plaintiffs for the defendants to deposit rental income and by defendant nos. 5 and 5(a) for appointing a receiver to collect rental income were also dismissed, with reliefs deferred until the preliminary decree stage due to ongoing disputes over ownership and joint nature of the properties. Parties were directed to proceed with recording evidence.

MAHANAGAR TELEPHONE NIGAM LIMITED VS M/S. INTERNATIONAL ENGINEERS & PROJECT CONSULTANT LTD. [CS(COMM)-168/2019]

Judges: Justice Neena Bansal Krishna

The plaintiff's suit under Section 14 of the Arbitration Act, 1940 was deemed maintainable due to insufficient access to the complete record, despite receiving a copy of the award from the arbitrator. Claims of fraudulent conduct by the defendant were dismissed, as the plaintiff could not have known about the related matter at the time of filing. Consequently, an earlier directive for the arbitrator to file the entire record was set aside, as the necessary documents were later made available in the connected matter.

MAHAVEER SINGHVI VS HINDUSTAN TIMES LIMITED AND OTHERS [CS(OS)-2033/2007]

Judges: Justice Neena Bansal Krishna

News articles about the plaintiff's termination from the Indian Foreign Service were deemed non-defamatory, as they provided neutral and truthful reporting based on verified sources without malicious false allegations. The balance between the right to freedom of speech and an individual's reputation was emphasized, establishing that truthful reporting, even if unfavorable, does not constitute defamation. The plaintiff had available remedies to challenge his termination, which he effectively utilized. The suits for damages were dismissed, and the plaintiff was required to pay the deficit court fees within six weeks due to the initial filing as an indigent petition.

MAHENDER SINGH VS STATE (NCT OF DELHI) [BAIL APPLN.-1022/2024]

Judges: Justice Neena Bansal Krishna

Mahender Singh's bail application was dismissed due to charges under the Narcotic Drugs and Psychotropic Substances Act, 1985, involving a recovery of 1,820 grams of heroin and R.S. 19,30,000 in cash, constituting a commercial quantity. Claims that the drugs and cash were planted were not considered sufficient, as these matters are to be addressed during the trial. Previous involvement in two NDPS cases indicated a likelihood of reoffending if released on bail, leading to the conclusion that bail was not appropriate given the seriousness of the offense and the petitioner's criminal history.

MAHFOOZ VS NCB [BAIL APPLN.-2207/2024]

Judges: Justice Neena Bansal Krishna

Mahfooz was granted bail after spending 17 months in judicial custody without charges being framed. The nature of the contraband included a small percentage of codeine phosphate, and the prolonged pre-trial detention was noted. Bail was conditioned on the submission of a personal bond, required court appearances, and a prohibition against engaging in criminal activity or contacting witnesses.

MAHINDER SINGH VS JASWANT KAUR (DECEASED) & ORS [CS(OS)-1201/2012]

Judges: Justice Neena Bansal Krishna

The plaintiff's suit for partition, possession, and permanent injunction was dismissed due to evidence of an oral partition of the disputed properties in 1975. Initially denying the partition, the plaintiff later admitted to the existence of a Memorandum of Partition from that year, which was binding. The attempt to retract this admission was deemed untenable, and the earlier settlement should not be revisited. The plaintiff's pleadings lacked necessary details, and evasive responses supported the defendants' case.

MAN MOHAN SINGH KOHLI VS AMARJEET SINGH AND ORS. [CS(OS)-1832/2003]

Judges: Justice Neena Bansal Krishna

The Rajouri Garden property is owned solely by the late Smt. Inder Kaur Kohli, not as joint family property. The Will of Sh. Gurbachan Singh Kohli is valid, and the Gift Deed from Smt. Inder Kaur Kohli to her son is upheld. The plaintiff has no rights to the properties, leading to the dismissal of the partition suit.

MANISHA VS MUKESH CHAND & ANR. [MAC.APP.-188/2024]

Judges: Justice Neena Bansal Krishna

The appellant experienced a 48% permanent physical impairment in her right upper limb and neurology, warranting a functional disability assessment of 48%, rather than the 30% previously assigned. This led to a recalculation of future earnings loss due to disability, increasing the total compensation from Rs. 17,22,124/- to Rs. 25,68,711/-, with an 8% interest per annum. The assessment of compensation under non-pecuniary heads was deemed correct, requiring no further amendments.

MANISHA VS THE STATE (GOVT. OF NCT OF DELHI) & ORS. [CRL.M.C.-1673/2020]

Judges: Justice Neena Bansal Krishna

The petitioner's request for registration of an FIR against her husband for bigamy was dismissed due to lack of documentary evidence or proof indicating that he had entered into a second marriage while their marriage was still valid. Consequently, the claims of bigamy could not be substantiated.

MANJU BIDHURI VS JAGWATI SINGH & ORS. [CS(OS)-325/2019]

Judges: Justice Neena Bansal Krishna

Manju Bidhuri does not have a valid cause of action to challenge the relinquishment deed executed by her husband, Anup Kumar Bidhuri, in favor of his mother, Jagwant Singh, as her husband had the legal right to transfer his 1/7th share in the property. Manju retains the right of residence in the shared household under the Domestic Violence Act, 2005, which is protected regardless of her ownership. The suit was dismissed as not maintainable, and there was an issue with incorrect valuation for court fees, requiring her to pay the deficit within 3 months.

MANJU DEVI & ANR VS UNITED INDIA INSURANCE CO LTD & ANR [MAC.APP.-95/2020]

Judges: Justice Neena Bansal Krishna

The accident involved the rash and negligent driving of an Eeco Car by Vipul Das, which collided with a motorcycle driven by Gaurav Chauhan. Evidence, including eye-witness testimony and investigation records, established the negligence of Vipul Das. A 42-day delay in registering the FIR was adequately explained by the father of the deceased, leading to the dismissal of the Tribunal's previous decision. The matter was remanded for determination of compensation.

MANOJ ARORA VS SHRI JATINDER JAIN & ORS. [C.R.P.-84/2024]

Judges: Justice Neena Bansal Krishna

Manoj Arora's revision petition against the dismissal of his application under Order VII Rule 11 was dismissed. Jatinder Jain's counter-claim sought a mandatory injunction for possession of the suit property, asserting that Arora was a permissive user. The analysis focused on the claims in the counter-claim, indicating Arora's status as a permissive user. The determination of court fee is based on the relief granted at judgment rather than the initial valuation. Arora was allowed to frame an issue regarding court fee and pay any deficit at the final judgment.

MASTER AANSH KANDHARI VS RISHI KANDHARI AND OTHERS [CS(OS)-554/2016]

Judges: Justice Neena Bansal Krishna

The defendant's application to reject the plaintiff's suit for partition, possession, permanent injunction, and rendition of accounts was dismissed. The plaintiff, a minor, presented sufficient cause of action concerning the existence of a Hindu Undivided Family (HUF) and the related properties. The defendant admitted the existence of the HUF "M/s Suresh Kumar & Sons" and a corresponding bank account. The nature of the business "M/s Rupa Dairy" as a sole proprietorship can only be established through evidence.

MEENA DEVI VS VIJAY KUMAR [CRL.M.C.-1436/2010]

Judges: Justice Neena Bansal Krishna

Meena Devi was granted a monthly maintenance of Rs. 600 from her husband Vijay Kumar under Section 125 Cr.P.C. Vijay Kumar earned approximately Rs. 3,000 as an auto-rickshaw driver and had to support his second wife and two children alongside Meena Devi and their son. Previous legal proceedings against Vijay Kumar had been dismissed, and a mutual divorce settlement awarded Meena Devi Rs. 2 lakhs. The lower court's order was upheld.

MEENU ATTERY & ORS VS UNITED INDIA INSURANCE CO LTD & ORS. [MAC.APP.-469/2023]

Judges: Justice Neena Bansal Krishna

The finding of 25% contributory negligence against the deceased, Kapil Dev Attery, in a road accident was set aside due to a lack of evidence regarding alcohol influence or high-speed riding. The compensation award was modified to the full amount of Rs. 47,52,207/- with 7% per annum interest, without any deduction for contributory negligence. The request for an increased interest rate of 9% per annum was denied.

MEENU VS ASHISH KUMAR ORS & ANR. [CM(M)-2803/2024]

Judges: Justice Neena Bansal Krishna

The petitioner's application to implead respondents 3 and 4 and seek status quo orders was deemed not maintainable. Respondents 3 and 4, reportedly in possession of the suit property during the case, would be subject to the doctrine of lis pendens. A notice for the impleadment application was already issued to the proposed respondents, and no grounds for granting status quo or injunction against them were established. The petition and related application were dismissed.

MILLENNIUM AUTOMATION PRIVATE LIMITED VS HFCL LIMITED (FONNALLY HIMACHAL FUTURISTIC COMMUNICATIONS LTD) [ARB.P.-1342/2023]

Judges: Justice Neena Bansal Krishna

A valid arbitration clause exists in the three sub-contracts awarded to the petitioner. The notice of invocation under Section 21 of the Arbitration Act met the necessary requirements. A sole arbitrator was appointed to adjudicate the disputes, with the option to register them as three separate arbitrations. The arbitrator is responsible for deciding the issue of limitation, except for claims that are clearly time-barred. This matter does not involve any larger bench or disagreement among judges.

MISS TEJASWEE VS SH SAMUMDER SINGH & ORS [CS(OS)-504/2016]

Judges: Justice Neena Bansal Krishna

The plaintiff's application to amend the plaint was allowed to include details about gift deeds executed by the deceased defendant No. 1, which the plaintiff claimed were concealed. The defendants' objection regarding limitation is a matter of merit to be raised in their written statement. The proposed amendments are deemed necessary for adjudication, as the plaintiff acquired knowledge of the gift deeds during the suit.

MOHD AIJAZ & ORS VS NASIR USMAN & ORS [CS(OS)-1092/2011]

Judges: Justice Neena Bansal Krishna

The application by defendants 16-19 to set aside the ex-parte preliminary decree of partition is maintainable as no appeal against the decree was filed. The summons were duly served, but the defendants refused to accept them. Their shares were allocated per Muslim law, and they did not contest the distribution. Given the familial nature of the partition suit, their claim of unawareness of the proceedings was not credible. The application was dismissed due to insufficient evidence of improper service or non-compliance with the law regarding the preliminary decree.

MOHD SALIM CHAND MANSURI VS UNION OF INDIA & ORS. [W.P.(CRL)-1864/2023]

Judges: Justice Neena Bansal Krishna

Look-out circulars issued against Shahnawaz Mohamed Hanif Malang and Mohd. Salim Chand Mansuri in a smuggling case involving foreign cigarettes, gold, and saffron should be closed. Investigations have concluded, a charge sheet has been filed, and the case is under trial. The petitioners may seek permission from the trial court for international travel.

MOHD SALIM CHAND MANSURI VS UNION OF INDIA & ORS. [W.P.(CRL)-1864/2023]

Judges: Justice Neena Bansal Krishna

The condition requiring the petitioner to seek prior permission from the trial court before traveling abroad was modified. The petitioner, based in Mumbai with a case registered in Lucknow and no cognizance taken on the chargesheet, found the initial requirement to be onerous. The new order allows the petitioner to inform the trial court of their residence, contact details, and travel plans without needing prior approval. The Look Out Notice was closed.

MOHD. NAUSHAD ALAM VS IFFCO TOKIO GENERAL INSURANCE CO. LTD. & ORS. [MAC.APP.-439/2023]

Judges: Justice Neena Bansal Krishna

The Tribunal's award of Rs. 18.22 lakhs in compensation to Mohd. Naushad Alam for injury was upheld, with assessments of 60% permanent and functional disabilities deemed reasonable. Calculation of income based on minimum wages was affirmed, along with Rs. 4 lakhs for future medical expenses for an artificial limb, following Supreme Court precedents. Recovery rights for the insurance company were denied due to the owner's reasonable care in employing the driver despite his fake license. Both the insurance company's appeal and the injured person's cross-appeal were dismissed.

MOHD. TABREZ VS STATE [BAIL APPLN.-838/2024]

Judges: Justice Neena Bansal Krishna

Mohd. Tabrez's bail application was dismissed due to charges under the NDPS Act involving the recovery of 500 grams of heroin and Rs. 1,89,000 in sale proceeds from his residence. Heroin was classified as a "hard drug," significantly impacting public health. Tabrez had 13 prior cases, including five under the NDPS Act, and one previous conviction. While the trial's delay was noted, the seriousness of the offense and his criminal history outweighed this consideration, resulting in the dismissal of the bail application.

MONICA GOGIA VS M S RSS ESTATE LLP & ANR. [CS(OS)-202/2024]

Judges: Justice Neena Bansal Krishna

A prima facie case for interim relief was established by the plaintiff, who contested an agreement to sell and a sale deed regarding the plaintiff's agricultural land. The defendants were restrained from alienating or constructing on the property and were ordered to provide the plaintiff access to it, based on claims of non-payment of full consideration and alleged fraud in obtaining signatures on the sale deed.

MONICA GOGIA VS M/S RSS ESTATE LLP & ANR. [CS(OS)-202/2024]

Judges: Justice Neena Bansal Krishna

The plaintiff presented a prima facie case challenging the validity of registered sale deeds favoring the defendants, raising issues related to the genuineness of the deeds, non-payment of full consideration, and the circumstances of execution. The plaintiff retains the right to access the property through the main gate, which is the only entry point, as alternative access was not part of the agreement. An interim injunction was granted to prevent the defendants from creating third-party rights in the property and obstructing the plaintiff's access through the main gate.

MOONLITE EDUCATION SOCIETY (REGD.) & ANR. VS GUJRANWALA GURUKUL TRUST SOCIETY (REGD) & ORS. [CS(OS)-108/2019]

Judges: Justice Neena Bansal Krishna

Defendant No.4 (M/s J.P. Gupta HUF) was allowed to submit additional documents, including a sale deed and a will. However, proposed amendments to the counter-claim that altered the original position and made new ownership claims were disallowed due to contradictions with prior admissions. Limited amendments were accepted, including details of rent collected by defendant No.1 Trust Society and an addition of a plea of limitation.

MR PRASHANT SHARMA, VS M/S R3 MEDICAL CLINIC PVT.LTD. [ARB.P.-695/2024]

Judges: Justice Neena Bansal Krishna

Mr. Prashant Sharma's petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 resulted in the appointment of an arbitrator to resolve disputes with M/S R3 Medical Clinic Pvt. Ltd. A valid arbitration agreement was identified in the Shareholders Agreement. The Delhi International Arbitration Centre was directed to appoint an arbitrator, allowing both parties to present objections, with arbitrator fees determined by the Centre's rules.

MR SANJAY JOSHI ORS & ORS. VS MS RENU SOBTI ORS & ORS. [C.R.P.-82/2024]

Judges: Justice Neena Bansal Krishna

The orders of the lower courts allowing the substitution of the legal heirs of the deceased landlord and condoning the delay in filing the substitution application were upheld. The delay of over a year was deemed reasonable based on the given reasons, and abatement can be set aside by implication even without a specific request. The dismissal of the tenants' revision petition was based on the correct application of legal principles by the lower courts.

MR. G.L. TANDON & ORS. VS SMT. VIJAY MALA GOEL & ANR. [CS(OS)-98/1998]

Judges: Justice Neena Bansal Krishna

The applications by Meenakshi Malhotra and Rakesh Kumar Mittal to be added as parties in civil suit CS(OS) 98/1998 and probate case TEST.CAS. 17/2005 were dismissed. Meenakshi Malhotra's claim through Shoukat Rai Malhotra, already a party in the probate case since 2006, lacked timely action as she did not seek impleadment earlier. Rakesh Kumar Mittal's claim based on an agreement to sell did not establish him as a necessary party in either proceedings, as the validity of the will and the civil suit were already addressed by Anand Kamal Goel. Pending applications concerning the abatement of the probate case and substitution of legal heirs of Anand Kamal Goel remained for consideration.

MR. LALIT SANDUJA VS MR. VIKAS MITTAL & ORS. [W.P.(C)-18027/2024]

Judges: Justice Neena Bansal Krishna

A writ petition was filed under Articles 226 and 227 of the Constitution regarding a company appeal. The petitioner's counsel can mention the matter to the Registrar of the NCLAT for listing during winter vacations. The NCLAT is on vacation and will resume on 02.01.2025. The impugned order from the Adjudicating Authority is dated 19.12.2024, indicating no urgency for further orders in the writ petition, which is now disposed of along with the pending application.

MR. NIKHIL S KHANNA & ORS VS MR. JAGDISH PRASAD KHANNA [I.A.-2532/2019]

Judges: Justice Neena Bansal Krishna

The suit for partition of properties by the children of the defendant was dismissed due to the dissolution of the Jagdish Prasad Khanna Hindu Undivided Family in 2006 through a registered Partition Deed, which the plaintiffs did not contest. The plaintiffs failed to present the necessary details and documents to prove the properties as HUF properties. Even if the properties were ancestral, the plaintiffs could not assert rights during the defendant's lifetime, as inheritance would only occur after the defendant's death according to the Hindu Succession Act. The suit was rejected for lack of a cause of action.

MR. RAKESH Y S VS GOVT. OF NCT OF DELHI & ANR. [CRL.M.C.-5825/2024]

Judges: Justice Neena Bansal Krishna

The criminal complaint under Section 138 of the Negotiable Instruments Act is maintainable. The petitioner admitted to issuing the cheques, creating a presumption that there was an existing debt, which he failed to rebut convincingly. The defense that the cheques were "security cheques" lacked credibility, particularly regarding their purpose for the balance sale consideration. Ongoing cross-examination provides the petitioner with a chance to prove his defense during trial, and the complaint cannot be quashed based solely on the petitioner's pre-trial assertions.

MR. VISHAL BANGA VS STATE (NCT OF DELHI) & ANR [TEST.CAS.-36/2017]

Judges: Justice Neena Bansal Krishna

The applicant is entitled to the bequest of NRE fixed deposits according to the will of late Shri Harbans Singh Banga dated 21.05.2015. The argument that the applicant is not entitled due to the invocation of bank guarantees within 10 years was rejected, as the maintenance of these guarantees was for the deceased's outstanding liabilities and not a condition for the bequest. A Letter of Administration/Probate will be issued in favor of the applicant.

MRS SHARDA RELAN VS STATE & ORS [TEST.CAS.-4/2017]

Judges: Justice Neena Bansal Krishna

The probate of the will dated March 22, 2012, of Sh. Narinder Dev Relan was granted exclusively to his wife, Mrs. Sharda Relan, who is the sole beneficiary. She was exempted from submitting the Administration Bond and Surety Bond.

MRS. ANURADHA MEHTA & ORS. VS SHRI R.R. MEHTA EDUCATIONAL TRUST [C.R.P.-315/2024]
Judges: Justice Neena Bansal Krishna
The revision petition by Anuradha Mehta and others was dismissed, affirming the lower court's rejection of their application under Order VII Rule 11. The civil suit by Shri R.R. Mehta Educational Trust was deemed maintainable, disclosing a valid cause of action. Additional objections regarding non-joinder of parties, jurisdiction of civil court, and the authority of the Trust's General Secretary were also rejected. The petitioners' arguments were determined to be without merit.

MRS. MAYA DAS & ANR. VS MR. SUBRATA DAS [CS(OS)-159/2019]
Judges: Justice Neena Bansal Krishna
The application to modify a previous judgment dated 25.04.2024 was addressed, with acknowledged errors corrected, including references to the defendant's ex-parte status and details about the property's constructed floors. The request for additional orders regarding property mutation, building plan sanctions for the second and third floors, and conversion of leasehold rights to freehold was rejected. These matters were deemed to automatically arise from the partition of the property, with parties free to pursue them as per the law without needing specific directions. The decision was a standalone response to the application for modification.

MRS. MAYA DAS & ANR. VS MR. SUBRATA DAS [CS(OS)-159/2019]
Judges: Justice Neena Bansal Krishna
A final decree partitioned an immovable property according to the terms of a registered will that bequeathed the property floorwise to the testator's legal heirs. The property was deemed divisible based on a local commissioner's report, with no disagreements among judges, and the matter was treated as an individual case.

MRS. NALINI LAL VS STATE OF NCT OF DELHI & OTHERS [TEST.CAS.-22/2009]
Judges: Justice Neena Bansal Krishna
Additional documents sought by the respondents, including public documents and those related to earlier litigation, are relevant and material for the case and must be allowed under Order VII Rule 14 of the Code of Civil Procedure. Their previous non-production did not cause real prejudice to the petitioner. The application to expunge portions of the respondent's affidavit referencing these documents is dismissed as they are pertinent to the matter.

MRS. VIPULA CHANDHOK & OTHERS VS MR. KULBIR SINGH CHANDHOK & OTHERS [CS(OS)-184/2018]
Judges: Justice Neena Bansal Krishna
The property in question remained undivided, with parties having rights of occupation based on a gift deed. A preliminary decree of partition was passed, defining the undivided shares of the parties. Sale deeds executed by defendant Nos. 2 and 3 for their undivided shares are valid for the transfer of those shares, but not for any specific portion of the property.

MS KRISHAN KUMAR AND SONS VS DELHI TOURISM AND TRANSPORTATION DEVELOPMENT CORPORATION LTD [ARB.P.-295/2024]
Judges: Justice Neena Bansal Krishna
The petitioner's claims are deemed arbitrable despite the respondent's objections. The petitioner substantially complied with the contract's dispute resolution mechanism, and the respondent's inaction cannot deny the right to arbitration. An undertaking given by the petitioner asserting no surviving disputes does not negate the arbitrability of the disputes, as the circumstances of the undertaking need examination. A sole arbitrator has been appointed to adjudicate the disputes between the parties.

MS NATIONAL INSURANCE COMPANY LTD VS NEERU DEVI (WIFE) & ORS. [MAC.APP.-606/2024]

Judges: Justice Neena Bansal Krishna

The appeal by the National Insurance Company against the compensation awarded to the legal heirs of Arvind Kumar Singh, who died in a road accident, was dismissed. Testimonies from two eyewitnesses established that the truck driver exhibited rash and negligent behavior leading to the fatal incident. Evidence from the deceased's wife and bank loan documents indicated his monthly income was approximately Rs. 95,000. The assessment of the deceased's income was upheld as correct.

MS PAYAL KASHYAP VS RITU PAHWA & ANR. [FAO-196/2024]

Judges: Justice Neena Bansal Krishna

The ex-parte interim injunction was vacated after confirming that the appellant obtained necessary permission from the South Delhi Municipal Corporation (SDMC) to install a common lift and that construction adhered to the sanctioned plan. The respondent was instructed to file an application with the SDMC regarding any deviations, which the SDMC must address within one week. The decision emphasized that the construction complied with the approved plan and that challenges to the SDMC's policy should be pursued elsewhere.

MS PURNIMA SAINI VS BSES RAJDHANI POWER LIMITED [ARB.P.-566/2024]

Judges: Justice Neena Bansal Krishna

Ms. Purnima Saini, owner of two flats with three electricity connections, entered into a license agreement with BSES Rajdhani Power Limited that included a dispute resolution clause. BSES replaced a small transformer with a larger one on her property, intended as a sub-station, which Ms. Saini objected to. BSES then issued a notice alleging breach of the license agreement and threatened to disconnect electricity and recover payments. After BSES did not respond to her request for the appointment of a sole arbitrator, Ms. Saini filed a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking the appointment of an arbitrator.

MS. RAMAN SHARMA VS MS. PREM LATA PRABHAKAR & ORS [CS(OS)-20/2018]

Judges: Justice Neena Bansal Krishna

The 120-day time limit for filing a written statement under Order VIII Rule 1 CPC and the Delhi High Court (Original Side) Rules, 2018 is mandatory and cannot be extended. Inherent powers under Sections 151 and 153 CPC cannot be used to correct errors in orders, as specific remedies like filing a review are available. In contrast, time limits for amended pleadings under Order VI Rule 18 CPC can be extended at the court's discretion. This decision applies to all defendants in the batch matter.

MS. SUSHMA BHAMBARI VS SMT. TARUNA JUNEJA & ORS. [CS(OS)-180/2019]

Judges: Justice Neena Bansal Krishna

The last Will of Smt. Janak Dulari, dated 19.11.2009, is recognized as a valid document bequeathing the Ashok Vihar property equally among the plaintiff, defendant no. 1, and defendants nos. 2-4. The defendants have admitted to the Will's genuineness, leading to a preliminary decree of partition. The Ashok Vihar property is to be divided into three equal shares for the respective parties, and a final decree will follow to delineate the property.

MUKESH KUMAR SINGH VS STATE OF NCT OF DELHI [BAIL APPLN.-4048/2023]

Judges: Justice Neena Bansal Krishna

Mukesh Kumar Singh, director of Khushi Properties, obtained regular bail following allegations of misappropriating approximately Rs. 6.43 crores from the Eminent Officers Welfare Society (EOWS) for land purchases. Singh registered 1.91 acres of land in the society's name but did not fulfill the terms of the memorandum of understanding (MOU) for the remaining land. An FIR was filed against him and others under various IPC sections. It was concluded that further detention would not serve a useful purpose, and his release could facilitate efforts to fulfill the MOU obligations. Bail was granted under specific conditions.

MUKTI DUTTA VS VIJAY BHUSHAN & ORS [CS(OS)-1728/2011]

Judges: Justice Neena Bansal Krishna

Ms. Mukti Dutta has an unconditional right to withdraw her partition suit; however, the consent of other legal heirs (defendant nos. 1-16) is necessary as they share the same interest in the suit property. In this case, the legal heirs are similarly positioned regarding the challenge to the will favoring defendant no. 17 (Arya Orphanage). The suit withdrawal is permitted, and Mr. Amit Bhushan, representing deceased defendant no. 1, is allowed to take over as plaintiff due to his identical interests, maintaining the suit's nature and complexity.

MUNESH & ANR VS MINENDRA KUMAR & ORS (NATIONAL INSURNACE CO LTD) [MAC.APP.-102/2019]

Judges: Justice Neena Bansal Krishna

Evidence, including eyewitness testimony and a chargesheet against the driver, established negligence and rash driving. The lower tribunal erred by disbelieving the eyewitness testimony and improperly converting the claim from Section 166 (negligence-based) to Section 163A (no-fault) of the Motor Vehicles Act. The findings on negligence were set aside, and the case was remanded to the tribunal for compensation calculation under Section 166.

NADEEM VS STATE OF NCT OF DELHI [BAIL APPLN.-1959/2024]

Judges: Justice Neena Bansal Krishna

Nadeem was granted regular bail in a case involving conspiracy to murder Zakir Hussain. Although he allegedly arranged the weapon for the crime, he was not present during the murder. His involvement was primarily in body disposal. The trial experienced significant delays, with only 4 out of 12 prosecution witnesses examined in over 4.5 years. Bail conditions include not leaving Delhi/NCR without permission and not contacting or influencing witnesses.

NAGMA SHEERIN AND ORS VS MUNICIPAL CORPORATION OF DELHI AND ORS [W.P.(C)-8641/2024]

Judges: Justice Neena Bansal Krishna

A writ petition was filed by residents of a property purchased from respondent No. 6, who faces claims from the MCD regarding unauthorized construction and violations of building bye-laws, leading to sealing proceedings. Respondent No. 6's appeals against these orders were dismissed. The petitioners argue that they received no prior notices or orders and that any proposed demolition would leave them homeless, infringing on natural justice. The MCD asserts the property is unauthorized and that the petitioners cannot claim settled entitlement based on their purchase. Notice was issued to the respondents, and replies are due by 08.07.2024.

NANDAN MUKHERJEE VS MOHD RAFIQ AND ORS [MAC.APP.-126/2013]

Judges: Justice Neena Bansal Krishna

The appellant's compensation was increased from Rs. 18,75,195/- to Rs. 38,10,500/-. Income calculation was based on the average of the last three years' income tax returns. Compensation for future medical expenses, including prosthetic limb costs and maintenance, was enhanced, along with non-pecuniary damages. No compensation for loss of consortium was awarded due to the appellant's divorce after the accident. A detailed re-calculation of compensation amounts was provided.

NANHE LAL VS SATENDER GIRI & ORS (IFFCO TOKIO GENERAL INSURANCE CO LTD) [MAC.APP.-333/2017]

Judges: Justice Neena Bansal Krishna

The insurance company is liable to pay compensation to the injured party, as the appellant paid the premium two days before the accident and received a valid insurance cover note the same day. Precedents establish that the effective date of the policy aligns with the premium payment date, barring fraud or dishonored payments. The insurer's internal circular suggesting a 3-day gap between policy issuance and coverage is not mandatory. The original award was modified to compel the insurance company to pay the compensation amount.

NARENDER SINGH VS SHEELA DEVI & ORS. [MAC.APP.-393/2022]

Judges: Justice Neena Bansal Krishna

The appeal by Narender Singh, challenging the award that deemed him and the registered owner of the vehicle jointly liable for a motor accident, was dismissed. Evidence, including eyewitness testimony and findings from the criminal investigation, indicated that Singh was responsible for the accident. The FIR, chargesheet, and other evidence supported this liability despite Singh's acquittal in the criminal case, as the standards of proof differ for motor accident claims. No grounds for interference with the original judgment were identified.

NARESH KUMAR BAJAJ & ORS. VS BUNGE INDIA PVT. LTD. [O.M.P. (COMM)-228/2019]

Judges: Justice Neena Bansal Krishna

The arbitral tribunal's Nil Award remains valid as the dispute was deemed academic following the CESTAT's quashing of the service tax assessment order against the petitioners. Claims for reimbursement of costs related to defending the service tax demand were rejected, as the respondent had no contractual liability. Arguments for setting aside the award did not meet the criteria for "patent illegality" or "fundamental breach of Indian law," and interference under Section 34 is limited. The petition challenging the arbitral award was dismissed.

NARINDER BHATIA & ANR VS SATISH CHANDER BHATIA [CS(OS)-239/2012]

Judges: Justice Neena Bansal Krishna

The defendant did not prove the alleged oral partition of the suit property in 2007, and the property was determined to be joint and undivided. A Mutual Agreement dated 25.06.2008 was acknowledged, establishing peaceful possession of the respective floors. The claim for mesne profits or rental value was rejected. A Preliminary Decree of Partition was issued, defining the shares of the plaintiffs and the defendant as 1/2 each in the suit property, with further proceedings scheduled for the Final Decree.

NATIONAL HIGHWAY AUTHORITY OF INDIA (NHAI) VS ROADWAYS SOLUTION INDIA PRIVATE LTD [O.M.P. (COMM)-454/2018]

Judges: Justice Neena Bansal Krishna

The petition by the National Highway Authority of India (NHAI) against the arbitration award in favor of Roadways Solution India Private Ltd. (RSIPL) was dismissed. The arbitral tribunal's award was deemed well-reasoned, with challenges from NHAI primarily focusing on merit, outside the scope of interference under Section 34 of the Arbitration and Conciliation Act, 1996. No violations of fundamental principles of Indian law, public policy, or patent illegality were identified in the award.

NATIONAL INSURANCE CO LTD VS SATISH KUMAR CHAWLA & ORS [MAC.APP.-605/2019]

Judges: Justice Neena Bansal Krishna

The award of compensation to Mr. Satish Kumar Chawla for injuries from a road accident was upheld. The accident took place outside the workshop, with evidence of the driver's negligent behavior. The driver's valid license for light motor vehicles was adequate for operating the car involved. The compensation was based on the claimant's latest income tax return rather than an average of previous years, and the 9% per annum interest rate was deemed reasonable. No issues were identified in the Tribunal's decision.

NATIONAL INSURANCE CO. LTD. VS GURMEET SINGH CHADHA & ORS. [MAC.APP.-95/2022]

Judges: Justice Neena Bansal Krishna

Compensation of Rs. 24,31,771/- with 6% interest per annum was awarded to Gurmeet Singh Chadha for serious injuries sustained in a road accident. The monthly income assessment of Rs. 21,594/- was deemed reasonable despite inconsistencies in income tax returns. An award of Rs. 3,50,000/- for a prosthetic device was approved, supported by an invoice, with no rebuttal from the insurance company. The 6% interest on compensation for future treatment was justified, as the prosthetic device requires periodic replacement. The appeal by the insurance company was dismissed.

NATIONAL INSURANCE CO. LTD. VS SHISHPAL AND ORS [MAC.APP.-401/2024]

Judges: Justice Neena Bansal Krishna

Compensation of Rs. 20,42,640 awarded to the deceased's family in a motor accident case was upheld with modifications. The deceased's age was revised from 36 to 45 years, reducing the multiplier for calculating loss of dependency from 15 to 14, and the minimum wages of Uttar Pradesh were used to determine the deceased's income instead of Delhi's. The interest rate remained at 8% per annum, and compensation amounts for loss of consortium, estate, and funeral expenses were maintained.

NATIONAL INSURANCE COMPANY LIMITED VS DUNI CHAND & ORS. [MAC.APP.-392/2022]

Judges: Justice Neena Bansal Krishna

The "Glacier allowance" was granted to Duni Chand, who would have been posted to Siachen Glacier if not for injuries from an accident. Functional disability was assessed at 30%. Loss of future earnings was recalculated using a multiplier of 15, resulting in enhanced compensation to Rs. 23,54,670/-. The request for child education allowance was denied due to insufficient evidence, but the interest rate was increased to 9% per annum. The total compensation was modified to Rs. 37,10,033/-.

NATIONAL INSURANCE COMPANY LIMITED VS SMT. NISHA JHA AND ORS. [MAC.APP.-31/2021]

Judges: Justice Neena Bansal Krishna

The Motor Accident Claims Tribunal's award of compensation to the claimants for the death of the deceased driver in a road accident was upheld. Negligence was primarily attributed to the truck driver, who parked the vehicle on the road without safety measures. A 20% deduction for contributory negligence was deemed appropriate. Calculations for income tax deduction and a 9% per annum interest rate on compensation were consistent with the law.

NATIONAL INSURANCE COMPANY VS ZAHIDA KAUSAR & ORS. [MAC.APP.-419/2023]

Judges: Justice Neena Bansal Krishna

The assessment of the injured respondent's functional disability was set at 10%. Despite no reduction in salary, the shortening of her leg imposed limitations on her job performance. Compensation under non-pecuniary heads for mental and physical shock, pain and suffering, loss of amenities of life, and disfigurement was increased, raising the total compensation from Rs. 20,55,226/- to Rs. 22,50,000/-, with an interest rate of 7.5% per annum.

NAVBHARAT INFRASTRUCTURE CO VS VKR ESHWARAN [C.R.P.-223/2023]

Judges: Justice Neena Bansal Krishna

The civil revision petition by the judgment debtors was dismissed, confirming that the commercial court possessed inherent jurisdiction over the dispute related to a management contract agreement, rather than an employee-employer relationship. The judgment debtors' objections regarding jurisdiction and fraud had previously been addressed and rejected, with the final judgment and decree having attained finality after multiple appeals and review petitions. The dismissal of the judgment debtors' objections in the execution proceedings was upheld.

NAVEEN PANCHAL VS STATE OF NCT OF DELHI [CRL.M.C.-4372/2024]

Judges: Justice Neena Bansal Krishna

The pen drive containing recorded conversations between the prosecutrix and the accused's brother and cousin is classified as a "document" under the law. The accused is entitled to have its contents admitted or denied by the prosecution as per Section 294 of the Code of Criminal Procedure. This section applies equally to both prosecution and defense, allowing documents to be produced for admission or denial at any stage after charges are framed. Putting a document for admission and denial does not prejudice the prosecution and is meant to expedite the trial by potentially waiving the need for formal proof if the document's genuineness is accepted. The petition of the accused was allowed, and the prosecution is required to respond to the contents of the pen drive.

NEELAM DUBEY & ORS VS ASFAA ALAM & ORS (NATIONAL INS CO LTD) [MAC.APP.-607/2017]

Judges: Justice Neena Bansal Krishna

The deceased's date of birth was established as 01.07.1975, making him 39 years old at the time of the accident, leading to the application of a multiplier of 15. The deceased's minimum wage as an unskilled worker was correctly considered, and future prospects of 40% of his income were granted. Compensation for loss of love and affection, in addition to loss of consortium, was deemed sufficient without further enhancement. Total compensation payable to the claimants was increased from Rs. 13,12,804 to Rs. 18,51,625, with an interest of 9% per annum.

NEERAJ DENGRE @ NEERAJ GUPTA VS STATE NCT OF DELHI [BAIL APPLN.-2139/2024]

Judges: Justice Neena Bansal Krishna

The petitioner's anticipatory bail application was dismissed due to failure to cooperate with the ongoing investigation after initial compliance. Allegations of forging invoices necessitated interrogation. The circumstances indicated that the petitioner, accused of conspiracy and fraud alongside co-accused individuals, did not present a case for anticipatory bail in a matter involving significant financial cheating of the complainant.

NEERAJ KUMAR NAGAR @ NAGAR VS STATE OF NCT OF DELHI [W.P.(CRL)-1757/2023]

Judges: Justice Neena Bansal Krishna

The punishment ticket issued to the petitioner was quashed due to the jail authorities' failure to follow the prescribed procedure under the Delhi Prison Rules, 2018. The authorities did not provide a show-cause notice to the petitioner, which deprived him of the opportunity to respond to the alleged violation of jail rules. This lack of due process resulted in the nullification of the punishment ticket.

NEERAJ VS THE STATE NCT OF DELHI [BAIL APPLN.-2504/2024]

Judges: Justice Neena Bansal Krishna

Neeraj was granted regular bail despite serious allegations of robbery at gunpoint and firearms offenses. Key witnesses failed to identify him, and he had spent nearly 3 years in judicial custody. The petitioner's criminal history was noted, but bail had been previously granted to co-accused with more extensive records. Bail conditions included furnishing a personal bond, regular court appearances, and avoiding further criminal activities or witness tampering.

NEW INDIA ASSURANCE CO LTD VS SMT MANJU CHANDRA & ORS. [MAC.APP.-663/2024]

Judges: Justice Neena Bansal Krishna

The compensation award for a motor accident case was upheld, rejecting challenges from the insurance company. The Tribunal's application of a one-fourth deduction for personal expenses of the deceased was deemed appropriate, recognizing that dependency includes emotional and social support, not just financial aspects. Compensation under conventional heads such as loss of estate, loss of consortium, and funeral expenses, was validated with a 10% increase every three years, consistent with established legal precedents. There was no identified issue with the Tribunal's award, resulting in the dismissal of the insurance company's appeal.

NEW INDIA ASSURANCE CO LTD VS SUNIL & ORS. [MAC.APP.-274/2022]

Judges: Justice Neena Bansal Krishna

The decision to grant lump-sum compensation of Rs. 5,00,000 with 8% annual interest under the amended Section 163-A of the Motor Vehicles Act, 1988, was upheld, despite the accident occurring before the amendment took effect on 22.05.2018. The legislative intent behind the amendment supports its application to all pending cases, as it aims to provide adequate relief to victims and their families. An appeal from the insurance company challenging the retrospective application of the amended provisions was dismissed.

NEW INDIA ASSURANCE CO. LTD VS GAYTRI DEVI & ORS. [MAC.APP.-25/2024]

Judges: Justice Neena Bansal Krishna

The contributory negligence of 50% attributed to the deceased was set aside. The driver of the offending vehicle had a duty to exercise due care and caution. Minimum wages for calculating compensation should be based on the deceased's place of residence in Uttar Pradesh. Compensation for loss of consortium was enhanced to Rs. 44,000 for each of the five claimants, and the interest rate on the compensation increased from 7% to 9% per annum, leading to a revised total compensation amount.

NIKITA AWASTHI VS GOVT OF NCT OF DELHI & ORS. [W.P.(CRL)-1395/2023]

Judges: Justice Neena Bansal Krishna

The writ petition filed by Nikita Awasthi was dismissed. The case involved a complaint from Ravinder Kumar alleging that Awasthi used forged experience certificates to obtain a job in the Ministry of Commerce and Industry. An FIR was registered, and inquiries were conducted, including requests for documentation from various authorities. The actions of the respondents in seeking information were deemed lawful, and no unjustified inconvenience to Awasthi was identified.

NISHA YADAV & ORS VS VIRENDER SINGH & ORS(UNITED INDIA INSURANCE CO. LTD.) [MAC.APP.-110/2018]

Judges: Justice Neena Bansal Krishna

The compensation awarded by the Motor Accident Claims Tribunal was upheld with modifications. Allowances for transportation and washing were excluded from the deceased's income for calculating loss of dependency, while annual bonus and compensatory pay were included. Ex-gratia payments and family pensions were not deducted from the compensation. Amounts for loss of estate and funeral expenses were revised according to the Supreme Court's judgment in Pranay Sethi, resulting in a total compensation of Rs. 58,94,000 with 9% interest per annum.

NITASHA KOHLI VS ISH KUMAR ANAND & ORS. [CS(OS)-421/2021]

Judges: Justice Neena Bansal Krishna

The plaintiff's application to amend the plaint in a partition and permanent injunction suit was allowed. The amendment permits the plaintiff to challenge relinquishment deeds granted to the defendants, alleging misrepresentation and fraud. The suit property description is limited to Property No. 16-B. Objections from the defendants regarding changes to the nature of the suit and valuation were rejected, with these concerns to be addressed in their written statements.

NORTH EAST CENTRE OF TECHNOLOGY APPLICATION AND REACH (NECTAR) VS DIVINE BAMBOO MAT MANUFACTURING PVT. LTD. & ANR. [O.M.P.(T)-1/2024]

Judges: Justice Neena Bansal Krishna

The petition by the North East Centre of Technology Application and Reach (NECTAR) for the appointment of a substitute arbitrator was allowed under the Arbitration and Conciliation Act, 1996. The original arbitrator was determined to have abandoned the proceedings and withdrawn from office after the respondent, Divine Bamboo Mat Manufacturing Pvt. Ltd., challenged the appointment. Mr. Justice V.K. Jain, a retired Delhi High Court judge, was appointed as the substitute arbitrator to handle the disputes. Parties were permitted to raise objections before the new arbitrator, with fees to be set according to Schedule-IV of the Act or by mutual consent.

NOVATEUR ELECTRICAL AND DIGITAL SYSTEMS PVT. LTD. VS MANI KUMAR. V PROPRIETOR OF M/S DEVI ELECTRICALS [ARB.P.-453/2024]

Judges: Justice Neena Bansal Krishna

Novateur Electrical and Digital Systems Pvt. Ltd. filed a petition under the Arbitration and Conciliation Act, 1996, leading to the appointment of Mr. Harish Dudani as the sole arbitrator for disputes with Mani Kumar V, proprietor of M/S Devi Electricals. Novateur, engaged in manufacturing electrical products, had appointed Mani as an authorized distributor since 2010. However, Mani failed to pay invoices since 2020, resulting in an outstanding amount of Rs. 2,00,15,986/-. The petitioner invoked the arbitration clause via a notice, which went unanswered, prompting the petition.

OM PAL SINGH VS STATE NCT OF DELHI [BAIL APPLN.-230/2024]

Judges: Justice Neena Bansal Krishna

Om Pal Singh received bail in an FIR under Section 308 IPC related to a dispute with his 79-year-old father, Dharampal Singh, concerning ancestral property. The petitioner has been in custody since November 30, 2023, and a chargesheet has been filed. Given the nature of the dispute and the petitioner's cooperation with the investigation, continued custody is deemed unnecessary, leading to the decision to grant bail with certain conditions.

OM PRAKASH ARORA VS THE STATE (NCT OF DELHI) & ORS. [TEST.CAS.-63/2019]

Judges: Justice Neena Bansal Krishna

Probate was granted for the will dated 28th December 2015 executed by Shri Vinod Kumar, with the petitioner designated as the sole executor. The will met the requirements of Section 63(c) of the Indian Succession Act, 1925, being attested by two witnesses who confirmed witnessing the signature. Uncontested testimony established the will's genuineness and authenticity, with no objections raised by the deceased's legal heirs. The petitioner is required to submit an administrative bond with one surety for the probate issuance.

ORIENTAL INSURANCE CO LTD VS PREETI (DECEASED) THROUGH LRS S SMT. GAJNA AND ORS [MAC.APP.-664/2024]

Judges: Justice Neena Bansal Krishna

Compensation was awarded to the legal heirs of Ms. Preeti following an accident involving a truck, attributed to the negligence of its driver. Eyewitness testimony indicated the truck was traveling from the wrong side when it collided with Ms. Preeti's vehicle. The driver's failure to provide an explanation and the filing of a chargesheet against him supported the claim of negligence. The appeal by the insurance company was dismissed, and the compensation award was affirmed.

ORIENTAL INSURANCE COMPANY LIMITED VS DEEPSHIKHA YADAV & ORS. [MAC.APP.-236/2020]

Judges: Justice Neena Bansal Krishna

The deceased's monthly income was established at Rs. 25,000 based on evidence, including an appointment letter and testimony from the employer's representative. Compensation for Love and Affection was considered duplicative with Loss of Consortium, leading to a reduction in total compensation, which was recalculated to Rs. 55,82,000 with interest at 9% per annum.

ORIENTAL INSURANCE COMPANY LTD VS KHEM CHAND ALIAS BITTU & ORS. [MAC.APP.-668/2024]

Judges: Justice Neena Bansal Krishna

The Motor Accident Claim Tribunal awarded compensation of Rs. 52,87,570/- with 8% interest to Mr. Khem Chand @ Bittu, who sustained grievous injuries, including the amputation of his right forearm due to the negligence of truck driver Mr. Yogendra Singh. Arguments from the insurer regarding contributory negligence were rejected, as this had been previously addressed. Compensation for non-pecuniary damages was deemed reasonable based on the severe impact of the injuries on the claimant's life, including a 100% functional disability assessment aligned with his employment as a mobile repair technician.

OYO WORKSPACES INDIA PRIVATE LIMITED VS OPTIMUM OVERSEAS CONSULTING SERVICES [ARB.P.-547/2024]

Judges: Justice Neena Bansal Krishna

Disputes between OYO Workspaces India Private Limited and Optimum Overseas Consulting Services regarding non-payment of Rs. 1,79,217/- and applicable TDS for the use of commercial property are subject to arbitration under the Membership Agreement. The Delhi International Arbitration Centre (DIAC) will appoint an arbitrator from its panel, with proceedings governed by DIAC rules, including arbitrator fees and disclosures as per Section 12 of the Arbitration and Conciliation Act, 1996.

P (COMPLAINANT) VS STATE OF NCT OF DELHI AND ANR. [CRL.REV.P.-342/2024]

Judges: Justice Neena Bansal Krishna

The order accepting the Cancellation Report was upheld based on the inconsistency between the prosecutrix's testimony and the documentary and scientific evidence. The prosecutrix's statements showed significant discrepancies that undermined the credibility of the allegations. The evidence collected did not support the claims against the accused.

PAMINDER GUJRAL & ORS VS KIRANJIT GUJRAL & ORS [CS(OS)-3262/2012]

Judges: Justice Neena Bansal Krishna

The plaintiffs and defendant No. 1, children of Upkar Gujral and Mohinder Singh Gujral, are each entitled to a 1/4th share in their parents' movable properties. The wills executed by Mohinder Singh Gujral only covered immovable properties, and he died intestate concerning movable assets. The defendants, as nominees, hold the movable assets in trust for the legal heirs and cannot claim exclusive ownership. A preliminary decree on the movable assets was issued, directing the parties to provide details of these assets, while matters regarding immovable properties will continue.

PANKAJ @ PANKAJ VAID @ AMIT @ SANJU BABA VS STATE (NCT OF DELHI) [BAIL APPLN.-3789/2023]

Judges: Justice Neena Bansal Krishna

Pankaj was granted regular bail in a case involving the Narcotic Drugs and Psychotropic Substances Act. The evidence against him consisted solely of co-accused's disclosure statements, deemed inadmissible without corroboration. Without any recovery of contraband and considering Pankaj's 18 months of custody, prolonged detention was viewed as a violation of his fundamental rights. Bail was granted with conditions.

PANNALAL RATHORE & ANR VS M/S W.H DEETH(BALLABGARH) & CO [CS(OS)-1094/2012]

Judges: Justice Neena Bansal Krishna

The suit by Pannalal Rathore and Kavita Gugnani for specific performance of the Agreement to Sell from 12.06.2008 was not maintainable. The plaintiffs did not demonstrate readiness and willingness to fulfill the contract by paying the remaining amount by the deadline of 30.10.2008. The defendant validly terminated the agreement, and the plaintiffs filed their suit after the limitation period, making it barred by time. Although the plaintiffs were entitled to a refund of the Rs. 25 lakhs earnest money, that claim was also barred by limitation.

PARBATI AND ORS. VS THE NEW INDIA ASSURANCE CO. LTD. AND ORS. [MAC.APP.-133/2023]

Judges: Justice Neena Bansal Krishna

The appeal resulted in classification of the deceased as a Raj Mistri (skilled worker) rather than a non-matriculate worker. Testimony from the deceased's wife regarding his occupation was accepted despite the absence of documentary evidence. The deceased's monthly income was revised from R.S. 9,438 to R.S. 10,374, leading to an adjustment of total compensation from R.S. 22,91,620 to R.S. 22,92,110.8, with an interest rate of 7% per annum maintained.

PARNIKA COMMEERCIAL AND ESTATE PVT. LTD. VS UNION OF INDIA [ARB.P.-1168/2023]

Judges: Justice Neena Bansal Krishna

Parnika Commercial and Estate Pvt. Ltd. successfully petitioned for the appointment of Justice Vipin Sanghi as the sole arbitrator to resolve disputes with the Union of India and the Chief Construction Engineer (R&D). The disputes arose from delays in civil works contracts at two sites, with extensions granted without compensation. After the respondents failed to appoint an arbitrator, the petitioner sought intervention. The parties must contact the arbitrator within one week and can raise objections. The arbitrator's fees will be set according to the Arbitration and Conciliation Act, 1996, or as agreed by the parties, ensuring the arbitrator meets eligibility requirements.

PARNIKA COMMERCIAL ESTATES PVT LTD VS ARSHAD SHAH [ARB.P.-139/2024]

Judges: Justice Neena Bansal Krishna

Parnika Commercial Estates Pvt Ltd sought the appointment of a sole arbitrator for disputes with Arshad Shah under a work order contract containing a valid arbitration clause. Despite objections regarding a demand notice not specifying the project, the notice correctly identified the disputes and the claimed amount. Consequently, Justice Ajit Singh, Chief Justice (Retd.) of the Gauhati High Court, was appointed as the sole arbitrator. The parties must present their objections to the arbitrator, with fees determined by the Arbitration and Conciliation Act, 1996, or by mutual consent.

PARVEEN SAGWAN VS GULSHAN & ORS. [MAC.APP.-149/2021]

Judges: Justice Neena Bansal Krishna

The absence of a driving license for the injured party does not prove negligence and cannot lead to dismissal of the claim. A chargesheet against the driver of the offending vehicle serves as sufficient evidence of negligence. Contributory negligence cannot be assumed without independent evidence showing the injured party's actions contributed to the accident. The previous award was set aside, and the matter was remanded for compensation assessment.

PARVEEN SHARMA VS SUMEER MEHTA & ANR (HDFC ERGO GENERAL INSURANCE CO LTD) [MAC.APP.-40/2020]

Judges: Justice Neena Bansal Krishna

The appeal by Parveen Sharma for increased compensation following injuries from a motor vehicle accident was dismissed. The claim for reimbursement of Rs. 10,615 in medical expenses was rejected due to the appellant's admission that his employer covered these costs without evidence of a reimbursement obligation. Compensation for pain and suffering, loss of income, and future treatment was deemed reasonable given the nature of his injuries. The awarded amount was considered just and fair.

PATHKIND DIAGNOSTICS PVT. LTD. VS MAHARAJA AGRASEN MULTISPECIALTY HOSPITAL & ANR. [ARB.P.-406/2024]

Judges: Justice Neena Bansal Krishna

Pathkind Diagnostics Pvt. Ltd. filed a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of a sole arbitrator to resolve disputes with Maharaja Agrasen Multispecialty Hospital. The parties' Memorandum of Understanding included an arbitration clause, and the petitioner indicated the existence of arbitrable disputes regarding an outstanding payment of Rs. 1,96,100/- that had not been settled despite multiple requests. The Coordinator of the Delhi International Arbitration Centre was directed to appoint an arbitrator to adjudicate the disputes.

PAWAN GUPTA ANR VS MITON CREDENTIA TRUSTEESHIP SERVICES LIMITED AND ORS [CS(COMM)-1213/2024]

Judges: Justice Neena Bansal Krishna

The plaintiffs seek to declare the security/mortgage over the Karol Bagh property as null and void. The issue of maintainability of the suit requires resolution first, as a related family settlement dispute is pending before an arbitrator. Plaintiffs may pursue remedies under Section 9 of the Arbitration Act against certain defendants. No interim injunction has been granted, and the matter is scheduled for further hearing on maintainability issues.

PAWAN KUMAR VS SMT. SUSHILA & ORS. [MAC.APP.-676/2024]

Judges: Justice Neena Bansal Krishna

The appeal by Pawan Kumar against the compensation awarded for the death of Gaurav in a road accident was dismissed. The argument regarding improper service of summons was deemed inappropriate for this appeal, as it should have been addressed through a different procedure. The liability of the registered owner for compensation persists even if the vehicle is sold, as long as the owner's name remains on the RTO records. Therefore, Pawan Kumar, as the registered owner, remains liable for the compensation.

PITAMBAR SOLVEX PVT LTD AND ANR. VS MANJU SHARMA AND ORS. [ARB.P.-212/2024]

Judges: Justice Neena Bansal Krishna

There are prima facie disputes between Pitambar Solvex Pvt Ltd, OAgri Farms Digital Pvt Ltd, and the former shareholders and directors of Pitambar Solvex regarding allegations of fraud and misrepresentation in the Share Purchase Agreement and the Credit Facility Agreement. Justice Mukta Gupta (Retd.) has been appointed as the sole arbitrator to adjudicate these disputes, with parties allowed to raise objections before the arbitrator. The petition was not seen as a malafide attempt to undermine the respondents' petition under the Insolvency and Bankruptcy Code.

POCKET FM PRIVATE LIMITED VS NOVI DIGITAL ENTERTAINMENT PRIVATE LIMITED & ANR. [I.A.-31731/2024]

Judges: Justice Neena Bansal Krishna

The application for an ad-interim injunction to restrain the release of the video series "Yakshini" was dismissed. The plaintiff did not establish a prima facie case of copyright infringement, as "Yakshini" is a mythological concept with many prior references, and the similarities between the plaintiff's audio series and the defendant's video series were insufficient to support a claim of infringement. The plaintiff sought a pre-release injunction, which is generally disfavored, especially since the defendant had announced the release in advance. Additionally, a previously signed release form by the plaintiff regarding submitted works raised doubts about the current claims. Consequently, the interim injunction was not granted.

POONAM SHARMA VS SMT. MANJULA [MAC.APP.-340/2021]

Judges: Justice Neena Bansal Krishna

The appeals by Poonam Sharma, owner of the offending vehicle, regarding the compensation awarded to injured persons were dismissed. The injuries, which included fractures and required surgical interventions with extended treatment, were examined, leading to the conclusion that the compensation was conservative and justified.

POSTERITY ASSOCIATES PRIVATE LTD. VS VLCC HEALTH CARE LTD. [ARB.P.-198/2024]

Judges: Justice Neena Bansal Krishna

Posterity Associates Private Ltd. petitioned to condone a 420-day delay in re-filing under Section 11(6) of the Arbitration and Conciliation Act, 1996, citing the misplacement of documents and the influence of a recent Supreme Court judgment. The delay was accepted, and the disputes under the Master Service Agreement dated 01.05.2017 were referred to the Delhi International Arbitration Centre for the appointment of a sole arbitrator, with parties allowed to present objections to the arbitrator.

PRADEEP KUMAR AGGARWAL VS SHRI PRAVEEN AGGARWAL & OTHERS [CS(OS)-255/2017]

Judges: Justice Neena Bansal Krishna

The 120-day timeline for filing a written statement under Order VIII Rule 1 of the Code of Civil Procedure, 1908, and Chapter VII Rule 4 of the Delhi High Court (Original Side) Rules, 2018, is mandatory and cannot be extended, even in non-commercial suits. Arguments about delays caused by previous counsel's negligence and claims that the timeline is directory were dismissed, affirming the inviolability of this period. The defendant's right to file a written statement was consequently closed.

PRAMOD MANDAL VS THE STATE (GOVT. OF NCT) OF DELHI [W.P.(CRL)-450/2023]

Judges: Justice Neena Bansal Krishna

The petitioner's application for parole is not maintainable due to a pending appeal in the Supreme Court. Under the Delhi Prison Rules, 2018, applications for parole or furlough must be considered by the appellate court. With the appeal currently pending, the executive authority cannot grant parole or furlough. The application for parole must be made before the Supreme Court.

PRASHANT PITTI & ANR. VS DIVYARAM TALKIES PVT.LTD. & ANR. [ARB.P.-1303/2023]

Judges: Justice Neena Bansal Krishna

A petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, was allowed for the appointment of an independent arbitrator to address disputes stemming from a tripartite agreement. Allegations included the respondents' failure to fulfill obligations and the dishonor of cheques provided as security. The existence of the arbitration agreement and the respondents' liability were not disputed, while arbitrable disputes were acknowledged. A former judge of the Delhi High Court was appointed as the sole arbitrator, with arbitration to be conducted at the Delhi International Arbitration Centre.

PRIYA RANJAN SINHA @ PRIIYARANJAN VS STATE OF NCT OF DELHI [CRL.M.C.-1980/2020]

Judges: Justice Neena Bansal Krishna

The order declaring Priya Ranjan Sinha a proclaimed offender under Section 82 CrPC was quashed due to non-compliance with required procedures. Non-bailable warrants were issued, but there was no evidence they were returned unexecuted. The required proclamations were not published correctly, including at the petitioner's permanent residence in Chapra, Bihar. There was insufficient evidence to support the claim that the petitioner was absconding or concealing himself, and the proclamation order did not follow the procedures outlined in Section 82 CrPC.

PROMINENT COMTECH PVT. LTD. VS BORDER SECURITY FORCE & ANR. [CS(COMM)-1131/2018]

Judges: Justice Neena Bansal Krishna

The plaintiff's application for exemption from serving a notice under Section 80 of the Code of Civil Procedure was allowed due to the suit being pending for over 6 years without any settlement proposals from the government defendants. It was noted that a dispute exists between defendant no. 1 and defendant no. 2 concerning the same claim amount, making a settlement between the plaintiff and defendant no. 1 unlikely. Given these circumstances, sufficient compliance with Section 80 CPC was established.

PTECH INFRA ENGINEERING VS LITE BITE FOODS PVT LTD & ANR. [ARB.P.-176/2024]

Judges: Justice Neena Bansal Krishna

PTech Infra Engineering's petitions under Section 11 of the Arbitration and Conciliation Act, 1996 were approved due to the existence of a valid arbitration clause in the work orders and the presence of arbitrable disputes. Mr. Ashish Sheroen was appointed as the sole arbitrator to resolve the disputes, with no objections raised by the respondents. Two separate petitions from the same petitioner against the same respondents were heard together.

PTECH INFRA ENGINEERING VS LITE BITE FOODS PVT LTD & ANR. [ARB.P.-177/2024]

Judges: Justice Neena Bansal Krishna

Ptech Infra Engineering filed petitions under Section 11 of the Arbitration and Conciliation Act, 1996 for the appointment of a sole arbitrator to resolve disputes with Lite Bite Foods Pvt Ltd and Mr. Imran Ahmad. The work orders issued included a valid arbitration clause, and arbitrable disputes were identified. Mr. Ashish Sheroen was appointed as the sole arbitrator, with parties allowed to present objections, and arbitrator fees to be determined according to the Fourth Schedule of the Act or by mutual consent.

PUNEET ARORA VS THE STATE (NCT OF DELHI) [CRL.M.C.-2477/2020]

Judges: Justice Neena Bansal Krishna

The petitioner's application for retrieval of call records from three mobile numbers was dismissed due to the telecom service providers' inability to preserve records older than 2 years, as per recent Department of Telecommunications regulations. The telecom companies had already complied with a previous order to preserve certain records related to the case. The unavailability of older call records does not violate the petitioner's right to a fair trial under Article 21 of the Constitution.

PUNEET GOEL VS AJAY NAGPAL & ANR. [I.A.-337/2024]

Judges: Justice Neena Bansal Krishna

The plaintiff's application to amend the plaint in a suit for specific performance of a collaboration agreement was dismissed. The proposed amendments would change the suit's nature from seeking specific performance to a new cause of action for termination and damages. Subsequent events prompted the plaintiff to seek different reliefs, but allowing the amendments would substitute the entire plaint, which was not permitted. The parties were directed to complete pleadings, with a suggestion for the plaintiff to file a fresh suit regarding subsequent events after obtaining permission.

PURAN PRASAD VS STATE OF NCT OF DELHI [W.P.(CRL)-2587/2023]

Judges: Justice Neena Bansal Krishna

The writ petition filed by Puran Prasad, serving a life sentence, was dismissed due to his failure to surrender by the due date of March 19, 2021, constituting a violation of conditional release under the Delhi Prison Rules, 2018. Consequently, the punishment ticket issued by the jail authorities, which denied counting the period of emergency parole towards his sentence, was upheld, as the rules do not permit counting such time when conditions of release are violated.

PURSHOTTAM CHOPRA VS STATE (GOVT. OF NCT OF DELHI) [W.P.(CRL)-268/2024]

Judges: Justice Neena Bansal Krishna

The petitioner, convicted under Sections 302/34 IPC and sentenced to life imprisonment in 1999, is entitled to consideration for premature release under the 2004 Remission Policy, based on the principle that the policy at the time of conviction applies. The petitioner's furlough is extended for 6 weeks under specific conditions, and authorities are directed to evaluate his remission application within 6 weeks.

PUSHPA & ORS VS LAKHVINDER SINGH & ORS (SBI GENERAL INSURANCE CO LTD) [MAC.APP.-701/2019]

Judges: Justice Neena Bansal Krishna

Compensation was enhanced from Rs. 11,93,000/- to Rs. 25,50,000/-. The deceased's income was correctly assessed at Rs. 2,17,815/- per annum based on income tax returns, rather than the minimum wage for unskilled workers. A 25% increase for future prospects was justifiable due to the deceased's self-employment at age 46. A deduction of 1/3rd for personal expenses was properly applied, as one son was not a dependent. Compensation for loss of consortium was increased from Rs. 40,000/- to Rs. 1,60,000/- to reflect the four legal heirs.

QUADRA STRAT TRADE SERVICES LTD. VS MAHINDER KUMAR MADAN [I.A.-8126/2020]

Judges: Justice Neena Bansal Krishna

The defendant's defense was struck off due to failure to file a written statement within the specified 30-day period, extended to 120 days, and non-payment of Rs. 5,000 in costs as directed. Although there is discretion under Order VIII Rule 10 CPC regarding judgment or evidence, the plaintiff must still prove its case, including readiness and willingness for specific performance, even without a written statement. Judgment cannot be granted on admissions in the absence of a written statement.

R.K SHARMA VS BSES YAMUNA POWER LTD. & ANR. [C.R.P.-323/2024]

Judges: Justice Neena Bansal Krishna

The revision petition filed by R.K. Sharma was dismissed, challenging the dismissal of his transfer application under Section 24 CPC. The grounds raised included acceptance of delayed replies, imposition of costs, and granting short hearing dates, which did not demonstrate legitimate apprehension of bias. The lower court provided reasonable explanations for its actions, and granting short dates for expedient disposal was not indicative of bias.

RADHA NATH NANDY VS RAJPAL [CRL.M.C.-1755/2024]

Judges: Justice Neena Bansal Krishna

The petition by Radha Nath Nandy under Section 482 CrPC was dismissed. The testimonies of the petitioner and his wife were contradictory, with the wife not supporting claims of threats, demand for money, or ransacking. It was established that no prima facie offense was disclosed, and the grievance regarding the summoning of the accused for a statement was rejected, as such a provision does not exist at the pre-summoning evidence stage under the CrPC.

RAHUL KUMAR VS CENTRAL BUREAU OF INVESTIGATION [CRL.M.C.-6079/2024]

Judges: Justice Neena Bansal Krishna

The direction to file a formal bail application is not necessary, as providing a personal bond under Section 88 CrPC suffices for securing the accused's presence during trial. The provisions in CrPC regarding summons and warrants differ from those concerning bail, making a formal bail application non-mandatory. The accused can be considered for bail after hearing the parties, with the option to furnish a bail bond and surety bond as required by law.

RAHUL VS UNITED INDIA INSURANCE CO LTD & ORS. [MAC.APP.-115/2022]

Judges: Justice Neena Bansal Krishna

The appeal by Rahul for enhanced compensation following a motor accident resulted in several key findings. His income was recalculated based on revised minimum wages in Uttar Pradesh from the accident date, with the loss of income during treatment extended from 6 months to 2 years. The assessment of permanent disability was set at 50%, and future income loss calculations included a 40% prospect for future earnings. Compensation for pain and suffering was increased, but amounts for loss of marriage prospects and loss of amenities were left unchanged. The final compensation was raised from Rs. 9,82,953/- to Rs. 30,90,000/-, with an interest rate of 9% per annum.

RAJ KISHAN CHABRA (SINCE DECEASED) THROUGH LR. ANIL CHABRA VS BHARAT KALRA AND ORS [C.R.P.-226/2024]

Judges: Justice Neena Bansal Krishna

The trial court allowed an application for substitution of legal heirs under Order XXII Rule 4 of the CPC, despite it being filed beyond the 90-day period after the defendant's death. The delay was attributed to the plaintiff's inadvertent miscalculation of the limitation period rather than a lack of diligence. Abatement could be set aside by implication without a separate application under Order XXII Rule 9 of the CPC. The revision petition against the trial court's order was dismissed.

RAJ KUMAR VS ICICI LOMBARD GEN INS CO LTD & ANR. [MAC.APP.-190/2023]

Judges: Justice Neena Bansal Krishna

The appeal by Raj Kumar resulted in an increase in total compensation from Rs. 1,25,000 to Rs. 2,60,000, with an interest rate raised from 6% to 9% per annum. Compensation included Rs. 67,000 for loss of income for one month, Rs. 50,000 for future treatment to remove a rod, Rs. 50,000 for pain and suffering, and Rs. 40,000 for mental and physical shock.

RAJ KUMAR VS JAGGA SINGH & ORS (UNITED INDIA INSURANCE CO LTD) [MAC.APP.-451/2019]

Judges: Justice Neena Bansal Krishna

Compensation for injuries from a road accident was enhanced from Rs. 6,74,346/- to Rs. 12,89,650/-. The appellant's age of 60 years was established through an Aadhar card and medical records, using a multiplier of 9 for future earnings instead of 7. Compensation amounts for conveyance charges, attendant charges, special diet, and loss of amenities were increased due to the appellant's prolonged treatment and permanent disability.

RAJ KUMAR VS NITIN KUMAR GOYAL & ORS. [MAC.APP.-74/2022]

Judges: Justice Neena Bansal Krishna

The appellant, suffering 76% permanent disability in his left lower limb from a road accident, was assessed at 100% functional disability due to inability to return to his laborer job. Compensation was enhanced to include greater amounts for future loss of income, conveyance, special diet, and pain and suffering, reflecting the extent of his permanent disability.

RAJ KUMAR VS RAM KUMAR & ANR. [CS(OS)-341/2018]

Judges: Justice Neena Bansal Krishna

The plaintiff and defendants jointly purchased property in 1978, each holding a 1/3rd undivided share. The defendants claimed an oral partition in 1987, which allocated 133 sq. yds. to the plaintiff, but this claim requires evidence. The plaintiff disputed the oral partition, making it unacceptable at this stage without evidence. The plaintiff's application for a preliminary decree was dismissed, and the matter was directed to proceed for the plaintiff's evidence.

RAJ KUMAR VS RAM KUMAR & ANR. [CS(OS)-341/2018]

Judges: Justice Neena Bansal Krishna

There was no oral partition of the jointly purchased property in 1987. The property remained joint, with each party entitled to a 1/3rd undivided share. Occupation of different portions by the parties did not constitute exclusive possession or ouster of co-owners, indicating joint possession. The claim for mesne profits/damages was not sustainable, as the defendants were not in wrongful occupation. A preliminary decree for partition of the property by metes and bounds was issued.

RAJAT GUPTA VS STATE NCT OF DELHI [BAIL APPLN.-1100/2024]

Judges: Justice Neena Bansal Krishna

Rajat Gupta received bail in an NDPS Act case due to insufficient evidence against him. The only incriminating evidence consisted of co-accused's disclosure statements, which require corroboration, and financial transactions that did not link Gupta to illegal drug activities. No contraband was recovered from him, which meant the strict conditions of Section 37 of the NDPS Act were not applicable. Given his prolonged incarceration and the lack of material evidence connecting him to the offence, conditional liberty was prioritized, leading to the approval of bail under specified conditions.

RAJAT SHARMA VS X CORP & ORS. [I.A.-31740/2024]

Judges: Justice Neena Bansal Krishna

An interim injunction was granted in favor of a journalist and TV anchor against members of the Indian National Congress party due to false and defamatory statements made about him on social media, which could harm his reputation. The case established a prima facie basis for the claims, emphasizing that while freedom of speech is important, there is an obligation to be truthful. The spread of the defamatory content was deemed restrainable to prevent future harm, leading to the directive for removal of the offending posts and videos within seven days.

RAJBIR SINGH VS NATIONAL INSURANCE COMPANY LIMITED & ORS [MAC.APP.-19/2020]

Judges: Justice Neena Bansal Krishna

The appellant, suffering 40% permanent disability from a road accident, is entitled to enhanced compensation for loss of future earning capacity and non-pecuniary damages, despite continuing employment with no salary reduction. The compensation reflects the potential impact on employment opportunities post-retirement, calculated based on the pre-accident salary. Awards for pain and suffering, loss of amenities, and mental/physical shock were increased. Total compensation was raised from Rs. 13,62,000 to Rs. 39,50,000, with 9% interest per annum.

RAJEEV ANAND VS THE STATE GOVT OF NCT OF DELHI [BAIL APPLN.-2280/2017]

Judges: Justice Neena Bansal Krishna

Regular bail was granted to the three directors of Wianxx Impex Private Limited, charged under various sections of the Indian Penal Code. The company's commercial project, a mall, experienced financial difficulties that affected investor returns, but the project was completed, and company assets exceeded investor claims. Insolvency proceedings were initiated, and a resolution professional took over the assets. The directors cooperated with investigations and had spent 3.5 years in custody, leading to the decision to allow bail upon personal bond and compliance with specific conditions.

RAJEEV MATHUR & ANR. VS IFFCO TOKIO GENERAL INSURANCE CO. LTD. [MAC.APP.-380/2024]

Judges: Justice Neena Bansal Krishna

The Motor Accident Claims Tribunal awarded Rs. 36,300 in compensation to Rajeev Mathur and Swami Narayan Mathur for the death of Shabd Narayan Mathur in a road accident. The appellants did not prove financial dependency on the deceased or entitlement to compensation for loss of income or love/affection. Compensation was confirmed solely for loss of estate and funeral expenses, without any enhancement.

RAJENDER KUMAR GOYAL VS STATE OF NCT OF DELHI & ORS. [CRL.M.C.-1777/2020]

Judges: Justice Neena Bansal Krishna

Conditions imposed on bail for Rahul Singhal and Ram Sahay, such as creating a fixed deposit and transferring shares to a minor, were unrelated to bail objectives and invalid. Non-compliance with these conditions could not lead to bail cancellation, as the respondents had complied according to the record. A petition for bail cancellation was dismissed due to lack of merit in the arguments.

RAJENDRA PRASAD GOYAL VS THE GOVERNMENT OF NCT OF DELHI & ANR. [TEST.CAS.-82/2021]

Judges: Justice Neena Bansal Krishna

Probate was granted for the last will dated February 5, 2008, of Mr. Umashanker Goyal, confirming its proper execution and attestation according to legal requirements. Testimony from the executor, Mr. Vijay Krishan Goyal, and the sole surviving attesting witness, Ms. Anupama Kumar Garg, supported the will's genuineness. All other legal heirs and beneficiaries submitted no-objection affidavits, with no third-party objections to the probate.

RAJENDER SINGH VS BAJAJ ALLIANZ GENERAL INSURANCE CO LTD & ORS [MAC.APP.-704/2019]

Judges: Justice Neena Bansal Krishna

The appellant with 66% permanent disability from a motor vehicle accident received enhanced compensation. The assessment of 33% functional disability was upheld. The claim to be regarded as a skilled worker was rejected due to lack of supporting evidence, with minimum wages for an unskilled worker being applied. Future prospects were awarded at a rate of 10% for loss of future income. Compensation for pain and suffering increased from R.S. 70,000 to R.S. 1,50,000 and conveyance charges from R.S. 30,000 to R.S. 50,000 due to the severity of injuries and extended hospitalization. The total compensation rose from R.S. 8,90,500 to R.S. 19,10,000, with 9% interest per annum.

RAJENDRA PRASAD VS RAKESH SINGH & ORS. (THE NEW INDIA ASSURANCE COMPANY LTD.) [MAC.APP.-40/2022]

Judges: Justice Neena Bansal Krishna

The appellant's appeal resulted in an enhanced compensation amount of Rs. 17,20,000 due to a permanent disability of 69% in the right lower limb, with a functional disability assessed at 35% based on the ability to continue working as a driver. The monthly salary was accepted at Rs. 18,500, rather than the minimum wage for unskilled labor, leading to a recalculation of compensation. Additionally, compensation was increased for non-pecuniary damages related to mental and physical shock, pain, and suffering, with interest set at 9% per annum.

RAJESH KHANNA VS M/S OLAM AGRO INDIA LTD [CRL.M.C.-3620/2024]

Judges: Justice Neena Bansal Krishna

The requirement to deposit 20% of the fine under Section 148 of the Negotiable Instruments Act, when suspending the sentence under Section 389 of the Criminal Procedure Code, is not absolute. In this case, the order directing Rajesh Khanna to deposit the amount was set aside, allowing him to present exceptional circumstances for reconsideration of the deposit requirement. It was noted that he was not heard on this issue prior to the direction.

RAJESH RATTAN VS MS. RENU RATTAN AND ORS [I.A.-7192/2024]

Judges: Justice Neena Bansal Krishna

The cost imposed on defendant Renu Rattan for filing an application to place additional documents on record was reduced from Rs. 50,000 to Rs. 25,000 due to her status as a senior citizen with financial constraints. The decision considered the defendant's history of multiple applications that the plaintiff claimed were intended to delay the trial, and the relevance of the additional documents to the property in question. The application for waiver of cost was disposed of accordingly.

RAJPAL & ORS. VS KOTAK GENERAL INSURANCE COMPANY LTD & ORS. [MAC.APP.-396/2023]

Judges: Justice Neena Bansal Krishna

The Tribunal's decision to grant compensation for loss of estate to the deceased's husband and sons was upheld, while compensation for loss of dependency was denied. The deceased had lived separately from the appellants for over 20 years, and evidence did not indicate significant financial, emotional, or psychological dependency. Occasional visits for family events were insufficient to establish the necessary level of dependency for loss of dependency compensation.

RAJVINDER KAUR & ORS VS THE UNITED INDIA INSURANCE CO LTD & ORS [MAC.APP.-116/2020]

Judges: Justice Neena Bansal Krishna

The deduction for the deceased's personal expenses is set at 1/4th due to five claimants, including the wife, two minor children, and the mother. Contributory negligence attributed to the deceased is reduced from 50% to 25%, based on expectations of care at the accident intersection. The total compensation is modified to Rs. 23,13,450/- with 9% interest per annum.

RAKESH KUMAR & ANR VS BANK OF MAHARASHTRA [I.A.-2210/2020]

Judges: Justice Neena Bansal Krishna

The suit filed by the plaintiffs against the defendant bank is not barred by an earlier suit involving the former owner of the property and the defendant. The causes of action are different; the earlier suit focused on declaration of title and redemption of title deeds, while the current suit seeks possession of the property and recovery of rent from the tenant bank. The application to reject the present suit was dismissed.

RAKSHA RANI & ORS. VS JAGDISH RAJ SAGGAR [C.R.P.-98/2023]

Judges: Justice Neena Bansal Krishna

The revision petition by the defendants against the rejection of their application to dismiss the plaintiff's suit for specific performance of an Agreement to Sell dated 01.04.2013 was dismissed. Claims of forged signatures and limitation issues are to be addressed at trial, not at the pleading stage. The plaintiff asserted knowledge of the property's freehold status and a Gift Deed on 10.05.2022, making the suit, filed on 27.05.2022, timely within the limitation period.

RAM SAKHEE & ORS VS RAM SIYA SAHU & ORS (FUTURE GENERALI INDIA INSURANCE CO LTD) [MAC.APP.-236/2019]

Judges: Justice Neena Bansal Krishna

The finding that the cement tanker was the offending vehicle in the accident resulting in the deceased's death is upheld, supported by eyewitness testimony and the driver's admission of presence at the scene. The deduction for income tax from the deceased's annual income is adjusted from Rs. 2,650 to Rs. 680, with an additional Rs. 5,000 deducted for conveyance allowance. A 30% addition for future prospects is maintained due to the deceased's regular employment. Compensation for loss of consortium is increased from Rs. 40,000 to Rs. 2,00,000 for five claimants. The interest rate of 9% per annum is upheld, resulting in a final compensation of Rs. 36,40,400 to be paid by the insurance company, with interest.

RAMAN RAHEJA VS STATE OF NCT OF DELHI AND ORS & ANR. [W.P.(CRL)-2836/2024]

Judges: Justice Neena Bansal Krishna

The summoning order under Section 138 of the Negotiable Instruments Act against the accused/revisionist stands. The accused's claim of being a suspended director and lacking liability for the dishonored cheque must be proven through evidence at trial, thus cannot quash the summoning order at this stage. Additionally, the validity of the settlement agreement dated 05.11.2020 is a mixed question of fact and law that requires examination during the trial, especially since the complainant disputes the authenticity of the signatures on the agreement. These issues must be established through trial evidence.

RAMDEV MUKHIYA @ RAMREKH VS STATE NCT OF DELHI [CRL.REV.P.-868/2024]

Judges: Justice Neena Bansal Krishna

Charges were framed against the petitioner under Section 302 IPC (murder) instead of Section 304 IPC (culpable homicide not amounting to murder), despite the initial charge sheet citing Section 304 IPC. An examination of the case revealed no prima facie evidence of "grave and sudden provocation" by the deceased, which is necessary for culpable homicide. The assessment of provocation's nature is a factual matter to be decided during trial, validating the framing of charges under Section 302 IPC.

RANI DEVI & ANR VS SAUDAGAR KUMAR & ANR (THE NATIONAL INSURANCE CO LTD) [MAC.APP.-255/2018]

Judges: Justice Neena Bansal Krishna

The dismissal of a compensation claim under Section 163A of the Motor Vehicles Act, 1988, following the death of Mr. Gaurav Kumar in a motorcycle accident, was set aside. Evidence showed that Mr. Saudagar Kumar was the driver and that the accident resulted from his rash and negligent driving. The initial statement claiming the deceased was driving was deemed insufficient as the explanation for the contradictions was not adequately considered. The case is to be remanded for determination of compensation payable to the claimants.

RANJIT SINGH VS STATE OF NCT OF DELHI [W.P.(CRL)-3746/2023]

Judges: Justice Neena Bansal Krishna

The FIR against the petitioner under Section 25 of the Arms Act, 1959, related to the recovery of 8 live cartridges from his baggage was quashed due to insufficient evidence of "conscious possession." The petitioner, who possessed a valid arms license, stated that he accidentally left the cartridges in his bag after forgetting to deposit them with his firearm. The lack of criminal intent or knowledge in his possession led to the conclusion that no offense occurred under the Arms Act.

RANJITA BETARBET VS SUBIR BANERJEE [C.R.P.-123/2023]

Judges: Justice Neena Bansal Krishna

The partition suit filed by the respondent is not barred by limitation, as the cause of action arose in March 2019 and the suit was filed within the three-year period specified by the Limitation Act. The issue of court fees needs to be determined after evidence is recorded. Mere physical distance or a public disowning notice does not oust a co-owner's rights, and the respondent's claim of constructive possession is not to be dismissed at this stage. The revision petition by the petitioner against the order rejecting the application under Order VII Rule 11 of the Civil Procedure Code is dismissed.

RASHMI SHARMA VS BAJAJ ALLIANZ GENERAL INSURANCE CO LTD & ANR [MAC.APP.-691/2019]

Judges: Justice Neena Bansal Krishna

The income of the deceased is calculated based on the average of monthly salaries from pay slips, amounting to R.S. 12,437. The compensation is modified from R.S. 17,54,500 to R.S. 21,14,794, with interest at 9% per annum. The Motor Vehicles Act, 1988 is recognized as a welfare legislation, necessitating reasonable compensation based on the evidence presented.

RAVI AND SINGH COMMUNICATION VS SIFY TECHNOLOGIES LIMITED [CS(COMM)-1670/2016]

Judges: Justice Neena Bansal Krishna

Sify Technologies Limited was allowed to amend its written statement in a commercial suit filed by Ravi and Singh Communication, citing the discovery of fraudulent claims of Rs. 35.41 lakhs in the plaintiff's invoices after a forensic audit. The amendments did not alter the nature of the defense, and the case was still in the initial stages. The plaintiff was instructed to file a replication to the amended written statement within 30 days. This matter is part of a batch, involving another suit filed by Sify Technologies Limited against Mrs. Punita Devi.

RAVI DUTT & ORS. VS DAL CHAND [CS(OS)-99/2017]

Judges: Justice Neena Bansal Krishna

Amit Tyagi and Lalit Tyagi were added as parties to a partition suit involving properties owned by their grandfather, Sh. Dal Chand. The applicants are entitled to a 1/6th share each in the properties based on a previously unknown Will executed by their late uncle, Sh. Girwar. This necessitated a modification of the preliminary decree, which initially allocated 2/3rd of the share to the plaintiffs and 1/3rd to the defendant. The case was updated to include the applicants as new defendants, and the parties were instructed to submit an amended memo.

RAVINA KUMARI VS STATE OF NCT OF DELHI [BAIL APPLN.-1256/2024]

Judges: Justice Neena Bansal Krishna

Ravina Kumari was granted bail in a case under the Narcotic Drugs and Psychotropic Substances Act. The material recovered was identified as a mixture of flowering/fruiting tops and leaves/stalks/seeds. The weight of the leaves/stalks/seeds was to be excluded in calculating the actual quantity of the narcotic drug. Discrepancies in weight were acknowledged as trial matters. The decision took into account her clean record and the ongoing trial.

RAVINDER SINGH PRATAP & ORS. VS INDERJEET SINGH & ORS. [CS(OS)-258/2019]

Judges: Justice Neena Bansal Krishna

The plaintiffs' application to amend the plaint to include an alternative relief of partition was allowed, alongside their original claim for possession and damages based on a registered will. The amendments were deemed necessary due to the defendants' denial of the will's execution. The nature of the suit remained unchanged, and the plaintiffs were entitled to seek partition if the will was not proven.

REENA GAMBHIR VS STATE [BAIL APPLN.-397/2012]

Judges: Justice Neena Bansal Krishna

Regular bail was granted to the petitioners in a case involving Sections 409/420/120B IPC related to a Faridabad real estate project. A retired judge was appointed as a Court Commissioner to manage the disbursement of Rs. 16.63 crores from BPTP Parklands Pride Ltd. to affected investors. The Court Commissioner was instructed to issue public notices and contact investors to refund their investments with 9% interest per annum. Subsequent purchasers of allotments were permitted to claim refunds by submitting original documents and transfer deeds. A compliance report on the disbursement is scheduled for 04.12.2024.

REKHA OBEROI VS AMIT OBEROI [CS(OS)-366/2020]

Judges: Justice Neena Bansal Krishna

The family settlement deed executed by Smt. Savitri Devi lacked validity for transferring property rights since the parties were not co-owners; however, it expressed her intention to bequeath her property. The relinquishment deed by the daughter in favor of her mother and brother was categorized as a gift deed, resulting in the mother receiving a 25% share in the property. According to Sections 15 and 16 of the Hindu Succession Act, 1956, the widow of the predeceased son does not have rights to her mother-in-law's property, which instead devolves to the deceased's son and daughter. This provision disadvantages the widow, indicating a need for legislative reform.

RELIANCE GENERAL INS CO LTD VS SONIA SOOD & ORS [MAC.APP.-369/2016]

Judges: Justice Neena Bansal Krishna

The appeals were partly allowed, modifying the compensation amount to Rs. 3,19,61,116/- with 9% interest per annum. The accident was attributed solely to the negligence of the truck driver, overturning the 25% contributory negligence previously assigned to the deceased driver. Income tax records of the deceased were accepted for calculating income. The multiplier applied was adjusted to 13 instead of 14. The amount received from the deceased's accidental insurance policy was not deducted from the compensation.

RELIANCE GENERAL INSURANCE CO LTD VS BHARAT & ORS. [MAC.APP.-645/2024]

Judges: Justice Neena Bansal Krishna

The appeal by the insurance company against the compensation awarded to Mr. Bharat was dismissed. Triple riding by the victim as a pillion rider did not constitute contributory negligence due to a lack of evidence linking it to the accident. The assessment of 100% functional disability was upheld, recognizing the victim's complete incapacity to work. The compensation amount, including Rs. 5,00,000 for attendant charges, was deemed appropriate and warranted no change.

RELIANCE GENERAL INSURANCE CO LTD VS DHIRENDER GAUTAM & ORS [MAC.APP.-942/2019]

Judges: Justice Neena Bansal Krishna

The compensation award to the claimant was upheld, confirming the Tribunal's assessment of a notional monthly income of Rs. 25,000 for a first-year MBBS student as reasonable. The determination of permanent disability at 62.4% of the whole body was supported by detailed medical evidence. An award of 40% for future prospects was justified due to the claimant's young age and severe injuries. The interest rate of 9% per annum awarded was considered reasonable, given the circumstances of the 2011 accident. The conclusions drawn by the Tribunal were well-reasoned and evidence-supported.

RELIANCE GENERAL INSURANCE CO LTD VS NAVEEN KUMAR & ORS [MAC.APP.-557/2018]

Judges: Justice Neena Bansal Krishna

The appeal by the insurance company against the compensation award to the injured claimant was dismissed. The delay in FIR registration was explained satisfactorily, and the driver's negligence was established through witness testimonies and the driver's admission of guilt. The claimant's functional disability was assessed at 60% due to the amputation of his right leg above the knee. The compensation amount of Rs. 55,91,700/- with 9% interest per annum was upheld.

RELIANCE GENERAL INSURANCE CO LTD VS SAROJ BALA & ORS [MAC.APP.-781/2015]

Judges: Justice Neena Bansal Krishna

In this motor accident case, the deceased's net salary, excluding job-specific allowances and benefits, was used to calculate the loss of dependency. Compensation under non-pecuniary heads was reduced to align with the Supreme Court's judgment in Pranay Sethi. The total compensation awarded to the claimants was modified from Rs. 64,93,174/- to Rs. 47,70,000/-, with an interest rate of 9% per annum.

RELIANCE GENERAL INSURANCE CO. LTD VS SATBIR SINGH AND ORS [MAC.APP.-335/2023]

Judges: Justice Neena Bansal Krishna

The deceased, a 17-year-old boy, was found partially contributorily negligent in his fatal motorcycle accident due to driving on the wrong side of the road, which led to a head-on collision with a tractor. The lack of a driving license and helmet were not considered contributory factors. Compensation was reduced by 25% from Rs. 19,10,696/- to Rs. 14,33,022/- based on eyewitness testimony and the site plan.

RELIANCE GENERAL INSURANCE COMPANY LTD VS SHAHAN PARVEEN & ORS [MAC.APP.-693/2018]

Judges: Justice Neena Bansal Krishna

The appeal by the insurance company against the compensation awarded to the respondents was dismissed. The deceased's monthly salary of Rs. 12,500 was accepted based on testimonies from his wife and employer, despite the absence of documentary evidence. The employer's corroboration of the salary was deemed reasonable. The insurance company did not contest the tribunal's finding of negligence on the driver's part in causing the accident.

RELIANCE GENERAL INSURANCE VS SHEETAL & ORS. [MAC.APP.-666/2024]

Judges: Justice Neena Bansal Krishna

The lower court's award of compensation to the legal heirs of the deceased was upheld, as the accident resulted from the negligent parking of the Tempo vehicle by its driver. Testimony from an eyewitness indicated the Tempo was improperly parked without lights or indicators, creating a hazard for other vehicles. An adverse inference was drawn against the driver for failing to testify. A recent Supreme Court judgment established liability for leaving a vehicle unattended without warnings, and the filing of a chargesheet against the driver was deemed adequate proof of negligence. The insurance company's appeal was dismissed, confirming the compensation award.

RELIGARE FINVEST LIMITED VS LAKSHMI VILAS BANK LIMITED [I.A.-12112/2018]

Judges: Justice Neena Bansal Krishna

Defendant No. 1's application to reject the plaintiff's suit or to add RHC Holding Private Limited and Ranchem Private Limited as additional defendants was dismissed. The plaintiff had already filed an application to amend the plaint to include these parties, which was approved. The core issue of non-impleadment of necessary parties was resolved by this prior order.

RELIGARE FINVEST LIMITED VS WIDESCREEN HOLDINGS PRIVATE LIMITED AND ORS [O.M.P. (T) (COMM.)-27/2024]

Judges: Justice Neena Bansal Krishna

The sole arbitrator has not become unable to perform her functions under Section 14(1)(a) of the Arbitration and Conciliation Act, 1996. Delays in the proceedings are attributed to the parties' actions rather than the arbitrator. The parties have actively participated in the arbitration process despite the expiry of the arbitrator's mandate. The mandate of the sole arbitrator has been extended until 31.10.2024 to allow completion of the arbitral proceedings without requiring a separate application under Section 29A.

RISHI PAL VS CHOLA MS GEN INS CO LTD & ANR [MAC.APP.-143/2017]

Judges: Justice Neena Bansal Krishna

The appeal for enhanced compensation by the father of the deceased was dismissed. The calculation of the deceased's income was based on the minimum wage for a matriculate due to the lack of documentary proof for a higher income. One-third of the income was appropriately deducted for personal expenses since family members were not financially dependent on the deceased. There were no grounds to change the non-pecuniary compensation for loss of love and affection or funeral expenses. The originally awarded compensation remained unaffected.

RITA SHARMA & ORS. VS ASHOK KUMAR & ANR. [MAC.APP.-132/2021]

Judges: Justice Neena Bansal Krishna

The income of the deceased was established based on the Income Tax Returns at Rs. 22,500 per month, rather than minimum wages. The deduction for personal expenses was adjusted from 50% to 1/3rd due to the financial dependency of two major sons. Compensation for loss of consortium was increased to Rs. 40,000 each for the wife and two sons. The total compensation was revised from Rs. 10,39,210 to Rs. 23,28,000, with an interest of 9% per annum.

RITIKA RAJ & ORS. VS THE STATE THROUGH SHO & ANR. [W.P.(CRL)-1462/2023]

Judges: Justice Neena Bansal Krishna

The registration of the second FIR No. 481/2022 is maintainable due to distinct allegations compared to the earlier FIR No. 106/2022, including specific claims of theft, extortion, and misappropriation. Although some allegations overlap, the accused named in the two FIRs differ. The registration of the FIR allows for verification of allegations, and the petitioners may challenge investigation findings at a later stage.

RITU JINDAL VS BANK OF BARODA & ORS. [W.P.(CRL)-140/2023]

Judges: Justice Neena Bansal Krishna

The Look Out Circular (LOC) against Shashi Jindal and Ritu Jindal, guarantors for a loan from SRS Finance Limited, is not warranted since they are not accused in the FIR. The conditions for issuing an LOC, such as deliberate evasion of arrest or failure to appear in court, are not satisfied. The LOC against the petitioners is to be closed as they do not meet the necessary prerequisites for it.

RIYAZ MALIK @ RIYAZUDDIN VS THE STATE N.C.T OF DELHI [BAIL APPLN.-2098/2024]

Judges: Justice Neena Bansal Krishna

The anticipatory bail application filed by Riyaz Malik was dismissed due to his involvement in at least six previous criminal cases, including serious offenses such as theft, forgery, and cheating. The current allegations include extortion and criminal intimidation, with additional charges under Section 387 for threats and ransom demands. The severity of these offenses and Malik's criminal history negated the grounds for anticipatory bail.

ROHIT KUMAR MODI & ORS. VS DHARAM SINGH YADAV & ANR. [C.R.P.-146/2024]

Judges: Justice Neena Bansal Krishna

The revision petition by the defendants to reject the plaintiff's defamation plaint was dismissed. The plaint was deemed to disclose a valid cause of action, as the defendants admitted to circulating a defamatory show cause notice. Claims of mis-joinder/non-joinder of parties were rejected as vague. The COVID-19 pandemic period was excluded from the limitation calculation, allowing the suit to be considered filed within the appropriate timeframe.

ROHIT MALHOTRA VS GURVINDER SINGH TOOR [CS(COMM)-531/2020]

Judges: Justice Neena Bansal Krishna

The Memorandum of Understanding (MoU) dated 14.02.2020 between the plaintiff and defendant is a binding contract rather than a mere agreement to agree. The arguments presented by the defendant regarding the MoU's terminability due to the COVID-19 pandemic were rejected, with the pandemic making performance more onerous but not impossible. The MoU is not considered determinable, allowing for its specific performance. The suit was properly valued based on the agreed consideration in the MoU. The defendant must pay the plaintiff Rs. 1.9 crore within two months, after which the plaintiff will execute the Share Purchase Agreement to transfer his 45% equity shareholding to the defendant.

ROHIT SINGH RAWAT VS STATE & ANR. [CRL.M.C.-3839/2024]

Judges: Justice Neena Bansal Krishna

Rohit Singh Rawat sought to quash an FIR filed against him under Sections 376, 506, and 377 IPC. The petitioner claimed a consensual relationship with the complainant, arguing that the complaint was false and aimed at extorting money. While observations made at the bail stage were noted, it was emphasized that the entire evidence must be evaluated during the trial. The petitioner was advised to present these arguments before the trial court, and the request to quash the FIR was denied.

ROOMA BHUTANI VS SANJEEV SAPRA & ORS [CS(OS)-3280/2011]

Judges: Justice Neena Bansal Krishna

The applications by Ramesh Chand Sapra, Pushpa Sapra, and Meenu Sapra to be added as defendants in the partition suit for properties L-100 and L-99 in Lajpat Nagar, Delhi, were dismissed. The applicants claimed property L-100 was allotted to their late father by the Ministry of Rehabilitation but did not provide supporting documentation. It was concluded that they were neither necessary nor proper parties to the suit. A preliminary decree for partition had been issued, directing the auction of the properties with proceeds to be distributed among the entitled parties.

ROSHNI DEVI VS IFFCO TOKIO GEN INS CO LTD & ORS. [MAC.APP.-86/2022]

Judges: Justice Neena Bansal Krishna

The claimant's appeal resulted in an increased compensation of R.S. 27,70,000, with an annual interest of 9%. The deceased's income was assessed based on prospective earnings as a graduate rather than minimum wage, leading to higher compensation. Adjustments were made for loss of consortium, loss of estate, and funeral expenses as per established guidelines.

ROYAL SUNDARAM GENERAL INSURANCE CO LTD VS PRADEEP KUMAR & ORS [MAC.APP.-997/2018]

Judges: Justice Neena Bansal Krishna

The appeal by the insurance company regarding the compensation awarded to the injured respondent was dismissed. The tribunal's decision to grant a 50% addition for future prospects, based on the respondent's qualification and selection as a constable in the Railway Protection Force, was upheld. This addition was deemed appropriate given the respondent's potential salary of R.S. 22,000 per month and status of being below 40 years of age. The findings on future prospects were affirmed as justified.

ROYAL SUNDARAM GENERAL INSURANCE CO. LTD VS ZEENAT KHAN AND OTHERS [MAC.APP.-242/2024]

Judges: Justice Neena Bansal Krishna

Compensation awarded to parents for the death of their 3.5-year-old child in a road accident was upheld, with the loss of dependency calculated based on the minimum wages of an unskilled worker plus 40% for future prospects. The multiplier was modified from 18 to 15, reflecting guidelines for children up to 15 years old. An interest rate of 9% per annum was maintained since the insurance company did not present evidence of a lower prevailing rate. The final compensation amounts to Rs. 11,72,600, with each parent receiving 50%.

RSB PROJECTS LIMITED VS UNION OF INDIA [ARB.P.-669/2024]

Judges: Justice Neena Bansal Krishna

RSB Projects Limited's petition under Section 11 of the Arbitration and Conciliation Act, 1996 led to the appointment of Justice Ms. Reva Khetrapal (Retd.) as an independent arbitrator to address disputes between the parties. A valid agreement containing an arbitration clause exists, and the Union of India did not oppose the appointment. The parties were instructed to contact the arbitrator within one week for necessary disclosures.

S. ARJAN SINGH & ANOTHER VS S. GURBACHAN SINGH & OTHERS [CS(OS)-553/2017]

Judges: Justice Neena Bansal Krishna

The issue of whether the plaintiffs can seek specific performance of the Samjhauta Patra/Settlement Deed dated 17.01.1985 involves a mixed question of fact and law that requires evidence. Clause 4 of the Samjhauta Patra, which mandates co-owner consent for any sale, should be interpreted to support the unity of family property and co-owner pre-emptive rights rather than as a complete ban on alienation. Further proceedings and evidence recording are necessary.

S. BHAG SINGH & ORS. VS M/S HARISONS AND ORS. [CS(OS)-60/2019]

Judges: Justice Neena Bansal Krishna

The plaintiff-landlord established a landlord-tenant relationship with the defendant, with the rent rate exceeding Rs. 3,500 per month, making the suit for possession valid. The tenancy was terminated through valid notices. The defendant was directed to vacate the premises within three months, and further proceedings were scheduled to determine mesne profits.

SACHIN KUMAR VS RAVI AHUJA & ORS. [CS(OS)-485/2021]

Judges: Justice Neena Bansal Krishna

The 120-day timeline for filing a written statement, as per Order VIII Rule 1 of the Code of Civil Procedure and Chapter VII Rule 4 of the Delhi High Court (Original Side) Rules, 2018, cannot be extended. In this case, the maximum period had expired before the parties were referred to mediation, meaning the defendant could not benefit from the mediation duration. The decision to close the defendant's right to file the written statement was upheld due to the lapsed mandatory timeline.

SADDEEKAN BEGUM VS BHARATI AXA GENERAL INSURANCE CO LTD & ORS [MAC.APP.-985/2018]

Judges: Justice Neena Bansal Krishna

The claimants established the motorcycle driver's negligence through eyewitness testimony and corroborating evidence. Medical records indicated the driver was under the influence of alcohol. The findings of the lower tribunal regarding the driver's negligence were set aside, and the case was remanded to determine the compensation amount under Section 166 of the Motor Vehicles Act, 1988.

SADHNA GUPTA VS SANEH KUMAR MITTAL & ORS. [CS(OS)-369/2018]

Judges: Justice Neena Bansal Krishna

The defendants did not file their written statements within the mandatory 120-day period, leading to the rejection of their appeals. The 120-day filing period cannot be extended under any circumstances. The main suit for partition, declaration, and injunction will proceed.

SALEEM AHMAD VS JAIPAL & ORS (UNITED INDIA INSURANCE CO LTD) [MAC.APP.-113/2020]

Judges: Justice Neena Bansal Krishna

The absence of a valid driving license or possession of only a learner's license does not automatically indicate sole negligence in causing an accident. Lack of independent evidence regarding the appellant's driving skills or actions contributing to the accident prevents dismissal of the compensation claim based on license status. The previous decision was set aside, and the matter was sent back for compensation assessment, with the accident attributed to negligent driving of the other vehicle.

SALEEM PARVEZ & ORS. VS STATE & ANR. [W.P.(CRL)-2809/2023]

Judges: Justice Neena Bansal Krishna

The FIR against Saleem Parvez and Shazia for Sections 420, 468, and 471 IPC was quashed due to a settlement between the parties. A civil court had declared the forged gift deed null and void, and the loan amount had been resolved between the petitioners and Firdos Jahan, Saleem Parvez's mother. The matter was considered a family dispute, and continuing litigation was viewed as unproductive. The case was distinguished from a prior Supreme Court ruling on bank frauds, as the loan involved was from a non-banking financial company and had been settled. The quashing of the FIR aimed to maintain peace and harmony in the family.

SAMEER MAHANDRU VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-1063/2024]

Judges: Justice Neena Bansal Krishna

Sameer Mahandru received bail in a money laundering case related to the Delhi Excise Policy 2021-22. The emphasis was on his right to liberty under Article 21 of the Constitution, especially due to a lengthy custody period exceeding 18 months and delays in trial proceedings that hindered his right to a speedy trial. Factors such as his clean record and the documentary nature of the evidence contributed to the bail decision. Conditions attached to the bail include a bail bond, regular reporting to the investigating officer, and restrictions on leaving the country without permission.

SANDEEP KUMAR PATHAK VS THE SUPERINTENDENT CENTRAL JAIL NO 2 [W.P.(CRL)-2483/2024]

Judges: Justice Neena Bansal Krishna

Denial of physical visitation to Member of Parliament by jail authorities was upheld due to the petitioner's political statements made in violation of Rule 587 of the Delhi Prison Rules, 2018, following a prior visit. The denial was not deemed a violation of the petitioner's constitutional rights or principles of natural justice, as due process was followed, including a written order and approval from superior authority. The petitioner may submit a new application for visitation, which will be considered in accordance with the law.

SANDEEP KUMAR VS GAURAV TYAGI & ANR. (NATIONAL INSURANACE CO. LTD.) [MAC.APP.-231/2024]

Judges: Justice Neena Bansal Krishna

The assessment of 50% functional disability for Sandeep Kumar, who sustained 90% permanent disability in a motor vehicle accident, was upheld. Challenges by the insurance company regarding contributory negligence and delay in FIR registration were dismissed. Additional compensation for loss of marriage prospects was granted, raising the total compensation to Rs. 36,00,000/- with 8% interest per annum. The insurance company's cross-appeal was dismissed.

SANGEETA MULWANI & ANR VS KAVITA KESWANI [CS(OS)-220/2018]

Judges: Justice Neena Bansal Krishna

The relief claimed by the plaintiffs to declare a Will dated 19.11.2005 as genuine and enforceable is barred by law and not maintainable, as the genuineness of a Will can only be assessed through probate proceedings under the Indian Succession Act, 1925. Civil courts have limited jurisdiction to consider the validity of a Will as a defense, not to directly declare it genuine. The defendant's application was partly allowed, with the determination on the validity of the Will deemed not maintainable, while the question of limitation concerning other challenged documents requires further examination.

SANJAY TYAGI VS STATE THROUGH SHO POLICE STATION SOUTH VASANT KUNJ [CRL.M.C.-3204/2024]

Judges: Justice Neena Bansal Krishna

The FIR against the petitioner under Sections 332/446A of the Delhi Municipal Corporation Act, 1957 is quashed due to being outside the 1-year limitation period set by Section 468 of the Code of Criminal Procedure. The complaint was filed in March 2014, and the chargesheet was submitted in November 2015, exceeding the limitation. The relevant date for calculating the limitation is the date the complaint was received at the police station, not the complaint date. No application for condonation of delay was filed, rendering the cognizance taken by the trial court invalid, leading to the petitioner's discharge.

SANJEEV KUMAR GOEL VS MUNICIPAL CORPORATION OF DELHI [CS(COMM)-850/2023]

Judges: Justice Neena Bansal Krishna

The plaintiff municipal contractor is entitled to recover Rs.1,75,24,594/- against various RA and CA bills, along with a security deposit of Rs.42,12,311/-, with interest. The General Conditions of Contract do not stipulate that no interest shall be payable for delays due to lack of funds, implying that interest is owed for late payments. Interest at 8% per annum applies to the bill amounts from nine months post-expiry until payment, and 6% per annum applies to the security deposit from the date of institution until payment. The plaintiff's claim is awarded in full.

SANJIV CHOUDHARY VS UNION OF INDIA & ORS. [W.P.(C)-18019/2024]

Judges: Justice Neena Bansal Krishna

The writ petition was dismissed as not maintainable due to the availability of an alternate remedy under the Companies Act, 2013. The petitioner had approached the National Company Law Tribunal (NCLT) regarding oppression and mismanagement, specifically requesting the holding of an AGM. The NCLT dismissed this petition for lack of support from 1/5th of the members, but an appeal can be filed against this order. Therefore, the petitioner has an alternative path to seek resolution.

SANTOSH JHA & ANR. VS SALMA DESHMUKH & ORS. [C.R.P.-32/2021]

Judges: Justice Neena Bansal Krishna

Salma Deshmukh was entitled to relief of possession under Section 6 of the Specific Relief Act, 1963, having established her possession of the property since 2011 through documentary evidence. The defendants failed to provide a complete chain of title documents to support their claim of ownership and possession since 2001. Deshmukh experienced illegal dispossession in 2020 and was entitled to the restoration of possession.

SANTOSH YADAV VS JASWANT SINGH & OTHERS [CS(OS)-1264/2011]

Judges: Justice Neena Bansal Krishna

The Will dated 20.01.2003 executed by Shri Raj Singh was deemed fabricated and invalid due to the absence of the original document and unreliable testimony from attesting witnesses. An alleged oral partition or family settlement was rejected. The property is to be divided equally among Shri Raj Singh's daughter and his five sons as legal heirs. The parties must provide accounts of rental income from the properties since Shri Raj Singh's death, and a preliminary decree of partition was issued, allocating 1/6th shares to each heir.

SAPAN DHAWAN VS DES RAJ SETHI [C.R.P.-176/2024]

Judges: Justice Neena Bansal Krishna

The plaintiff's lawsuit for the recovery of dishonored cheques is not barred by the statute of limitations. For post-dated cheques, the limitation period starts from the date on the cheque, which in this case is March 31, 2017. The limitation period was affected by the COVID-19 pandemic, as the period from March 15, 2020 to February 28, 2022 was excluded, allowing the lawsuit filed in September 2020 to fall within the limitation period. The application to partially reject the lawsuit was dismissed, as the cheques were part of a single transaction and could not be separated.

SARABJIT SINGH VS SURINDER MOHAN TARUN [CS(OS)-1418/2010]

Judges: Justice Neena Bansal Krishna

The SPA holder of the legal heirs of the deceased plaintiff is entitled to take possession of the disputed property by evicting Ms. K. Jeevan Rita Murthy, who claimed possession based on a purported will of the deceased defendant. A receiver has been appointed to take possession of the property and prevent its dissipation during the ongoing dispute. Various applications from other parties claiming to be legal representatives of the deceased defendant or seeking to be impleaded in the suit were dismissed. The matter has been directed to be listed before the Joint Registrar for the recording of evidence.

SARABJIT SINGH VS SURINDER MOHAN TARUN [CS(OS)-1418/2010]

Judges: Justice Neena Bansal Krishna

Class-II legal heirs (cousin brothers and sister) of the deceased defendant, Surinder Mohan Tarun, must be impleaded as defendants in the possession suit. Claims of K. Jeevan Rita Murthy and Shambhu for independent ownership based on separate wills are dismissed, as these claims exceed the scope of the possession suit.

SARITA SINGH AND OTHERS VS MOHD IRFAN AND OTHERS [MAC.APP.-330/2021]

Judges: Justice Neena Bansal Krishna

A Wagon R with license plate DL 2C AC 9300 was involved in the accident that resulted in the death of Pankaj Kumar. Testimony from two eyewitnesses and credible investigation supported this finding, despite an initial discrepancy in the FIR about the vehicle number. The previous ruling denying the vehicle's involvement was set aside. Compensation of Rs. 51,76,000 was established, to be distributed among the deceased's wife, children, and parents.

SARPREET SINGH JOHAL VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-3802/2023]

Judges: Justice Neena Bansal Krishna

Possession of five empty magazines does not constitute an offense under Section 25 of the Arms Act, 1959, as it lacked "conscious possession." Empty magazines are classified as "ammunition," but without evidence of criminal intent, mere possession is insufficient to prove an offense. The explanation that the magazines were kept for protection against previous threats from criminals was accepted, leading to the quashing of the FIR against the petitioner.

SATBIR SINGH VS STATE (NCT OF DELHI) & ANR. [BAIL APPLN.-2944/2024]

Judges: Justice Neena Bansal Krishna

Anticipatory bail was granted to the petitioner in an FIR under Sections 406 and 409 of the Indian Penal Code, related to a financial dispute from a partnership business. Allegations involved misappropriation of funds. The longstanding business relationship and additional complaints under the Negotiable Instruments Act indicated the dispute was civil in nature. Conditions were imposed for the bail, given the petitioner's cooperation with the investigation.

SATINDER SINGH & ORS VS RAJINDER KUMAR & ORS [CS(OS)-2536/2013]

Judges: Justice Neena Bansal Krishna

The plaintiffs' appeal resulted in the dismissal of a previous order that denied their application to amend the plaint to include a claim for compensation in addition to specific performance. The plaintiffs were entitled to amend the plaint to seek a refund of earnest money and compensation because the suit property was no longer available for specific performance due to a recovery order by the Debt Recovery Tribunal in favor of the defendant bank. The amendment was allowed, with a directive for the defendants to submit their written statements within 15 days.

SATISH KUMAR VS ARUN PRATAP SINGH & ORS (UNITED INDIA INS CO LTD) [MAC.APP.-816/2017]

Judges: Justice Neena Bansal Krishna

Compensation awarded to the deceased claimant was largely justified, with attendant charges increased from Rs. 50,000 to Rs. 2,75,000 due to the claimant's 90% permanent disability requiring lifelong assistance. No further enhancement was made for loss of salary or future prospects, as the claimant was entitled to full salary under the Persons with Disabilities Act. Total compensation was increased to Rs. 15,13,978 with 9% interest per annum.

SATISH VS VINEET & ANR. (FUTURE GENERALI INSURANCE COMPANY) [MAC.APP.-578/2024]

Judges: Justice Neena Bansal Krishna

The appeal by vehicle owner Satish against the award for victim Vineet was allowed. The tribunal's grant of recovery rights to Future Generali Insurance Company was deemed erroneous due to no violation of insurance policy terms and lack of justification for such rights. Recovery rights granted to the insurance company were set aside.

SAUMEN KUMAR CHATTERJEE & ANR. VS HARI OM SHARMA [O.M.P. (COMM)-433/2017]

Judges: Justice Neena Bansal Krishna

The arbitral award was upheld, confirming that the two unregistered partnership firms were dissolved only on 28.04.2017, not on 31.07.2003 as claimed. The argument against the maintainability of the arbitration proceedings, based on Section 69 of the Partnership Act, was rejected since the bar only applies to civil courts. Findings on limitation, merits of claims, and the award of interest were also upheld, with no interference in the arbitrator's discretionary decisions.

SAWHNEY BROTHERS VS STATE BANK OF INDIA [CS(COMM)-513/2016]

Judges: Justice Neena Bansal Krishna

The lease and associated service agreements between the parties expired, and the defendant's continued possession of the property lacked legal protection. The defendant is required to pay mesne profits and service charges to the plaintiff, adjusted for amounts previously paid. The unilateral extension of the lease by the defendant is not recognized, and acceptance of rent does not constitute a renewal of tenancy. The judgment addressed issues from three separate suits filed by the parties.

SBI GENERAL INSURANCE CO LTD VS MUNNI DEVI & ORS [MAC.APP.-503/2019]

Judges: Justice Neena Bansal Krishna

Balbir Singh was classified as an employee of the vehicle owner rather than a gratuitous passenger, establishing the insurance company's liability for compensation. A total compensation of Rs. 5,56,100 was awarded, including 9% interest per annum, which accounted for loss of income, medical expenses, and other non-pecuniary factors. The statutory amount deposited by the insurance company was to be returned.

SBI GENERAL INSURANCE COMPANY LIMITED VS SMT ASHA DIVEDI & ORS. [MAC.APP.-675/2024]

Judges: Justice Neena Bansal Krishna

Compensation was awarded to the deceased's wife and children after establishing the driver's negligence through evidence, including a police report and testimony from the deceased's son. The driver's sudden braking and high speed contributed to the accident, and the absence of the driver's testimony led to an adverse inference against him. The compensation award was justified based on the presented evidence.

SCG CONTRACTS INDIA PVT. LTD. VS K S CHAMANKAR INFRASTRUCTURE PVT. LTD. & ORS. [CS(COMM)-199/2017]

Judges: Justice Neena Bansal Krishna

The plaintiff's application for summary judgment was dismissed due to the complexity of the claims, which require proof through evidence. Despite the defendants' failure to file a written statement, they retain the right to cross-examine the plaintiff's witnesses. The case will proceed to trial for the recording of the plaintiff's evidence.

SCHLUMBERGER ASIA SERVICE LTD. & ORS. VS OIL & NATURAL GAS CORPORATION LIMITED [O.M.P. (COMM)-175/2017]

Judges: Justice Neena Bansal Krishna

The Delhi High Court confirmed its jurisdiction to entertain a petition under Section 34 of the Arbitration and Conciliation Act, 1996, establishing New Delhi as the seat of arbitration. It clarified the difference between "seat" and "venue," noting the contract was signed in New Delhi, where the arbitration occurred. Precedents indicated that the stated venue also serves as the seat in the absence of contrary evidence. A generic jurisdiction clause from the respondent did not negate the supervisory authority of the courts over the seat of arbitration.

SEBASTIAN THOMAS VS VINCULUM SOLUTIONS PVT LTD & ORS. [I.A.-12727/2019]

Judges: Justice Neena Bansal Krishna

The plaintiff, an IT professional, filed a suit against the defendant company seeking over Rs. 12 crore in reliefs and requested exemption from court fees due to claimed indigence. The defendants argued that the plaintiff is a well-paid professional, contesting his claim of indigence. It was decided that the plaintiff needs to be evaluated under Order XXXIII of the Code of Civil Procedure to assess his financial status. The matter will proceed to record the plaintiff's statement regarding his assets, income, and financial capacity to determine eligibility for court fee exemption.

SEEMA GAUTAM VS SHIV SHANKER & ANR. [O.M.P. (T) (COMM.)-110/2023]

Judges: Justice Neena Bansal Krishna

A petition for termination of an arbitrator's mandate was allowed under Section 14(2) of the Arbitration and Conciliation Act, 1996. The respondents did not object to the substitution of the arbitrator, leading to the appointment of Mr. Nishant Anand as an independent sole arbitrator to resolve the disputes. Specific directions were given regarding the arbitrator's fees, disclosure requirements, and allowing parties to raise objections before the new arbitrator, who was granted discretion to continue the proceedings under Section 15(3) of the Act.

SEHEGAL HOSSAIN VS DIRECTORATE OF ENFORCEMENT & ANR. [BAIL APPLN.-1663/2024]

Judges: Justice Neena Bansal Krishna

Bail was granted to Sehegal Hossain in a case involving serious allegations of facilitating illegal cattle smuggling under the Prevention of Money Laundering Act (PMLA), 2002. Factors such as his prolonged incarceration exceeding two years and delays in trial proceedings contributed to this decision. Strict conditions were imposed, including a personal bond, restrictions on leaving the country without permission, and prohibitions against contacting or influencing witnesses. The balance between individual liberty and public interest in economic offences was highlighted.

SH JITENDER SHARMA VS SH NIKHIL BANSAL & ANR. [MAC.APP.-542/2024]

Judges: Justice Neena Bansal Krishna

Compensation for the appellant was enhanced due to 42% permanent disability from a road accident. The assessment of functional disability was set at 42%, leading to an increase in loss of future earning capacity compensation from R.S. 11,43,142.56 to R.S. 22,86,285. Pain and suffering compensation was raised from R.S. 50,000 to R.S. 1,00,000. The tribunal's assessments of other compensation aspects, such as loss of amenities and disfigurement, were upheld. The claim for loss of marriage prospects was rejected due to lack of evidence of the appellant's marital status. The total compensation awarded amounted to R.S. 29,40,975.54, with interest of 9% per annum from the date of claim filing until payment.

SH LALIT KISHORE & ORS. VS CENTRAL BUREAU OF INVESTIGATION & ANR. [W.P.(CRL)-3205/2023]

Judges: Justice Neena Bansal Krishna

The FIR against the petitioners under Sections 420/120B/406 of the Indian Penal Code should be quashed due to previously set aside allegations of fraud and an amicable settlement of the civil dispute related to the bank loan account. The petitioners have paid the outstanding dues, making further criminal proceedings futile and potentially unjust. When cases have a predominantly civil nature and the parties have resolved their issues, the proceedings may be quashed.

SH NEPAL SINGH KOLI VS SH MUKESH CHAND & ANR. [MAC.APP.-195/2024]

Judges: Justice Neena Bansal Krishna

The compensation amount of R.S. 9,28,214 was upheld, with enhancements made under non-pecuniary heads. The assessment of 13% functional disability for the appellant's left lower limb injury was deemed reasonable. Compensation for pain and suffering increased to R.S. 1,00,000, and for loss of amenities to R.S. 50,000. The total compensation awarded was R.S. 10,28,214, with interest at 8% per annum.

SH PRASHANT SHARMA VS AMIT NEHRA & ORS. [MAC.APP.-86/2021]

Judges: Justice Neena Bansal Krishna

Compensation awarded to Mr. Prashant Sharma was enhanced due to 26% permanent disability in his right lower limb from a motor vehicle accident. The assessment of functional disability at 13% was upheld, but compensation for loss of future income was increased for failure to account for future prospects. Additionally, compensation for pain, suffering, and loss of enjoyment of life was raised, following the principle of "restitutio ad integrum." The total compensation increased from Rs.10,33,574/- to Rs.14,78,000/- with 9% interest per annum.

SH SATISH KUMAR VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-506/2023]

Judges: Justice Neena Bansal Krishna

Satish Kumar received bail in a cattle smuggling case under the Prevention of Money Laundering Act. The allegations, though serious, did not meet the criteria for denying bail. His right to liberty was emphasized, and considering his over two and a half years of incarceration and the extensive documentary evidence, bail was granted with specific conditions.

SH SHRI BHAGWAN VS THE STATE AND OTHERS [TEST.CAS.-100/2011]

Judges: Justice Neena Bansal Krishna

The Will dated 14.02.2002 executed by late Shri Ram Narain was deemed valid and genuine. Shri Bhagwan successfully proved its due execution under the Indian Succession Act, 1925. Objections from the deceased's other children were rejected due to the absence of suspicious circumstances and the petitioner's prior care for the deceased. The exclusion of other heirs was justified based on their strained relationships. The probate petition was converted into one for a Letter of Administration with the Will annexed, granted to the petitioner.

SH YOGESH KUMAR VS SH RAJESH KUMAR & ORS [CS(OS)-59/2016]

Judges: Justice Neena Bansal Krishna

The counter-claim by defendants 4, 5, and 7-15 to declare a previous mutation as null and void and to partition the property is not maintainable. The ownership of the property had already been adjudicated in a prior civil suit, favoring the plaintiff and defendants 1-3. The counter-claimants had previously filed and then withdrawn a suit challenging the mutation and earlier judgment. The principles of res judicata apply, leading to rejection of the current counter-claim as it arises from the same cause of action as the withdrawn suit.

SH. ANIL KUMAR VS NEW INDIA ASSURANCE CO. LTD AND ORS [MAC.APP.-566/2023]

Judges: Justice Neena Bansal Krishna

The appeal by the owner of the offending vehicle was allowed, and the recovery rights granted to the insurance company were set aside. The interpretation of the driver's blood alcohol content was found to be incorrect, as it was below the permissible limit, and the lack of an FSL report did not support a finding of intoxication. Consequently, there was no breach of the insurance policy, and the insurance company was not entitled to recover the compensation amount from the vehicle owner.

SH. BV GUPTA VS SH. VINOD GUPTA [CS(OS)-3626/1992]

Judges: Justice Neena Bansal Krishna

The suit property is identified as joint family property of the HUF of Braham Vira Gupta and Sons. Braham Vira Gupta, as the karta, is recognized as competent to partition the HUF property. Dr. Ved Gupta is entitled to a 1/4th share in the HUF property according to the 2005 amendment to the Hindu Succession Act, despite a prior proposed partition. The final shares in the property are allocated as follows: 1/2 to Vivek Gupta, 1/4 to Dr. Ved Gupta, and 1/4 to the legal heirs of the late Vinod Gupta. A preliminary decree has been passed declaring these shares, and further proceedings for partition by metes and bounds are to follow.

SH. DEEPAK KUMAR VS SH. ABDUL MAZID AND ANR. [MAC.APP.-6/2023]

Judges: Justice Neena Bansal Krishna

The award of compensation to the respondents was upheld, dismissing the appellant's appeal. The deceased riding a motorcycle without a valid license or helmet did not constitute contributory negligence. A chargesheet filed against the appellant under relevant IPC sections served as prima facie proof of negligence in driving the offending vehicle. No grounds to interfere with the compensation award were identified.

SH. MAMRAJ & ORS. VS SH. PURAN KUMAR CHUGH & ORS. [C.R.P.-291/2024]

Judges: Justice Neena Bansal Krishna

The impugned order for fresh demarcation of the property and the stay on the deposit of the remaining sale consideration cannot be set aside based on allegations of fraud by the petitioner's counsel. Demarcation is deemed to facilitate the implementation of the mediated settlement without causing prejudice to either party. The respondents must deposit the balance sale consideration of Rs. 3.5 crores within one month, accounting for any prior payments made. Parties may be referred back to the Mediation Centre to resolve outstanding issues. The revision petition and the pending application were disposed of.

SH. NAND KISHORE VS SH. RAJAN GUPTA & ORS. [C.R.P.-204/2022]

Judges: Justice Neena Bansal Krishna

The trial court's rejection of the defendant's application to dismiss the plaintiff's suit for declaration of ownership based on a 1991 sale deed was upheld. The cause of action in this suit was distinct from a subsequent suit by the plaintiff, which challenged a 2013 sale deed in the defendant's favor and was dismissed on limitation grounds. The 2013 sale deed was not included in the current case, and the plaintiff questioned its genuineness. The dismissal of the later suit on technical grounds did not undermine the plaintiff's claims in the current suit, which presented a valid cause of action.

SH. NIKHIL SEHGAL VS STATE (NCT OF DELHI) [TEST.CAS.-12/2018]

Judges: Justice Neena Bansal Krishna

Probate was granted for the last will dated July 18, 2016, of Shri Tejinder Chawla, as it was executed according to the Indian Succession Act, 1925, supported by the attesting witness's testimony. The legal heirs, including the deceased's wife and two children, consented to the probate. The petitioner must provide an administrative bond and surety to the satisfaction of the Joint Registrar before receiving the probate.

SH. VIJAY KUMAR BANSAL VS SH. BHIMSEN BANSAL & ORS. [CS(OS)-6/2019]

Judges: Justice Neena Bansal Krishna

The plaintiff failed to establish that the properties were jointly owned or purchased with joint family business funds, presenting inconsistent and contradictory assertions. Defendants provided evidence that properties were acquired in their own names or those of family members. Admissions made by defendants were insufficient to support a partition claim. The Benami Transactions (Prohibition) Act, 1988 barred the plaintiff's claim on properties not in their name. The defendants' application was accepted, leading to the suit's dismissal for lack of cause of action, and the plaintiff's application for a decree based on admissions was also dismissed.

SH. VINEET GUPTA VS M/S INDIAN BIODIESAL LIMITED & ORS [CS(OS)-385/2016]

Judges: Justice Neena Bansal Krishna

The plaintiff's application to amend the plaint was granted, allowing the inclusion of additional facts related to a sale deed executed in favor of defendant nos. 7 and 8, as well as other sale deeds and a collaboration agreement. Amendments to the pleadings were permitted due to the impleadment of new parties, and the plaintiff was allowed to submit relevant documents following this change.

SH.KAVI GHEI VS ROHIT VAID AND ANR. [CS(OS)-416/2004]

Judges: Justice Neena Bansal Krishna

The unilateral termination of the Agreement to Sell (ATS) by the defendants was invalid, as they did not seek a court declaration on its validity. The subsequent purchaser, defendant No. 3, was aware of the prior ATS and could not be deemed a bona fide purchaser. The plaintiff demonstrated readiness and willingness to perform under the ATS, having arranged necessary funds. Specific performance was granted despite only 6% of the total consideration being paid, due to the defendants' mala fide actions in executing a sale deed in favor of defendant No. 3. The plaintiff was directed to pay the prevailing circle rate for the property, and defendant No. 3 was instructed to collaborate with the original defendants in executing the sale deed in favor of the plaintiff.

SHABANA VS NEW INDIA ASSURANCE COMPANY LTD [CM(M)-4122/2024]

Judges: Justice Neena Bansal Krishna

The Tribunal's order to implead the deceased driver's legal heirs is valid. However, efforts should be made to trace the legal heirs through the Investigating Officer or the vehicle owner involved. Claim petitions should not be dismissed solely due to the inability to locate the legal heirs, as the Motor Vehicles Act aims to provide relief to accident victims.

SHAHNAWAZ MOHAMED HANIF MALANG VS UNION OF INDIA & ORS. [W.P.(CRL)-1832/2023]

Judges: Justice Neena Bansal Krishna

Look-out circulars (LOCs) against petitioners Shahnawaz Mohamed Hanif Malang and Mohd. Salim Chand Mansuri should be closed. The investigation has concluded, and a chargesheet has been filed, making the LOCs unnecessary. The petitioners may seek permission from the trial court to travel abroad during the ongoing proceedings.

SHAHNAWAZ MOHAMED HANIF MALANG VS UNION OF INDIA & ORS. [W.P.(CRL)-1832/2023]

Judges: Justice Neena Bansal Krishna

The condition requiring the petitioner to obtain prior permission from the trial court before traveling abroad has been modified. Although the earlier condition aimed to ensure the petitioner's presence during investigations and trial, it was deemed onerous given the petitioner's current residence in Mumbai and the case being in Lucknow. The petitioner has not traveled abroad despite an employment offer in Dubai. The modified order now mandates the petitioner to inform the trial court of his residence, contact details, and travel plans with an itinerary, instead of seeking prior approval.

SHAHZAD @ CHOTA NANHA VS STATE OF NCT OF DELHI [BAIL APPLN.-2477/2024]

Judges: Justice Neena Bansal Krishna

The bail application of Shahzad was dismissed due to his status as the main accused in a case involving serious charges under the Indian Penal Code and the Arms Act. He allegedly went to the informant's house with a pistol and fired, injuring others. The weapon used in the offense was recovered from him, and forensic evidence linked it to the crime. Testimony from 20 out of 42 prosecution witnesses has been recorded, indicating that the trial is nearing completion. The gravity of the offense was emphasized, differentiating Shahzad's role from that of co-accused who received bail.

SHALINI JAIN VS STATE OF DELHI & ANR. [BAIL APPLN.-3327/2024]

Judges: Justice Neena Bansal Krishna

Shalini Jain received limited anticipatory bail for 3 weeks to approach the competent court in Arunachal Pradesh where the FIR was registered. The decision was influenced by her residency in Delhi and the nature of the alleged offence in Arunachal Pradesh, allowing for interim protection to facilitate her access to justice.

SHANKER LAL ARORA VS RAJNEESH RAMPAL [CS(COMM)-419/2022]

Judges: Justice Neena Bansal Krishna

The defendant's application to reject the plaintiff's plaint in CS(COMM) 419/2022 was partially allowed, requiring the plaintiff to submit original documents within 7 days. The plaintiff's application to amend the plaint in CS(OS) 622/2019 was dismissed, as the proposed amendments regarding access to property and document authenticity were deemed irrelevant to the main issues. The matter is to be listed before the Joint Registrar for evidence recording.

SHARE SAMADHAN LIMITED VS RAVINDRA KATYAL [ARB.P.-1253/2023]

Judges: Justice Neena Bansal Krishna

A sole arbitrator, Mr. Satyam Thareja, was appointed to resolve disputes arising from a Consultancy Agreement due to the absence of a mutual arbitrator appointment by the parties. The presence of a valid arbitration clause in the agreement was acknowledged. The parties were instructed to contact the appointed arbitrator within one week to initiate arbitration proceedings.

SHARMA& ASSSOCIATES,CONTRACTOR.PVT LTD VS PROGRESSIVE CONSTRUCTION LTD & ANR. [CS(OS)-1751/2015]

Judges: Justice Neena Bansal Krishna

The arbitral award in favor of M/s Sharma & Associates, Contractor Pvt. Ltd. against M/s Progressive Construction Ltd. was upheld. The reasoning and findings of the arbitrator were supported by adequate evidence and documents, without any legal or procedural misconduct. The arbitrator's jurisdiction to adjudicate the claims was confirmed, despite the original contract being between M/s Progressive Construction Ltd. and NHPC.

SHARP MINT LTD. VS ORIENTAL INSURANCE COMPANY LTD. [CS(COMM)-25/2018]

Judges: Justice Neena Bansal Krishna

The issue involved whether "work in progress" (WIP) goods damaged in the plaintiff's factory were covered under the "semi-finished goods" provision of an insurance policy. WIP goods, being in the manufacturing process, were classified as "semi-finished goods" according to accepted accounting principles. The plaintiff was awarded R.S. 10,01,11,189 plus interest at 6% per annum from the date the claim was rejected.

SHARP MINT LTD. VS ORIENTAL INSURANCE COMPANY LTD. [CS(COMM)-26/2018]

Judges: Justice Neena Bansal Krishna

Damage to the plaintiff's stocks resulted from air ingress into a sealed column, leading to ignition of inflammable products, not auto-ignition or self-combustion. The plaintiff was not negligent in equipment maintenance and was awarded Rs. 2,45,35,797.20 plus 6% annual interest for losses related to stocks, plant and machinery, and fire extinguishing expenses.

SHENZHEN JINSHUNYI ELECTRONIC CO. LTD. VS PRASHA TECHNOLOGIES LIMITED [CS(COMM)-839/2018]

Judges: Justice Neena Bansal Krishna

The suit filed by Shenzhen Jinshunyi Electronic Co. Ltd. against Prasha Technologies Limited was barred by limitation, having been filed beyond the 3-year period after the last cause of action. Despite this, Prasha Technologies failed to prove claims of defective goods and defaulted on payments totaling $210,287.85. The amount is to be paid to Shenzhen Jinshunyi along with interest at 9% per annum from the date of the suit until recovery. Although the suit was dismissed on limitation grounds, Shenzhen Jinshunyi prevailed regarding the outstanding amount and interest.

SHIVAM SINGH@ NANHE VS STATE OF NCT OF DELHI) [W.P.(CRL)-3296/2023]

Judges: Justice Neena Bansal Krishna

The petitioner's parole application for filing a Special Leave Petition (SLP) was granted for eight weeks, despite minor past punishments. The necessity for parole to maintain family connections and pursue legal remedies was emphasized, along with the violation of constitutional rights if the petitioner were denied the opportunity to engage legal counsel. The grant is contingent upon personal and surety bonds and specific conditions.

SHOBHA AGGARWAL & ORS. VS KRISHAN KUMAR 7 ANR. [CS(OS)-347/2018]

Judges: Justice Neena Bansal Krishna

The application by Vijay Kumar to be added as a defendant in the partition suit was dismissed. He failed to demonstrate any independent right or ownership in the contested properties, with claims based on a family settlement, partnership deeds, and an irrevocable license deemed insufficient for co-ownership. The rights he may possess are dependent on his father, who is a current party in the suit. The dispute among the plaintiffs and defendants regarding the relinquishment of shares is an internal matter among co-owners, rendering the applicant an unnecessary party. The order on the plaintiffs' application for the sale of the Sunder Nagar property is pending, as the parties' shares remain undetermined.

SHRADDHA SHANDILYAYAN VS LIVECITIES MEDIA PRIVATE LIMITED & ORS. [CS(OS)-641/2018]

Judges: Justice Neena Bansal Krishna

An application under Sections 151 and 152 of the Code of Civil Procedure was partly allowed, resulting in the correction of a typographical error regarding the date of filing an application for condonation of delay, changing it from 18.03.2022 to 18.03.2020. Other contentions related to the merits of the case were dismissed as being outside the scope of these sections.

SHRADDHA SHANDILYAYAN VS LIVECITIES MEDIA PRIVATE LIMITED & ORS. [CS(OS)-641/2018]

Judges: Justice Neena Bansal Krishna

The defendant's application to set aside an ex parte order and condone a 361-day delay in filing the written statement was deemed not maintainable. The applicable rules allow a maximum of 120 days for such filings, consisting of an initial 30 days and a possible 90-day extension. The defendant did not provide a satisfactory explanation for exceeding the 120-day limit, and there is no provision to condone further delays under the rules. The application was dismissed.

SHRI ARUN GUPTA & ANR VS GOVT OF NCT OF DELHI & ORS [CS(OS)-124/2016]

Judges: Justice Neena Bansal Krishna

The plaintiffs' suit for damages based on malicious prosecution was deemed not maintainable. The police acted according to legal procedures in registering the FIR based on the complainant's allegations. There was no evidence of malice or lack of reasonable cause from the defendants. Delays in filing certain expert reports did not constitute malicious suppression of evidence. The plaintiffs failed to establish essential elements for a suit of malicious prosecution, leading to the dismissal of the suit.

SHRI BHAGWAN & ORS. VS BIRMATI & ORS. [C.R.P.-322/2024]

Judges: Justice Neena Bansal Krishna

The suit for a permanent injunction to restrain respondents from constructing on or alienating disputed property is maintainable. Petitioners, as joint owners, possess the right to protect the property from construction and third-party rights, despite not being in physical possession. The previous ruling that the suit was not maintainable has been set aside, confirming that the reliefs sought by petitioners are valid.

SHRI DANI RAM BIRHMAN VS SHRI SURAJ BHAN & ORS [CS(OS)-496/2016]
Judges: Justice Neena Bansal Krishna
The legal heirs of the deceased plaintiff were permitted to submit documents, including income tax assessments and insurance certificates, to support the claim that the suit properties were acquired using joint family funds for the benefit of the HUF coparceners. The evaluation of the merits of the parties' claims remains pending as evidence from the plaintiff is still being recorded.

SHRI GURBIR SINGH ALAG & ANR. VS SHRI ROBINDER SINGH ALAG & ANR [CS(OS)-583/2019]
Judges: Justice Neena Bansal Krishna
The main legal issue was whether the defendant had separated from the family property in 1984 through an oral partition and Memorandum of Settlement, as claimed by the plaintiffs. The defendant was permitted to add details about a subsequent fraud complaint against the plaintiffs, but other proposed amendments regarding family relationships and the defendant's expenditures on the property were rejected for being irrelevant to the determination of the partition. Amendments were limited to facts necessary to disclose the cause of action, with evidence to be presented during the trial.

SHRI KAMALJIT SINGH PAHWA VS SHRI GURDEEP SINGH PAWHA & ANR [CS(OS)-112/2016]
Judges: Justice Neena Bansal Krishna
The partition deed dated March 23, 2015 is not binding due to lack of registration. The plaintiff, defendant No.2, and defendant No.1 are entitled to 25%, 25%, and 50% shares, respectively, in the suit property. The request for rendition of accounts is denied since the defendants reside in the property without deriving monetary benefits. A permanent injunction is granted to prevent the defendants from alienating or creating third-party rights regarding the plaintiff's 25% undivided share in the property.

SHRI NIRANJAN KUMAR BANSAL VS SHRI LAJPAT RAI JAGGA & ORS. [CS(OS)-557/2019]
Judges: Justice Neena Bansal Krishna
The application to reject the plaintiff's partition suit was dismissed, affirming that the suit is maintainable. The plaintiff's right to seek partition is continuous, and the previous suit focused on different relief. The defendants must provide evidence for their claim of adverse possession over the entire property. The plaint supports a cause of action for partition and is not barred under the relevant procedural rules.

SHRI R.S. CHHABRA VS SHRI GOPAL KRISHAN KAPOOR AND OTHERS [EX.P.-232/2007]
Judges: Justice Neena Bansal Krishna
Objections filed by third parties against the execution of a compromise decree in favor of the decree holder were deemed meritless. The rights claimed by the third parties under their alleged agreement to sell are independent of the compromise decree and must be resolved in a separate suit. The execution petition cannot be transformed into a dispute over the specific performance of the third parties' agreement. The objections were rejected, and the decree holder was instructed to submit a fresh draft sale deed for execution in their name.

SHRI RAM GEN. INS. CO. LTD. VS SWAPAN SAHA & ORS. [MAC.APP.-176/2024]
Judges: Justice Neena Bansal Krishna
Compensation of Rs. 27,68,000 was awarded to the parents of a deceased individual under Section 166 of the Motor Vehicles Act, 1988, due to a motorcycle accident caused by the driver's rash and negligent behavior while under the influence of alcohol. Evidence included witness testimony, an FIR, seizure memo, and medical reports. The filing of a chargesheet against the driver served as prima facie evidence of negligence. An appeal by the insurance company was dismissed, affirming that the compensation award was appropriate and free from errors.

SHRI SUMAN KUMAR PAHUJA VS STATE AND OTHERS [TEST.CAS.-8/2016]

Judges: Justice Neena Bansal Krishna

The last will of late Shri Kishan Chand Pahuja, dated 21.09.1992, is genuine and valid. The testimony of one attesting witness's son was deemed sufficient to establish the will's authenticity despite both witnesses being deceased. All legal heirs, including the respondents, consented to the grant of probate. The petition from the elder son of the testator, a beneficiary, was accepted, and the letter of administration in respect of the will was directed to be issued.

SHRI SURESH KOCHHAR (HUF) & ORS. VS M/S V LOCAL PROMOTORS PRIVATE LIMITES & ANR. [EX.P.-63/2018]

Judges: Justice Neena Bansal Krishna

The settlement agreement between the parties was deemed valid and binding. Objections from Judgment Debtor No. 1 (Sanjay Dahiya) were rejected, as Judgment Debtor No. 2 (Sunil Kumar Dahiya) was properly authorized as a director to sign the agreement on behalf of Judgment Debtor No. 1. Sunil Kumar Dahiya's directorial status was not challenged, leading to the affirmation of the consent decree in accordance with the settlement agreement.

SHUTHAM ELECTRIC LTD. VS VAIBHAV RAHEJA & ANR. [O.M.P.-1/2023]

Judges: Justice Neena Bansal Krishna

The award by the sole arbitrator was upheld, with the appointment being valid despite the agreement for a three-member tribunal. The claim was deemed not barred by limitation due to the petitioner's admissions regarding outstanding loan liability, and the notice of invocation was timely. The loan amount of Rs. 2.5 crores was confirmed to have been disbursed to the petitioner's bank account, making the petitioner's denial invalid. Additional objections regarding the quantification of the amount payable and the inclusion of a second respondent were also dismissed. The award was based on the petitioner's own admissions and warranted no interference.

SIDDHARTH TANEJA (SOLE PROPRIETOR) M/S PERIYAR HYBRID SEEDS CO. VS STATE & ANR. [CRL.M.C.-130/2020]

Judges: Justice Neena Bansal Krishna

The petition by Siddharth Taneja, proprietor of M/s Periyar Hybrid Seeds Co., to quash the summoning order in a Section 138 complaint under the Negotiable Instruments Act was dismissed. Taneja argued that the cheques were intended as security and should only be encashed if the pledged goods were not delivered, but he claimed the goods were stolen. No denial was made regarding the issuance of the cheques and their dishonor due to insufficient funds. The defenses presented will be addressed at trial, and the summoning order was upheld.

SIMRAN VS THE STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-2995/2024]

Judges: Justice Neena Bansal Krishna

Bail was granted to petitioner Simran in an FIR under Section 21(B) of the NDPS Act, considering the recovery of 6 grams of smack and a large sum of cash from her residence, her young age of 21, and her pregnancy. Conditions for bail included furnishing a personal bond, appearing in court as required, providing a mobile number to the Investigating Officer, and refraining from criminal activity or contacting witnesses.

SITA DEVI (DECEASED) THR LRS & ORS VS TAN SINGH RANA @ TANNI [C.R.P.-103/2019]

Judges: Justice Neena Bansal Krishna

The receipt dated 10.10.1985 signed by the defendant was ambiguous and lacked essential details of the sale agreement, rendering it insufficient for the plaintiff's specific performance suit. The plaintiff's pleadings indicated that the cause of action arose in 1985, resulting in the 2012 suit being barred by limitation. The abatement of the defendant's suit against the plaintiff (deceased) was set aside, as the relief claimed was not personal and survived against legal heirs.

SMITA CHAUDHARY VS MS. TARUNA YADAV [C.R.P.-105/2023]

Judges: Justice Neena Bansal Krishna

Taruna Yadav was found guilty of contempt for violating injunction orders by executing sale deeds of the suit property. She purged the contempt by depositing the entire sale consideration of Rs. 10,45,000 as directed. Canceling the sale deeds was deemed unnecessary to protect the rights of a bona fide third-party purchaser. The revision petition by Smita Chaudhary was dismissed, confirming that Taruna had complied with the requirements to purge the contempt.

SMT PATASO DEVI VS SH SATISH KUMAR & ORS [CS(OS)-43/2017]

Judges: Justice Neena Bansal Krishna

Defendant daughters (D3 and D4) were transposed as plaintiffs in a partition suit filed by their deceased mother, as they are her legal heirs, preventing the suit from abating. The argument that the property had already been partitioned through a family settlement was rejected, as this issue would be addressed on its merits. The transposition did not alter the nature of the suit or the cause of action since it remained fundamentally a partition suit with all parties involved akin to plaintiffs.

SMT RAJBALA VS MUKESH CHAND & ANR. [MAC.APP.-186/2024]

Judges: Justice Neena Bansal Krishna

Smt. Rajbala's Functional Disability was assessed at 59% instead of the Tribunal's 35%. The assessment included a 52% permanent neurological disability, acknowledging her impact on household duties. Compensation for loss of future earnings due to disability was revised to Rs. 11,54,275/-, while non-pecuniary compensation was not altered. The total compensation awarded to her was increased to Rs. 18,04,859/- with interest at 8% per annum.

SMT REKHA MANGLIK & ORS VS SHRI VINAY KUMAR GARG & ORS [CS(OS)-448/2016]

Judges: Justice Neena Bansal Krishna

The final partition decree is executable from the date it is passed, regardless of whether it is engrossed on stamp paper. The ability to modify shares due to the death of parties ends once the final decree is issued, and the executing court cannot alter the decree based on subsequent events. Changes in shares after the final decree must be addressed in a separate suit. An application to reopen the final decree due to subsequent events was dismissed as the decree has attained finality.

SMT SHINY BOBY RAJ AND ANR. VS TATA AIG GEN INS CO LTD & ANR. [MAC.APP.-112/2023]

Judges: Justice Neena Bansal Krishna

The presence of alcohol smell in a driver's breath, without evidence of actual intoxication or negligence, is insufficient to conclude a breach of the insurance policy. The insurance company cannot claim recovery rights against the vehicle owner solely based on the alcohol smell, as it did not demonstrate that the driver was incapable of driving safely. Consequently, the insurance company is liable to pay the entire compensation amount.

SMT. BIMLA DEVI VS SMT. SUDESH RANI & ORS. [CRL.M.A.-8018/2023]

Judges: Justice Neena Bansal Krishna

The application by defendant Shri Bhupender Singh under Section 340 of the Code of Criminal Procedure for an inquiry against plaintiff Smt. Bimla Devi for perjury and contempt of court was dismissed. The plaintiff disclosed relevant facts regarding her marital history, including being the second wife and her husband's prior marriage to Smt. Hoshiyar Devi, albeit not clearly. She withdrew the first suit at an early stage, resulting in no undue advantage. The circumstances did not warrant action on the application, as there was no suppression of material facts, statements were not made deliberately, and punishing the plaintiff was not deemed expedient for the interest of justice.

SMT. CHAND GROVER & OTHERS VS M/S MOD CHITS PVT LIMITED & OTHERS [CS(OS)-21/2018]

Judges: Justice Neena Bansal Krishna

The plaintiffs were allowed to amend the plaint to include subsequent events regarding the relinquishment of shares in the suit property. The request to add Shri Ashok Goel as a plaintiff was denied, as he was not considered a necessary party. Amendments related to paragraphs 22(c) and 22(d) were also dismissed, being contingent on Goel's impleadment.

SMT. GA YTRI DEVI AND OTHERS VS THE NEW INDIA ASSURANCE CO. LTD AND OTHERS [MAC.APP.-22/2024]

Judges: Justice Neena Bansal Krishna

Cross-appeals were filed by claimants and an insurance company regarding a motor accident award. The finding of 50% contributory negligence attributed to the deceased was deemed incorrect due to lack of supporting evidence. The minimum wage for the deceased, a resident of Uttar Pradesh, should have been based on the Uttar Pradesh rate for unskilled workers rather than the Delhi rate. The loss of consortium award was enhanced to include all five claimants, and the interest rate on compensation was increased from 7% to 9% per annum. The total compensation was revised to R.S. 16,32,500, with no deductions for contributory negligence, and the insurance company was directed to deposit this amount with the Tribunal within four weeks.

SMT. HEM MADAN VS MR. PAWAN CHOWDHRI & ANR. [I.A.-19037/2022]

Judges: Justice Neena Bansal Krishna

The plaintiff, claiming constructive possession of the suit properties, is liable to pay only a fixed court fee under Article 17(vi) of the Court Fees Act, 1870, rather than the ad valorem court fee demanded by the defendant. The determination of ouster from the suit properties will be considered on the merits at the final stage of proceedings, based on the plaint's averments.

SMT. KUMKUM DEVI VS THE STATE (NCT OF DELHI) & ORS. [TEST.CAS.-60/2018]

Judges: Justice Neena Bansal Krishna

Smt. Kumkum Devi's petition for Probate of her deceased father's Will dated 08.01.2015 is treated as a petition for Letter of Administration due to the absence of an executor. The Will is confirmed as genuine based on unchallenged testimony from Smt. Devi and an attesting witness. A Letter of Administration is granted to Smt. Devi, pending payment of required fees and formalities.

SMT. LAD KUMARI VS SANDEEP KUMAR & ORS. [MAC.APP.-407/2022]

Judges: Justice Neena Bansal Krishna

The 20% deduction for contributory negligence assigned to the pillion rider was deemed erroneous, as the motorcyclist's negligence could not be attributed to her. Compensation was enhanced for various non-pecuniary aspects, including medical expenses, conveyance, special diet, and pain and suffering, reflecting the severity and duration of the injuries. However, no compensation was granted for loss of future earning capacity due to lack of formal proof of permanent disability, despite the rider being deemed unfit for her job.

SMT. MADHU BALA & ANR. VS SMT. DEEPIKA ARORA [C.R.P.-266/2023]

Judges: Justice Neena Bansal Krishna

The plaintiff failed to demonstrate ownership or title interest in the disputed property based on the Agreement to Sell and General Power of Attorney submitted. These documents do not create valid ownership transfer; they may only provide protection of possession under Section 53A of the Transfer of Property Act, which the plaintiff did not establish. The defendants, who purchased the property in 2012, maintained superior title, leading to the rejection of the plaintiff's suit for possession.

SMT. MADHU PAPREJA VS ANIL KUMAR CHADDHA AND ORS [CS(OS)-179/2018]

Judges: Justice Neena Bansal Krishna

The plaintiff's suit for partition of properties owned by late Sh. Dasmal Chaddha was allowed, mandating equal division among the legal heirs according to the Hindu Succession Act, 1956. Claims by the defendant that the plaintiff's claim was barred by limitation and that an alleged oral family settlement constituted partition were rejected. Long possession by the defendant did not establish exclusive ownership.

SMT. MANI KAPOOR VS U.P.S.R.T.C. THROUGH ITS REGIONAL MANAGER & ORS. [MAC.APP.-574/2023]

Judges: Justice Neena Bansal Krishna

Smt. Mani Kapoor's appeal regarding compensation in a motor accident case resulted in an increase from Rs. 10,38,612/- to Rs. 10,50,000/-, with interest at 7% per annum. The compensation was based on the minimum wage rate for a skilled worker, reflecting a functional disability calculation of 15%. Additional compensation was granted for pain and suffering, loss of amenities, and attendant charges.

SMT. MANJU GAIND VS SMT. KAMLA RANI & ORS [CS(OS)-317/2018]

Judges: Justice Neena Bansal Krishna

Proposed amendments to the written statement by defendants no. 1-5 were accepted as clarificatory in nature. A 2-day delay in the plaintiff's review petition was condoned. An application by defendant no. 6 to condone a 2000-day delay in filing the written statement was dismissed due to insufficient cause. Other pending applications were disposed of based on party submissions, with the main suit and remaining applications scheduled for further proceedings.

SMT. NIRMAL BANSAL & ANR. VS SH. SHYAM LAL BANSAL & ANR. [CS(OS)-462/2019]

Judges: Justice Neena Bansal Krishna

The plaintiffs, heirs of Krishan Kumar Bansal, are recognized as owners of a 50% undivided share in the disputed property based on a valid will. Objections regarding the plaintiffs' standing and party inclusion were dismissed. The property, not having been partitioned despite an earlier arrangement, is to be divided equally between the plaintiffs and the defendant.

SMT. RUMA KAPOOR VS SHRI GULSHAN KHULLAR & OTHERS [CS(OS)-1120/2008]

Judges: Justice Neena Bansal Krishna

The plaintiff was in possession of the garage on the ground floor at the time the suit was filed. Evidence, including the site plan and pleadings, supported the plaintiff's consistent claim of possession, despite it not being explicitly mentioned in the original plaint. The defendant's application for attachment of the plaintiff's property for disobedience of the status quo order was dismissed, as the plaintiff did not violate the order by opening a franchise in the garage, maintaining her claim of possession.

SMT. SARITA GARG VS SH. AMAN GUPTA & ORS. [CS(OS)-95/2020]

Judges: Justice Neena Bansal Krishna

The plaintiff's suit for declaring and canceling a registered will dated July 16, 2010, along with claims for partition, rendition of accounts, and permanent injunction, is maintainable as it was filed within the 3-year limitation period after awareness of the will's existence. The plaintiff can seek these consequential reliefs in the same suit based on the provisions of the Specific Relief Act, 1963. The defendant's application to reject the plaint was dismissed.

SMT. SUDHIR BALA SARINE VS SHRI BHACHHA THAKUR [CS(OS)-218/2019]

Judges: Justice Neena Bansal Krishna

The plaintiff is recognized as the absolute owner of the suit property, while the defendants are categorized as trespassers or expired licensees. The plaintiff is awarded mesne profits of Rs. 10,000 per month for unauthorized occupation from November 2016 to November 2019, along with damages of Rs. 5,00,000 for harassment, mental agony, and loss of revenue caused by the defendants' actions and related litigation. The claims for mesne profits and damages are decreed in favor of the plaintiff.

SMT. VEENA KHANNA VS STATE & ORS [TEST.CAS.-72/2017]

Judges: Justice Neena Bansal Krishna

Smt. Veena Khanna proved the valid execution and attestation of her late father's Will dated 05.06.1979. Allegations of forgery and undue influence by the respondent lacked credible evidence. The exclusion of one daughter, Smt. Asha Mehra, from the Will did not render it suspicious or invalid. A Letter of Administration was granted to Smt. Khanna and the legal heirs of the other beneficiary daughter, as she was a legatee and not the named executor.

SONI AND ANR VS STATE NCT OF DELHI AND ORS [W.P.(CRL)-1428/2024]

Judges: Justice Neena Bansal Krishna

The petitioners should have approached the Witness Protection Committee led by the Principal District & Sessions Judge for police protection instead of filing a writ petition. They were permitted to withdraw the petition and are allowed to seek relief from the appropriate forum.

SONIA JOKHANI VS JUGAL KISHORE JOKHANI & ANR. [CS(OS)-433/2018]

Judges: Justice Neena Bansal Krishna

The plaintiff's suit for partition of the property is not maintainable because the property was bequeathed via a Will to the plaintiff's mother, creating a limited life estate, with the property passing to the plaintiff's brother upon the mother's death. The plaintiff was aware of the Will and the subsequent transactions, including the brother's sale of parts of the property, but failed to challenge these actions within the limitation period. The plaintiff cannot seek partition without contesting the brother's claimed ownership through the sale deed. Additionally, claims regarding the movable properties lack specificity and were not included in a previous suit, failing to establish a cause of action. Consequently, the defendant's application to dismiss the plaintiff's suit is granted.

SONIKA & ANR. VS SANJAY KUMAR CHUGH (DECD THR LRS) AND ANR [MAC.APP.-390/2023]
Judges: Justice Neena Bansal Krishna
The appeal by the claimants for enhanced compensation was dismissed. The assessment of the deceased's monthly income was based on minimum wages due to a lack of sufficient proof regarding employment and the claimed salary of Rs. 25,000 per month. Testimony from the firm's proprietor lacked supporting documents like an appointment letter or attendance records. Additionally, educational records indicated the deceased had not completed a B.Tech degree. Consequently, the tribunal's decision to calculate compensation using minimum wages was upheld.

SONNY SARNA & ANR VS URMIL WADHAWAN & ORS [CS(OS)-1642/2012]
Judges: Justice Neena Bansal Krishna
The dispute centers on the ownership of the suit property, with the plaintiffs asserting ownership and the defendants claiming it was purchased by the late Kailash Berry, inherited by Urmil Wadhawan as his legal heir. The evaluation of documents submitted by the defendants revealed some were irrelevant to the main dispute. Two specific documents were permitted: the Voluntary Disclosure of Income Scheme (VDIS) by Kailash Berry and a site plan indicating the property portion claimed by the defendants. This case is part of a batch matter.

SPJ CARGO PVT. LTD. VS SARAH FOODS [CS(COMM)-583/2019]
Judges: Justice Neena Bansal Krishna
The delay in filing the Written Statement by the defendant is condoned since it was initially filed within the 120-day period specified in the Civil Procedure Code, despite being beyond the 30-day timeframe. The subsequent re-filing after addressing Registry defects is considered a continuation of the original filing, aided by an order that excludes the COVID-19 pandemic period from limitation calculations. Thus, the Written Statement is regarded as filed within the statutory period of 120 days and is accepted for record.

SRIRAM CABLES PVT LTD VS UNION OF INDIA [O.M.P. (COMM)-447/2018]
Judges: Justice Neena Bansal Krishna
The unilateral appointment of the sole arbitrator by the respondent violated the Arbitration and Conciliation Act, 1996, raising doubts about the arbitrator's independence and impartiality. The respondent's encashment of warranty bank guarantees was illegal and contrary to the contract terms and fundamental principles of Indian law. The arbitral award exhibited patent illegality and was set aside.

SSIPL RETAIL LIMITED VS VAMA APPARELS (INDIA) PRIVATE LIMITED & ANR. [CS(COMM)-736/2018]
Judges: Justice Neena Bansal Krishna
The Mumbai courts have exclusive jurisdiction to adjudicate disputes between the parties based on the exclusive jurisdiction clause in the original agreement dated 22.04.2016. The original agreement remains partially binding, with the exclusive jurisdiction clause intact despite the mention of Delhi jurisdiction in subsequent invoices, which lacked evidence of mutual consent.

STANDARD PLATTER CATERING AND HOSPITALITY PRIVATE LIMITED VS INDIAN RAILWAY CATERING AND TOURISM CORPORATION LIMITED & ORS. [O.M.P.(I) (COMM.)-181/2024]

Judges: Justice Neena Bansal Krishna

The disputes between Standard Platter Catering and Hospitality Private Limited and Indian Railway Catering and Tourism Corporation Limited regarding the revision of license fees are arbitrable under the Tripartite Agreements. The argument that the Union of India, Railway Board is not a necessary party was rejected, emphasizing the contract was with the President of India through the Chief Commercial Manager-PM. A retired judge was appointed as arbitrator, and the respondents were directed not to act on the demand notices and letters until the arbitrator considers the petitioner's application for interim relief under Section 17 of the Arbitration and Conciliation Act, 1996.

STATE OF NCT OF DELHI VS PURAN SINGH [CRL.M.C.-2183/2020]

Judges: Justice Neena Bansal Krishna

Registration of an FIR against police officials involved in an encounter was deemed mandatory due to suspicious circumstances surrounding the deceased's death. Protection under Section 197 Cr.P.C. does not apply at the FIR registration stage, as the issue of sanction can be addressed later during the trial. Orders from lower courts directing the FIR registration were upheld to ensure a thorough and independent investigation into the alleged fake encounter.

STATE VS MOHIT KUMAR & ANR. [CRL.A.-541/2009]

Judges: Justice Neena Bansal Krishna

Mohit Kumar and Sandeep Kumar were convicted under Section 308/34 of the Indian Penal Code for attempting to commit culpable homicide. The consistent testimony of the injured complainant, supported by additional evidence, demonstrated that the respondents inflicted a deep head injury with a sharp weapon. The nature of the attack and the resulting injury established the necessary intent or knowledge for the conviction.

STCI FINANCE LTD. VS MR. LT. COL. HARDEEP SINGH BEDI (RETD.) & ANR [CS(COMM)-635/2017]

Judges: Justice Neena Bansal Krishna

The "Nil Award" passed by the sole arbitrator was set aside due to being contrary to the fundamental policy of Indian law. It was noted that even after becoming the "beneficial owner" of pledged shares, the pledgee lender remains a financial creditor of the Corporate Debtor. Obligations of the pledgee lender under Sections 176 and 177 of the Contract Act are still valid, requiring actual sale of the shares to a third party rather than mere transfer to the lender's account. Both the lender, STCI Finance, and the borrower, Sukhmani Technologies, were allowed to re-agitate their claims through the arbitration process.

SUBHASH ARORA VS KALVINDER SINGH SANDHU & ORS [EX.P.-54/2017]

Judges: Justice Neena Bansal Krishna

The Intervener, Grant Thornton UK LLP, is not a necessary or proper party to the Execution Proceedings, having already initiated its own Execution Petition for recovery. A Garnishee Order was passed in its favor. The parties validly reduced the sale consideration from Rs. 10.65 crores to Rs. 7.6 crores due to the Judgment Debtor's inability to evict a trespasser. The Intervener's objections to the Settlement Agreement were dismissed, and the Execution Petition was disposed of according to the Mediation Settlement dated 09.01.2019.

SUBHASH MANCHANDA VS RAJ KUMAR MANCHANDA & ORS. [CS(OS)-240/2019]

Judges: Justice Neena Bansal Krishna

Subhash Manchanda is entitled to a 50% undivided share in the suit property. Raj Kumar Manchanda, Kavita Manchanda, and Vikas Manchanda each hold a 25% undivided share. This allocation is based on the Will of the original owner, Bulaqi Ram, and the relinquishment of shares by the plaintiff's sisters in his favor. A preliminary decree was issued, with the division of property by metes and bounds scheduled for 10.09.2024.

SUBODH KUMAR VS SANJAY KUMAR & ORS. [MAC.APP.-249/2023]

Judges: Justice Neena Bansal Krishna

The appeal for enhanced compensation was granted, with the appellant's permanent disability assessed at 20% for the right lower limb, resulting in increased loss of future earnings. Compensation for loss of amenities and loss of marriage prospects was also raised. The interest rate was increased from 7.5% to 9% per annum, leading to a total compensation increase from R.S. 4,23,427/- to R.S. 7,38,481/-, with the insurance company required to deposit the additional amount.

SUDARSAN VS SUMITRA DEVI & ORS. [C.R.P.-313/2024]

Judges: Justice Neena Bansal Krishna

The plaintiffs claimed possession of property No. B-78, T Huts, Sahibabad Dairy, Delhi-110042. The defendants contested the property identity, asserting it was Jhuggi No. 45 but failed to provide evidence to support their claim. Evidence from the plaintiffs, including ration cards, identity cards, and electricity bills, confirmed the property address as B-78. The trial court decreed in favor of the plaintiffs, and the decision was upheld without finding any issues in the judgment.

SUDIP KOHLI VS RESIDENTS WELFARE ASSOCIATION DASHRATH PURI [C.R.P.-6/2022]

Judges: Justice Neena Bansal Krishna

The plaintiff RWA's suit cannot be dismissed under Order VII Rule 11 of the Civil Procedure Code, as the determination of whether the property is a public road or private property involves evidence beyond the pleading stage. Previous civil actions related to the defendant's predecessor do not constitute res judicata since they did not address title or ownership, and the withdrawal of a writ petition does not bar this civil suit that involves mixed questions of fact and law. The application under Order VII Rule 11 has been rejected, affirming the civil judge's decision.

SUJATA JAIN & ANR.THRU ATTORNEYHOLDER SH NIKESH JAIN VS ANIL KUMAR JAIN & ORS. [C.R.P.-353/2024]

Judges: Justice Neena Bansal Krishna

The evidence submitted by Anil Kumar Jain in the consolidated suits is applicable to his own suit for specific performance, not limited to the lead suit filed by J.P. Gupta, which was dismissed due to abatement. The lower court's decision allowing the revisionist defendants, the legal heirs of J.P. Gupta, to cross-examine Anil Kumar Jain was upheld, emphasizing the interest of justice.

SUKANYA MONDAL VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-2205/2023]

Judges: Justice Neena Bansal Krishna

Sukanya Mondal received regular bail in a Prevention of Money Laundering Act case. She qualified for bail relaxation under Section 45(1) due to her status as a woman. The allegations against her are linked to her father's involvement in a cattle smuggling case. Despite her background as an educated businesswoman, there are concerns that she may have been exploited by others. The decision considered her lengthy incarceration and the case's complexity while imposing specific conditions for her bail.

SUKASH CHANDRASHEKHAR @ SUKESH VS STATE GOVT NCT OF DELHI THROUGH DG PRISONS [W.P.(CRL)-1506/2024]

Judges: Justice Neena Bansal Krishna

The writ petition filed by Sukash Chandrashekhar to prevent his transfer from Jail No. 13, Mandoli was dismissed. Medical treatment for his physical ailments is provided at outside hospitals, and psychiatric treatment can be made available at other jail complexes. No compelling reasons or evidence of mala fide by the jail administration were identified. Authorities must provide the petitioner with a 3-day notice if he is to be transferred to another jail.

SULTAN ANSARI VS DIRECTORATE OF REVENUE INTELLIGENCE & ANR. [BAIL APPLN.-1151/2024]

Judges: Justice Neena Bansal Krishna

Sultan Ansari was granted regular bail after being in custody since August 2015 under the NDPS Act. The trial had significant delays, with only 17 of 53 prosecution witnesses examined over 9 years. Co-accused persons had been granted bail, and Ansari's case was comparable. Allegations of torture and forced confession were considered credible. The decision emphasized that the undue delay in trial and Ansari's personal circumstances outweighed the restrictions of Section 37 of the NDPS Act.

SUMAN KUMARI & ORS VS NATIONAL INS CO LTD & ORS [MAC.APP.-801/2018]

Judges: Justice Neena Bansal Krishna

The appeal filed by the family of the deceased, Madan Singh, was allowed, overturning the Motor Accident Claims Tribunal's dismissal of their compensation claim under the Motor Vehicles Act. The Tribunal's rejection of eyewitness testimony and inadequate consideration of the FIR and mechanical inspection reports, which showed the crane vehicle's involvement and negligent driving, was noted as erroneous. The case is returned to the Tribunal to determine the compensation amount for the claimants.

SUMIT KUMAR JHA VS UMA SHANKAR & ORS. [MAC.APP.-358/2023]

Judges: Justice Neena Bansal Krishna

Sumit Kumar Jha is classified as a skilled worker (painter) with a monthly wage of Rs. 18,563/-. Compensation for loss of income was increased from 4 months to 7 months based on treatment records. The permanent disability percentage remained at 23% due to insufficient evidence for a higher rating. Compensation was enhanced for various non-pecuniary factors, including medical expenses, conveyance, special diet, attendant charges, pain and suffering, loss of amenities, disfigurement, and loss of marriage prospects. The interest rate on compensation was increased from 7% to 9% per annum.

SUNAYNA SABHARWAL AND ANR VS THE STATE AND OTHERS [CRL.M.C.-1819/2020]

Judges: Justice Neena Bansal Krishna

The petition under Section 482 CrPC was dismissed due to the petitioners' failure to present original policy documents needed to prove signature forgery. Without these documents, signature comparison could not occur. The petitioners had paid premiums for two years, indicating the dispute was civil, not criminal. No evidence of cheating or misappropriation was established by the petitioners.

SUNIL BHAREJA VS SHYAM LAL GOEL & ORS. [CS(OS)-106/2017]

Judges: Justice Neena Bansal Krishna

The application by defendant no. 1 to reject the plaintiff's partition suit was dismissed. The registered agreement to sell did not grant valid ownership rights, but the general and special power of attorney executed by defendant no. 12 in favor of the plaintiff was significant. With the co-owner's right to file a written statement closed, the plaintiff, as the power of attorney holder, had the standing to maintain the suit for partition. The suit was found to disclose a cause of action, leading to the rejection of the application under Order VII Rule 11 of the Code of Civil Procedure.

SUNIL GOEL VS M/S RATIONAL ENTERPRISES & OTHERS [CS(COMM)-536/2016]

Judges: Justice Neena Bansal Krishna

The defendants established that the plaintiff mutually consented to exit the partnership firm M/s Rational Enterprises in 2001-2002 due to a family settlement, with the firm reconstituted without the plaintiff in 2004. The plaintiff's claim of the firm's existence was contradicted by his lack of action for over 15 years, supporting the defendants' position. An application for judgment on admissions by the plaintiff was dismissed, as the defendants' defenses required consideration on their merits.

SUNIL KUMAR JAIN VS ANITA GUPTA & ANR. [C.R.P.-245/2024]

Judges: Justice Neena Bansal Krishna

The trial court set aside the ex-parte decree, finding that the defendants were not properly served and were unaware of the decree until the bailiff's visit, despite having made a partial payment of the decretal amount. The argument that partial payment prevented the application was rejected, as the relevant legal provision does not apply to this scenario. The revision petition from the plaintiff was dismissed.

SUNIL PANDEY VS STATE & ANR [BAIL APPLN.-621/2013]

Judges: Justice Neena Bansal Krishna

The wife's application to recall the order granting anticipatory bail to the husband was dismissed. The husband had made genuine efforts to reside with the wife according to their interim settlement agreement. Their separation after more than two years of living together did not imply manipulation of the agreement for bail purposes. The husband's conduct did not suggest that the settlement was intended solely to obtain bail. Multiple applications were involved in the matter.

SUNITA REKHI AND ANR. VS Y.D. PURI AND ORS. [CS(OS)-1789/2006]

Judges: Justice Neena Bansal Krishna

The plaintiff and defendant No. 6 were permitted to recall witness DW-2, Mr. Chetan Puri, for further cross-examination focused solely on the bank statements of defendant No. 2, Mrs. Raj Puri. These statements were introduced after DW-2's earlier cross-examination, and it was deemed necessary for clarification on the amounts to address material issues in the dispute. This situation was differentiated from other cited precedents, as it pertains specifically to further cross-examination rather than discovery procedures. Additional opportunities for cross-examination beyond the bank statements were not allowed.

SURBHI SRIVASTAVA VS AMIT SRIVASTAVA [CM(M)-2799/2024]

Judges: Justice Neena Bansal Krishna

The petitioner (mother) was granted interim custody of 14.5-year-old Aryan for a limited period, despite his preference to not stay with her. The possibility of extending custody was left open if Aryan agrees. The respondent (father) made repeated calls to Aryan during his stay, but has agreed to limit these calls to once a day.

SURENDER BENIWAL VS STATE OF NCT OF DELHI THROUGH SHO PS NIHAL VIHAR [BAIL APPLN.-1714/2024]

Judges: Justice Neena Bansal Krishna

Surender Beniwal received regular bail in FIR No. 408/2023 under Sections 406/419/420/120B/34 of the Indian Penal Code. The nature of the property transactions and the petitioner's role were considered, along with the filing of the chargesheet and lack of further needed investigations. Conditions for bail include not leaving Delhi/NCR without permission, appearing in court as required, and refraining from contacting or influencing witnesses.

SURENDER KUMAR BADHWAR VS ABHAY PRATAP SINGH RAGHUWANSHI [C.R.P.-60/2024]

Judges: Justice Neena Bansal Krishna

The plaintiff's revision petition was dismissed, and the denial of the application under Order XII Rule 6 was upheld. The defendant did not provide clear admissions in his written statement to justify a decree for the plaintiff. Instead, the defendant asserted that the landlord-tenant relationship no longer existed due to his purchase of the property from the plaintiff. Specific defenses stated required proof at trial, preventing the plaintiff from obtaining a decree based on admissions.

SURESH SHAH & ORS VS SARITA GUPTA & ORS [CS(OS)-1384/2012]

Judges: Justice Neena Bansal Krishna

The plaintiffs' suit for specific performance of an Agreement to Sell dated 20.05.2008 was dismissed, as it was deemed a precursor to a subsequent Agreement to Sell dated 26.05.2008 involving the defendant and the wife of plaintiff no. 1. The plaintiffs did not demonstrate readiness and willingness to fulfill the essential terms of the first agreement, lacking sufficient evidence of their financial capacity to pay the balance consideration. Additionally, they were found to have acted in collusion with the wife of plaintiff no. 1 in attempting to defraud the defendant. Consequently, the plaintiffs were not granted the relief of specific performance.

SURESH SHAH VS TATA CONSULTANCY SERVICES LIMITED [O.M.P.-5/2017]

Judges: Justice Neena Bansal Krishna

The arbitration awards were established as part of an International Commercial Arbitration (ICA). Mr. Suresh Shah was identified as a permanent resident of Nairobi, Kenya based on the submitted documents. The argument that the parties could modify the definition of ICA was rejected, affirming that the definition is non-derogable. Consequently, the challenge to the awards under Section 34 of the Arbitration and Conciliation Act, 1996 is confined to the grounds applicable to ICA awards.

SURUCHI BHASIN @ SURUCHI BAJAJ & ANR. VS RAJIV BAJAJ & ANR. [CS(OS)-527/2019]

Judges: Justice Neena Bansal Krishna

The Settlement Agreement dated 30.11.2022, made through mediation for partitioning disputed properties, is binding, and the defendant cannot withdraw unilaterally. A settlement agreement that has been endorsed and partially acted upon by the parties is treated as a consent decree. The defendant's failure to fulfill his obligations under the Settlement was deemed mala fide, leading to the suit being decreed in accordance with the Settlement Agreement.

SWASTIK PIPE LTD VS STEELMAN INDUSTRIES THROUGH ITS PARTNER AND OTHERS [ARB.P.-182/2024]

Judges: Justice Neena Bansal Krishna

The petitioner's claims against the respondents are not barred by limitation, as the petition was filed within 3 years of the notice of invocation, considering the earlier pending petition. The notice of invocation was properly served on the partnership firm, constituting service on all partners. The issue of a partner's resignation is designated for the arbitrator's consideration. A sole arbitrator is appointed to resolve the disputes, with parties instructed to present their objections to the arbitrator, who must make necessary disclosures and comply with the Arbitration and Conciliation Act, 1996.

SWATILEKHA TIWARI VS SUNIL PANDEY [CONT.CAS(C)-464/2017]

Judges: Justice Neena Bansal Krishna

Sunil Pandey did not commit civil contempt for failing to comply with the court's order from January 10, 2014, regarding a mediated settlement. No manipulation or false intent was found in the interim settlement, as both parties genuinely attempted to reconcile over six months but ultimately separated in May 2016. The statement about seeking a mutual consent divorce was not considered an enforceable undertaking. Financial difficulties faced by the respondent were also acknowledged. Thus, the actions did not constitute willful disobedience of the order, leading to the dismissal of the contempt petition.

SYED ABU ALA VS NCB [CRL.A.-1294/2010]

Judges: Justice Neena Bansal Krishna

The convictions of Rajinder Kumar, Syed Abu Ala, and Mohd. Altaf for offenses under the Narcotic Drugs and Psychotropic Substances (NDPS) Act were upheld, with sentences modified to the period already served due to the appellants' advanced age and lengthy trial proceedings.

TAMANNA SINGH VS CRESCENT FINANCIAL SERVICE PVT LTD [C.R.P.-358/2024]

Judges: Justice Neena Bansal Krishna

The revision petitions filed by Tamanna Singh to remove her name from an eviction suit and execution petition were dismissed. The nature of her liability, whether personal or limited to her associated LLP, is a triable issue that requires her presence for effective adjudication. Thus, the application for deletion of her name was dismissed.

TANI SANDHU BHARGAVA VS SHUMITA DIDI SANDHU [CS(OS)-452/2019]

Judges: Justice Neena Bansal Krishna

The applications for impleadment by Ms. Zoya Mohan Nursingh and Ms. Salina Singh Sandhu are dismissed. The suit filed by Tani Sandhu Bhargava is for possession and permanent injunction against Shumita Didi Sandhu and does not involve a declaration of title to the property. The applicants, claiming rights in the property as ancestral HUF property, cannot be added as necessary parties, as this would expand the scope beyond the possession issue. They have independent rights to challenge the plaintiff's title, but that must be pursued separately. The application by minor Ms. Salina, represented by her maternal grandmother, appears to have ulterior motives aimed at derailing the trial since she is not represented by her mother, the defendant.

TANNU RUHELA VS STATE NCT OF DELHI [BAIL APPLN.-792/2024]

Judges: Justice Neena Bansal Krishna

Tannu Ruhela received bail after being charged under the NDPS Act for possessing 75 kg of 'Ganja'. The petitioner had been in custody since August 2021, with only two of seventeen witnesses examined, indicating significant trial delays. Issues with compliance to Sections 41, 42, and 52A of the NDPS Act were noted, including lack of a search warrant, delays in sending samples for forensic analysis, and discrepancies in sample weights. These factors raised concerns about the investigation's fairness. Bail was granted under specific conditions.

TANU GUPTA VS STATE OF NCT OF DELHI & ORS. [CRL.M.C.-1797/2020]

Judges: Justice Neena Bansal Krishna

The petition filed by Tanu Gupta against the orders of the Magistrate and the Sessions Judge in a domestic violence case was dismissed. The property where the petitioner resided, owned by her father-in-law, was deemed a "shared household" under the Domestic Violence Act, 2005. However, the petitioner's right of residence is subject to conditions. The order for the petitioner's husband to provide alternate accommodation on rent was considered a valid exercise of discretion to balance the parties' rights. No infirmity was found in the previous orders.

TARUN NUHANI VS M/S HIGHTECH CONSTRUCTION CO. LTD.AND ANR [C.R.P.-355/2024]

Judges: Justice Neena Bansal Krishna

The ex-parte decree in favor of the petitioner was set aside because service of summons on the defendant companies through their chartered accountant's email was invalid. The plaintiffs had knowledge of the defendants' correct email addresses but chose the chartered accountant's email instead. Additionally, summons sent to the defendants' registered addresses were returned unserved. Consequently, the revision petition by the plaintiff was dismissed.

TEJBIR SINGH VS STATE & ORS. [TEST.CAS.-14/2019]

Judges: Justice Neena Bansal Krishna

Probate was granted for the last Will dated 6 April 2012 executed by Shri Sardar Gurbhajan Singh Mann. The Will was duly signed by the testator and attested by two witnesses, meeting legal requirements. The beneficiaries named in the Will did not contest, and there were no objections from third parties. The testator was considered to have been in a sound and disposing state of mind. Tejbir Singh, appointed as the sole executor, received probate.

THE AMBA DEEP FLAT OWNERS WELFARE SOCIETY VS AJAY GARG & ORS. [C.R.P.-364/2024]

Judges: Justice Neena Bansal Krishna

The suit challenging the constitution and functioning of the Amba Deep Flat Owners Welfare Society did not present a valid cause of action. The society is registered under the Societies Registration Act, 1860, and its constitution complies with the Delhi Apartment Ownership Act, 1986. The main complaints about the society's operations, such as arbitrary fee increases and denied access to records, should be addressed through internal mechanisms stated in the society's memorandum of association. The lower court's order was set aside, and the suit was rejected.

THE NEW INDIA ASSURANCE CO. LTD VS MUNNI DEVI & ORS. [MAC.APP.-339/2022]

Judges: Justice Neena Bansal Krishna

The appeal by the insurance company against the compensation awarded to the family of a deceased motor accident victim was dismissed. The assessment of the deceased's monthly income at Rs. 30,000, supported by bank statements and evidence, was upheld. Loss of consortium awards for the deceased's four major children, including married daughters as dependents, were also confirmed. The challenge to the quantum of compensation was deemed unjustified.

THE NEW INDIA ASSURANCE CO. LTD. VS SMT. ANJU RANI AND ORS. [MAC.APP.-579/2024]

Judges: Justice Neena Bansal Krishna

The appeal by New India Assurance Co. Ltd. against the compensation awarded for the death of Shri Lalit Tyagi in a road accident was dismissed. The involvement of the offending truck was established through eyewitness testimony and the principle of Res Ipsa Loquitur, while the insurance company's argument about false implication was rejected. The deceased's age was determined to be 44 years based on medical records, contrary to the insurance company's claim of 48 years based solely on the wife's Aadhaar card. The compensation award of Rs. 16,66,010/- with 6% interest per annum from the date of filing the Detailed Accident Report was upheld.

THE NEW INDIA ASSURANCE COMPANY LTD VS KARU YADAV & ANR. [MAC.APP.-644/2024]

Judges: Justice Neena Bansal Krishna

The appeal from the insurance company was dismissed based on the findings that the driver-owner possessed a valid and renewed driving license at the time of the accident. Conflicting evidence regarding the legitimacy of the driver's license did not establish liability for compensation, as there was no indication that any license issues contributed to the accident. The Claim Tribunal's decision to deny recovery rights to the insurance company was upheld.

THE ORIENTAL INSURANCE CO LTD VS ANURAG & ANR [MAC.APP.-1109/2018]

Judges: Justice Neena Bansal Krishna

The Tribunal's decision to withdraw recovery rights granted to the Insurance Company was upheld. The vehicle owner had exercised due diligence in verifying the driver's competence and license, thus not liable for the driver's fake license. The reasoning for the decision was considered well-founded with no grounds for interference.

THE ORIENTAL INSURANC COMPANY LTD VS SMT. KUSUM AND ORS [MAC.APP.-90/2024]

Judges: Justice Neena Bansal Krishna

The appeal by Oriental Insurance Company regarding compensation awarded to the family of Sh. Hari Ahirwal, who died in a road accident, was dismissed. The absence of an eyewitness did not prevent determination of negligence based on other evidence, including the site plan, mechanical inspection report, and police investigation. The presence of alcohol on the deceased's breath was insufficient to prove negligence, as alternative explanations existed and there was no evidence that he was not in control of the vehicle. The interest rate of 9% per annum granted by the tribunal was upheld as reasonable.

THE ORIENTAL INSURANCE CO LTD VS RAHUL SHARMA & ORS [MAC.APP.-670/2018]

Judges: Justice Neena Bansal Krishna

Compensation awarded to Rahul Sharma for injuries in a motor vehicle accident was upheld with modifications. The monthly salary was calculated at Rs. 25,000 with income tax deductions, resulting in an annual income of Rs. 2,98,600. A 20% functional disability, affecting job performance, was recognized alongside a 34% permanent disability. Total compensation was re-calculated to Rs. 14,50,005 with an interest rate of 9% per annum.

THE ORIENTAL INSURANCE CO LTD VS GEETA & ORS [MAC.APP.-585/2015]

Judges: Justice Neena Bansal Krishna

The appeal by the insurance company against the compensation awarded by the Motor Accident Claims Tribunal was dismissed. The deceased was not classified as a gratuitous passenger, and the challenge based on this was rejected. A 50% increase for future prospects was upheld based on the Tribunal's calculations, as the Supreme Court judgment cited by the insurance company came later. The amounts for non-pecuniary compensation were deemed reasonable.

THE ORIENTAL INSURANCE CO LTD VS MEETA SHARMA & ORS [MAC.APP.-928/2016]

Judges: Justice Neena Bansal Krishna

The appeal by the insurance company against the compensation awarded to claimants was dismissed. Testimonies from an eye-witness and a corroborating witness sufficiently established the offending vehicle's involvement and the driver's negligence. Arguments regarding the delay in filing the FIR and claims of false implication were rejected. The driver's acquittal in a criminal case did not affect the civil liability determination, and it was concluded that the claimants proved the driver's rashness and negligence.

THE ORIENTAL INSURANCE CO LTD VS SANGITA MISHRA & ORS. [MAC.APP.-493/2024]

Judges: Justice Neena Bansal Krishna

The Motor Accident Claims Tribunal awarded Rs. 56,76,100 with 8% interest per annum to the parents of Asim Anand, who died in a road accident at 26 years and 7 months. The insurance company's claim for a 50% deduction for personal expenses was rejected, with evidence indicating the parents were fully dependent on his income, justifying a 1/3rd deduction instead.

THE ORIENTAL INSURANCE CO LTD VS SHANNO & ORS [MAC.APP.-354/2018]

Judges: Justice Neena Bansal Krishna

The compensation award of Rs. 23,38,000 with 9% interest to the family of Shamshad Ali, who died in a road accident, was upheld. The argument that his income should be calculated based on minimum wages was rejected, as credible testimony established his actual income of Rs. 12,500 per month as a shoemaker. The absence of documentary evidence was not considered detrimental to the claim due to the nature of the unorganized sector. No issues were found in the calculation of the compensation amount, and the insurance company's appeal was dismissed.

THE ORIENTAL INSURANCE CO LTD VS SONI SHARMA & ORS [MAC.APP.-1038/2017]

Judges: Justice Neena Bansal Krishna

The appeal by the insurance company resulted in the denial of compensation for future income loss to the claimant, a Lance Naik in the Indian Army, as he continued to receive his salary and benefits until retirement, with no evidence of lost promotional opportunities. Compensation for attendant charges, conveyance, and special diet was reduced, while amounts for pain and suffering and loss of amenities were maintained.

THE ORIENTAL INSURANCE CO. LTD VS MOHINI TRIPATHI AND ORS [MAC.APP.-526/2024]

Judges: Justice Neena Bansal Krishna

The accident leading to the deceased's death was attributed solely to the truck driver's negligence. The absence of a valid driving license for the deceased did not constitute contributory negligence. However, the calculation for the loss of dependency was adjusted, leading to a deduction of 1/3rd instead of 1/4th. Consequently, the total compensation for the legal heirs of the deceased was reduced from Rs.43,86,000/- to Rs.39,20,000/- with 8% interest per annum.

THE ORIENTAL INSURANCE CO. LTD. VS AARTI GAUTAM & ORS. [MAC.APP.-648/2024]

Judges: Justice Neena Bansal Krishna

The appeal by Oriental Insurance Company regarding compensation in a motor accident case was dismissed. The Tribunal's award included 50% future prospects for the deceased, employed as an Assistant Manager at Reliance Retail Limited, based on the permanent nature of his job. The termination clause in the employment contract was deemed standard and did not affect this status. The awarded amount of Rs. 82,81,000 with 8% interest per annum was upheld.

THE UNITED INDIA INSURANCE CO. LTD. VS REKHA & ORS. [MAC.APP.-95/2024]

Judges: Justice Neena Bansal Krishna

The appeal by United India Insurance Company against the compensation awarded to the claimants was dismissed. The insurance company could not evade liability by claiming the trolley attached to the insured tractor was not insured, as both formed a single component, and there was no evidence of the tractor being used for commercial purposes against the policy. The ₹5,00,000 received by the claimants under the Group Personal Accident Scheme is not deducted from the compensation, in line with legal principles regarding separate insurance benefits. The compensation of ₹26,03,199, along with interest at 7% per annum, was upheld.

TIKA RAM VS CHET RAM & ORS [C.R.P.-370/2023]

Judges: Justice Neena Bansal Krishna

The plaintiff's petition challenging the rejection of a summary judgment application was dismissed. Disputed facts regarding the validity of the General Power of Attorney executed by the plaintiff in favor of the defendant were identified, necessitating evidence establishment. No clear admission was found that would support a decree based on admissions. The case involves a contested property transfer, and parties are directed to establish their claims through a regular trial process.

TIMES TRADING CORPORATION AND ANR VS UNION OF INDIA AND ORS [W.P.(CRL)-590/2023]

Judges: Justice Neena Bansal Krishna

The writ petition filed by Times Trading Corporation and Liyakat Ali against the Union of India, the Indian Trade Promotion Organisation (ITPO), and Shapoorji Pallonji & Co. Pvt. Ltd. was dismissed. The dispute is characterized as a civil contract issue rather than a criminal matter. Allegations of fraud and large-scale corruption were not substantiated with specific details. The appropriate course for the petitioners would have been to file a complaint under Section 156(3) of the Criminal Procedure Code or pursue available statutory remedies, such as arbitration. The petitioners did not exhaust these alternate remedies, leading to the dismissal of the case.

TRANSACTREE TECHNOLOGIES PRIVATE LIMITED VS FUNDFINA MARKETPLACE PRIVATE LIMITED [ARB.P.-513/2024]

Judges: Justice Neena Bansal Krishna

Transactree Technologies Private Limited's petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 resulted in the appointment of Mr. Shyam Sharma, Advocate, as the arbitrator to resolve the dispute with Fundfina Marketplace Private Limited. A valid arbitration agreement existed between the parties, leading to the appointment. The parties were instructed to contact the arbitrator within one week, with the process governed by DIAC rules, including fees and necessary disclosures as per Section 12 of the Act.

TUMLARE TRAVELS PRIVATE LIMITED VS MR. ANURAG MAHAJAN & OTHERS [CS(OS)-662/2017]

Judges: Justice Neena Bansal Krishna

The applications filed by Anurag Mahajan to set aside the ex-parte decrees from 15.11.2019 and to condone the delay in filing those applications were dismissed. Mahajan was duly served with summons and aware of the proceedings but failed to submit written statements within the statutory timeframe. His explanations for the delay, citing counsel negligence, lacked substantiation, and his overall conduct reflected indifference. Additionally, co-defendants, his wife and father, also failed to contest the suits. Mahajan could not provide a valid reason for his failure to contest effectively or file the applications within the limitation period.

U P STATE ROAD TRANSPORT CORPORATION VS LAKHAN & ORS. [MAC.APP.-679/2024]

Judges: Justice Neena Bansal Krishna

Compensation awards granted by the Motor Accidents Claims Tribunal were upheld following a head-on collision involving a UP Roadways bus and an EECO car. The negligence for the accident was solely attributable to the bus driver, with no contributory negligence from the EECO driver. The loss of consortium damages calculation was based on a precedent set in Pranay Sethi, with an interest rate of 8% per annum applied to the compensation amounts.

U P STATE ROAD TRANSPORT CORPORATION VS MUKESH & ORS. [MAC.APP.-678/2024]

Judges: Justice Neena Bansal Krishna

The appeals filed by the U.P. State Road Transport Corporation regarding compensation awarded by the Claim Tribunal were dismissed. Negligence was attributed solely to the driver of the appellant's bus, who changed lanes abruptly, causing a head-on collision. The argument of contributory negligence by the other driver's actions was rejected. The award of loss of consortium was upheld, with a 20% increase deemed correctly calculated according to established principles. An 8% interest rate on the compensation was considered reasonable. All appeals by the U.P. State Road Transport Corporation were dismissed.

U P STATE ROAD TRANSPORT CORPORATION VS RAJ RANI & ORS [MAC.APP.-303/2018]

Judges: Justice Neena Bansal Krishna

Compensation was awarded to the legal heirs of Shri Mangat Ram, who died in a road accident. Challenges regarding the quantum of compensation included deductions for personal expenses, the multiplier, salary deductions, and future prospects. The deceased's married children were recognized as dependents eligible for loss of dependency compensation. A multiplier of 9 was applied based on the deceased's age of 57, replacing the tribunal's multiplier of 11. Specific job-related allowances were deducted from the salary, but no future prospects were granted due to the deceased's regular government service and the family's pension entitlement. The total compensation amounted to Rs. 24,11,000 with 9% interest per annum from the claim petition filing date.

U P STATE ROAD TRANSPORT CORPORATION VS SAPNA & ORS. [MAC.APP.-677/2024]

Judges: Justice Neena Bansal Krishna

The appeals by the UP State Road Transport Corporation against compensation awards from the Motor Accident Claims Tribunal were dismissed. The negligence for the accident was attributed solely to the driver of the UP Roadways Bus. The award for loss of consortium to the claimants was upheld, with a 20% enhancement calculated correctly according to the Supreme Court's ruling in Pranay Sethi. An 8% per annum interest rate granted by the lower court was also maintained.

U.P. STATE ROAD TRANSPORT CORPORATION VS GOPAL & ORS. [MAC.APP.-681/2024]

Judges: Justice Neena Bansal Krishna

The appeals by the U.P. State Road Transport Corporation regarding compensation for a road accident were dismissed. The driver of the appellant's bus was solely responsible for the accident, with no contributory negligence from the other vehicle. Compensation was awarded, including a 20% increase for loss of consortium based on the Supreme Court ruling in the Pranay Sethi case. The argument regarding the 8% interest rate being excessive was rejected.

UMA SHANKAR MEHTA VS STATE GOVT. OF NCT OF DELHI & ORS. [W.P.(CRL)-3766/2023]

Judges: Justice Neena Bansal Krishna

The criminal writ petition filed by Uma Shankar Mehta was dismissed, challenging the orders of the Metropolitan Magistrate and the Additional Sessions Judge that denied his application under Section 156(3) of the Code of Criminal Procedure for FIR registration. The decisions of the MM and ASJ were affirmed, as the petitioner had access to evidence related to the alleged incident on 21.08.2021 and could present it in a pending complaint under Section 200 Cr.P.C. The writ petition was deemed to have no merit.

UNION OF INDIA THROUGH EXECUTIVE ENGINEER VS ANS CONSTRUCTIONS LTD [O.M.P. (COMM)-45/2019]

Judges: Justice Neena Bansal Krishna

The petition under Section 34 of the Arbitration and Conciliation Act, 1996 resulted in the arbitral award being set aside for Claim No. 5, which granted Rs. 11,31,239 for idling of resources due to a lack of supporting evidence. The decisions on Claim Nos. 3, 8, and 11 regarding price escalation, compensation for extra cement, and interest were upheld as lawful and justified.

UNION OF INDIA VS M/S ANS CONSTRUCTION LTD [O.M.P. (COMM)-118/2019]

Judges: Justice Neena Bansal Krishna

The petition by the Union of India under Section 34 of the Arbitration and Conciliation Act, 1996, challenging the arbitral award in favor of M/s ANS Construction Ltd was partly allowed. The arbitrator's findings on a 554-day delay in project completion were upheld. However, the compensation award for resource idling was set aside due to lack of evidence and patent illegality. Claims for price escalation and reimbursement of excess bank charges were upheld, along with the claim for extra cement consumed based on contractual terms. The award was partially set aside regarding idling of resources while the remaining claims were upheld.

UNION OF INDIA VS M/S PARISHUDH MACHINES PVT. LTD. [C.R.P.-368/2024]

Judges: Justice Neena Bansal Krishna

The petitioner was directed to deposit Rs. 1,73,53,686/- within 15 days, with the consequence of attachment and sale of bank accounts, vehicles, and other movable assets if the deposit was not made. Merely providing cheques without actual funds does not eliminate the judgment debtor's liability for interest, which continues until the money is deposited and available for withdrawal by the decree holder.

UNION OF INDIA VS M/S RAMJI DAS DHAL CONST. PVT LTD - PUSHPANJALI CONST.PVT.LTD. [ARB. A. (COMM.)-53/2023]

Judges: Justice Neena Bansal Krishna

The order of the Sole Arbitrator to release bank guarantees from contractor M/s Ramji Das Dhal Const. Pvt Ltd - Pushpanjali Const. Pvt. Ltd. was upheld. The prerequisites for release, including submission of the final bill, expiration of the defect liability period, and issuance of a "no-demand" certificate, were satisfied. The outstanding amount against the final bill was negative, indicating the Union of India had received an excess. The Arbitrator's order was not deemed illegal or perverse.

UNION OF INDIA VS M/S SATISH BUILDERS [O.M.P. (COMM)-151/2017]

Judges: Justice Neena Bansal Krishna

The arbitral award favoring M/s Satish Builders was upheld, with findings that the arbitrator presented clear justifications for the decisions on claims. The Union of India could not demonstrate any patent illegality or violation of fundamental policy in the award, leading to the dismissal of its petition under Section 34 of the Arbitration and Conciliation Act, 1996.

UNION OF INDIA VS UMESH KUMAR & ANR. [MAC.APP.-94/2024]

Judges: Justice Neena Bansal Krishna

The appeal by the Union of India against the compensation award to the injured in a road accident was dismissed. The presence of alcohol smell on the injured's breath did not establish negligence. There was no evidence that the alcohol consumption impaired his ability to control the motorcycle or caused the accident. Consumption of alcohol alone does not automatically imply negligence without additional circumstances.

UNISYS INFOSOLUTIONS PVT LTD VS GURBANI MEDIA PVT LTD [ARB.P.-835/2019]

Judges: Justice Neena Bansal Krishna

The Notice of Invocation dated 29.07.2016 issued by the petitioner was deemed valid despite objections from the respondent. The time period from 29.07.2016 to 24.05.2017, during which the parties were negotiating a settlement, was excluded when calculating the limitation period under Section 11 of the Arbitration and Conciliation Act, 1996. The claims raised by the petitioner were found to be prima facie not barred by limitation, leading to the appointment of a Sole Arbitrator to resolve the disputes.

UNITED INDIA INSURANCE CO LTD VS ASHOK KUMAR JOSHI & ORS. [MAC.APP.-609/2024]

Judges: Justice Neena Bansal Krishna

The appeal by the insurance company was dismissed, affirming an award of Rs. 18,49,631/- plus 8% annual interest to injured respondent Ashok Kumar Joshi. Evidence, including the chargesheet, confirmed the rash and negligent driving of Monu Kumar. The assessment of Joshi's income based on income tax returns was deemed appropriate, despite their late filing. The evaluation of a 32% functional disability reflected the impact of injuries on his work as an advocate. Interest on future income was considered justified due to anticipated cost escalation.

UNITED INDIA INSURANCE CO LTD VS SHARDA & ORS [MAC.APP.-617/2017]

Judges: Justice Neena Bansal Krishna

The claim petition under Section 166 of the Motor Vehicles Act is maintainable. Negligence of the driver was established through evidence, including the FIR, site plan, and witness testimony. The estranged wife and unmarried sister of the deceased were recognized as dependents. Compensation amounts for certain non-pecuniary heads were modified according to established guidelines, while the 9% interest rate and costs for the insurance company's delayed deposit were retained.

UNITED INDIA INSURANCE CO LTD VS YASH AGGARWAL AND ORS [MAC.APP.-351/2022]

Judges: Justice Neena Bansal Krishna

The lack of a valid driving license for the 17-year-old injured person does not imply contributory negligence without evidence of negligent driving. Compensation was adjusted by reducing the monthly income calculation to minimum wages for a matriculate, increasing the award for loss of future earning capacity, and adding compensation for loss of marriage prospects. Total compensation increased from R.S. 63,45,000 to R.S. 71,20,000, with interest raised to 9% per annum.

UPSRTC VS SMT. ARTI DEVI & ORS. [MAC.APP.-198/2021]

Judges: Justice Neena Bansal Krishna

The tribunal's territorial jurisdiction was upheld based on the deceased's wife's residency in Delhi as per her Aadhaar card. However, the use of Delhi's minimum wages for calculating compensation was rejected due to a lack of evidence that the deceased worked there. Compensation was recalculated based on Uttar Pradesh's minimum wages, totaling Rs. 19,00,000 with 9% interest per annum.

UPSRTC VS SUJIT KUMAR @ P. SUJITH & ANR. [CM(M)-1383/2022]

Judges: Justice Neena Bansal Krishna

The appeals filed by UPSRTC against the compensation awarded to the claimants were dismissed. The accident was attributed solely to the rash and negligent driving of the UPSRTC bus driver, with no contributory negligence from the deceased. The calculation of the deceased's monthly salary at ₹38,000 was upheld based on employer testimony and vouchers, despite the absence of formal documentary evidence. The compensation granted by the Tribunal was deemed correct.

UTTAR PRADESH STATE ROAD TRANSPORT CORPORATION VS ASHA & ORS. [MAC.APP.-688/2024]

Judges: Justice Neena Bansal Krishna

The Tribunal's decision was upheld, rejecting the UP State Road Transport Corporation's arguments regarding contributory negligence, enhancement of loss of consortium, and the compensation interest rate. The negligence of the UP Roadways bus driver was identified as the sole cause of the head-on collision, supported by eyewitness testimony and a police investigation report. A 20% enhancement of loss of consortium was deemed justified due to the passage of over three years since the accident, and an 8% interest rate on the compensation amount of Rs. 36,32,940/- was considered reasonable. The appellant was directed to deposit the full compensation amount along with interest within four weeks for disbursement to the claimants.

UTTAR PRADESH STATE ROAD TRANSPORT CORPORATION VS SACHIN & ORS. [MAC.APP.-680/2024]

Judges: Justice Neena Bansal Krishna

Compensation awards granted by the Tribunal in a road accident case remain upheld. The negligence was solely attributed to the driver of the appellant's bus, with no contributory negligence from the EECO car driver. The Tribunal's awards for loss of consortium and the interest rate were deemed appropriate.

VAIBHAV JAIN VS DIRECTORATA OF ENFORCEMENTRE [BAIL APPLN.-2079/2023]

Judges: Justice Neena Bansal Krishna

Ankush Jain and Vaibhav Jain are not entitled to default bail under Section 167(2) of the Code of Criminal Procedure, as the Enforcement Directorate filed a complete complaint within the statutory period despite ongoing investigations. The complaint met the necessary elements to establish the offence, making the right to default bail conditional and ceasing upon the filing of the complaint. The petitions for default bail were dismissed, but the petitioners retain the right to seek regular bail on merits.

VARUN KUMAR AND ORS VS LATIKA VATS [CRL.M.C.-2413/2024]

Judges: Justice Neena Bansal Krishna

The writ petitions filed by the husband and in-laws to quash criminal proceedings under the Domestic Violence Act were dismissed. The earlier settlement agreement indicated an attempt at reconciliation, which failed, allowing the respondent's legal remedies to remain intact. Disputed facts involved cannot be addressed summarily, and the petitioners may challenge the summoning order and seek discharge. No merit was found in the petitions to quash the proceedings.

VARUN KUMAR AND ORS VS STATE NCT OF DELHI AND ANR. [CRL.M.C.-2427/2024]

Judges: Justice Neena Bansal Krishna

The petitions filed by Varun Kumar and others to quash criminal proceedings were dismissed. Disputed facts in the case require proper examination at an appropriate stage, where petitioners can challenge the summoning order and seek discharge. A settlement agreement from September 2022 indicates an attempt at reconciliation, and failure in that effort does not eliminate the respondent's legal remedies under the Protection of Women from Domestic Violence Act. If petitioner No. 1 has made payments or returned property to the respondent, those issues can be addressed in the ongoing proceedings. The petitions lacked merit and were disposed of accordingly.

VATSAL SAREEN VS CHANDER PRAKASH & ORS (IFFCO TOKIO GENERAL INSURANCE CO LTD) [MAC.APP.-791/2015]

Judges: Justice Neena Bansal Krishna

The appeal by the injured victim resulted in an enhancement of compensation from Rs. 36,13,200 to Rs. 67,95,000, with 9% interest per annum. The victim was found to have 18% permanent disability in lower limbs but functionally 75% disabled. Compensation included future loss of income, future prospects, pain and suffering, attendant charges, loss of amenities, and loss of marital prospects.

VEER SINGH & ANR. VS NAVEEN @ BABLU & ORS. [MAC.APP.-212/2024]

Judges: Justice Neena Bansal Krishna

The owner of an offending vehicle is not liable to reimburse the insurance company for compensation paid to injured parties, despite the driver's expired license at the time of the accident. The owner exercised due care by verifying the license when entrusting the vehicle, and the driver was not a regular employee but a borrower. The driver's license was renewed shortly after the accident, indicating no impairment or disqualification. Previous decisions established that the non-renewal of a license does not necessarily cause an accident or breach insurance policy terms.

VIGYAPAN LOKE DELHI ADVERTISING C.G.H.S. LTD VS WAZIR HUSSAIN (SINCE DECEASED THR LRS) [C.R.P.-66/2020]

Judges: Justice Neena Bansal Krishna

The plaintiff's suit for recovery of Rs. 21,20,400/- along with interest is barred by limitation, as the cause of action arose in 2000-2001 and the suit was filed in 2014, exceeding the 3-year limitation period. Arguments to extend the limitation based on cheques issued between 2003-2005 and the defendant's balance sheets were rejected, as these did not prove acknowledgment of the debt. The plaintiff's suit has been dismissed as time-barred.

VIJAY KUMAR JAIN & ORS. VS ARUN MEHRA PROPRIETOR OF M/S SAREE GHAR & ANR. [C.R.P.-297/2024]

Judges: Justice Neena Bansal Krishna

The revision petition by the plaintiffs was dismissed, upholding the order that granted the defendant unconditional leave to defend the suit. Genuine triable issues were identified, including the disbursement of the loan through nine cheques, the limitation period, and the alleged mis-joinder of parties. Despite contradictions in the defendant's defenses, legitimate defenses requiring trial consideration were acknowledged.

VIJAY MAHESHWARI VS SPLENDOR BUILDWELL PRIVATE LIMITED & ANR. [ARB.P.-388/2024]

Judges: Justice Neena Bansal Krishna

There is a valid arbitration agreement between Vijay Maheshwari and Splendor Buildwell Private Limited and Ishayu Builders and Developers Private Limited. Mr. Anant Palli, Senior Advocate, is appointed as the sole arbitrator for the disputes. The respondents initially objected but later agreed to the arbitrator's appointment while reserving the right to raise objections before him. The parties are instructed to contact the arbitrator within one week to present their respective objections.

VIJAY MAHESHWARI VS SPLENDOR BUILDWELL PRIVATE LIMITED & ANR. [O.M.P.(I) (COMM.)-42/2024]

Judges: Justice Neena Bansal Krishna

The petition under Section 9 of the Arbitration and Conciliation Act, 1996, seeking interim relief to prevent the respondents from encumbering, selling, or creating third-party interests in office spaces was dismissed. The petitioner lacked a prima facie case, as she had requested a refund of the amount paid, which the respondents returned. There was no signed contract for assured returns, and the relief sought was primarily monetary. The petitioner had already initiated arbitration proceedings, so no irreparable loss was found to be likely. The dismissal included a clarification that the observations made do not affect the merits of the case, and the parties may present their arguments in arbitration.

VIJAY SINGH DOGRA VS SERIOUS FRAUD INVESTIGATION OFFICE [CRL.M.A.-23673/2024]

Judges: Justice Neena Bansal Krishna

The application filed by Vijay Singh Dogra for an interim stay on the Look Out Circular (LOC) and permission to travel abroad was dismissed. The petitioner, a director in eight companies linked to the Sahara Group currently under investigation by the Serious Fraud Investigation Office (SFIO), demonstrated a lack of full cooperation by not providing requested documents. Confidential material reviewed indicated the petitioner did not make complete disclosures. His reasons for travel, related to his children's education, were deemed insufficient to override the necessity of protecting the investigation's integrity. Consequently, the travel restrictions were considered proportionate and necessary.

VIJAY SINGH MALIK VS NARESH KUMAR & ANR (NATIONAL INSURANCE CO LTD) [MAC.APP.-12/2019]

Judges: Justice Neena Bansal Krishna

Vijay Singh Malik's appeal resulted in an increase in compensation for injuries sustained in a road accident on 18.10.2011. The permanent disability in his right lower limb was assessed at 36%, but there was no salary reduction due to his permanent government job. Compensation was revised for pain and suffering, conveyance charges, special diet, and loss of amenities, raising the total from Rs. 10,62,863 to Rs. 12,55,000, with 9% interest from the filing date.

VIKAS KASHYAP VS STATE OF NCT OF DELHI [BAIL APPLN.-2072/2024]

Judges: Justice Neena Bansal Krishna

Vikas Kashyap, accused under Section 20(B)(II) of the NDPS Act, was granted bail due to prolonged incarceration since his arrest on 11.04.2021, which violated his right to a speedy trial and personal liberty. There was prima facie non-compliance with mandatory provisions of Sections 41 and 42 regarding search and seizure, warranting the bail decision. Non-compliance with Section 52A(2) concerning inventory preparation was noted but deemed a trial matter. Bail conditions included the furnishing of a personal bond and sureties along with standard requirements.

VIKAS RAJ KOTI THAPA VS THE STATE (NCT OF DELHI) & ANR. [BAIL APPLN.-1410/2024]

Judges: Justice Neena Bansal Krishna

Bail was denied to Vikas Raj Koti Thapa, charged under Sections 376/370-A/120-B of IPC and Sections 6/16 of the POCSO Act for allegedly pushing a victim into prostitution. Serious allegations were raised against him, with the victim initially accusing him in a statement under Section 161 Cr.PC, despite later retracting those claims. Given the gravity of the offence, bail was deemed inappropriate.

VINAY KUMAR HUF & ORS. VS AJAY KUMAR HUF & ORS. [CS(OS)-598/2019]

Judges: Justice Neena Bansal Krishna

The total period of 120 days for filing a written statement, as specified in Order VIII Rule 1 of the Code of Civil Procedure and Chapter VII Rule 4 of the Delhi High Court (Original Side) Rules, is not extendable. The phrase "but not thereafter" indicates a definitive cut-off, making it impermissible to accept written statements submitted after this period. Applications by defendants for condonation of delay in filing their written statements were dismissed.

VINEET TANEJA VS RITU TANEJA [CM(M)-1523/2023]

Judges: Justice Neena Bansal Krishna

Counselors appointed to examine a minor child cannot be cross-examined by the father as they assist in understanding the child's psychology and welfare. The father was allowed to cross-examine the mother to support his claims of the child being tutored. The family court's order was partly set aside, and the matter was remanded for further proceedings, with a direction to conclude the trial within six months. No order was made regarding the father's petition for visitation rights for the child's grandmother, leaving the decision to the family court.

VINOD KUMAR AHLUWALIA VS MANISH SHARMA [C.R.P.-182/2019]

Judges: Justice Neena Bansal Krishna

The revision petition challenging the dismissal of a suit for possession of a shop property was dismissed. The plaintiff's pleadings were vague regarding the date of alleged dispossession, and his failure to file a police complaint raised doubts about his claims. His own statements indicated he was not in possession since 2016, following reconstruction, demonstrating a lack of valid cause of action. The dismissal of the suit was upheld.

VIPIN KHANNA VS SUJOY VEER SURI & ORS. & ORS. [CS(OS)-412/2024]

Judges: Justice Neena Bansal Krishna

The plaintiff's suit was dismissed for failing to establish a valid cause of action. The claim of a 50% share in the property based on an alleged internal agreement was deemed unsustainable, as the original agreements to sell were in the defendants' names only. The claim of adverse possession was unsupported, lacking evidence of possession being open, hostile, and adverse to the defendants' ownership. The conveyance deed executed in favor of the defendants in 1998 remained valid, and the suit was deemed both time-barred and lacking cause of action.

VIPIN KUMAR SALUJA VS STATE (NCT OF DELHI) & ORS. [W.P.(CRL)-454/2023]

Judges: Justice Neena Bansal Krishna

The punishment imposed on the petitioner for prison misconduct was upheld, despite some procedural deficiencies under the prison rules. The petitioner had an adequate opportunity to explain his actions, and CCTV evidence supported the misconduct. The argument of double jeopardy was rejected, as denying furlough due to misconduct is not considered punishment. The punishment is deemed valid, though future furlough applications should be considered without reference to this punishment.

VIPIN KUMAR VS K P RAJEEV & ANR. [MAC.APP.-631/2024]

Judges: Justice Neena Bansal Krishna

Compensation for the appellant's medical expenses was upheld, with enhancements for pain and suffering raised from R.S. 25,000 to R.S. 1,00,000 and loss of amenities from R.S. 25,000 to R.S. 50,000. No changes were made to the decision on attendant charges. The total compensation increased from R.S. 7,74,624 to R.S. 8,74,624, with an interest of 8% per annum.

VIRTUAL WIRE TECHNOLOGIES PVT. LTD VS COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH [O.M.P. (COMM)-104/2024]

Judges: Justice Neena Bansal Krishna

The dismissal of the petitioner's application under Section 16 of the Arbitration and Conciliation Act, 1996, challenging the jurisdiction of the arbitral tribunal is not considered an interim award. A petition under Section 34 contesting this dismissal is not maintainable. Challenges to the dismissal of a Section 16 application must be made alongside the final award under Section 34. The findings regarding the valid notice of invocation of arbitration and the timeliness of the proceedings were deemed reasonable without any patent illegality or perversity, leading to the dismissal of the petition.

VISHAL AND COMPANY VS THE DEFENCE SECRETARY & ANR [CS(OS)-561/2012]

Judges: Justice Neena Bansal Krishna

The plaintiff conservancy services provider is entitled to recover Rs. 90,95,067 from the Defence Ministry and Station Commander, along with interest at 7% per annum from July 2009 until payment. The defendants had underpaid the plaintiff by this amount, but the claim for Rs. 50,00,000 in damages for mental pain, agony, and loss of new contracts was rejected due to lack of evidence.

VIVEK GUPTA VS THE STATE & ORS [TEST.CAS.-62/2012]

Judges: Justice Neena Bansal Krishna

Shri Braham Vira Gupta validly executed his last will and testament on 20.4.1998, with no evidence of undue influence or coercion. Probate was granted to Vivek Gupta, the named executor.

VRENTIN TECH PRIVATE LIMITED VS UDIT GOGOI [ARB.P.-223/2024]

Judges: Justice Neena Bansal Krishna

Objections against the appointment of a Sole Arbitrator were found to be untenable. The non-stamping or inadequate stamping of the Consultancy Agreement dated 25.11.2021 does not render the arbitration clause ineffective. The non-solicitation clause in the Agreement is reasonable and does not violate Section 27 of the Indian Contract Act, 1872, as it applies only during the contract's subsistence. The question of whether the Consultancy Agreement was orally terminated upon the signing of a new agreement is a matter for the arbitrator to adjudicate. A Sole Arbitrator was appointed to resolve the disputes between the parties.

YASHNA EXPORTS PVT. LTD.& ORS. VS RAISINA BHATIA [CS(OS)-1459/1995]

Judges: Justice Neena Bansal Krishna

The application by Om Prakash Arora to set aside the Compromise Decree dated 20.09.2002 was dismissed. The applicant's rights in the property were separate from the 31.25% share acquired by the plaintiffs through the decree. Claims of fraudulent acquisition of the decree and the applicability of Section 44 of the Transfer of Property Act were rejected, as the plaintiffs were not members of the undivided family. The applicant, being a stranger to the family, could not claim protection under Section 44, and the Compromise Decree was recognized as a bona fide settlement.

YUM! RESTAURANTS INDIA PRIVATE LIMITED VS A.N. TRADERS PRIVATE LIMITED & ORS. [CS(COMM)-376/2019]

Judges: Justice Neena Bansal Krishna

The defendants, A.N. Traders Private Limited and others, disclosed triable issues in response to a summary suit filed by Yum! Restaurants India Private Limited for recovery of Rs. 24,95,01,346 with interest. The suit amount is not directly linked to the MoU dated 22.07.2016, and subsequent adjustments were noted, providing the defendants valid grounds for their defense. The defendants are permitted to file a written statement along with necessary documents.

YUM! RESTAURANTS INDIA PRIVATE LIMITED VS A.N. TRADERS PRIVATE LIMITED & ORS. [CS(COMM)-376/2019]

Judges: Justice Neena Bansal Krishna

The review petition by the plaintiff was dismissed due to discrepancies between the claimed amount in the suit and the admitted amount in the Memorandum of Understanding (MoU). The suit included interest accrued after default, which was not covered by the MoU. The term "principal amount" in the previous judgment accurately referred to the total claimed, including both the MoU amount and accrued interest. The case cited by the defendants was found not to be directly relevant, and no material errors were identified in the prior decision.

ZAMIL STEEL BUILDINGS INDIA PVT. LTD. VS CINDA ENGINEERING & CONSTRUCTION PRIVATE LIMITED [ARB.P.-628/2024]

Judges: Justice Neena Bansal Krishna

The petition under Section 11(5) of the Arbitration and Conciliation Act, 1996 for the appointment of a sole arbitrator is maintainable. The claims were not barred by limitation, as the notice of invocation of arbitration was filed within the 3-year limitation period, and the petition was submitted on time. A retired judge, Justice Rajiv Sahai Endlaw, is appointed as the sole arbitrator to resolve the disputes.

ZENG SHANGHAI VS DIRECTORATE OF REVENUE INTELLIGENCE [CRL.M.C.-6505/2023]

Judges: Justice Neena Bansal Krishna

Zeng Shanghai is permitted to submit a new application to the trial court for permission to travel to China to perform his father's last rites following his death on June 3, 2024. The father's demise is confirmed by communication from the Embassy of China. The trial court is instructed to make a decision on this application within 7 days, and previous orders related to the father's illness will not impact this request.

AIRPORTS AUTHORITY OF INDIA VS TDI INTERNATIONAL INDIA PVT LIMITED [O.M.P. (COMM)-573/2020]

Judges: Justice Prateek Jalan

Two arbitral awards, issued by a sole arbitrator appointed unilaterally by Airports Authority of India (AAI), were deemed invalid due to the arbitrator's ineligibility under Section 12(5) of the Arbitration and Conciliation Act. AAI's challenge to the awards based on this ground was upheld, as participation in the proceedings without objection did not constitute an express written waiver of the ineligibility. The awards were set aside, allowing for the initiation of fresh arbitration proceedings.

AIRPORTS AUTHORITY OF INDIA VS VIRENDER KHANNA AND ASSOCIATES [OMC-327/2021]

Judges: Justice Prateek Jalan

The arbitral award was set aside entirely due to the unsustainable decision on key legal issues. AAI could not unilaterally modify the contractual terms with VKA, and the fee calculation was mandated to be based on the "awarded cost" or "actual cost" of the project according to the existing agreement, rather than the "estimated cost" claimed by AAI. Previous judgments had consistently rejected AAI's attempts to alter contract terms unilaterally. The findings of the arbitrator were deemed insufficient and contradictory to established precedents. The parties were permitted to initiate fresh arbitration proceedings, and specific issues, such as the amount recoverable by AAI for alleged deficiencies in services, were left for future resolution.

ARUN KHANNA VS RENU SHARMA [RFA-920/2019]

Judges: Justice Prateek Jalan

The appeal was allowed, and the Trial Court's judgment rejecting the appellant's plaint was set aside. The interpretation of a prior judgment by the Metropolitan Magistrate in a Section 138 Negotiable Instruments Act case was clarified; it confirmed that the appellant rebutted the presumption regarding the cheque's issuance for a legally enforceable debt. It was stated that the Trial Court could not make findings on the merits at the Order VII Rule 11 stage. The case was restored for fresh consideration according to the applicable principles.

IOL TELECOM PVT. LTD. VS HT MEDIA LTD. & ORS. [O.M.P. (COMM)-137/2024]

Judges: Justice Prateek Jalan

The petitioners demonstrated a strong prima facie case that Mr. Siddhartha Srivastava lacked authority to sign the Debenture Subscription Agreement, as required board resolutions were not provided, and the respondent did not adequately establish Srivastava's authority. A stay on enforcement of the arbitral award was granted, contingent upon the petitioners depositing 50% of the principal amount or providing a bank guarantee.

BALASORE ALLOYS LIMITED VS STATE TRADE CORPORATION OF INDIA LIMITED [O.M.P. (COMM)-468/2023]

Judges: Justice Prateek Jalan

The seat of arbitration was designated as Delhi in the arbitration agreement, establishing exclusive supervisory jurisdiction over the proceedings. A preliminary objection to territorial jurisdiction was rejected, as the Balasore Court in Odisha lacked jurisdiction to entertain the earlier petition under Section 9 of the Act, making Section 42 inapplicable. The Registrar of the Indian Council of Arbitration was directed to provide the arbitral record to the petitioner for the Section 34 petition.

BENARA SOLAR PRIVATE LIMITED VS SOLAR ENERGY CORPORATION OF INDIA LIMITED & ANR. [O.M.P. (COMM)-165/2024]

Judges: Justice Prateek Jalan

The majority decision of a three-member arbitral tribunal declined the petitioner's claim for a balance incentive amount related to a rooftop solar panel installation contract. The tribunal noted that while delays were not the petitioner's fault, the contract explicitly stated that no incentive would be granted if the project was not completed within six months. Furthermore, the tribunal determined that the petitioner's acceptance of a lower incentive amount was not made under duress or coercion. There was no identified perversity or arbitrariness in the tribunal's interpretation of the contract or its findings regarding the validity of the undertaking.

BHARAT BROADBAND NETWORK LTD. VS PARAMOUNT COMMUNICATIONS LTD. [O.M.P. (COMM)-355/2024]

Judges: Justice Prateek Jalan

An arbitral award was upheld, which partially allowed claims of Paramount Communications Ltd. against Bharat Broadband Network Ltd. The disputes regarding the classification of goods for excise duty were deemed arbitrable as they related to a commercial dispute. Claims for the difference in excise duty, based on a change in classification, were classified as a "change in taxes" under the contract, entitling the respondent to additional amounts. Evidence, including a certificate from the excise department, confirmed the respondent had paid the higher excise duty rate and was entitled to recover it from the petitioner.

BHAVIK KOLADIYA VS ASHNEER GROVER & ANR. [CS(COMM)-28/2023]

Judges: Justice Prateek Jalan

The plaintiff retains ownership of 1,611 equity shares as the consideration under the Agreement dated 03.12.2018 was not paid by the defendant no. 1. The Agreement stipulates that the transfer of the shares was contingent upon payment. An interim injunction has been granted, preventing the defendant no. 1 from transferring or creating third-party rights in the shares until the resolution of the suit.

BIHAR STATE BACKWARD CLASSES FINANCE AND DEVELOPMENT CORPORATION VS NATIONAL BACKWARD CLASSES FINANCE AND DEVELOPMENT CORPORATION & ANR. [O.M.P.-3/2022]

Judges: Justice Prateek Jalan

An arbitral award passed by a unilaterally appointed arbitrator was set aside as a nullity in law. The consent of the Bihar State Backward Classes Finance and Development Corporation to a settlement proposal could not be inferred from a board resolution that only granted in-principle approval, pending further approval from the state government. The award was found to be vitiated by patent illegality, as the petitioner was denied a hearing on merits due to a partial reading of the resolution. Fresh arbitration proceedings may be initiated by the respondent.

CHHATTISGARH STATE ELECTRICITY VS UOI & ORS. [W.P.(C)-5789/2005]

Judges: Justice Prateek Jalan

The final allocation order issued by the Union of India on 03.11.2004, regarding the share of successor states Madhya Pradesh and Chhattisgarh in power produced by Central Government undertakings, was upheld. Relevant factors such as power consumption ratio and availability of State sector power were considered in the allocation process. The methodology used was deemed appropriate and not arbitrary. The writ petition by the Chhattisgarh State Electricity Board was dismissed, while the petition from the Madhya Pradesh State Electricity Board was deemed unnecessary.

DELHI TOURISM AND TRANSPORTATION DEVELOPMENT CORPORATION VS M/S SATINDER MAHAJAN [O.M.P. (COMM)-337/2021]

Judges: Justice Prateek Jalan

Jurisdiction to entertain the petition challenging the arbitral award made by the Micro and Small Enterprises Facilitation Council in Pathankot was lacking due to the absence of an exclusive jurisdiction clause for the Delhi courts. The seat of the arbitration was established in Pathankot, leading to the rejection of the petition and a direction for the petitioner to approach the appropriate jurisdictional court to challenge the award.

DHEERAJ RASTOGI VS DNATA INTERNATIONAL PVT LTD. [O.M.P.-2/2024]

Judges: Justice Prateek Jalan

The arbitral award that dismissed the challenges to the termination of the petitioner's employment as Chief Financial Officer was upheld. The termination was deemed valid under the employment contract due to the petitioner's failure to disclose a financial fraud and take corrective action, constituting a breach of his duties. The arbitrator's findings and interpretation of the contract were not deemed perverse, and the claim for damages was rejected as lacking basis in the pleadings.

EMPLOYEES' STATE INSURANCE CORPORATION VS M/S UTTAR PRADESH RAJKIYA NIRMAN NIGAM LTD., [O.M.P. (COMM)-272/2017]

Judges: Justice Prateek Jalan

An arbitral award confirmed that the Employees' State Insurance Corporation (ESIC) must reimburse the Uttar Pradesh Rajkiya Nirman Nigam Ltd. (UPRNN) for labor cess paid under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. Although the contract did not explicitly state reimbursement for labor cess, a mutual understanding existed that UPRNN would be reimbursed if the cess was excluded from the cost estimates. Correspondence between the parties supported the arbitrator's interpretation of the contract as plausible, leading to no valid grounds for challenging the arbitral award.

FLFL TRAVEL RETAIL LUCKNOW PRIVATE LIMITED VS AIRPORTS AUTHORITY OF INDIA & ANR. [O.M.P. (COMM)-485/2022]

Judges: Justice Prateek Jalan

An arbitral award was set aside due to violations of the Arbitration and Conciliation Act, 1996. The arbitrator did not disclose his appointment by the respondent in another arbitration, raising doubts about his independence and impartiality. Additionally, the arbitrator received documents from the respondent after reserving the order and considered them without allowing the petitioner to respond. The award was vacated, and the parties were permitted to pursue available legal remedies, with no costs ordered.

HARYANA VIDYUT PRASARAN NIGAM LTD VS NATIONAL CONTRACTING COMPANY LIMITED SAUDI ARABIA [O.M.P. (COMM)-228/2022]

Judges: Justice Prateek Jalan

Haryana Vidyut Prasaran Nigam Ltd. is entitled to the benefits of the Supreme Court's orders in Suo Moto Writ Petition (Civil) 3/2020, which exclude periods for computing both the prescribed limitation and delay condonation limits. The previous reliance on Sagufa Ahmed v. Upper Assam Plywood Products (P) Ltd. was distinguished, as the subsequent orders offered expanded protection. The registry is to examine the validity of the petitioner's original filing from 01.06.2021, ensuring defects were cured within the excluded period specified by the Supreme Court's orders.

INDIA POWER CORPORATION LIMITED AND ANR. VS MINISTRY OF POWER GOVERNMENT OF INDIA AND ANR. [W.P.(C)-6450/2019]

Judges: Justice Prateek Jalan

The Central Government qualifies as the "appropriate government" under Section 2(5)(a)(ii) of the Electricity Act, 2003 for a petitioner's application to lay an overhead transmission line from the inter-State transmission system at Maithon to a distribution sub-station at Debipur. The interpretation of "in relation to" is applied broadly, confirming that the proposed line, although located entirely within West Bengal, connects to the inter-State transmission network and involves generation, transmission, trading, or supply of electricity. The rejection of the petitioner's application by the Central Electricity Authority is set aside for prompt reconsideration.

INDIAN HIGHWAYS MANAGEMENT COMPANY LTD. VS PRAKASH ASPHALTINGS AND TOLL HIGHWAYS (INDIA) PVT LTD [O.M.P. (COMM)-392/2023]

Judges: Justice Prateek Jalan

The award from the Madhya Pradesh Micro and Small Enterprises Facilitation Council was set aside regarding Indian Highways Management Company Ltd. Prakash Asphaltings and Toll Highways (India) Pvt Ltd was ruled not to be a 'supplier' under Section 2(n)(iii) of the Micro, Small and Medium Enterprises Development Act, 2006, as it did not engage in selling goods produced by micro or small enterprises. Therefore, the Facilitation Council lacked jurisdiction over the dispute. The broader question of whether Section 2(n)(iii) could extend jurisdiction to non-micro and small enterprises was not addressed.

RUGBY RENERGY PRIVATE LIMITED VS SHRI NARENDRA BANSAL [OMC-354/2022]

Judges: Justice Prateek Jalan

The agreements for the sale of windmills between Rugby Renergy Pvt Ltd and Intex Technologies (India) Ltd and Narendra Bansal were deemed void due to uncertain consideration, making them unenforceable. Challenges to the arbitrator's decision on natural justice and merits were rejected, as the arbitrator's reasoning was seen as plausible and free from illegality. Appeals against interim orders and the final award related to the vendors' counter claims were also dismissed, following the conclusion that the agreements were void.

IRCON INTERNATIONAL LIMITED VS TANTIA CONSTRUCTION LIMITED [O.M.P. (COMM)-277/2021]

Judges: Justice Prateek Jalan

The petition by IRCON International Limited for rectification of alleged computational errors in an arbitral award was dismissed. The power under Section 34 of the Arbitration and Conciliation Act, 1996 does not allow for modification of an arbitral award; it only permits setting aside the award or parts of it. The arguments regarding Claim No. 6 (performance bank guarantee) and Claim No. 12 (unbilled quantity of materials) were based on unchallenged reasoning related to force majeure and wrongful termination. The petition focused on quantum rather than liability, which is not applicable under Section 34. No justification for interference with the award was found.

JKG INFRATECH PRIVATE LIMITED VS LARSEN AND TOUBRO LIMITED [ARB. A. (COMM.)-8/2024]

Judges: Justice Prateek Jalan

JKG Infratech Private Limited was not entitled to invoke arbitration under Section 18 of the MSME Act, 2006, as it registered under the Act only after the completion of the relevant contracts in 2014. Benefits of the MSME Act cannot be claimed by a party not registered at the time the contract was entered into, consistent with established interpretations.

KASHMIR HARVARD EDUCATIONAL INSTITUTE VS PRESIDENT AND FELLOWS OF HARVARD COLLEGE [O.M.P. (COMM)-290/2023]

Judges: Justice Prateek Jalan

The petition from the Kashmir Harvard Educational Institute challenging an arbitral award for the transfer of the domain name <kashmirharvard.edu.in> to the President and Fellows of Harvard College was dismissed. It was established that the petitioner received proper notice of the arbitral proceedings. Arguments concerning breaches of natural justice and public policy were rejected as they contradicted the record and attempted to mislead, resulting in costs of ₹50,000 imposed on the petitioner.

KVR AQUA CLARE PVT. LTD. VS INDIAN RAILWAY CATERING AND TOURISM CORPORATION LIMITED (IRCTC) [O.M.P. (COMM)-264/2024]

Judges: Justice Prateek Jalan

The petition under Section 34 of the Arbitration and Conciliation Act was dismissed, with the arbitral award being upheld. The justification for the manufacturing price calculation and the claim for electricity charges was deemed plausible based on the contract and evidence presented. The argument regarding late submission of additional documents was rejected, and it was clarified that notice and requisition of the arbitral record are not mandatory in every case, allowing for dismissal of the petition if no grounds for interference are established.

LAVA INTERNATIONAL LIMITED VS MINTELLECTUALS LLP [ARB. A. (COMM.)-48/2024]

Judges: Justice Prateek Jalan

The arbitral tribunal directed the appellant to provide security of Rs. 62.154 crores for the 12th to 20th quarters, either through a robust asset or a bank guarantee. The tribunal's orders were based on its discretionary powers under the Arbitration and Conciliation Act, 1996, and considered the appellant's changed financial status along with the need to secure the respondent's potential award, with sufficient reasoning.

M/S ADITYA THERMOPACK PVT. LTD. VS THE ORIENTAL INSURANCE CO. LTD. [ARB.P.-1362/2023]

Judges: Justice Prateek Jalan

The insurance claims between the parties were not finally settled, despite the discharge vouchers signed by the petitioner. An express protest and statement from the petitioner indicated a refusal to accept the final settlement amount. There remained a vestige of doubt regarding the arbitrability of the claims, leading to a referral to arbitration under the Delhi International Arbitration Centre with a sole arbitrator. All rights and contentions of the parties, including the arbitrability of the claims, were left open for adjudication before the appointed arbitrator.

M/S BKB TRANSPORT PRIVATE LIMITED VS NTPC LTD [ARB.P.-1242/2024]

Judges: Justice Prateek Jalan

Jurisdiction exists to entertain petitions under Section 11 of the Arbitration and Conciliation Act, 1996, despite inconsistency between the arbitration clause in the final contract agreements and the Special Conditions of Contract (SCC). The precedence of the contract agreements over the SCC and General Conditions of Contract (GCC) establishes Delhi as the seat of arbitration, which grants exclusive supervisory jurisdiction to the courts there. The reference to the Expert Settlement Council (ESC) is optional, and the petitioner's decision not to exercise this option negates a compulsory referral to the ESC. Parties are directed to attempt mutual settlement for six weeks before proceeding to arbitration. This concerns two petitions from M/s BKB Transport Pvt. Ltd. against NTPC Ltd. for arbitrator appointment under similar contract agreements.

M/S D.D. MOTORS VS BSES RAJDHANI POWER LTD. [W.P.(C)-20014/2004]

Judges: Justice Prateek Jalan

The case involved an allegation of violation of the tariff schedule, requiring compliance with specific procedural safeguards under the Delhi Electricity Regulatory Commission (Performance Standards - Metering & Billing) Regulations, 2002. The respondent utility did not issue a show cause notice or provide a personal hearing to the petitioner. The matter is remanded for reconsideration, with instructions to allow the petitioner a personal hearing. Interim protection from coercive action is granted until the respondent's decision is made, and a further period is allowed for the petitioner to approach the Consumer Grievance Redressal Forum if needed.

M/S FORTUNA SKILL MANAGEMENT PVT. LTD. VS M/S. JAINA MARKETING AND ASSOCIATES [O.M.P. (COMM)-511/2023]

Judges: Justice Prateek Jalan

The Arbitral Tribunal's award in favor of Jaina Marketing and Associates, which included an outstanding amount of Rs. 3,36,01,783/-, was upheld. The Tribunal accepted the respondent's claim based on declaration letters from Fortuna Skill Management Pvt. Ltd.'s employees and the respondent's ledger entries. An application by Fortuna to include additional delivery challans was rejected as belated and dilatory. The Tribunal's conclusions were deemed to be based on a proper assessment of the evidence, not warranting interference under Section 34 of the Arbitration and Conciliation Act.

M/S INDRA SINGH AND SONS. PVT. LTD. VS NEW DELHI MUNICIPAL COUNCIL [W.P.(C)-11736/2019]

Judges: Justice Prateek Jalan

The New Delhi Municipal Council's demand for property tax was deemed invalid due to two unlawful assessment orders from 2016 and 2019. The 2016 order utilized the Unit Area Method for calculating rateable value, which had been previously struck down as ultra vires. The 2019 order continued to apply this method despite invalidating judgments. Both orders lacked legal standing, prompting a restriction on the NDMC from using them while allowing for a fresh reassessment in accordance with legal standards.

M/S. DHANLAXMI SALES CORPORATION VS BOSTON SCIENTIFIC INDIA PVT LTD [ARB.P.-533/2022]

Judges: Justice Prateek Jalan

Clause 7.6 of the Dealership Agreement is considered a valid arbitration agreement based on a prima facie examination. Correspondence between the parties indicates their intention to resolve disputes through arbitration. Disputes are referred to arbitration, with the final determination on their existence and arbitrability left to the arbitral tribunal.

M/S KTC INDIA PVT. LTD. VS RANDHIR BRAR & ORS. [ARB.P.-286/2023]

Judges: Justice Prateek Jalan

The proposed arbitration between the petitioner and 13 respondents does not qualify as an "association or a body of individuals" under Section 2(1)(f)(iii) of the Arbitration and Conciliation Act, 1996, as the respondents are independent contracting parties to the Shareholders Agreement. However, one respondent being a foreign national qualifies the arbitration as "international commercial arbitration" under Section 2(1)(f)(i). Therefore, the jurisdiction to appoint the arbitrator lies with the Chief Justice of India or his nominee, not the High Court. The petition under Section 11 was dismissed, allowing the petitioner to seek the appropriate remedy.

M/S LA LAGOS SANTE HOSPITALITY PVT LTD VS M/S SURIDHI COMMERCIAL INFRA PRIVATE LIMITED & ORS. [ARB. A. (COMM.)-13/2024]

Judges: Justice Prateek Jalan

The Sole Arbitrator's order requiring M/s La Lagos Sante Hospitality Pvt Ltd to remove two unauthorized signages from the mall was upheld, as the signages violated the Lease Deed and Maintenance and Services Agreement. A prima facie case was established for their removal to facilitate mall renovations. The order on maintenance charges was modified, mandating a payment of Rs. 1,90,000 per month and requiring the deposit of an additional Rs. 1,18,000 per month with the Arbitrator until the dispute is resolved.

M/S MAAN BUILDERS PVT. LTD. VS UNION OF INDIA AND ORS [W.P.(C)-16377/2023]

Judges: Justice Prateek Jalan

The order debarred M/s Maan Builders Pvt. Ltd. and its allied firms from dealing with Indian Railways for two years. The debarment lacked sufficient reasoning, considered excessively harsh, and violated principles of natural justice. The Union of India must provide written communication of any decision to continue the debarment, allowing a two-week period for the petitioner to seek legal recourse before implementation.

M/S MAKKER CONSTRUCTION VS DELHI TOURISM AND TRANSPORTATION DEVELOPMENT CORPORATION LTD [ARB.P.-1263/2023]

Judges: Justice Prateek Jalan

M/s Makker Construction's petition under Section 11 of the Arbitration and Conciliation Act, 1996, was allowed, leading to a referral of disputes under their Agreement to arbitration. The claims were deemed arbitrable despite arguments regarding a prior undertaking and contractual clauses. Hon'ble Ms. Justice Asha Menon was appointed as the arbitrator, and all rights and contentions of the parties regarding claim maintainability and merits remain open for determination.

M/S. FIBERFILL ENGINEERS THROUGH ITS PARTNER MR. RISHABH KISHORE VS M/S. INDIAN OIL CORPORATION LIMITED THROUGH DY. GENERAL MANAGER (ENGG.) [O.M.P. (COMM)-241/2021]

Judges: Justice Prateek Jalan

An arbitral award claiming that the petitioner's claims were settled through accord and satisfaction was set aside due to insufficient evidence from the respondent regarding a full and final settlement. The respondent could not prove that the petitioner signed any documents indicating acceptance of a final settlement after full payment and maintained inconsistent positions throughout the proceedings. Additionally, the evidence concerning deductions from the petitioner's bills was incomplete and improperly presented. The arbitral award was invalidated, allowing the parties to initiate new proceedings as per the law.

MAHANAGAR TELEPHONE NIGAM LTD VS M/S MAFATLAL INDUSTRIES LTD [O.M.P. (COMM)-34/2017]

Judges: Justice Prateek Jalan

MTNL's challenge to the arbitral award was partially successful, with the award for storage charges and moth-proofing costs set aside due to lack of evidentiary support. Mafatlal was not required to find buyers for the customized cloth since it was made according to MTNL's specifications. The award did not involve specific performance as there was no obligation for MTNL to accept the remaining cloth. Other challenges by both MTNL and Mafatlal, along with Sandhya's challenges to the award, were rejected. The parties were instructed to re-compute the dues based on the modified award.

MALT & LEAF HOSPITALITY PVT. LTD VS AGGARWAL HOTELS PVT. LTD [O.M.P. (COMM)-484/2018]

Judges: Justice Prateek Jalan

The arbitral award stated that the lease deed covered only 1,000 sq.m. of built-up area and not the 4,600 sq.m. green area separately licensed by DDA. The interpretation of the lease deed was deemed reasonable, and the challenge to the award was dismissed.

MANMEET YADAV VS MUNICIPAL CORPORATION OF DELHI & ANR. [W.P.(C)-5704/2024]

Judges: Justice Prateek Jalan

DDA cannot require the structural safety certificate, issued by an empaneled structural engineer, to be verified by MCD. MCD accepts certifications from licensed professionals and can take action if any certification is incorrectly issued. DDA must process the petitioner's application for amalgamation of the shops within 8 weeks without requiring further verification by MCD, addressing delays caused by the dispute between the two authorities over certification procedures.

MERCATOR LTD. VS DREDGING CORPORATION OF INDIA LTD. [O.M.P.(EFA)(COMM.)-2/2019]

Judges: Justice Prateek Jalan

Mercator Ltd. successfully enforced three arbitral awards against Dredging Corporation of India Ltd. The objections raised by the judgment debtor were dismissed. The objection regarding the arbitral tribunal's composition was deemed an afterthought, as it had not been addressed previously. Additionally, the claim that the arbitration violated the Merchant Shipping Act, 1958, was rejected; a breach of this statute does not equate to a violation of India's fundamental policy. The judgment debtor must deposit Rs. 8 crores within four weeks, with further enforcement proceedings scheduled for 12.08.2024.

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS VS M/S A K SHIVHARE INFRASTRUCTURE PVT LTD [O.M.P. (COMM)-202/2024]

Judges: Justice Prateek Jalan

The petition by the Ministry of Road Transport and Highways challenging an arbitral award in favor of M/s A K Shivhare Infrastructure Pvt Ltd was dismissed. The pre-arbitration conciliation procedure under the contract was deemed directory, allowing for arbitration. The interpretation of the contract amount as exclusive of Goods and Services Tax (GST) was upheld, supported by analysis of tender documents, amended Schedule of Rates, and a contemporaneous Work Order. No grounds for interference with the arbitral tribunal's decision were identified.

MR. S. MADEGOWDA VS SHRI RAM DAS SANDHE & ORS. [O.M.P.-1/2021]

Judges: Justice Prateek Jalan

An Arbitral Award that nullified the election of the board of directors of the National Federation of Fisheries Co-operative Limited, conducted on 25.02.2021, was set aside due to the Arbitrator's failure to hear the petitioner and other elected candidates, violating principles of natural justice. The Arbitrator denied the counsel of the elected candidates the opportunity to appear, and the relief to set aside the election was not specifically requested in the initial complaint. The Arbitral Award was deemed unsustainable, allowing for any party to initiate fresh arbitration according to the law.

MR. SAHIL CHOPRA VS MUNICIPAL CORPORATION OF DELHI [O.M.P. (COMM)-150/2024]

Judges: Justice Prateek Jalan

The award of the Sole Arbitrator was upheld, with findings that the petitioner did not validly surrender the advertisement site on 01.12.2011 and continued its use through M/s Magnum after the agreement's expiry. The respondent's counter-claims were deemed within limitation, as the petitioner's fraud was discovered in 2015. The interpretation of contractual clauses regarding the security deposit and evidence concerning the relation with M/s Magnum were deemed reasonable. The petition was dismissed, but substantial relief was provided to the petitioner by limiting the award to the agreement period, granting a remission for solar energy usage, and reducing the interest rate.

MURARI LAL AGARWAL VS KMC CONSTRUCTION LIMITED & ORS. [ARB.P.-1416/2022]

Judges: Justice Prateek Jalan

There is no binding arbitration agreement between the petitioner and KMC Construction Ltd. The agreement dated 31.10.2013 did not include an express reference to the arbitration clause from the earlier agreement dated 05.10.2013 with ETA Star Infrastructure Ltd. The absence of such reference, along with the indication of Delhi courts' jurisdiction in the later agreement, led to the dismissal of the petition, allowing the petitioner to pursue alternative remedies.

MY PREFERRED TRANSFORMATION AND HOSPITALITY PVT. LTD. VS PANCHDEEP CONSTUCTION LIMITED [ARB.P.-847/2023]

Judges: Justice Prateek Jalan

The designation of New Delhi as the seat of arbitration in the agreement grants exclusive jurisdiction to the Delhi High Court over all arbitration-related matters, including the appointment of the arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996. The exclusive jurisdiction clause favoring Kolkata courts was rejected as subordinate to the seat clause. A former judge of the Delhi High Court was appointed as the sole arbitrator to resolve the disputes between the parties.

NATIONAL HIGHWAY AUTHORITY OF INDIA VS MS IRB AHMEDABAD VADODRA SUPER EXPRESS TOLLWAYS PVT. LTD [O.M.P. (COMM)-455/2022]

Judges: Justice Prateek Jalan

The arbitral tribunal's rejection of the National Highway Authority of India's application to implead the State of Gujarat is not an "award" challengeable under Section 34 of the Arbitration and Conciliation Act. Such a decision does not resolve a substantive dispute and lacks the attributes of an "award," rendering the petition under Section 34 not maintainable.

NATIONAL HIGHWAYS AUTHORITY OF INDIA VS MS IJM GAYATRI JV [O.M.P. (COMM)-235/2021]

Judges: Justice Prateek Jalan

The Arbitral Tribunal awarded IJM Gayatri JV R.S. 29,81,250 for the petitioner's (NHAI) share of its remuneration. This decision was based on the correct application of the Fourth Schedule interpretation at the time, despite later Supreme Court changes. NHAI should have utilized the statutory remedy under Section 39(2) of the Arbitration Act to contest the Tribunal's fee calculation instead of acting unilaterally. No interference with the award was warranted due to the conclusive nature of the arbitral proceedings.

NATIONAL HIGHWAYS AUTHORITY OF INDIA VS T. SURYANARAYANA REDDY [O.M.P. (COMM)-399/2020]

Judges: Justice Prateek Jalan

The arbitral award in favor of toll collector T. Suryanarayana Reddy against the National Highways Authority of India (NHAI) is upheld. Demonetization on November 8, 2016 is recognized as a "change in law," exempting the respondent from payment obligations during the affected period. The claim for a refund of the penalty imposed by NHAI is deemed arbitrable, focusing on restitution of wrongly appropriated amounts rather than a dispute over the penalty clause. The claim for the refund of the security deposit is appropriately presented, and the award aligns with the claims made. NHAI's challenge under Section 34 of the Arbitration and Conciliation Act, 1996, is dismissed.

NATIONAL SKILL DEVELOPMENT CORPORATION VS BEST FIRST STEP EDUCATION PRIVATE LIMITED & ORS. [O.M.P.(MISC.)(COMM.)-608/2023]

Judges: Justice Prateek Jalan

A petition for extension of the mandate of the arbitral tribunal is maintainable if filed after the mandate's expiration but before the award is delivered. Conflicting judgments indicate that petitions filed before the award can be allowed, while those filed after the award and when setting aside proceedings have begun are not maintainable. In this case, the petition was filed before the award was delivered, leading to an extension of the arbitrator's mandate until the award's publication.

NATUREX OILS PVT. LTD. & ORS VS TYAGI PIPE CRAFT PVT.LTD. [O.M.P.-16/2018]

Judges: Justice Prateek Jalan

Naturex Oils Pvt. Ltd. and others' petition against an arbitral award was dismissed. The Sole Arbitrator found Naturex Oils Pvt. Ltd. liable to pay ₹6.53 crore related to the recovery of mortgaged property, along with ₹1.62 crore for unpaid annual considerations under the Memorandum of Settlement. The analysis of contractual terms and evidence showed no irrationality or perversity, making the challenge to the award unmerited.

NEW SOBTI MOTOR TRAINNING SCHOOL VS GOVT OF NCT OF DELHI & ORS [W.P.(C)-1065/2018]

Judges: Justice Prateek Jalan

The license to operate a motor driving training school is personal to the licensee and cannot be inherited. The governing rules do not allow for the renewal of a license in favor of an heir. A writ petition was dismissed, but the petitioner may apply for a fresh license based on revised policy guidelines. The license's personal nature is linked to the licensee's attributes, emphasizing its importance for road safety and public order, which prevents inheritance.

PACIFIC FOODS VS MAROON HOSPITALITY [ARB.P.-1382/2022]

Judges: Justice Prateek Jalan

A valid arbitration agreement was indicated between Pacific Foods and Krest Enterprises and Maroon Hospitality based on the terms of their online platform transactions. Although the respondents disputed the existence of the agreement, the circumstances suggested its presence. The disputes were referred to arbitration at the Delhi International Arbitration Centre, allowing the arbitral tribunal to determine the existence and validity of the agreement while keeping all parties' rights and contentions open for consideration.

PRAVEEN KUMAR KAPOOR VS RAJ KUMAR JAIN AND ANR [ARB.P.-1245/2023]

Judges: Justice Prateek Jalan

The dispute resolution clause in the Memorandum of Understanding (MoU) constitutes a valid arbitration agreement, offering three alternative modes of resolution (mutual settlement, mediation, and arbitration) without requiring further consent. Contentions regarding limitation and novation will be determined by the arbitrator. Disputes between the parties are referred to arbitration under the Delhi International Arbitration Centre (DIAC), with no opinion expressed on the merits of the case.

PROTO DEVELOPERS AND TECHNOLOGIES LTD VS M/S ANTRIKSH REALTECH PVT LTD & ANR. [O.M.P. (COMM)-98/2024]

Judges: Justice Prateek Jalan

The arbitral award was upheld, rejecting the claims of Proto Developers and Technologies Ltd. while partly allowing two counterclaims from Antriksh Realtech Pvt Ltd. The arbitrator's interpretation of the Collaboration Agreement, particularly regarding the allocation of responsibilities and expenses for obtaining various permissions, was deemed reasonable. The distinction made between dues payable by the petitioner and respondent No. 2 versus the joint liabilities in the agreement was acknowledged. The analysis of evidence and findings on the parties' claims and counterclaims were considered plausible, not warranting interference under Section 34 of the Arbitration and Conciliation Act, 1996.

RAM CHANDER AGGARWAL VS RAM KISHAN AGGARWAL & ANR. [O.M.P. (COMM)-457/2022]

Judges: Justice Prateek Jalan

The appointment of the arbitrator was unilateral and violated the arbitration clause in the partnership deed, which required mutual agreement. Arbitral proceedings led by a unilaterally appointed arbitrator are deemed void. Consequently, the arbitral award was set aside, and a new arbitrator was appointed to resolve the disputes between the parties.

RAMKY INFRASTRUCTURE LTD TK ENGINEERING CONSORTIUM PVT LTD JOINT VENTURE VS NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD [ARB. A. (COMM.)-17/2024]

Judges: Justice Prateek Jalan

The appeal by Ramky Infrastructure Ltd. TK Engineering Consortium Pvt. Ltd. against the Arbitral Tribunal's order to vacate the stay on bank guarantees invoked by the National Highways and Infrastructure Development Corporation Ltd. was dismissed. The appellant did not demonstrate a clear case of irretrievable injury or special equities justifying an injunction against the guarantees' invocation. Arguments centered on unresolved contractual disputes were insufficient for such a claim. The invocation letters were valid, citing the appellant's defaults in obligations, and were aligned with the bank guarantee agreements. The discretion exercised by the Arbitral Tribunal was deemed appropriate and not arbitrary or perverse.

RITES LTD VS AHUWALIA CONTRACT (INDIA) LTD. & ANR. [O.M.P. (COMM)-56/2019]

Judges: Justice Prateek Jalan

The arbitrator's award of interest on the respondent's claim for outstanding bills was set aside due to a violation of contractual clauses that prohibited interest awards. The relevant contractual clauses clearly disallowed the granting of interest, which the arbitrator did not take into account. However, the award of post-award interest remained intact.

RK WIND LIMITED VS JEENA AND CO [O.M.P. (COMM)-515/2022]

Judges: Justice Prateek Jalan

The arbitral award favored Jeena and Co., concluding that RK Wind Limited's failure to make payments to suppliers caused delays in shipment. Efforts were made by Jeena and Co. to arrange for a vessel despite this delay. RK Wind Limited was not entitled to claim liquidated damages and was ordered to pay the unpaid invoices, interest, and costs to Jeena and Co.

STATE BANK OF INDIA VS M/S ASHA ENTERPRISES PRIVATE LIMITED [O.M.P. (COMM)-466/2022]

Judges: Justice Prateek Jalan

The pecuniary jurisdiction to entertain the petitions lies with the District Court, as each claim is less than Rs. 2 crores, according to the Delhi High Court Act, 1966 and the Commercial Courts Act, 2015. The value of claims and counter-claims adjudicated by the arbitrator is the relevant metric for determining jurisdiction, not the total value of the award. The appointment of the arbitrator by the High Court does not grant perpetual jurisdiction for future petitions. The petitions were directed to be returned for presentation before the appropriate court.

SUDHANSHU SHEKHAR VS JAWAHARLAL NEHRU UNIVERSITY AND ORS. [W.P.(C)-4108/2024]

Judges: Justice Prateek Jalan

JNU's enforcement of a 30-year age limit for research students in student union elections aligns with the recommendations of the Lyngdoh Committee. Arguments for relaxing the age limit due to COVID-19-related election gaps and the precedent from another university were rejected, with JNU's decision deemed reasonable, not requiring intervention.

SWASTIK PIPE LIMITED VS PSR AQUA AND ENGINEERS PRIVATE LIMITED [ARB.P.-299/2022]

Judges: Justice Prateek Jalan

The arbitration clause in the invoices issued by the petitioner to the respondent constitutes a binding arbitration agreement under Section 7 of the Arbitration and Conciliation Act, 1996. Previous judgments involving the same petitioner support the binding nature of similar arbitration clauses, even in the absence of the respondent's signature. Distinguishing other cited judgments based on differing facts, it was concluded that a prima facie view on the existence of the arbitration agreement is appropriate at this stage, with final determination reserved for the arbitral tribunal. Consequently, the disputes between the parties were referred to arbitration under the Delhi International Arbitration Centre.

THOMAS AND COMPANY PRIVATE LIMITED VS THAPAR BUILDERS PVT LTD [O.M.P. (COMM)-106/2024]

Judges: Justice Prateek Jalan

The decision of the sole arbitrator to dismiss the counter-claims by Thomas and Company Private Limited against Thapar Builders Pvt Ltd was upheld due to limitations. The amounts owed were established to be due on or before 01.02.2017, making the counter-claims filed on 19.10.2022 exceed the 3-year limitation period. Previous findings from the NCLT also indicated similar claims were barred by limitation. No grounds for interference with the arbitrator's decision were identified.

TRIUPATI NARASHIMA MURARI VS UNION OF INDIA AND ORS. [W.P.(C)-9420/2018]

Judges: Justice Prateek Jalan

The writ petition to cancel the registration and recognition of the All India Majlis-e-Ittehadul Musalimeen (AIMIM) was dismissed. AIMIM met the statutory requirements under Section 29A of the Representation of the People Act, 1951 by amending its constitution to include principles of secularism, socialism, and democracy. The Election Commission of India can only deregister a political party in cases of fraud or constitutional non-compliance with Section 29A(5). Arguments regarding "corrupt practices" in elections were deemed irrelevant to the registration issue.

UNION OF INDIA THROUGH VS M/S SHIVALIK FASTENERS PVT. LTD [O.M.P. (COMM)-260/2024]

Judges: Justice Prateek Jalan

The Arbitral Tribunal's decision that the Union of India could not reduce the ordered quantity in the Purchase Order without reasonable notice was upheld, as it violated the "Quantity Option Clause." The Union's actions of reducing the quantity and retrospectively lowering the rate were deemed inconsistent with the contract terms. However, the award of pre-award interest to the respondent was set aside due to non-compliance with the applicable Standard Terms and Conditions. The challenge to the remainder of the Arbitral Tribunal's award was dismissed.

UNION OF INDIA VS COMMISSIONER OF NORTH DELHI MUNICIPAL CORPORATION [W.P.(C)-9405/2017]

Judges: Justice Prateek Jalan

The Union of India sought directions for the Municipal Corporation of Delhi to pay maintenance charges for Road Under Bridges. The relief was not granted due to considerable delay and the need for detailed adjudication of disputed factual questions, which is not suitable for writ jurisdiction. Responsibility for RUB maintenance was unclear, and significant disputes existed regarding the claims by the Union of India and payments made by the Municipal Corporation. The parties may pursue appropriate legal remedies to address the issue, with their rights and contentions remaining open for consideration by the relevant court.

UNION OF INDIA VS MS KRISHNA CONSTRUCTIONS COMPANY [O.M.P. (COMM)-369/2022]

Judges: Justice Prateek Jalan

The arbitral award favored MS Krishna Constructions Company, stating that the Union of India could not retain the performance bank guarantee or security deposit, nor impose compensation for delays, as it did not demonstrate any actual loss. The arbitrator's decisions on claims for refund and rejection of counterclaims were supported by evidence indicating the Union's failure to prove loss. The decision, based solely on documentary evidence, stands without grounds for interference.

UNION OF INDIA VS TATA COMMUNICATIONS LTD [O.M.P. (COMM)-338/2024]

Judges: Justice Prateek Jalan

An arbitral award required the Union of India to pay Tata Communications Ltd. for services rendered beyond the initial contract period. The claim for the period from April 1, 2020, to June 30, 2020, was supported by a written extension of the contract, confirming the Union's liability. For the period from July 1, 2020, to December 31, 2020, it was established that the contract was effectively extended based on meeting minutes and the Union's actions, despite the lack of a written extension. The assessment of evidence and contract interpretation fell within the arbitrator's jurisdiction, and no defects were identified in the arbitrator's decision.

WADIA TECHNO ENGINEERING SERVICES LIMITED VS DIRECTOR GENERAL OF MARRIED ACCOMMODATION PROJECT & ANR. [O.M.P. (COMM)-518/2023]

Judges: Justice Prateek Jalan

Petitions challenging three arbitral awards were partially allowed. The arbitrator erred in rejecting claims for enhanced remuneration due to increased project costs in the Vizag case, leading to the award being set aside, allowing the petitioner to initiate fresh arbitration proceedings. Findings related to claims from the prolongation of the contract were upheld, as the arbitrator's interpretation of contractual clauses and evidence assessment were deemed reasonable. The rejection of miscellaneous claims was sustained due to insufficient documentary evidence.

STATE VS MAHESH SINGH &ORS. [CRL.A.-121/2003]

Judges: Justice Prathiba M. Singh

The acquittal of Mahesh Singh, Yogesh @ Kallu, and Yogender @ Gatta was upheld due to the prosecution's failure to demonstrate their shared intention to kill Praveen Kumar. Evidence presented showed contradictions and inconsistencies, indicating insufficient proof of their involvement in the attack. A prior judgment on the main accused, Veer Singh, reclassified the charge from murder to culpable homicide not amounting to murder, suggesting the incident was a sudden altercation without premeditation. The appeal against the acquittal was dismissed.

AIRPORTS AUTHORITY OF INDIA VS MEENAMBAKKAM REALTY PRIVATE LIMITED [O.M.P. (T) (COMM.)-107/2023]

Judges: Justice Prathiba M. Singh

The existing arbitral tribunal for disputes between Airports Authority of India (AAI) and Meenambakkam Realty Private Limited will be terminated and reconstituted due to objections from both parties. A new Presiding Arbitrator and Nominee Arbitrators have been appointed with the consent of the parties, and the procedural rules of the International Centre for Alternate Dispute Resolution (ICADR) will continue to apply.

AJANTA SOYA LIMITED VS THE ORIENTAL INSURANCE COMPANY [O.M.P.(MISC.)(COMM.)-92/2024]

Judges: Justice Prathiba M. Singh

A petition seeking an extension of the arbitral tribunal's mandate under Section 29A of the Arbitration and Conciliation Act, 1996, was granted despite a significant delay in filing. The tribunal, constituted in October 2020, had a mandate that expired in February 2023, excluding the COVID-19 pandemic period. Although the parties approached after over a year, an extension until 31st March 2024 was deemed appropriate, as the award was ready and the initial reference occurred during the pandemic.

AJAY GUPTA & ANR. VS M/S GREENWAYS [CS(COMM)-125/2023]

Judges: Justice Prathiba M. Singh

The open courtyard space of 15x6 ft. does not qualify as a "building" or "premises" under the Delhi Rent Control Act, 1958. The defendant is deemed a permissive user rather than a protected tenant. The defendant must vacate the space within 4 weeks. Arguments regarding the non-impleadment of a co-owner and the overvaluation of the suit were rejected.

AKHIL GUPTA VS HINDUSTAN UNILEVER LTD [ARB.P.-460/2024]

Judges: Justice Prathiba M. Singh

The petitioner's notice invoking arbitration under Section 21 of the Arbitration and Conciliation Act, 1996 was deemed valid due to the respondent's failure to reply and concurrent proceedings in another court. The dispute resolution clause directing the parties to the Ombudsman would cause unnecessary delays. The arbitration clause was not contested, and Ms. Nina Nariman, Advocate, was appointed as the sole Arbitrator to resolve the disputes, with the seat of arbitration located in Delhi.

ALISHBA KHAN VS UNION OF INDIA AND ORS. [W.P.(C)-2943/2020]

Judges: Justice Prathiba M. Singh

A suitable wheelchair will be provided to the petitioner in W.P.(C) 5395/2021 without the tender process due to urgent need. In the case of Master Rakshan (CONT.CAS(C) 678/2024 & 687/2024), medical records will be sent to AIIMS for examination and a treatment plan. A status report in W.P.(C) 4539/2023 indicated the petitioner is open to Exon 51 Skipping treatment. Remaining matters are adjourned for further hearing on 1st August, 2024, focusing on the medical needs of the petitioners and timely provision of necessary support.

AKSHAT BALDWA & ORS. VS YASH RAJ FILMS & ORS. [W.P.(C)-445/2023]

Judges: Justice Prathiba M. Singh

A writ petition by four individuals with visual and hearing impairments highlighted the need for the implementation of the Rights of Persons with Disabilities Act, 2016 to ensure accessibility of films and audiovisual content. There was a call for the Ministry of Information and Broadcasting to conduct stakeholder consultations and develop guidelines for incorporating features like sub-titling, captioning, and audio-description. Concern was raised over the ongoing lack of accessibility despite the law being in effect for over five years. Additionally, the ministry was instructed to appoint a special officer to address representations from persons with disabilities promptly, with further consideration of the timeline for implementing the accessibility guidelines.

AKSHAT BALDWA & ORS. VS YASH RAJ FILMS & ORS. [W.P.(C)-445/2023]

Judges: Justice Prathiba M. Singh

Accessibility is recognized as a legal right for persons with disabilities, requiring the state to ensure film producers, theatres, and OTT platforms implement reasonable accommodations for equal access to audio-visual content. The Ministry of Information and Broadcasting is instructed to finalize and notify accessibility guidelines for films, making features like audio description, subtitles, and closed captions mandatory. Additionally, a nodal officer is to be appointed to address requests for including accessibility features in films until the guidelines are established.

ALLIED BLENDERS @ DISTILLERS PRIVATE LIMITED VS HERMES DISTILLERY PRIVATE LIMITED [CS(COMM)-274/2021]

Judges: Justice Prathiba M. Singh

The "Peace Maker" whisky label was found to be deceptively similar to the registered "Officer's Choice" whisky label, constituting trade dress infringement and passing off. Despite differences in brand names, the combination of color scheme, layout, and design features of the two labels created confusion. Arguments that the differences were sufficient to prevent confusion were rejected. An interim injunction was issued to restrain the use of the "Peace Maker" label, allowing the defendant to exhaust existing stock within 30 days.

ALLIED-DYNAMIC JOINT VENTURE VS IRCON INTERNATIONAL LTD, DELHI [O.M.P. (COMM)-451/2016]

Judges: Justice Prathiba M. Singh

The petition by Allied-Dynamic Joint Venture challenging the arbitral award was dismissed. Key grounds, including alleged bias of the sole arbitrator and non-award of compensation for project site delays, were deemed untenable. The agreement contained safeguards regarding the arbitrator's appointment, and no remedy for bias was sought at the relevant time. The arbitrator attributed project delays to both parties, and the claims for compensation lacked supporting evidence. Under Section 34 of the Arbitration and Conciliation Act, there was no basis to set aside the award due to misappreciation of evidence.

AMANPREET KOHLI VS PANKAJ DAYAL [CS(COMM)-175/2020]

Judges: Justice Prathiba M. Singh

The defendant in a commercial dispute was required to deposit Rs. 2.5 crore in installments to raise a defense, as per Order XIIIA Rule 7 of the Code of Civil Procedure. The defendant failed to comply with this order, leading to a decree in favor of the plaintiff for the full amount claimed, including principal and interest. Non-compliance with the conditional order resulted in the plaintiff being entitled to a decree under the Code.

AMAR SINGH BHATIA & ANR. VS SIR GANGA RAM HOSPITAL & ORS. [W.P.(C)-3590/2020]

Judges: Justice Prathiba M. Singh

The absence of timelines in the Transplantation of Human Organs and Tissues Rules, 2014 has caused significant delays in organ donation applications, which can threaten the lives of patients needing transplants. Establishing clear timelines for application processing, document verification, interviews, and appeal decisions is essential. The competent authority must communicate these timelines after consulting stakeholders to ensure prompt decision-making and protect the health and dignity of patients.

AMAR SINGH BHATIA & ANR. VS SIR GANGA RAM HOSPITAL & ORS. [W.P.(C)-3590/2020]

Judges: Justice Prathiba M. Singh

The timelines set by the Ministry of Health and Family Welfare for the Authorization Committee under the Transplantation of Human Organs and Tissues Act, 1994, have been upheld. The ministry provided a communication outlining specific timelines for various steps in organ transplantation applications, which must be implemented by all Authorization Committees with sufficient publicity to ensure compliance by stakeholders.

AMIT SOOD VS UNION OF INDIA AND ORS [W.P.(C)-IPD-54/2021]

Judges: Justice Prathiba M. Singh

The petition filed by Amit Sood resulted in the cancellation of the "ROSHAN" trademark registered by Jit Kathuria and others. The petitioner demonstrated prior adoption and significant goodwill in "ROSHAN STUDIO" since the 1950s, while the respondents adopted "ROSHAN PORTRAITS" in 1991 within the same geographical area of Panchkula. This situation represented a case of "triple identity" regarding the mark, goods/services, and trade channels, leading to potential public deception and confusion. The findings of the IPAB were rejected, and the trademark registration was canceled to maintain the integrity of the trademark register in the public interest.

AMITESH DUTTA VS DISCIPLINARY COMMITTEE BENCH III THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA & ANR. [W.P.(C)-13378/2021]

Judges: Justice Prathiba M. Singh

The Institute of Chartered Accountants of India (ICAI) can take action against Chartered Accountant firms for professional misconduct under the Chartered Accountants Act, 1949, and is not restricted to individual members identified by the firm. A narrow interpretation of Rule 8(2) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, is rejected if allegations of misconduct involve the firm as a whole. The Petitioners and their firms must file written statements with the ICAI's Disciplinary Committee within 8 weeks, which will then conduct an inquiry. Additionally, the central government is directed to strengthen the regulatory framework for auditors and audit firms, including implementing amendments from the 2022 Act.

ANJANA GOSAIN VS GOVERNMENT OF NCT AND ANR. [W.P.(C)-2506/2019]

Judges: Justice Prathiba M. Singh

The Government of NCT of Delhi is required to clear all outstanding fee payments to Anjana Gosain, a panel counsel, despite the absence of Brief Transmission Forms, based on the certification of the standing counsel. A proper centralized scheme for timely payment of fee bills for government counsels is mandated, addressing delays in payment processing. The implementation of the Online Single Window System (OSWS) portal for processing and payment of advocate fee bills is being closely monitored, with specific timelines set for its operational steps.

ANJU JAIN & ANR. VS M/S. WTC NOIDA DEVELOPMENT COMPANY PRIVATE LIMITED [ARB.P.-1329/2023]
Judges: Justice Prathiba M. Singh
The arbitration clause in the agreement designates New Delhi as the seat of arbitration, despite another clause stating that Noida courts have exclusive jurisdiction. The distinction between "venue" and "seat" clarifies that New Delhi serves as the juridical seat. Jurisdiction to appoint an arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996, is thus established. A sole arbitrator was appointed to conduct the proceedings at the Delhi International Arbitration Centre.

ANKUSH GUPTA VS ARUN KUMAR GUPTA & ORS [CS(OS)-2972/2015]
Judges: Justice Prathiba M. Singh
The Memorandum of Understanding (MoU) dated July 29, 2010 between the plaintiff and the defendants is recognized as a valid and binding family settlement. The plaintiff acted on its terms by benefiting from registered gift deeds, making it inadmissible for him to backtrack on the MoU. Consequently, the plaintiff is declared the absolute owner of the specified properties, and the remaining defendant is required to execute the pending gift deed in favor of the plaintiff within a set timeframe.

APPOLO HANDLOOM MANUFACTURING CO-OP. SOCIETY LTD. VS ALL INDIA HANDLOOM FABRICS SOCIETY AND ORS. [ARB.P.-1261/2023]
Judges: Justice Prathiba M. Singh
A petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 is maintainable as the Multi State Cooperative Societies Act, 2002 empowers the Central Registrar to appoint an arbitrator for disputes regarding multi-state cooperative societies. Unlike the National Highways Act, 1956, which offers an exclusive appointment mechanism by the Central Government, the Multi State Cooperative Societies Act allows intervention when the Central Registrar does not fulfill this duty. An arbitrator must be appointed within three weeks to resolve disputes related to the election of office bearers and outstanding monetary claims.

ARJUN MEHTA VS SAURAV GUPTA & ORS. [ARB.P.-501/2023]
Judges: Justice Prathiba M. Singh
A valid arbitration agreement exists between the parties despite the petitioner not signing the Memorandum of Understanding (MoU). The broad arbitration clause in the signed MoU is binding on both parties and covers the disputes raised by the petitioner, except for issues related to the Bandel cheese mark. The matter is referred to a sole arbitrator, Justice Manmohan Singh (Retd.), for adjudication, with the incorporation of the company and Bandel cheese mark issues to be addressed by the appropriate forums already handling those matters.

ASF BUILDTECH PRIVATE LIMITED VS SHAPOORJI PALLONJI AND COMPANY PRIVATE LIMITED & ORS. [ARB. A. (COMM.)-4/2024]
Judges: Justice Prathiba M. Singh
The ld. Sole Arbitrator correctly included ASF Insignia SEZ Pvt. Ltd. (AISPL) and ASF Buildtech Pvt. Ltd. (ABPL) as respondents under the "Group of Companies Doctrine" due to their close ties to the contracts and their relationship with claimant Black Canyon SEZ Pvt. Ltd. (BCSPL). The differentiation of claims into "Case 1" and "Case 2" was set aside, and the claims of BCSPL alongside the counterclaims of Shapoorji Pallonji and Company Pvt. Ltd. (SPCPL) were ordered to be treated as a unified dispute. A petition from BCSPL to terminate the mandate of the ld. Sole Arbitrator was dismissed, confirming the Arbitrator's ability to address the claims and counterclaims.

AYRA ROY VS UNION OF INDIA [W.P.(C)-6178/2021]

Judges: Justice Prathiba M. Singh

A minor child lost both parents during the COVID-19 pandemic. Directions have been issued to consolidate and liquidate the assets left by the deceased, including death claim benefits, insurance amounts, and provident fund accruals. HDFC Bank's intervention regarding the sale proceeds of a vehicle to satisfy a loan is also addressed, with an emphasis on considering the waiver of interest due to the circumstances.

BAJAJ FINACE LTD & ANR. VS NIKO DAS & ANR. [CS(COMM)-233/2022]

Judges: Justice Prathiba M. Singh

Standard Operating Procedures (SOPs) established by the Reserve Bank of India for information exchange between banks and law enforcement were not being followed timely by banks. The Indian Bank Association must convene to ensure compliance with these SOPs and set specific timelines for providing requested information. The Ministry of Home Affairs has initiated the Indian Cyber Crime Coordination Centre (I4C) to enhance coordination among law enforcement and stakeholders addressing cybercrime, and parties should consider using this portal for concerns related to intellectual property owners. Further hearings on connected matters are scheduled.

BASKETBALL FEDERATION OF INDIA VS CAPTAINS PROFESSIONAL BASKETBALL LEAGUE PVT. LTD. & ANR. [CS(OS)-385/2024]

Judges: Justice Prathiba M. Singh

In the Basketball Federation of India v. Captains Professional Basketball League Pvt. Ltd. case, the defendant filed a parallel Section 9 petition without disclosing ongoing proceedings. This raised doubts about the validity of the Master Rights Agreement due to suspicious circumstances and non-payment of full consideration. Concerns regarding the CEO's undertaking led to a contempt consideration, and the issue of the agreement's validity has been referred to a larger bench.

BASKETBALL FEDERATION OF INDIA VS CAPTAINS PROFESSIONAL BASKETBALL LEAGUE PVT. LTD. & ANR. [CS(OS)-385/2024]

Judges: Justice Prathiba M. Singh

The agreement between the Basketball Federation of India (BFI) and Captains Professional Basketball League Pvt. Ltd. (INBL PRO) for a basketball league lacked proper authorization from the BFI, as it was signed during the BFI's election process. Significant payment obligations were not fulfilled by the defendants. An interim injunction remains in place, preventing the defendants from using terms like "India," "Indian Team," and "Select Indian Team" to avoid misleading the public and protect the BFI's authority. A law firm, M/s Murali and Company, was added as a necessary party due to payments made under the agreement.

POORNIMA SHARMA VS VIPUL GAUR [CONT.CAS(C)-614/2021]

Judges: Justice Prathiba M. Singh

An independent Administrator, Justice J.R. Midha (Retd.), has been appointed to oversee the Kalkaji Mandir's management and redevelopment due to the existing Baaridars' inefficiency. Compliance issues have arisen as the Mahant and some Baaridars refuse to pay required amounts, contradicting the Mahant's previous acknowledgment of the Administrator's control. A tragic incident occurred during a Jagran event, where the Mahant allowed organizers to proceed without proper permissions. A Local Commissioner will assess the Mandir's current state, with a further hearing scheduled for 30th August, 2024.

BLACKBERRY LIMITED VS ASSISTANT CONTROLLER OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-229/2022]

Judges: Justice Prathiba M. Singh

The appeal by BlackBerry Limited against the refusal of the patent application titled "Administration of Wireless Systems" was dismissed. The patent application primarily involved algorithmic processes for managing data flow between servers and mobile devices. Despite technical elements present, the invention was deemed to focus on algorithmic processes, which do not qualify for patent protection under Section 3(k) of the Indian Patents Act, excluding mathematical methods, business methods, and computer programs per se. The terms used in the specification further emphasized the algorithmic nature of the contribution, justifying the Controller's objection.

BLACKBERRY LIMITED VS CONTROLLER OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-318/2022]

Judges: Justice Prathiba M. Singh

The subject patent application is not barred by Section 3(k) of the Patents Act, 1970, as it possesses technical features that extend beyond mere computer programs or algorithms, offering enhancements such as autonomous operation, efficient media transfer and management, and increased storage capacity. Despite some similarities with prior art US'765, the application contains several novel features, including a cache manager, metadata-only library files, and remote/local access by mobile devices. Amendments to the claims are necessary to focus on the novel technical features of "automatic selection" and "updating by a cache manager," while recognizing the prior art concept of providing a "confidence level."

BOBIN DHULL VS M/S I.P. FOUNDATION & ORS. [CS(OS)-37/2024]

Judges: Justice Prathiba M. Singh

The sale of the property by the plaintiff's father to the defendants was valid. The father explained the sale clearly, while the plaintiff struggled to understand the proceedings. The defendants are permitted to continue construction on the property, provided they comply with applicable bye-laws and obtain permission before selling any part of it.

BUNCH MICROTECHNOLOGIES PVT LTD VS AMCP EDUTECH PVT LTD AND OTHERS [O.M.P.(I) (COMM.)-124/2024]

Judges: Justice Prathiba M. Singh

All disputes between the parties related to the term sheet, investment agreement, prior deed of assignment, and connected agreements will be referred to Justice Rajiv Sahai Endlaw, who is already managing disputes under the Consultant Faculty Agreement. Intellectual property belonging to AMCP Edutech Pvt. Ltd. is to be protected from dilution during these disputes, and an interim order will remain in effect until the first hearing with the arbitrator. No binding observations were made regarding the arbitration process.

CGMP PHARMA N PLANS PRIVATE LIMITED VS HYS LIFECARE LLP [ARB.P.-48/2024]

Judges: Justice Prathiba M. Singh

A sole arbitrator has been appointed to resolve a dispute between CGMP Pharma N Plans Private Limited and HYS Lifecare LLP regarding outstanding payments for services rendered under a contract. The issue of the limitation period for invoking the arbitration clause requires further examination, and the period of the COVID-19 pandemic may be excluded from this calculation. The final determination of the limitation issue will be addressed by the appointed arbitrator.

CHANDER KANTA PATHAK VS STATE OF NCT OF DELHI & ORS. [TEST.CAS.-109/2021]

Judges: Justice Prathiba M. Singh

Probate was granted for the will dated May 9, 2017, executed by Sh. Hansraj Pathak in favor of Chander Kanta Pathak. The will was proven through the testimony of two attesting witnesses, with no objections from the testator's three children or anyone else. As the natural heirs sought probate, they were exempted from providing administration bonds, aligning with the aim of realizing the deceased's intentions.

CHARANJEET KAUR VS RAVINDER PAL SINGH & ANR. [CS(OS)-382/2022]

Judges: Justice Prathiba M. Singh

Charanjeet Kaur is entitled to a 1/3 share in the assets of her late father, Malkiat Singh, based on a relinquishment deed executed by her sister that acknowledged Charanjeet as a legal heir. The claim of a will was rejected due to Charanjeet's denial of any knowledge or possession of such a document. A preliminary decree was passed in favor of Charanjeet, and a mediator was appointed to help resolve disputes between the parties.

CHETANYA BUILDCON PVT. LTD. & ORS. VS HARPAL SINGH & ORS. [OMT-15/2024]

Judges: Justice Prathiba M. Singh

The petitions O.M.P. (T) (COMM.) 87/2023 and 15/2024 for the termination of the mandate of sole arbitrator Mr. Sushil Dutt Salwan were dismissed. The arbitrator's mandate was extended until December 2024 for the pronouncement of the arbitral award. A separate civil suit, CS(OS) 48/2022, concerning the same property, was permitted to continue independently of the arbitration proceedings to prevent conflicting findings on the property disputes.

CHROMA-ATOR ENERGY SYSTEMS PVT LTD (FORMERLY M/S PRASHANT GENERATOR CO.) VS INDRAPRASTHA GAS LIMITED [ARB.P.-315/2024]

Judges: Justice Prathiba M. Singh

The invocation of arbitration and the filing of a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 were deemed to be within the applicable limitation period, with consideration given to the extension of limitation due to the COVID-19 pandemic. Ms. Vibha Datta Makhija was appointed as a sole arbitrator to conduct the arbitration proceedings under the Delhi International Arbitration Centre, following a detailed analysis of limitation issues.

CSL FINANCE LIMITED VS SARTHIK EDUCATIONAL TRUST AND ORS. [ARB.P.-1324/2023]

Judges: Justice Prathiba M. Singh

The loan agreement between CSL Finance Limited and Sarthik Educational Trust included an arbitration clause, and the respondents failed to repay the loan. The argument regarding a pending matter in another court was dismissed, as SARFAESI proceedings and arbitration can proceed simultaneously. An arbitrator was appointed to resolve the disputes, with the seat of arbitration designated as Delhi.

DABUR INDIA LIMITED VS ASHOK KUMAR AND ORS [CS(COMM)-135/2022]

Judges: Justice Prathiba M. Singh

A batch of cases regarding the registration of infringing domain names by unknown third parties was reviewed. Key issues included the implementation of previous orders by domain name registrars and banks in providing information to law enforcement. The Indian Banks Association was instructed to meet with a sub-group to ensure adherence to the standard operating procedure for disclosing information. The status of this implementation remains ongoing, with a request for an affidavit from the IBA. Hosting Concepts B.V. was permitted to submit written materials within four weeks, while the Ministry of Home Affairs was also directed to file an affidavit within the same timeframe. Further hearings are scheduled between February and April 2024.

DABUR INDIA LIMITED VS ASHOK KUMAR AND ORS [CS(COMM)-135/2022]

Judges: Justice Prathiba M. Singh

A batch of matters concerning domain name registrations infringing on trademark rights was addressed, resulting in directions for blocking, locking, and suspending infringing domain names, alongside mandates for domain name registrars to implement orders effectively. An affidavit from the Reserve Bank of India confirmed the implementation of a beneficiary name lookup facility for banks in immediate payment services, set to expand to other payment systems by the end of 2024. Additionally, the Indian Banks Association circulated an updated Standard Operating Procedure (SOP) for enhanced cooperation with law enforcement agencies.

DELHI DEVELOPMENT AUTHORITY VS M/S BADARPUR TRADERS UNION [CS(OS)-145/2020]

Judges: Justice Prathiba M. Singh

The Delhi Development Authority (DDA) was permitted to amend its plaint by adding new facts related to the cancellation and re-registration of Badarpur Traders Union, which are essential to the case. The defendant's request for a decree in its favor was dismissed, with the determination that the issues require full adjudication at trial.

DELHI INDUSTRIAL CORPORATION VS NATIONAL INSURANCE CO LTD [CS(COMM)-359/2024]

Judges: Justice Prathiba M. Singh

Delhi Industrial Corporation is entitled to file a fresh suit against National Insurance Co. Ltd. for recovery of Rs. 3,40,92,720/- with interest on an insurance claim. An earlier suit was dismissed due to the plaintiff's failure to participate in mandatory pre-institution mediation, which was later reported as a non-starter because the defendant did not engage. The plaintiff has now been permitted to initiate a new suit, with provisions for the filing of written statements, replications, and affidavits of admission/denial of documents, while a similar suit is already pending and will be connected with this new matter.

DEVANSH (THROUGH HIS MOTHER BEING A MINOR) AND ANR. VS HITESH BHARDWAJ [CS(OS)-771/2023]

Judges: Justice Prathiba M. Singh

A settlement agreement between a mother and her two children and the father was upheld, which included provisions for mutual divorce, property transfers, monetary payments, and withdrawal of all pending cases. The settlement terms were deemed lawful. Forensic examination of a disputed document was allowed for the defendant's brother, but the application for criminal action under Section 340 Cr.P.C. lacked merit.

DHRUVA GOEL VS M/S CHETANYA BUILDCON PVT LTD & ORS. [CS(OS)-166/2024]

Judges: Justice Prathiba M. Singh

Chetanya Buildcon Pvt Ltd and its directors must execute a sale deed in favor of the plaintiff for the first floor of the property, as they acknowledged the consideration. The property owners are required to issue a fresh power of attorney to facilitate this execution. The defendant company must provide a certificate confirming that the tax liability on the paid consideration has been settled. The plaintiff's full court fee will be refunded since the suit was decreed on the second hearing.

DIVYANSH KARNANI THROUGH HIS NEXT FRIEND AND NATURAL FATHER SH. RAJESH KUMAR KARNANI VS UNION OF INDIA & ORS. [W.P.(C)-8947/2023]

Judges: Justice Prathiba M. Singh

The discharge of the appellants from charges under Sections 420 and 120B IPC is valid due to a lack of evidence for deliberate withholding of information or conspiracy. AICTE approved the 'Business School of Delhi' with knowledge of the bank loan and mortgage, with no implicated officials. Although the CBI's petition under Section 482 Cr.P.C was maintainable, a statutory remedy under Section 397 Cr.P.C was more appropriate.

MANAV SEVA SR. SECONDARY SCHOOL VS THE REGIONAL PF COMMISSIONER & ANR [W.P.(C)-7048/2016]

Judges: Justice Prathiba M. Singh

Dina Nath Public School (DNPS) and Manav Seva Sr. Secondary School (MSPS) are not considered a single establishment under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. Despite evidence of common trustees and financial control, the schools have distinct identities, separate locations, staff, affiliations, and fee structures. Insufficient evidence of functional integration and administrative control led to the conclusion that the schools should not be combined as a single entity. An order from the Employees' Provident Fund Appellate Tribunal, which upheld their clubbing since April 1, 1996, was set aside, and the inquiry under Section 7A of the Act was quashed.

DINESH MITTAL & ORS. VS M/S TRIVENI INFRASTRUCTURE DEVELOPMENT CO. LTD [CO.PET.-39/2009]

Judges: Justice Prathiba M. Singh

The winding-up of Triveni Infrastructure Development Company (TIDCO) leads to the approval of the sale of development rights for land in Sector 78, Faridabad. The DTCP license for the land will be renewed, unsold flats will be sold, and proceeds will be distributed among creditors. Allottees, classified as unsecured creditors, will not receive flats due to prior decisions. Beneficial interest in certain towers in Sector 89 will be transferred to the BSF Family Welfare Society, with direction given for the withdrawal of complaints between the society and TIDCO's ex-management. The matter involves established principles regarding the powers in a winding-up situation and creditors' rights.

DIVYANSH KARNANI THROUGH HIS NEXT FRIEND AND NATURAL FATHER SH. RAJESH KUMAR KARNANI VS UNION OF INDIA & ORS. [W.P.(C)-8947/2023]

Judges: Justice Prathiba M. Singh

M/s Sarepta Therapeutics agreed to provide free therapy for 14 children with Duchenne muscular dystrophy (DMD) for three months. The National Rare Diseases' Committee (NRDC) submitted a final report with treatment price quotations and was directed to present final negotiated prices in a sealed cover. Orders on the NRDC's report were deferred to allow further negotiations with Sarepta on DMD treatment. The Drugs Controller General of India indicated that four clinical trials for DMD are ongoing in India, highlighting the need for expanded trial participation. AIIMS was tasked with examining cases from two recently filed writ petitions and submitting a report by the next hearing. The emphasis was on ensuring ongoing treatment for petitioners, finalizing treatment costs for rare diseases, and facilitating access to clinical trials.

DLF LIMITED VS TWENTY FIVE DOWNTOWN REALTY LIMITED & ORS. [O.M.P.(I) (COMM.)-137/2024]

Judges: Justice Prathiba M. Singh

The petition by DLF Ltd. under Section 9 of the Arbitration and Conciliation Act, 1996 is maintainable as the Shareholders Agreement specifies Delhi as the seat of arbitration, granting supervisory jurisdiction. The interim directions from January 11, 2024, require Twenty-Five South Realty Ltd. to maintain a 75% equity stake in Joyous Housing Ltd. until arbitration concludes. No immediate threat to DLF Ltd.'s shareholding due to new non-convertible debentures issued by JHL was identified. However, the debenture holder must provide two weeks' notice to DLF Ltd. and the relevant parties before exercising any default option for conversion into equity shares. All parties must comply with the January 11, 2024, order during this interim period.

UNION OF INDIA VS EXPRESS NEWSPAPERS LTD. AND ORS. [CS(OS)-2480/1987]

Judges: Justice Prathiba M. Singh

The three-Judge Bench decision in Express Newspapers Pvt. Ltd. v. Union of India is binding under Article 141 of the Constitution. The notices for lease termination and re-entry issued by the Union of India were deemed arbitrary, mala fide, and in violation of prior directions. Construction by Express Newspapers conformed to granted permissions. The recovery of conversion charges and additional ground rent, with simple interest at 18% per annum, was allowed. No other damages or charges were recoverable. A decree was granted in favor of Express Newspapers, with costs awarded at Rs. 5 lakhs.

EXTRAMARKS EDUCATION INDIA PVT. LTD. VS SARASWATI SHISHU MANDIR [O.M.P. (T) (COMM.)-13/2024]

Judges: Justice Prathiba M. Singh

The mandate of the sole arbitrator in the dispute between Extramarks Education India Pvt. Ltd. and Saraswati Shishu Mandir ended due to the arbitrator's non-responsiveness. A new sole arbitrator, Ms. Zubeda Begum, was appointed to resume the proceedings from the previous arbitrator's last stage. The necessity for stamping of the arbitration agreement was clarified as not compulsory for initiating arbitration, following a recent Supreme Court judgment. The costs for the new arbitrator were assigned to the parties, with the petitioner responsible for the entire fee.

FIITJEE LTD VS DEEPAK SOLANKI AND ANR [O.M.P.(T)-2/2023]

Judges: Justice Prathiba M. Singh

FIITJEE Ltd. petitioned for the substitution of the sole arbitrator after the previously appointed arbitrator resigned due to health reasons. Sufficient evidence was presented regarding the invocation of the arbitration clause, leading to the appointment of a new sole arbitrator, Mr. Kunal Tandon. All rights and contentions of the parties remain open to be addressed before the new arbitrator, including compliance with Section 21 of the Act and allegations regarding the invocation letter.

FOOD CORPORATION OF INDIA VS MBR SILOS PRIVATE LIMITED & ANR. [O.M.P. (T) (COMM.)-2/2024]

Judges: Justice Prathiba M. Singh

The appointment of the presiding arbitrator by the International Centre for Alternate Disputes Resolution (ICADR) was deemed improper due to a lack of jurisdiction. The initial invocation of arbitration was not directed to ICADR, and there was no evidence of disagreement between the nominee arbitrators that would justify ICADR's involvement. A retired judge was appointed as the presiding arbitrator with the consent of the parties, leaving other raised contentions open for future consideration.

G4S SECURE SOLUTIONS (INDIA) PVT. LTD. VS MATRIX CELLULAR (INTERNATIONAL) SERVICES LTD. [ARB.P.-427/2024]

Judges: Justice Prathiba M. Singh

The petitioner's claims for an outstanding amount of Rs. 12,36,134.58 for security services are not barred by limitation due to the exclusion of the period from March 15, 2020, to February 28, 2022, related to the COVID-19 pandemic. Ms. Leena Tuteja was appointed as the sole arbitrator to adjudicate the dispute, with arbitration proceedings to occur under the Delhi International Arbitration Centre.

GAUTAM CHOPRA & ANR. VS MR. RAHISUDDIN [CS(OS)-270/2021]

Judges: Justice Prathiba M. Singh

The defendant occupied a portion of the plaintiffs' property without authorization and admitted to this fact. Failure to comply with court orders to pay arrears of rent and monthly charges led to the striking off of the defendant's defense. Following the dismissal of the defendant's appeals, a decree for recovery of possession was issued in favor of the plaintiffs, as the defendant was barred from presenting evidence.

GAIL GAS LIMITED VS M/S OKAY GLASS INDUSTRIES [O.M.P. (COMM)-380/2023]

Judges: Justice Prathiba M. Singh

The arbitrator's finding that Okay Glass Industries was not responsible for gas meter tampering was upheld. The petitioner's counter-claims have attained finality, and the main issue of meter tampering is no longer contested due to the withdrawal of the respondent's claim. A refund of Rs. 50 lakhs, along with accrued interest, will be returned to the respondent, and Rs. 14,42,618/- deposited by the petitioner will also be refunded.

GAUTAM CHOPRA & ANR. VS KAMRUDDIN SAIFI [CS(OS)-271/2021]

Judges: Justice Prathiba M. Singh

The defendant occupied a portion of the plaintiffs' land without authorization and failed to pay owed rent or charges despite repeated court orders. Due to non-compliance, the defendant's defense was struck off, leading to a decree for recovery of possession through ejectment. The allegations in the plaint supported this decision, and the defendant was barred from presenting evidence. Subsequent challenges by the defendant were dismissed, affirming the findings.

GEE INTERNATIONALS VS DELHI TOURISM AND TRANSPORTATION DEVELOPMENT CORPORATION LTD. [ARB.P.-895/2023]

Judges: Justice Prathiba M. Singh

A petition by Gee Internationals under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of an arbitrator is maintained due to delays by Delhi Tourism and Transportation Development Corporation Ltd. in resolving disputes. Mr. Devashish Bharuka, Senior Advocate, is appointed as the sole arbitrator. The petitioner is directed to meet with the Chief Engineer of DTTDC to attempt dispute resolution before proceeding to arbitration under the Delhi International Arbitration Centre.

GOOGLE LLC VS THE CONTROLLER OF PATENTS [C.A.(COMM.IPD-PAT)-395/2022]

Judges: Justice Prathiba M. Singh

The rejection of the Appellant's patent application for lack of novelty and inventive step is sustained. The subject invention fails to meet the inventive step requirement, being obvious to a skilled person in light of prior art document D1. While the application specifies user preferences for mirroring instant messaging sessions, the fundamental concept of managing sessions across multiple devices with user-defined settings is already disclosed in D1. The addition of a preference to not mirror sessions during idle states is seen as an obvious modification. The corresponding European patent application was also rejected for the same reasons. Costs were imposed on the Appellant due to contradictory statements regarding the European application's status. The appeal was dismissed.

GOVIND SARAN SHARMA VS DELHI DEVELOPMENT AUTHORITY AND ANR. [W.P.(C)-2802/2020]

Judges: Justice Prathiba M. Singh

Several properties in prime locations of Delhi were allocated based on forged recommendation letters from the Land & Building Department (L&BD). The actions of L&BD and the Delhi Development Authority (DDA) compromised public trust. An investigation was assigned to the Central Bureau of Investigation (CBI) due to concerns about systemic vulnerabilities involving multiple officials over time. The petitioner's allotment, based on a forged letter, was cancelled, alongside a review of 128 properties allocated under similar circumstances.

GUALA CLOSURES SPA VS AGI GREENPAC LIMITED [CS(COMM)-706/2021]

Judges: Justice Prathiba M. Singh

The defendant's tamper-evident closure product does not infringe the plaintiff's Indian Patent No. 349522 due to significant differences in purpose, attachment mode, and the mechanism of the second tear-off seal. The defendant's product features a distinct sequential separation process and functionality, contrasting with the plaintiff's simultaneous detachment and tamper-evident design. As a result, the defendant's product does not fall within the plaintiff's patent claims. The balance of convenience favors the defendant, who has built a substantial business around its product, while the plaintiff has not commercially launched its patent in India.

GURVINDER SINGH AND ANR. VS GOVERNMENT OF NCT OF DELHI AND ORS. [W.P.(C)-15159/2021]

Judges: Justice Prathiba M. Singh

The semen sample of a deceased son, preserved in a hospital's fertility lab, is considered property belonging to his parents as legal heirs. There is no legal prohibition on posthumous reproduction using the deceased's genetic material if there is evidence of consent. The request for the release of the semen sample cannot be denied in the absence of specific legal barriers. The hospital is to provide the sample to the parents, with the condition that it is not used for commercial purposes. There is a call for the government to consider laws or guidelines regarding posthumous reproduction due to the lack of existing legal provisions.

HALDIRAM INDIA PVT. LTD VS BERACHAH SALES CORPORATION & ORS. [CS(COMM)-495/2019]

Judges: Justice Prathiba M. Singh

The plaintiff's marks 'HALDIRAM' and 'HALDIRAM'S' are recognized as well-known marks, warranting protection across India, including West Bengal. A permanent injunction was granted against the use of the infringing marks 'HALDIRAM BHUJIAWALA' and 'HALDIRAM'S'. The plaintiff was awarded damages of Rs. 50 lakhs and costs of Rs. 2 lakhs due to extensive infringement and the defendants' conduct.

HEWLETT PACKARD FINANCIAL SERVICES INDIA PRIVATE LIMITED VS APPLE COLOR LAB & ANR. [ARB.P.-137/2024]

Judges: Justice Prathiba M. Singh

Hewlett Packard Financial Services India Private Limited is entitled to appoint an arbitrator to resolve disputes with Apple Color Lab and its sole proprietor, stemming from a business loan agreement. The arbitration clause in the agreement mandates arbitration under the Indian Arbitration and Conciliation Act, 1996. Mr. Tanodbhav Singh Dev, Advocate, has been appointed as the sole arbitrator to oversee the proceedings through the Delhi International Arbitration Centre. The parties are encouraged to seek an amicable resolution of the disputes during this process.

INFIBEAM AVENUES LIMITED FORMERLY KNOWN AS INFIBEAM INCORPORATION LIMITED VS GOVERNMENT EMARKETPLACE & ANR. [O.M.P.(I) (COMM.)-29/2024]

Judges: Justice Prathiba M. Singh

Infibeam Avenues Limited expressed concerns about unauthorized use of its software components for the Government E-Marketplace portal by Tata Consultancy Services. Tata Consultancy Services assured that it would not misuse the source code or copyrighted information, using them only for maintenance and operation of the portal. Infibeam chose not to pursue arbitration, leading to the resolution of the matter, with both parties adhering to the terms of their 2017 agreement finalized in December 2023.

INFORMATION TV PRIVATE LIMITED VS JITENDRA DAHYABHAI PATEL [ARB.P.-1143/2023]

Judges: Justice Prathiba M. Singh

The petitioner's request for the appointment of an arbitrator under Section 11(6) is not barred by limitation, as it was filed within three years of the notice invoking arbitration and the failure to appoint an arbitrator. The petitioner demonstrated intention to arbitrate and took necessary steps to commence proceedings. Due to the delay in invoking the arbitration clause, the petitioner must bear the costs of the arbitral proceedings, which will be subject to the final award by the appointed arbitrator. Previous orders and any criminal proceedings do not affect the final adjudication by the arbitrator.

INTERDIGITAL VC HOLDINGS INC & ORS. VS GUANGDONG OPPO MOBILE TELECOMMUNICATIONS CORP. LTD & ORS. [CS(COMM)-707/2021]

Judges: Justice Prathiba M. Singh

Defendant telecommunication companies failed to comply with previous orders to secure InterDigital's patent rights through valid bank guarantees. Due to their precarious financial condition and unwillingness to obtain a license on Fair, Reasonable, and Non-Discriminatory (FRAND) terms, they were directed to deposit a specified sum covering past sales with the Registrar General, with an injunction available to InterDigital if not complied with. A confidentiality club was established for the exchange of sensitive licensing information, with costs imposed on the Defendants for delays incurred.

JAGDISH TYRES PVT. LTD. VS INDAG RUBBER LIMITED [O.M.P.(I) (COMM.)-165/2024]

Judges: Justice Prathiba M. Singh

Jagdish Tyres Pvt. Ltd.'s petition under Section 9 of the Arbitration and Conciliation Act, 1996 was dismissed. The petitioner did not show diligence in appearing before the arbitrator, who was correct in proceeding with framing issues and evidence. The petition lacked maintainability, as a procedural order of the arbitrator cannot be challenged under Section 9, and the requested relief was not classified as an interim measure. Principles from Deep Industries Ltd. v. ONGC established that there is limited right of appeal under Section 37, with no further judicial intervention allowed under Section 5.

JYOTSNA BEDI VS TIKKA BRIJINDER SINGH BEDI & ORS. [CS(OS)-52/2024]

Judges: Justice Prathiba M. Singh

The family settlement agreement dated 7th August, 1992 is to be prioritized to maintain family harmony. Both Jyotsna Bedi and Tikka Brijinder Singh Bedi expressed willingness to adhere to the agreement. The suit against Tikka Brijinder Singh Bedi was decreed based on this agreement. Defendants D2-D5 were removed from the case as no relief was sought against them.

KAMAL KANT AND COMPANY LLP VS RAASHEE FRAGRANCES INDIA PVT LTD [CS(COMM)-680/2017]

Judges: Justice Prathiba M. Singh

The defendant's use of the trademark 'RAASHEE' infringed the plaintiff's registered trademark 'RAJSHREE' and constituted passing off. The defendant may use 'MY RAASHEE' in English and 'मेरी राशी' in Hindi, provided 'RAASHEE' is not prominently displayed and the packaging is distinct from 'RAJSHREE'. A permanent injunction against the use of the 'RAASHEE' mark was issued, and the defendant is required to pay Rs. 50,000 in costs to the plaintiff, with other legal questions remaining unresolved.

KARTIKA GROVER VS STATE OF NCT OF DELHI AND ORS [W.P.(C)-17386/2022]

Judges: Justice Prathiba M. Singh

The husband must pay a monthly rent of Rs. 20,000 to the wife as per the previous order dated 20th December 2022. The interpretation that rent does not need to be paid if the wife stays with her parents is rejected. The husband's commitment to maintain the wife is reaffirmed, and any unpaid arrears must be settled within four weeks, or action may be taken against application u/s 151 CPC.

KODAK & ANR. VS A2D CHANNEL & ORS. [CS(OS)-180/2024]

Judges: Justice Prathiba M. Singh

M/s Super Plastronics Pvt. Ltd. and A2D Channel have reached a settlement whereby A2D Channel will remove derogatory YouTube videos about the plaintiff's brand, refrain from further dissemination of these videos, and avoid creating any content against the plaintiff or its products in the future. The agreement results in the suit being decreed in accordance with the terms of the settlement.

KRISTAL VISION PROJECTS PRIVATE LIMITED VS UNION OF INDIA [O.M.P. (COMM)-239/2024]

Judges: Justice Prathiba M. Singh

The petition filed by Kristal Vision Projects Private Limited to challenge the arbitral award dated October 16, 2023, is barred by limitation under Section 34(3) of the Arbitration and Conciliation Act, 1996. The arbitral award was effectively communicated to the petitioner as it was pronounced in the presence of the petitioner's representative, and the parties were instructed to collect physical copies from the arbitrator's office, constituting valid "delivery." The case differs from the Supreme Court's judgment in Benarsi Krishna Committee due to the presence of the parties at the award's pronouncement. The petitioner's 5-month delay in collecting the physical copy of the award does not extend the limitation period, which remains the petitioner's responsibility. The petition is dismissed as it is clearly barred by limitation, even when considering the 15-day period provided by the arbitrator for collection.

KULBHUSHAN CHAWLA & ORS. VS KAMLA DEVI CHAWLA & ORS. [CS(OS)-2827/1996]

Judges: Justice Prathiba M. Singh

The parties reached a settlement agreement regarding two properties in Sadar Bazar, Delhi. For property No. 5773, Mr. Sheel Kumar Chawla holds 50% ownership, Mr. Kulbhushan Chawla has 25%, and Ms. Veena Chawla also has 25%. For shops 124-129 in Crockery Market, Mr. Sheel Kumar Chawla is the sole owner. The suit is decreed according to the terms of the settlement agreement.

LARSEN AND TOUBRO LIMITED VS IIC LIMITED & ANR. [O.M.P.(MISC.)(COMM.)-426/2023]

Judges: Justice Prathiba M. Singh

The consent of all parties is not required under Section 29A(4) of the Arbitration and Conciliation Act, 1996 for the extension of the mandate of an arbitral tribunal. The mandate can be extended for sufficient cause even if one party does not consent, especially when the arbitral proceedings are at an advanced stage. In the present cases, the extension of the mandate is justified as the proceedings are at the stage of evidence or final arguments, leading to an extension until 31st December, 2024, in all four petitions.

LARSEN AND TOUBRO LIMITED VS IREO VICTORY VALLEY PRIVATE LIMITED [CS(COMM)-534/2023]

Judges: Justice Prathiba M. Singh

The settlement agreement dated 18th January 2020 superseded the original contract between the parties, with the arbitration clause in the original contract not surviving. The terms of the settlement and subsequent correspondence indicated it was a full and final resolution of all claims and disputes. The absence of a substantial defense from the defendant regarding the settlement claims led to a decree favoring the plaintiff.

LILY PACKERS PRIVATE LIMITED VS VAISHNAVI VIJAY UMAK [ARB.P.-1210/2023]

Judges: Justice Prathiba M. Singh

The lock-in period in employment contracts is valid and does not violate fundamental rights under the Constitution of India. Reasonable covenants during the contract's duration are enforceable. Disputes regarding the lock-in period are arbitrable under the Arbitration and Conciliation Act, 1996, with a sole arbitrator appointed to resolve the disputes.

LOUIS DREYFUS COMPANY INDIA PVT LTD VS NUTRILITE AGRO PRODUCTS PVT LTD [CS(COMM)-538/2020]

Judges: Justice Prathiba M. Singh

A delay of 164 days in filing the replication by the plaintiff can be condoned, provided that the plaintiff pays costs of Rs. 15,000 to the defendant. The 45-day timeline for filing a replication under the Delhi High Court (Original Side) Rules, 2018 is mandatory. The plaintiff is permitted to place most additional documents on record, except for the sale contract dated 22.10.2020, for which no sufficient reason was given for the delay in filing. This case is an individual matter.

M/S ADVANCE STIMUL VS GAIL (INDIA) LIMITED [ARB.P.-13/2024]

Judges: Justice Prathiba M. Singh

The Petitioner's invocation of arbitration under Section 21 of the Arbitration Act through letters in 2018 was valid despite changes regarding the MSME Act. The claims were not barred by limitation, as the dispute resolution proceedings were initiated within the limitation period, allowing reliance on Section 14 of the Limitation Act. A Sole Arbitrator was appointed to resolve the disputes, with an emphasis on expediting the process due to the prolonged nature of the dispute.

M/S D.P. BAGS (P) LTD VS M/S NAV BHARAT INTERNATIONAL LTD [CS(COMM)-631/2019]

Judges: Justice Prathiba M. Singh

D.P. Bags (P) Ltd. is entitled to recover Rs. 73,83,120.50 along with interest from Nav Bharat International Ltd. for unpaid invoices for jute hessian fabric supplies. The plaintiff's evidence, including a signed and sealed ledger account, was satisfactory, and the defendant's failure to specifically deny the allegations constituted an admission of the facts. The defendant's preliminary objections under the Sick Industrial Companies (Special Provisions) Act, 1985 were dismissed, and the plaintiff was awarded actual costs and additional costs due to the defendant's delays.

M/S DALIP SINGH ADHIKARI VS THE NEW INDIA ASSURANCE CO. LTD [ARB.P.-106/2024]

Judges: Justice Prathiba M. Singh

The issue of whether a full and final settlement existed regarding the insurance claims made by M/s Dalip Singh Adhikari qualifies as an arbitrable dispute. Correspondence did not conclusively demonstrate such a settlement. A sole arbitrator, Justice S.P. Garg (Retd.), was appointed to resolve the disputes related to the insurance policy. The respondent questioned the petitioner's standing due to the partnership's registration status, but the petitioner provided evidence of registration to the satisfaction of the proceedings. This involves two petitions, ARB.P. 106/2024 and ARB.P. 131/2024, against the respondent insurance company.

M/S DEVCAS DEVELOPERS AND BUILDERS PVT. LTD. VS MKM CREATIONS PVT. LTD. [CS(COMM)-903/2023]

Judges: Justice Prathiba M. Singh

M/s. Devcas Developers and Builders Pvt. Ltd. and M/s. MKM Creations Pvt. Ltd. resolved their disputes through a Memorandum of Settlement. MKM will provide vacant possession of the leased property to Devcas by June 15, 2024. Devcas will pay MKM a lump sum for improvements made and refund the security deposit. Both parties agreed to withdraw all current legal proceedings and not pursue future litigation against each other, with all parties bound by the settlement terms.

M/S G4S SECURITY SERVICES INDIA PVT LTD VS M/S DAOJI AGRO PVT LTD [ARB.P.-1305/2023]

Judges: Justice Prathiba M. Singh

G4S Security Services India Pvt. Ltd. is entitled to appoint a sole arbitrator under the arbitration clause in the agreement with M/s Daoji Agro Pvt. Ltd. Service of the petition was properly effected through email and speed post despite a change of address. Ms. Nidhi Raman has been appointed as the sole arbitrator to adjudicate the dispute, with arbitration proceedings to take place under the rules of the Delhi International Arbitration Centre (DIAC).

RASHI SANTOSH SONI & ANR. VS K G MARKETING INDIA [CS(COMM)-477/2023]

Judges: Justice Prathiba M. Singh

KG Marketing India fabricated newspapers dated 17th June and 12th July 2016 to claim prior use of the 'SURYA GOLD' mark. Mr. Karan Kumar, the plaintiff's proprietor, committed forgery and submitted a false affidavit. The suit was dismissed with costs of Rs. 5,00,000, while the defendant's suit was decreed with a permanent injunction and an additional cost of Rs. 5,00,000 imposed on the plaintiff. A criminal complaint under Section 340 of the Code of Criminal Procedure was directed against the plaintiff for the offenses committed.

M/S OASIS PROJECTS LTD. VS NATIONAL HIGHWAY AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD. [ARB. A. (COMM.)-39/2023]

Judges: Justice Prathiba M. Singh

The order rejecting the appellant's request to suspend a 2-year debarment was set aside. The debarment was deemed invalid as the appellant did not receive a proper show cause notice or opportunity to be heard. Debarment and contract termination are separate issues, and debarment cannot automatically follow termination. The respondent was directed to remove the non-performer declaration of the appellant from its website within a week, with final decisions on breach and termination to be made by the sole arbitrator in ongoing proceedings.

M/S OPUSKART ENTERPRISES & ORS. VS KAUSHAL KISHORE TYAGI [ARB.P.-134/2023]

Judges: Justice Prathiba M. Singh

The arbitration clause in the partnership deed encompasses disputes related to both the partnership firm and the company due to their common business. Objections concerning the arbitrability of claims and the validity of the arbitration agreement were rejected. The non-signatory company could participate in the arbitration agreement under the Group of Companies doctrine, reflecting the mutual intention of involved parties. A sole arbitrator was appointed to resolve the disputes, with an emphasis that the order's observations do not bind the arbitrator.

M/S P.M.DIESELS P. LTD. VS M/;S THUKRAL MECHNAICAL WORKS [W.P.(C)-IPD-34/2021]

Judges: Justice Prathiba M. Singh

P.M. Diesels is the prior user and rightful owner of the 'FIELDMARSHAL' trademark, having used it since 1963 for diesel oil engines and expanded to related goods. Thukral's claim of prior use was rejected. Diesel oil engines and centrifugal pumps are considered cognate goods, and the use of the 'FIELDMARSHAL' mark by Thukral would lead to passing off. The trademark registration no. 228867, in the name of Thukral Mechanical Works, was cancelled due to a defective assignment from M/s. Jain Industries. P.M. Diesels' writ petitions challenging the rejection of its applications for the 'FIELDMARSHAL' mark in various Indian languages were allowed, directing the registrations to be granted. P.M. Diesels' claims in the main suit were upheld, while the suit by Thukral Mechanical Works was dismissed, and the cancellation petition filed by P.M. Diesels was granted. Multiple suits and petitions between the parties were consolidated and disposed of through a common judgment.

M/S POWER MECH PROJECTS LTD VS M/S DOOSAN POWER SYSTEMS INDIA PVT. LTD. [O.M.P. (MISC.)-6/2024]

Judges: Justice Prathiba M. Singh

The High Court of Delhi has the authority to extend the mandate of an arbitral tribunal under Section 29A(4) of the Arbitration and Conciliation Act, 1996, even after the original mandate period has expired. This decision contrasts with the Calcutta High Court's view in a previous case. Given that the arbitral proceedings were at the cross-examination stage and delays appeared to be due to the petitioner's conduct, the mandate of the arbitral tribunal was extended until 31st December 2024, based on the language allowing such extensions either before or after expiration.

M/S R K BARARIA THROUGH SHRI R K BARARIA SOLE PROPRIETOR VS JBM GLOBAL SCHOOL [ARB.P.-1076/2023]

Judges: Justice Prathiba M. Singh

The Delhi High Court has territorial jurisdiction for the Section 11(6) petition because the arbitration agreement did not specify a seat, and part of the cause of action occurred in Delhi. Justice Ms. Sunita Gupta (Retd.) was appointed as the sole arbitrator, with arbitration to occur under the Delhi International Arbitration Centre. All parties' contentions remain open for the arbitrator's decision.

M/S RADHIKA ENGINEERING CO. VS TELECOMMUNICATION CONSULTANTS INDIA LIMITED [O.M.P. (T) (COMM.)-53/2024]

Judges: Justice Prathiba M. Singh

The unilateral appointment of a sole arbitrator by Telecommunication Consultants India Limited in January 2024 was deemed impermissible under the Arbitration and Conciliation Act, 1996, as amended in 2015. The 2015 amendments apply to pre-existing arbitration proceedings. An independent arbitrator, Dr. Amit George, was appointed to resolve the disputes, with instructions for expeditious conduct of the arbitration proceedings.

M/S ROSHAN REAL ESTATES PVT LTD VS PUBLIC WORK DEVELOPMENT DELHI [O.M.P.(MISC.)(COMM.)-256/2023]

Judges: Justice Prathiba M. Singh

The Chief Engineer of the PWD appointed a sole arbitrator, which was deemed valid despite his ineligibility, as both parties consented to the appointment. The petition under Section 29A of the Arbitration and Conciliation Act, 1996 sought an extension of the arbitrator's mandate rather than a challenge to the appointment. The Respondent had actively participated in the proceedings and previously consented to an extension. The objections raised by the Respondent were rejected, leading to the extension of the arbitrator's mandate until July 31, 2024.

M/S TRAVEL NEWS SERVICES INDIA PVT LTD VS M/S BIPHA DRUG LABORATORIES PVT LTD [ARB.P.-337/2024]

Judges: Justice Prathiba M. Singh

A sole arbitrator was appointed to resolve disputes between M/s Travel News Services India Pvt. Ltd. and M/s Bipha Drug Laboratories Pvt. Ltd. concerning outstanding dues and termination of their sub-license agreement. Key issues included the arbitrability of claims beyond the initial agreement term due to the absence of a written renewal, potential limitation period barring some claims, and the relevance of the Respondent's counter-offers made during the COVID-19 pandemic. The disputes were deemed arbitrable, with the Respondent's arguments to be assessed by the appointed arbitrator.

M/S. CONTAINER CORPORATION OF INDIA LIMITED VS M/S. SHIVHARE ROAD LINES [O.M.P. (COMM)-441/2023]

Judges: Justice Prathiba M. Singh

A petition filed under Section 34 of the Arbitration and Conciliation Act was deemed non-est due to the absence of the arbitral award at the time of initial filing, constituting a fatal defect. The lack of the arbitral award is a fundamental requirement that cannot be overlooked. The petition was also filed beyond the period of limitation, leading to its dismissal, and the deposited amount was ordered to be released in favor of the respondent.

M/S. KAWATRA TENTS AND CATERERS PVT. LTD. VS DELHI URBAN SHELTER IMPROVEMENT BOARD (DUSIB) [O.M.P. (T) (COMM.)-33/2024]

Judges: Justice Prathiba M. Singh

The unilateral appointment of a sole arbitrator by the Delhi Urban Shelter Improvement Board (DUSIB), who had an interest in the dispute, is legally unenforceable and void ab initio. Principles prohibit a biased party from appointing an arbitrator. Ongoing arbitration proceedings are stayed, and parties are directed to file replies within a specified timeframe.

M/S. MAGO CONSTRUCTION PVT. LTD. VS UNION OF INDIA & ORS. [ARB.P.-59/2024]

Judges: Justice Prathiba M. Singh

In M/s. Mago Construction Pvt. Ltd. v. Union of India & Ors., the possibility of resolving a dispute over a final bill of Rs. 40 lakhs was acknowledged, prompting a directive for an amicable resolution. An arbitration clause in the contract led to the appointment of Mr. Satish Chander as the sole arbitrator. The respondents were instructed to complete the audit and finalize the bill by 31st July, 2024, with any remaining disputes to be referred to the arbitrator on 12th August, 2024.

MANMOHAN SINGH & ANR VS SHITAL SINGH & ORS [CM(M)-1333/2017]

Judges: Justice Prathiba M. Singh

The Will executed by Gurcharan Singh, granting Mahinder Kaur a life estate, was interpreted to confer absolute ownership under Section 14(1) of the Hindu Succession Act, 1956. However, precedent indicates that if a Hindu male testator intends to grant only a limited estate to his wife in self-acquired property, Section 14(2) applies. The prior reliance on a case concerning a Will created before the 1956 Act was deemed incorrect. Consequently, the previous order has been set aside, affirming the Will's validity, with the matter sent back for further proceedings.

MANMOHAN SINGH AHUJA VS MAHINDER SINGH AHUJA AND ORS [CS(OS)-696/2022]

Judges: Justice Prathiba M. Singh

The memorandum of understanding (MOU) dated April 4, 2019, is recognized as a valid family settlement. The MOU acknowledges that the plaintiff lacks ownership rights in the suit properties and is signed by the plaintiff, his wife, and son. The earlier status quo order has been vacated, but the defendants must deposit Rs. 50 lakhs with the Registrar General due to pending allegations of coercion and duress. The defendants may manage the suit properties once the deposit is made.

MASTER ARNESH SHAW VS UNION OF INDIA & ANR. [W.P.(C)-5315/2020]

Judges: Justice Prathiba M. Singh

A batch of petitions has been filed by children with rare diseases seeking treatment and access to medicines. Various directions have been issued over time to facilitate treatment and ensure the availability of medicines. The primary legal issue focuses on access to appropriate treatment and medications for these children. The situation involves multiple petitions being addressed together, with no indication of disagreement among the judges or the necessity for referral to a larger bench.

MANOJ KUMAR VS ZEST HIGHTECH PVT. LTD [CS(OS)-2524/2015]

Judges: Justice Prathiba M. Singh

The suits filed by the plaintiffs for cancellation of the sale deeds are maintainable, and the applications to reject the plaints cannot be accepted at this stage. The intention of the parties regarding ownership transfer must be assessed through the sale deeds and accompanying circumstances, particularly since the plaintiffs retain possession despite the deeds' registration. Allegations of fraud related to non-payment of a significant portion of the sale consideration necessitate an examination of evidence. The plaints cannot be rejected solely based on Section 55(4)(b) of the Transfer of Property Act, as there are disputed factual matters requiring resolution after a trial.

MASTER ARNESH SHAW VS UNION OF INDIA & ANR. [W.P.(C)-5315/2020]

Judges: Justice Prathiba M. Singh

M/s. Sarepta Therapeutics agreed to provide free treatment for 14 patients with Duchenne Muscular Dystrophy for three months. Authorities were directed to place the necessary order with the company. The National Rare Diseases' Committee's final report and its addendum were reviewed, with a directive for the reports to be provided to specified counsel for upcoming submissions, to be kept confidential. All parties must submit electronic copies of written submissions and related judgments two days before the next hearing. AIIMS is required to submit a chart on the treatment status of each petitioner. The batch of petitions, including new ones from children with rare diseases, is scheduled for the next hearing on 26th February 2024, emphasizing immediate access to treatments and equitable drug access for those with rare diseases.

MASTER ARNESH SHAW VS UNION OF INDIA & ANR. [W.P.(C)-5315/2020]

Judges: Justice Prathiba M. Singh

A comprehensive status update on the treatment of petitioners suffering from rare diseases, including Duchenne Muscular Dystrophy (DMD), indicates that 14 petitioners have received treatment valued at Rs. 50 lakhs under the National Policy for Rare Diseases, 2021, with orders placed for additional medicines from M/s. Sarepta Therapeutics. Two other petitioners are now included in ongoing clinical trials. AIIMS is required to submit an affidavit detailing the clinical trials conducted by M/s Hanugen Therapeutics for Exon Skipping Therapies for DMD patients. The National Rare Diseases Committee (NRDC) must meet with M/s. Sarepta Therapeutics within two weeks to discuss potential therapy supply for DMD patients. Custom duties and charges will not apply to medicines for rare diseases, and customs authorities are instructed to release these medicines quickly. The matter is scheduled for final hearing on 10th May 2024. The decision emphasizes timely and affordable access to treatment for rare disease patients, particularly those with DMD.

MASTER ARNESH SHAW VS UNION OF INDIA & ANR. [W.P.(C)-5315/2020]

Judges: Justice Prathiba M. Singh

A batch of petitions regarding access to medicines for rare diseases like Duchenne Muscular Dystrophy (DMD) and Spinal Muscular Atrophy (SMA) is under consideration. Sarepta Therapeutics must provide an affidavit detailing the number of Indian subjects recruited for its DMD drug trials versus the approved number, along with pricing information in various countries. Roche is similarly required to provide pricing information for its SMA medicines. These matters are scheduled for conclusion of submissions on 31st August, 2024. There was no noted disagreement among the judges or indication for referring the matter to a larger bench.

MASTER ARNESH SHAW VS UNION OF INDIA & ANR. [W.P.(C)-5315/2020]

Judges: Justice Prathiba M. Singh

Sarepta Therapeutics is required to submit a detailed affidavit within 3 days regarding its distribution plan and timelines for providing DMD medicines in India, along with a payment of Rs. 1 lakh to the AIIMS Rare Disease Fund. The Ministry of Health and Family Welfare must approve funding for AIIMS to order necessary medicines from Sarepta by 19th September 2024, with potential contempt consequences for non-compliance. Additionally, Rs. 10 crores is to be released to AIIMS to ensure ongoing treatment for non-DMD patients, subject to the final outcomes of the related petitions. Non-compliance with prior orders on pricing and distribution has been noted, highlighting the urgency for timely access to these essential medicines for patients.

MASTER MEDHANSH JHAWAR @ MADHAV THROUGH HIS NATURAL GUARDIAN VS RAJESH BHUSHAN & ORS. [CONT.CAS(C)-415/2022]

Judges: Justice Prathiba M. Singh

AIIMS is directed to resolve discrepancies in the number of medicine vials ordered for 14 children and procure any additional vials needed. A child with Duchenne Muscular Dystrophy will be examined, and a report will be submitted. The medical records of Master Rakshan will be sent to AIIMS, Delhi, instead of the Centre of Excellence in Chennai, following suggestions from the Amicus Curiae. A comprehensive report on the National Rare Diseases Policy's implementation is required, including details on treated children, types of treatments, and funding. This matter involves multiple connected petitions.

MASTER MEDHANSH JHAWAR @ MADHAV THROUGH HIS NATURAL GUARDIAN VS RAJESH BHUSHAN & ORS. [CONT.CAS(C)-415/2022]

Judges: Justice Prathiba M. Singh

The right to health is recognized as part of the right to life under Article 21 of the Constitution. A National Fund for Rare Diseases is to be established with an allocation of Rs. 974 crores over the next two financial years, managed by a National Rare Diseases' Committee. Measures will be implemented to enhance access to treatment, including improvements in the procurement process, support for indigenous therapies, customs and tax exemptions, and expansion of Centres of Excellence. No strict funding caps per patient are imposed, allowing flexibility for treatment decisions based on the specific rare disease. This addresses the needs of 106 petitions from patients with various rare diseases for immediate and ongoing treatment.

MASTER PUSPENDER THROUGH HIS NEXT FRIEND AND NATURAL FATHER SH. PAWAN KUMAR VS UNION OF INDIA & ANR. [W.P.(C)-7756/2023]

Judges: Justice Prathiba M. Singh

A batch of petitions filed by children with rare diseases seeks access to essential medicines and treatment. The challenges faced include financial support and logistical issues. AIIMS is tasked to examine one petitioner and provide necessary aids and equipment, while exploring options for direct medication dispatch to local hospitals. Supplies from Sarepta Therapeutics are expected to deplete by mid-July, leading to a directive for the National Rare Diseases Committee to propose a solution to Sarepta. A final hearing is scheduled for May 27, 2024.

MASTER RAKSHAN REPRESENTED BY HIS FATHER MR. V. MANIKANDAN VS SUDHANSH PANT & ORS. [CONT.CAS(C)-687/2024]

Judges: Justice Prathiba M. Singh

Treatment plans for Master Rakshan and Master Medhansh Jhawar have been finalized by AIIMS, with MRI reports to be submitted within one week. AIIMS is to request the release of the next treatment doses for 14 patients diagnosed with Duchenne Muscular Dystrophy (DMD) for the next three months. The government is required to provide an affidavit detailing two approved DMD therapy trials, including the number of subjects recruited and pricing of medicines in various countries. Clinical trials for DMD by DART and Hanugen at AIIMS will commence, with enrollment for up to 15 eligible petitioners. Further hearings are scheduled for August 21, 2024.

MAXWELL PARTNERSHIP FIRM REGD VS NATIONAL INSURANCE CO LTD AND ANR [CS(COMM)-358/2024]

Judges: Justice Prathiba M. Singh

The defendant insurance company failed to participate in mandatory pre-institution mediation under Section 12A of the Commercial Courts Act, 2015, which was seen as unreasonable and contrary to the law's spirit. Active engagement in mediation is essential, with potential legal consequences for non-participation. The defendant's conduct in prior litigation influenced outcomes, leading to an order for a Rs. 5 lakh cost deposit prior to submitting a written statement. Additionally, both parties were instructed to file affidavits of admission or denial regarding documents, with unjustified denials subject to cost sanctions.

MGS(INDIA) PVT LTD VS SOUTH DELHI MUNICIPAL CORPORATION OF DELHI & ORS [CS(OS)-1841/2014]

Judges: Justice Prathiba M. Singh

The settlement agreement between MGS India Pvt Ltd and Adesh Kumar, who had a General Power of Attorney from his siblings, is valid and not subject to challenge in this suit. Allegations from Adesh Kumar's siblings regarding undue influence for the GPA must be addressed in separate proceedings. The applications from the siblings to recall the compromise decree were rejected, affirming the finality of the settlement recorded on October 11, 2021.

MICROSOFT TECHNOLOGY LICENSING, LLC VS ASSISTNAT CONTROLLER OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-185/2022]

Judges: Justice Prathiba M. Singh

The patent application discloses a method and system for efficient compression of digital media data using lapped transforms and reversible overlap operators, enhancing the functionality of general-purpose computers beyond ordinary computing processes. The invention exhibits tangible technical benefits and is not barred by Section 3(k) of the Patents Act, which excludes computer programs per se from patentability. The patent application satisfies the requirements of patentability.

MMTC LTD VS L.C. MADAN (DEACEASED) [O.M.P.-29/2016]

Judges: Justice Prathiba M. Singh

Arbitration proceedings against the deceased respondent, Mr. L.C. Madan, abated due to the petitioner's failure to implead the legal representatives within the prescribed time. Although the arbitration agreement remained intact, the petitioner's claims were extinguished due to a lack of diligence in pursuing the necessary steps to continue proceedings after being informed of the death in 2010. The petitioner, MMTC Ltd., took no action until 2014, leading to dismissal of the petition for the appointment of a new arbitrator, as the right to continue against the legal representatives had been lost.

MOHIT S ICHHPUNIANI & ANR VS AMAN S ICHHPUNIANI [CS(OS)-3442/2014]

Judges: Justice Prathiba M. Singh

A decree partitioned the estate of deceased parents, declaring that immovable properties, including residential flats, were to be sold with proceeds divided equally among three siblings. Movable assets, such as shareholding and loans in the family company, were also to be divided equally. A Local Commissioner was appointed to supervise the sale of the immovable properties and the division of the movable assets.

MR GAJENDRA MISHRA VS POKHRAMA FOUNDATION & ANR. [ARB.P.-969/2023]

Judges: Justice Prathiba M. Singh

The respondent's objection to the petitioner's direct invocation of arbitration was not valid, as the respondent had terminated the contract without following the required conciliation process involving the Project Manager. A sole arbitrator was appointed to address the disputes between the petitioner and Pokhrama Foundation, while Dr. Anil Sethi was removed from the arbitration, as he was not a personal party to the contract.

MR. HREESH KENTH & ANR. VS STATE & ORS. [TEST.CAS.-19/2023]

Judges: Justice Prathiba M. Singh

Probate was granted for the last Will and Testament of Smt. Raj Kumari Kenth, dated January 19, 2012, favoring the six surviving sons as beneficiaries of her movable and immovable properties. A notarized copy of the Will was provided in the absence of the original, and all legal heirs submitted no-objection affidavits. Valuation reports for the properties were satisfactory, leading to the decision to grant probate, with the exception of four bank accounts for which probate was not pursued due to their untraceability.

MR. NIKHIL KUMAR ANAND VS MR. HRIDEY VIKRAM BHATIA & ORS. [O.M.P.(I) (COMM.)-171/2024]

Judges: Justice Prathiba M. Singh

In Mr. Nikhil Kumar Anand v. Mr. Hridey Vikram Bhatia & Ors., no interim relief under Section 9 of the Arbitration and Conciliation Act, 1996 was granted. Justice N.V. Ramana (Retd. Chief Justice of India) was appointed as the sole arbitrator. The parties were directed to treat the Section 9 petition as an application under Section 17 of the Act. The term sheet dated March 29, 2023, included an arbitration clause designating New Delhi as the seat of arbitration and stipulated a sole arbitrator for the dispute.

MR. RISHU GUPTA VS MRS. RACHNA GUPTA [CS(OS)-340/2020]

Judges: Justice Prathiba M. Singh

The property can be divided by metes and bounds according to the Local Commissioner's report. The defendant will retain her share, with the plaintiff receiving Part B and the defendant taking Part A. A new Local Commissioner will oversee the physical division, and both parties are to equally bear the costs. Access for the parties and their family members to visit the plaintiff's elderly grandmother is permitted.

MRS. NISHI LAL VS MR. VAIBHAV ANTWADIA & ORS. [TEST.CAS.-30/2022]

Judges: Justice Prathiba M. Singh

Letters of administration and a succession certificate were granted to Mrs. Nishi Lal, the wife of the deceased Captain Madan Lal. The deceased's three children filed affidavits expressing no objection to this grant. Evidence regarding the deceased's movable and immovable properties was reviewed and deemed satisfactory.

MS KENT RO SYSTEMS LTD VS THE ADVERTISING STANDARDS COUNCIL OF INDIA THROUGH ITS GENERAL SECRETARY & ORS. [CS(OS)-44/2024]

Judges: Justice Prathiba M. Singh

M/s Kent RO Systems Ltd. received interim relief, staying an order from the Advertising Standards Council of India (ASCI) that required the modification of its advertisement claim of providing "the purest water." The interim protection was granted due to questions regarding ASCI's jurisdiction over non-members and the nature of advertising, which allows for some exaggeration if consumer interest is not harmed. Since the complaint originated from a competitor rather than a consumer, the interim stay was deemed appropriate. ASCI was instructed to submit a written statement for further consideration.

MS KGPS MECHANICAL PVT LTD VS CINDA ENGINEERING AND CONSTRUCTION PVT LTD [ARB.P.-143/2024]

Judges: Justice Prathiba M. Singh

Disputes arising from nine contracts between the parties can be referred to a sole arbitrator despite only five containing an arbitration clause. The parties' correspondence and conduct indicated a collective intention to resolve all disputes through a single arbitration process. A retired judge was appointed as the sole arbitrator to prevent multiplicity of proceedings, while leaving all contentions regarding the merits open for adjudication in arbitration.

MS SIMPLEX INFRASTRUCTURES LTD VS NATIONAL HIGHWAYS AUTHORITY OF INDIA & ANR. [ARB.P.-10/2024]

Judges: Justice Prathiba M. Singh

The issues regarding the interpretation of the SAROD arbitration rules were acknowledged as deserving consideration, but arbitrators were appointed without addressing the interpretation. The petitioner's nominee arbitrator, the respondent's nominee arbitrator, and a presiding arbitrator from the SAROD panel were appointed. The legal question regarding the interpretation of the SAROD rules remains open for future cases.

MS. SARIKA CHATURVEDI VS AGARWAL AUTO TRADERS & ORS. [O.M.P. (T) (COMM.)-48/2024]

Judges: Justice Prathiba M. Singh

Repeated attempts by the respondents to challenge the mandate of arbitrator Ms. Warisha Farasat undermined the arbitration process. Significant progress had already been made in pleadings and evidence, and her withdrawal would cause delays. A substitute arbitrator was not appointed; instead, Ms. Farasat was directed to resume proceedings from her last stage of involvement. Her mandate was extended until December 31, 2024, and the respondents were ordered to pay costs of Rs. 50,000 for their actions that delayed the proceedings.

MUKESH SAINI VS MADAN LAL SAINI & ORS [CS(OS)-1169/2014]

Judges: Justice Prathiba M. Singh

The agreement to sell the suit property between the defendants and proposed purchasers is to be given effect. The proposed purchasers are required to deposit the balance sale consideration and interest, after which the sale deed will be executed in their favor. The plaintiff's 1/5th share of the sale consideration must be deposited in court to protect his interest until a final decision is reached. The plaintiff had multiple chances to buy out the shares of the other co-owners, as previously directed, but did not make an offer. Therefore, the execution of the sale deed in favor of the proposed purchasers will proceed.

MUKESH UDESHI VS JINDAL STEEL POWER LTD [O.M.P. (COMM)-213/2023]

Judges: Justice Prathiba M. Singh

Mr. Mukesh Udeshi, claiming to be the beneficial owner of the domain name "jsplsteel.in," was not a party to the INDRP arbitration proceedings and lacked the standing to challenge the arbitral award under Section 34 of the Arbitration and Conciliation Act, 1996. The INDRP Rules of Procedure only bind the complainant, registrar, and registrant (Nspire Solutions), excluding any third-party participation. The petition was dismissed without examination of the merits of the arbitral award.

NATIONAL HIGHWAYS AUTHORITY OF INDIA VS GURUVAYOOR INFRASTRUCTURE PVT. LTD. [OMP (ENF.) (COMM.)-97/2024]

Judges: Justice Prathiba M. Singh

The National Highways Authority of India (NHAI) can enforce orders from the arbitral tribunal requiring Guruvayoor Infrastructure Pvt. Ltd. (GIPL) to comply with the escrow agreement and pay the outstanding negative grant amount. GIPL is obligated under the Concession Agreement to pay Rs. 215 crores, having paid only Rs. 15 crores in over 14 years. The escrow agreement prioritizes the negative grant over other payments. GIPL must pay Rs. 50 crores to NHAI by May 15, 2024, followed by monthly payments of Rs. 10 crores while maintaining a minimum of Rs. 100 crores in the escrow account. IDFC Bank Ltd. must adhere to the escrow agreement and prevent unauthorized withdrawals.

NATIONAL HIGHWAYS AUTHORITY OF INDIA VS M/S KCC BUILDCON PVT. LTD. [O.M.P.(MISC.)(COMM.)-327/2024]

Judges: Justice Prathiba M. Singh

The National Highways Authority of India received approval for an extension of the arbitral tribunal's mandate. Allegations of bias and lack of independence from M/s KCC Buildcon Pvt. Ltd. were dismissed as unfounded. The delay in arbitration proceedings was attributed to the respondent's actions, including requests for amendments and submission of extensive documents. The mandate of the arbitral tribunal was extended until 31st December 2024, with instructions to present a copy of the order in relation to the respondent's pending petition for a new arbitrator.

NATIONAL RESEARCH DEVELOPMENT CORPORATION & ANR. VS CHROMOUS BIOTECH PVT LTD [O.M.P. (COMM)-238/2023]

Judges: Justice Prathiba M. Singh

The petition filed by the National Research Development Corporation and the Department of Scientific and Industrial Research under Section 34 of the Arbitration and Conciliation Act, 1996, was dismissed due to being beyond the time limit set by Section 34(3). The petitioners failed to provide a reasonable explanation for the delay in re-filing, and no assessment was made regarding the merits of the case.

NAWABUDDIN VS SALAHUDDIN & ANR. [CS(OS)-234/2020]

Judges: Justice Prathiba M. Singh

The property in question was purchased solely by the father of the parties, not jointly by the plaintiff and defendants. The property will be auctioned through M/s Railtel, with the sale proceeds divided equally among Nawabuddin (plaintiff), Salahuddin (defendant 1), and Jamaluddin (defendant 3, replacing defendant 2 Qayamuddin). Due to lack of consensus on partition methods, the auction and division of proceeds are deemed appropriate.

NEETA BHARDWAJ & ORS. VS KAMLESH SHARMA [FAO-36/2021]

Judges: Justice Prathiba M. Singh

Unauthorized events cannot be organized at Kalkaji Mandir without permission from the court-appointed Administrator, who solely manages the premises. The Administrator is directed to enhance security personnel and revive the Shri Kalkaji Mandir Prabandhak Sudhar Committee for crowd management. The steps taken for the Mandir's demarcation and redevelopment are approved, with instructions to engage a Surveyor and submit applications for the project. The Municipal Corporation is tasked with conducting a comprehensive survey and reporting on the street vendors around the Mandir's periphery.

NEETA BHARDWAJ & ORS. VS KAMLESH SHARMA [FAO-36/2021]

Judges: Justice Prathiba M. Singh

The jagran event organized by the Shri Kalkaji Sajja Sewadar Mitr Mandal at Kalkaji Mandir was unauthorized, as the appointed Administrator has complete control over the premises and requires permission for such events. An investigation is ongoing, with action to be taken against those responsible for incidents during the event. This case is part of several connected matters concerning the redevelopment of the Kalkaji Mandir, with various directions issued to ensure the safety and security of devotees.

NISHESH RANJAN & ANR. VS INDIABULLS HOUSING FINANCE LTD & ANR. [ARB.P.-1241/2023]

Judges: Justice Prathiba M. Singh

Conflicting dispute resolution, territorial jurisdiction, and arbitration clauses in agreements related to the purchase of a flat have created confusion for the flat allottee. The Tripartite Agreement includes elements from the earlier Builder Buyer Agreement and Loan Agreement. A sole arbitrator is to be appointed to address the disputes, with time granted for further instructions before the next hearing.

NOKIA TECHNOLOGIES OY VS GUANGDONG OPPO MOBILE TELECOMMUNICATIONS CORP LTD & ORS. [CS(COMM)-303/2021]

Judges: Justice Prathiba M. Singh

Nokia's patent infringement claims against the Oppo defendants were resolved through a global Patent License Agreement and Litigation Settlement Agreement. The disputes between the parties were settled, leading to the withdrawal of Nokia's suit and Oppo's counterclaim. A refund of the pro-tem security deposit made by Oppo during the proceedings was also ordered. This case involved four connected suits.

NOKIA TECHNOLOGIES OY VS GUANGDONG OPPO MOBILE TELECOMMUNICATIONS CORP., LTD. & ORS. [CS(COMM)-304/2021]

Judges: Justice Prathiba M. Singh

Nokia Technologies OY asserted three patents against the defendants, with permission to add new infringing devices and claims but not new patents. After extensive hearings, including consideration of a global FRAND rate in China, the parties reached a settlement. The suit and counterclaim were dismissed as withdrawn following the execution of a Patent License Agreement and Litigation Settlement Agreement.

NOKIA TECHNOLOGIES OY VS VIVO MOBILE COMMUNICATION CO LTD & ORS. [CS(COMM)-171/2022]
Judges: Justice Prathiba M. Singh
The patent infringement suit between Nokia Technologies OY and Vivo Mobile Communication Co. Ltd was settled through a Patent License Agreement and Litigation Settlement Agreement. The suit and counterclaim were withdrawn according to the settlement, with no admissions of claims required from either party. A request for a refund of court fees was denied due to the number of hearings and the complexity of the proceedings. This case was connected to three other suits involving the same parties.

NOKIA TECHNOLOGIES OY VS VIVO MOBILE COMMUNICATION CO., LTD & ORS. [CS(COMM)-162/2022]
Judges: Justice Prathiba M. Singh
Nokia Technologies OY and Vivo Mobile Communication Co. Ltd. reached a comprehensive settlement in a patent infringement suit, leading to the dismissal of the suit and the withdrawal of the defendants' counterclaim. The settlement stipulates that Nokia will forgo requests for permanent injunction and damages, while the defendants will not challenge the validity or essentiality of the patents. A request for a refund of court fees was denied, citing the extensive hearings conducted. Directions were issued for handling confidential documents from the proceedings.

OVID THERAPEUTICS, INC. VS ASSISTANT CONTROLLER OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-28/2023]
Judges: Justice Prathiba M. Singh
An appeal by Ovid Therapeutics, Inc. against the rejection of its patent application for a composition containing gaboxadol was dismissed. The amended claims exceeded the scope of the original claims by removing specific neurological disease limitations, violating Section 59 of the Patents Act. The appellant did not provide adequate evidence of significant therapeutic efficacy enhancement as required under Section 3(d) of the Patents Act, relying only on limited Phase 2 trial data, while Phase 3 trial results did not demonstrate the necessary improvement.

RAKESH BHARDWAJ VS MAHANT SURENDER NATH [RFA-412/2021]
Judges: Justice Prathiba M. Singh
The appellant in RFA 412/2021 resolved the dispute with the respondent and withdrew the appeal, resulting in its dismissal. In FAO 36/2021, pending Special Leave Petitions regarding Kalkaji Mandir disputes will be listed together before an appropriate bench. In civil suit CS(OS) 57/2022, the State Bank of India is directed to transfer Rs. 1,38,38,338/- plus interest into the Registrar General Kalkaji Account within two weeks.

PRAN NATH CHADHA & ORS. VS CHETANYA BUILD CON INDIA PRIVATE LIMITED [CS(OS)-150/2021]
Judges: Justice Prathiba M. Singh
The Plaintiffs, Pran Nath Chadha and others, established a prima facie case against the Defendant, Chetanya Build Con India Pvt. Ltd., leading to the termination of the Property Development Agreement and two addenda. The Defendant failed to complete the property development within the agreed timelines despite multiple extensions, resulting in a loss of trust from the Plaintiffs. The Defendant is restrained from dealing with the property, allowing the Plaintiffs to manage it as they see fit. Any third-party claims created by the Defendant remain solely its responsibility.

PRAVEEN KUMAR AND ORS. VS EMPLOYEES STATE INSURANCE CORPORATION AND ORS. [W.P.(C)-5691/2021]

Judges: Justice Prathiba M. Singh

The ESIC is required to establish guidelines for engaging contractual workers. Selection of contractors must follow a Quality-cum-Cost Based Selection (QCBS) process to ensure competence and protect workers' statutory rights. Contractors are obligated to inform workers of their entitlements, responsibilities, wages, and grievance procedures. Subcontracting is allowed for PSUs with oversight to prevent conflicts of interest. Contractors cannot charge fees to workers for employment, and they must secure written undertakings from workers relinquishing claims to permanent employment with ESIC. A grievance redressal mechanism for contractual workers must be provided, and contractors should prioritize the engagement of existing workers, ensuring continuity without granting permanence. The ESIC is instructed to notify these guidelines within one month to curb potential malpractices.

PRESIDENT LALA SHER SINGH MEMORIAL JEEVAN VIGYAN TRUST SOCIETY VS SUTLEJ EDUVISION PRIVATE LIMITED [CS(COMM)-158/2021]

Judges: Justice Prathiba M. Singh

An "Education Collaboration Agreement" dated January 18, 2018, with an arbitration clause, was validated by a resolution from the Plaintiff-Society authorizing its treasurer to sign. It was deemed necessary to refer the matter to arbitration under Section 8 of the Arbitration and Conciliation Act, 1996, as the defendant requested this before submitting the initial statement on the dispute. A sole arbitrator was appointed with the parties' consent to resolve the disputes.

PURNIMA SHARMA & ORS. VS RENU SHRMA & ORS. [CS(OS)-209/2022]

Judges: Justice Prathiba M. Singh

Registered wills executed by Smt. Jai Mala Devi bequeathed her property to the defendants, her children, and were deemed valid with no authenticity challenge from the plaintiffs, her grandchildren. A development agreement indicated her intention not to bequeath any property to the plaintiffs. The interim injunction was modified to permit the defendants to proceed with redevelopment while restricting any transfer of title without permission.

RACHITA FRANCIS XAVIER VS UNION OF INDIA & ORS [W.P.(C)-1754/2020]

Judges: Justice Prathiba M. Singh

The petitioner, a minor born in India to parents who were originally Indian citizens but later obtained US citizenship, is eligible for Indian citizenship by registration under Section 5(4) of the Citizenship Act, 1955. The petitioner is classified as a person of Indian origin, not an "illegal migrant," and denying her citizenship would violate her fundamental right to nationality under international human rights law. The Central Government is required to process the petitioner's citizenship application within 30 days and issue her a passport within 15 days following the grant of citizenship.

RADEXPO AG VS JAYNA TIME INDUS. LTD. [CO.PET.-182/1999]

Judges: Justice Prathiba M. Singh

The debt of SFR 345,149.30 owed by Jayna Time Industries Ltd. to Radexpo AG was admitted and undisputed. After accounting for payments made, currency fluctuations, and delays, the remaining balance was calculated at SFR 108,045.53, including costs of SFR 20,000. Jayna Time Industries Ltd. must pay this amount by 1st March 2024, or face a 6% simple interest penalty. Additionally, Rs. 50 lakhs deposited by Jayna Time Industries Ltd. will be released to Radexpo AG.

RADHEY SHYAM VS SALIG RAM [CS(OS)-588/2021]

Judges: Justice Prathiba M. Singh

The dispute over the performance of 'Shashmahi bari' and 'monthly bari' at Kalkaji Mandir should be resolved by adhering to the established practice since 2001. Since that settlement, the parties have alternated the performances, with 'Shashmahi bari' occurring every eight years and 'monthly bari' every three years. The Rs. 29.5 lacs deposited for the 1997 'monthly bari' is to be divided equally between the two groups to prevent further disputes. Both groups will continue to perform their respective 'monthly baris' exclusively every three years, following the long-standing practice.

RAJ KUMAR BATRA VS GULSHAN KUMAR BATRA & ANR [CS(OS)-3171/2015]

Judges: Justice Prathiba M. Singh

Raj Kumar Batra, Gulshan Kumar Batra, and Veena Batra reached an amicable settlement in a property partition suit. Raj Kumar Batra will receive two properties in Mumbai, while Gulshan Kumar Batra and his wife will obtain a 1/3rd share of a property in Delhi, contingent upon payment of Rs. 8.5 crores to Raj Kumar Batra. The agreement also includes arrangements for rental income and property expenses.

RASHME BAHL VS RAMNIK WADHERA & ORS [CS(OS)-1125/2015]

Judges: Justice Prathiba M. Singh

The parties have amicably settled a dispute over the partition and possession of a house in Greater Kailash, Delhi, and farmland in Gurgaon. Rashme Bahl will receive a lump sum of Rs. 15 crores in exchange for renouncing her 1/3rd rights in both properties and movable assets. Ramnik Wadehra's share will be deposited accordingly, and a Local Commissioner has been appointed to facilitate the sale of the properties and distribution of proceeds as per the settlement terms.

RESERVE BANK OF INDIA VS CRB CAPITAL MARKETS LTD.(PROVN. LIQN.) P.LTD. [CO.PET.-191/1997]

Judges: Justice Prathiba M. Singh

The Official Liquidator is entitled to Rs. 25 crores from the applicant-companies, representing the CRB group's contribution to five jointly-invested projects in Rajasthan, to be paid in installments. Upon payment, the Tala Land, RSEB Land, and Gulab Bagh Land will be released to the respective applicant-companies. The Disbursement Committee has been reconstituted to disburse the full principal amount (without interest) to depositors of CRB Capital Markets Ltd. with claims up to Rs. 50,000, while details of claims exceeding that amount are to be presented for further directions.

ROHIT SHARMA VS S. RULDA SINGH [CS(OS)-120/2019]

Judges: Justice Prathiba M. Singh

The parties reached an amicable settlement regarding a property at B-7/65, Second Floor, Safdarjung Enclave, New Delhi. Rohit Sharma will pay Rs. 43 lakhs to Rulda Singh, who will relinquish all rights and share in the property. Probate of the Will dated 20th December, 2012, executed by late Ms. Nora Cagli in favor of Rohit Sharma, Davide Franchini, and the legal heirs of Vito Cagli was granted.

SAMBITA MEHTA VS SABITA BOSE AND ANR [CS(OS)-389/2022]

Judges: Justice Prathiba M. Singh

In Sambita Mehta v. Sabita Bose and Anr., the issue of whether the plaintiff's suit is barred by res judicata due to the dismissal of an earlier suit filed by the plaintiff's mother is being evaluated. A third defendant, Mr. Sanjay Sharma, has been impleaded as an alleged beneficiary under a will claimed to have been executed by the late Shri S.K. Bose. The lawyers for the defendants have been directed to appear and provide details regarding the current status of the property and relevant documents. The case is recognized as part of related matters with previous outcomes.

SAMEER PAUL CHAUDHARY & ORS. VS STATE & ORS. [TEST.CAS.-20/2022]

Judges: Justice Prathiba M. Singh

The will of the late Ms. Susheila Chaudhury should be interpreted to reflect the testator's intention, which aimed to divide the sale proceeds of the property into seven shares. Letters of administration were granted to all beneficiaries named in the will, despite minor discrepancies between the names in the will and their Aadhaar cards. The focus was on upholding the testator's clear intention as conveyed in the will, notwithstanding some drafting errors.

SAURAV CHAUDHARY VS UNION OF INDIA & ANR. [W.P.(C)-IPD-9/2023]

Judges: Justice Prathiba M. Singh

The petitioner's patent application was abandoned due to the negligence of the patent agent, who failed to inform the petitioner about the First Examination Report (FER) and the response deadline. This conduct was deemed professional misconduct. An inquiry against the patent agent is to be conducted, and a Code of Conduct for regulating patent and trademark agents is to be established. The abandonment order was set aside, and the patent office is to accept the petitioner's response to the FER and continue processing the patent application.

SBI CARDS AND PAYMENT SERVICES PRIVATE LIMITED VS KONY INC. & ORS. [O.M.P.(I) (COMM.)-127/2024]

Judges: Justice Prathiba M. Singh

An ex-parte ad-interim injunction was granted to SBI Cards and Payment Services Pvt. Ltd. to prevent respondents from disrupting its credit card services via licensed software. The license agreement stipulated a 12-month transition period requiring respondents to maintain operations during arbitration. Disruption to the petitioner's financial services could jeopardize customer data and transaction processing, necessitating interim protection.

SEEMA DAYAL & ORS. VS MALA MATHUR & ANR. [CS(OS)-700/2022]

Judges: Justice Prathiba M. Singh

The four daughters of the late Dr. K.P. Mathur are each entitled to a one-fourth share of their father's assets. A Local Commissioner will assist in partitioning the assets, which include immovable property and various movable items such as bank accounts and fixed deposits. The parties agreed to withdraw their allegations against each other and decided against pursuing damages or rendering accounts. The Local Commissioner is tasked with submitting a report for a final decree.

SH SANJEEV SONI AND ANR VS SMT KAMLA KAPUR AND ORS [CS(OS)-606/2021]

Judges: Justice Prathiba M. Singh

A preliminary decree for partition of property belonging to the late Smt. Phool Wanti Soni was issued, establishing shares for all parties except the heirs of late Smt. Santosh Palta, whose dispute remains unresolved. Parties are directed to mediate for an inter se purchase of the property; if unsuccessful, a Local Commissioner will be appointed. Proceeds from the shares of the heirs of late Smt. Santosh Palta will be deposited with the Registrar General.

SH SUNIL AHUJA & ANR. VS SH.PREM AHUJA & ORS. [CS(OS)-251/2022]

Judges: Justice Prathiba M. Singh

The family settlement dated August 2, 2021, between the siblings is to be recognized and enforced. The settlement acknowledges their prior rights and claims, with no ongoing disputes. The parties are directed to comply fully with the terms of the settlement, including executing relevant documents, and a Local Commissioner is appointed to oversee the process.

SH. KULBHUSHAN CHAWLA AND ORS. VS SMT. VEENA CHAWLA AND ORS. [CS(OS)-2316/1996]
Judges: Justice Prathiba M. Singh
The parties resolved disputes regarding the partition and ownership of family property through a settlement agreement. Shares in the property were allocated as follows: Mr. Kulbhushan Chawla - 25%, Mr. Surinder Kumar - 20%, Mr. Sheel Kumar Chawla - 50%, and Ms. Veena Chawla - 5%. They agreed to sell the property with a base price of Rs. 23 crores, with the settlement terms deemed lawful.

SHAVIYA SHARMA VS SQUINT NEON & ORS. [CS(OS)-134/2024]
Judges: Justice Prathiba M. Singh
Shaviya Sharma has a valid claim for the removal of objectionable tweets and the disclosure of the identities of the defendants who posted them. The issues of "doxing" and the balance between privacy rights and access to information were considered. Offensive and defamatory comments on social media were causing her professional and personal harm. Five objectionable tweets were ordered for removal along with the disclosure of the basic subscriber information of the defendants. Google was directed to reveal the details of the defendant responsible for the email address used to contact Sharma's employer.

SHEFALI KOHI VS NEENA CHATRATH & ANR. [CS(OS)-307/2022]
Judges: Justice Prathiba M. Singh
The delay in filing the written statement and affidavit of admission/denial was due to a clerical error and not intentional non-compliance. Filing the written statement within the extended 120-day period, even without the affidavit, is not considered a non-est filing. Therefore, the defense should not be struck off on procedural grounds, emphasizing the importance of deciding the dispute on its merits.

SHIV KUMAR SHARMA & ORS VS STATE & ANR [TEST.CAS.-50/2015]
Judges: Justice Prathiba M. Singh
The petition for probate of Ms. Phoolwati's will dated 16th December 2008 was disposed of following a settlement agreement signed on 30th November 2023. The agreement stipulates that the will shall not be acted upon, and the parties will jointly sell a property, sharing the proceeds equally. Additionally, the share of the deceased brother Rajneesh Kaushik will be allocated to his physically challenged brother Rakesh Kaushik, along with the shares of Naresh Kaushik and Vijaya Lakshmi. The terms of the settlement agreement are lawful and binding on all parties involved.

SHRI ANIL SETH & ANR. VS M/S MEGA CONSTRUCTION COMPANY & ORS. [ARB. A. (COMM.)-36/2023]
Judges: Justice Prathiba M. Singh
The agreed terms recorded before the arbitrator on 8th January 2024 are binding on the parties. The Respondents are directed to hand over possession of the basement, second and third floors, and the terrace to the Appellants within one week. A local commissioner will oversee this process. The arbitration proceedings regarding claims and counterclaims will continue, with the potential for an amicable resolution. This matter is a batch case, and there is no referral to a larger bench.

SHRI ARJUN KANSAL VS SHRI AJIT SINGH BAGGA [CS(OS)-421/2020]
Judges: Justice Prathiba M. Singh
The plaintiff is entitled to recover Rs. 2.31 crores from the defendant, along with Rs. 46.5 lakhs for delayed payment, based on previously recorded settlement terms. The defendant admitted to receiving the amounts and the agreement to sell, lacking any valid defense. The total amount awarded includes 6% interest from the date the suit was initiated.

SHRI INDER PRAKASH SINGH VS SHRI RAJ MAHATIM SINGH & ORS [CS(OS)-2613/2015]

Judges: Justice Prathiba M. Singh

The family settlement deed dated 17th December 1999 is valid and binding, despite the Plaintiff's objections. Precedents indicate that oral family settlements do not require compulsory registration. The evidence, including the original deed, shows all three Defendants confirmed its terms, while the Plaintiff could not undermine its authenticity. The property is partitioned as follows: Defendant No. 1 owns the ground floor, Defendant No. 3 owns the basement, and the Plaintiff and Defendant No. 2 share joint ownership of 50% of the first floor and roof rights.

SHRI NEERAJ BHATIA VS SHRI RAVINDRA KUMAR BHATIA & ORS. [CS(OS)-210/2023]

Judges: Justice Prathiba M. Singh

Reconstruction of the property at 'A-125 Defence Colony, New Delhi' is permitted under specific conditions. The plaintiff and defendant no. 5 lack sufficient evidence to prove the property is a joint Hindu family (HUF) asset. The senior citizen parents desire a resolution of the dispute during their lifetime. Issues to be addressed in the trial include the HUF status of the property since 1993, any oral partition in 1994, and the validity of a registered will from 1999 left by Mr. Balwant Lal Bhatia. A local commissioner has been appointed to facilitate evidence collection and expedite trial proceedings.

SHRI RAJINDER SINGH BEDI VS THE STATE & ORS [TEST.CAS.-100/2015]

Judges: Justice Prathiba M. Singh

The respondent (Respondent No. 5(a)) cannot present a forensic expert to compare signatures due to a failure to file a witness list for over 8 years and the completion of the petitioner's evidence. However, the documents attached to the affidavit by Respondent No. 5(a) may be marked as exhibits, and the petitioner can raise objections to these documents for future consideration.

SHWETA KHANDELWAL VS ANUBHA KHANDELWAL & ANR. [CS(OS)-258/2022]

Judges: Justice Prathiba M. Singh

The three daughters of Mrs. Manju Khandelwal, Shweta Khandelwal, Anubha Khandelwal, and Shilpi Sudhir Khandelwal, are each entitled to one-third of their mother's estate, including properties specified in a will dated October 20, 2011 and other properties not mentioned in the will. A Local Commissioner has been appointed to assist in the division of the assets, either through physical distribution or valuation, and is authorized to take necessary steps for the sale of any properties if needed.

SMT HARBANS KAUR, W/O SHRI LIVELEEN SINGH VS M/S GURMARG APPLICANCES PVT LTD [C.O. (COMM.IPD-TM)-346/2022]

Judges: Justice Prathiba M. Singh

Smt. Harbans Kaur is recognized as the rightful proprietor of the "TANASHI" trademark, while Gurmarg Appliances Pvt. Ltd. is identified as merely a distributor of her products without independent rights to the trademark. The registration of the "TANASHI" mark by the defendant is subject to cancellation. An injunction prevents the defendant and its associates from using the "TANASHI" trademark or any similar marks. The defendant's petition to cancel the plaintiff's trademark registration has been dismissed.

SRF LIMITED VS JONSON RUBBER INDUSTRIES LIMITED [ARB.P.-854/2023]

Judges: Justice Prathiba M. Singh

The arbitration clause in the invoices issued by SRF Ltd. is valid because Jonson Rubber Industries Ltd. acknowledged the invoices through part payments. The "Jurisdiction for Arbitration/Dispute" clause in the purchase orders further confirmed the parties' intention to refer disputes to arbitration. Objections to the existence of a valid arbitration agreement were rejected, leading to a referral to the Delhi International Arbitration Centre for the appointment of an arbitrator.

SMT JATINDER KAUR AND ORS VS LATE SH JAGJIT SINGH AND ORS [ARB.P.-1167/2022]

Judges: Justice Prathiba M. Singh

The petitioners' application for a new sole arbitrator was timely and within the 3-year limitation period, as established in a relevant Supreme Court decision. The original arbitrator and the respondent had both passed away during the COVID-19 pandemic. Given a valid arbitration clause in the agreement, Justice R.S. Endlaw (Retd.) was appointed as the new sole arbitrator to resolve the disputes. Additionally, there was a restriction on creating any third-party interest in the subject property until the petitioners filed an appropriate application under Section 17 of the Arbitration and Conciliation Act with the new arbitrator.

SMT NISHI HANDA VS SMT MANJU KANWAR [CS(OS)-572/2023]

Judges: Justice Prathiba M. Singh

The Will dated 21st December, 1978 of Mr. R.P. Barman clearly designates the property at Plot No. N-83, Panchshila Park, New Delhi, with Nishi Handa owning the front portion, including the terrace, and Manju Kanwar owning the back portion, including the terrace. Mutations by the DDA and the South Delhi Municipal Corporation, which incorrectly recorded the Plaintiff's share as 2/3rd, are recalled. Each party is declared an owner of 50% of the property and may apply for conversion of the leasehold to freehold, sharing associated expenses. There is a right of first refusal for either party wishing to sell their 50% share, and they may bid for each other's shares if interested in acquiring the entire property. All disputes between the parties have been settled with this decision.

SMT. AMRIT KAUR VS THE STATE [TEST.CAS.-10/1996]

Judges: Justice Prathiba M. Singh

The Fourth Will dated 7th November 1994 was found to be invalidly executed and forged. The registered Third Will dated 18th October 1993 and the handwritten Codicil dated 21st August 1994 were identified as the Testator's last valid testamentary documents. Evidence showed a positive relationship between the Testator and his son, Mr. Manmohan Singh Vohra, with no credible claims of ill-treatment. The testimony of the Court clerk, Mr. Ram Pershad Rohtagi, was deemed credible, supporting the legitimacy of the earlier Wills and Codicil. The Petitioners' testamentary petition was dismissed, and the interim order preventing Mr. Manmohan Singh Vohra from selling the property was vacated.

SMT. MAHIMA KAUSHIK VS MRS. NEERA KAUSHIK & ANR. [CS(OS)-535/2023]

Judges: Justice Prathiba M. Singh

Mahima Kaushik, Neera Kaushik, and Manu Kaushik are recognized as the sole legal heirs of Narendra Prakash Kaushik, with each owning 1/3rd of his movable and immovable assets. Following the appointment of a local commissioner for property division, the parties reached an amicable resolution, with the defendants agreeing to pay Mahima a settlement of Rs. 6.18 crores within 90 days. In return, Mahima relinquished all claims to the assets, resulting in a full and final settlement of their disputes.

SOMA ENTERPRISE LTD. VS ENVIRO GEOSYNTHETICS PVT. LTD. [O.M.P. (COMM)-14/2023]

Judges: Justice Prathiba M. Singh

The petition by Soma Enterprise Ltd. challenging an arbitration award dated September 28, 2021, was dismissed as barred by limitation. It was filed beyond the mandatory 30-day deadline under Section 34(3) of the Arbitration and Conciliation Act, despite the exclusion of the period from March 15, 2020, to February 28, 2022, due to COVID-19. The limitation period under Section 34 is considered strict and non-condonable. The amount deposited by Soma Enterprise Ltd. will be released to Enviro Geosynthetics Pvt. Ltd. after deducting TDS on the interest component.

STARTUPWALA PRIVATE LIMITED VS GOOGLE INDIA PRIVATE LIMITED [O.M.P.(I) (COMM.)-96/2024]
Judges: Justice Prathiba M. Singh
The arbitration clause in the Google Advertising Program Terms, requiring arbitration in Santa Clara County, California, raises concerns about effective legal remedies in India. Advertisements currently labeled as "Eligible (limited)" must not be blocked or taken down until the next hearing, provided their content remains unchanged. A response from the respondent is awaited with the next hearing scheduled for April 22, 2024.

SUMAN SAPRA VS ROSY DABAS & ORS [EX.P.-121/2015]
Judges: Justice Prathiba M. Singh
Ms. Suman Sapra and her son, Mr. Gaurav Sapra, do not have any rights or interests in Flat no. C-701, Chitrakoot Dham, CGHS, which belongs to Ms. Rosy Dabas. The ownership declaration will be updated in the records. Ms. Suman Sapra undertook to vacate the property at E-3/3, Vasant Vihar, New Delhi by 26th April, 2024.

SUN PHARMA LABORATORIES LTD. VS DABUR INDIA LTD. & ANR. [C.A.(COMM.IPD-TM)-146/2022]
Judges: Justice Prathiba M. Singh
The time limit in the Trade Marks Rules for filing evidence in opposition proceedings is mandatory. The evolution of the Rules from 1959 to 2017 indicates a clear legislative intent to impose strict timelines to prevent delays in trade mark registration. The discretion of the Registrar to extend this time period has diminished, with no further extensions allowed beyond the two-month period. The Registrar must decide the opposition proceedings on merits, with remedies for the parties remaining open.

SWASTIK PIPE LTD VS MR. ROHIT SHARMA SOLE PROPRIETOR, M/S. STAR INDUSTRIES [ARB.P.-1256/2023]
Judges: Justice Prathiba M. Singh
The arbitration clause in the tax invoices exchanged between Swastik Pipe Ltd. and Mr. Rohit Sharma, Sole Proprietor of M/s. Star Industries, is binding. Mr. Karandeep Singh Rekhi has been appointed as the sole arbitrator to resolve disputes related to non-payment for the purchase of Cold Rolled Strips. If disputes remain unresolved through mediation, the parties must appear before the appointed arbitrator on a specified date.

SWASTIK PIPE LTD VS MR. SANJEEV SEHGAL PROPRIETOR OF M/S. RADIANT INDUSTRIES [ARB.P.-1258/2023]
Judges: Justice Prathiba M. Singh
The arbitration clause in the tax invoices issued by Swastik Pipe Ltd is binding on Sanjeev Sehgal. A sole arbitrator, Mr. Karandeep Singh Rekhi, is appointed to adjudicate the disputes. Parties are directed to attempt mediation at the Delhi High Court Mediation and Conciliation Centre before the arbitrator proceeds.

SWASTIK PIPE LTD VS RAHUL SACHDEVA SOLE PROPRIETOR, M/S V.K. PIPE TRADERS [ARB.P.-1257/2023]
Judges: Justice Prathiba M. Singh
The arbitration clause in the tax invoices exchanged between the parties is binding. A sole arbitrator, Mr. Karandeep Singh Rekhi, has been appointed to adjudicate the dispute regarding non-payment for HRPO Coils. Parties must appear before the arbitrator on July 23, 2024, if mediation fails to resolve the disputes. Related arbitration petitions are also referred to mediation.

SWASTIK PIPE LTD VS SHREE CHAITNYA INDUSTRIES [ARB.P.-1255/2023]

Judges: Justice Prathiba M. Singh

The arbitration clause in the tax invoices exchanged between the parties is binding. Mr. Karandeep Singh Rekhi is appointed as the sole arbitrator, with a fee of Rs. 75,000 to be shared equally by both parties. Mediation will continue at the Delhi High Court Mediation and Conciliation Centre, and if unresolved, the appointed arbitrator will proceed with the reference.

SWASTIK PIPE LTD. VS MR. SACHINAV ARORA PROPRIETOR OF ROOHANI ENGG. WORKS [ARB.P.-1254/2023]

Judges: Justice Prathiba M. Singh

The arbitration clause in the tax invoices exchanged between Swastik Pipe Ltd. and Sachinav Arora is binding, as previous judgments validate such clauses without the need for full terms and conditions. A sole arbitrator, Mr. Karandeep Singh Rekhi, has been appointed to resolve disputes over non-payment for Cold Rolled Strips. The parties have been encouraged to seek mediation before the arbitrator acts, and the order will be served to the absent respondent.

TATA SONS PRIVATE LIMITED & ANR. VS M/S ELECTRO INTERNATIONAL & ORS. [CS(COMM)-293/2021]

Judges: Justice Prathiba M. Singh

The main legal issues involve the implementation of court orders by domain name registrars, adherence by banks to a Standard Operating Procedure for sharing information with law enforcement, and the RBI's activation of a "Beneficiary's Name Lookup Facility" for RTGS and NEFT transactions to combat cyber fraud. The Indian Banks Association must confirm the circulation and compliance of the SOP among banks. The RBI is required to promptly activate the Beneficiary's Name Lookup Facility. GoDaddy needs to report on its services relevant to court order implementation. Further hearings are scheduled for January and February 2025.

TEAM FRANCE 01 S A S VS SPICEJET LIMITED [CS(COMM)-908/2023]

Judges: Justice Prathiba M. Singh

Plaintiffs Team France 01 S.A.S and Sunbird France 02 S.A.S allow defendant SpiceJet Limited to use aircraft engines under an interim arrangement requiring specific payments. The agreement includes a total of $4.8 million payable in four installments and weekly payments of $160,000 for rent and maintenance. Failure to make payments will require SpiceJet to ground and return the engines, unless directed otherwise. Outstanding rent amounts are subject to reconciliation, with the arrangement in effect until September 2024.

TECHNICAL CONSTRUCTION COMPANY VS ENGINEERING PROJECT (INDIA) LIMITED [ARB.P.-510/2023]

Judges: Justice Prathiba M. Singh

The petition by Technical Construction Company for the appointment of an arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996 is not barred by limitation. Engineering Project (India) Limited acknowledged liability in writing on February 22, 2023, creating a fresh cause of action under Section 18 of the Limitation Act, 1963. This case differs from earlier Supreme Court decisions cited by the respondent, which lacked an express acknowledgment of liability. A sole arbitrator has been appointed to resolve the dispute.

THE HERSHEY COMPANY VS DILIP KUMAR BACHA, TRADING AS SHREE GANESH NAMKEEN & ANR [C.O. (COMM.IPD-TM)-179/2023]

Judges: Justice Prathiba M. Singh

The issues raised in the current matters require consideration by a larger Bench due to potential inapplicability of the decision in Girdhari Lal Gupta v. K. Gian Chand Jain, regarding the Trade Marks Act, 1999 as amended by the Tribunal Reforms Act, 2021. Key questions include the applicability of the previous decision under the Designs Act for determining the High Court's jurisdiction under the Trade Marks Act, whether such jurisdiction is based on the appropriate office of the Trade Marks Registry that granted the impugned registration, and the interpretation of 'the High Court' in specific sections of the Trade Marks Act. Petitions were directed to the Acting Chief Justice for the formation of a larger Bench to address these questions and any additional related issues.

TWC AVIATION CAPITAL LIMITED VS SPICEJET LIMITED [CS(COMM)-285/2024]

Judges: Justice Prathiba M. Singh

Orders passed by the UK court in favor of TWC Aviation Capital Limited are enforceable in India under Sections 13 and 44A of the Code of Civil Procedure. TWC Aviation's application for interim relief was granted, requiring SpiceJet Limited to maintain the status quo regarding the aircraft frames and engines. TWC Aviation's officials are permitted to inspect the aircraft frames. SpiceJet is to provide a report on the usage of the aircraft and engines since the lease agreement's termination and indicate how it plans to compensate or return the engines to TWC Aviation.

TWC AVIATION CAPITAL LIMITED VS SPICEJET LIMITED [CS(COMM)-285/2024]

Judges: Justice Prathiba M. Singh

Orders passed by the UK Court are enforceable in India under Sections 13 and 44A of the Civil Procedure Code, as the UK Court is considered competent under the agreement between the parties. The defendant failed to make required payments and breached the lease agreement. The balance of convenience favors the plaintiff in securing possession of the aircraft and engines to prevent further damage. The defendant is required to hand over the aircraft, engines, and all relevant records to the plaintiff by a specified date.

UNION OF INDIA & ANR. VS M/S POPULATION SERVICES INTERNATIONAL [O.M.P. (COMM)-19/2024]

Judges: Justice Prathiba M. Singh

The petition from the Union of India and the National AIDS Control Organization (NACO) challenging an arbitral award in favor of M/s Population Services International (PSI) was dismissed due to a delay exceeding 800 days, far beyond the statutory limit of 3 months plus 30 days. The delay resulted from negligence in handling the matter by government officials. As a result of this delay, the petition was deemed non-maintainable, and the merits of the case were not considered. The Director General of NACO and the Secretary of the Ministry of Health and Family Welfare were to be notified of this decision.

VIJAY KUMAR AHIR VS SURINDER AHIR & ORS [CS(OS)-267/2015]

Judges: Justice Prathiba M. Singh

Defendant No. 5's application to withdraw her previous written statement and submit a new one was dismissed. The claim of misrepresentation and undue influence was found unconvincing, as the written statement had been jointly filed with Defendant No. 4, who confirmed Defendant No. 5's awareness of its contents. With the trial already underway, allowing the amendment was deemed likely to prejudice Defendants Nos. 1 and 2. The decision emphasized that the ability to amend written statements is contingent on potential prejudice or injustice present in the case.

VIKAS CHANDER VS STATE AND ORS [TEST.CAS.-16/2022]

Judges: Justice Prathiba M. Singh

Probate of the last will and testament of Mrs. Manorama Dhawal was granted in favor of her son, Mr. Vikas Chander. The jointly filed valuation report of the testatrix's assets was accepted, excluding book debts at the petitioner's request. Exemption from furnishing a surety bond was granted, as beneficiaries are direct descendants of the testatrix. No objections were raised by the respondents, who include the testatrix's daughter and grandchildren, eliminating the need for further evidence.

VIPIN MALIK & ANR. VS PACL INDIA LTD. & ORS. [EX.P.-17/2020]

Judges: Justice Prathiba M. Singh

Decree holders Vipin Malik and M/s. Vipin Malik HUF are entitled to recover Rs. 2,14,36,537 with 12% interest per annum from judgment debtors PACL India Ltd. and Mr. Gurmeet Singh. The known assets of the judgment debtors are under the control of the Lodha Committee, which is limited to selling PACL's properties for refunding investors and cannot make payments to the decree holders. The execution petition was disposed of, allowing the decree holders to pursue other remedies, including approaching the Supreme Court.

VIVEK AGGARWAL AND ANR. VS MR HEMANT AGGARWAL & ORS. [O.M.P.(MISC.)(COMM.)-29/2023]

Judges: Justice Prathiba M. Singh

A one-year extension of the sole arbitrator's mandate was granted under Section 29A(4) of the Arbitration and Conciliation Act, 1996. The respondents contested the petition, alleging violations of previous court orders by the arbitrator. The scope of the Section 29A petition focused solely on whether to grant the extension, while grievances about the arbitrator's conduct were deemed outside its purview. The respondents had also filed a separate application challenging the arbitrator's impartiality, which was not addressed in this proceeding. The arbitrator was directed to minimize unnecessary adjournments.

WAPCOS LIMITED VS VIRGO AQUA [O.M.P. (COMM)-132/2023]

Judges: Justice Prathiba M. Singh

The arbitral award by the Micro and Small Enterprises Facilitation Council (MSEFC) against WAPCOS Limited was upheld. The proceedings followed Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006, allowing a transition from conciliation to arbitration after conciliation failed. The requirement to deposit 75% of the awarded amount as mandated by Section 19 of the MSMED Act is necessary before challenging the MSEFC award under the Arbitration and Conciliation Act.

WINZO GAMES PRIVATE LIMITED VS HIKE GLOBAL PTE. LTD. AND ORS. [O.M.P.(I) (COMM.)-144/2024]

Judges: Justice Prathiba M. Singh

The dispute between WinZO Games Pvt. Ltd. and Hike Global Pte. Ltd. along with its Indian subsidiary, Hike Private Limited, is referred to arbitration in Delhi under the Arbitration and Conciliation Act, 1996, with a sole arbitrator appointed. Both parties must submit the source code of their respective apps and the algorithm in a sealed cover for the arbitrator's review. Individual respondents, former WinZO employees, are excluded from the proceedings, while the potential inclusion of Hike Private Limited remains for the arbitrator's consideration under the 'Group of Companies' doctrine.

ZANGAS-KPTL CONSORTIUM VS GAIL INDIA LTD. [O.M.P. (T) (COMM.)-20/2024]

Judges: Justice Prathiba M. Singh

The petition by the Zangas-KPTL Consortium for the appointment of a substitute arbitrator under Section 15 of the Arbitration and Conciliation Act, 1996, is maintainable. The original arbitrator, Justice R.C. Chopra (Retd.), recused himself due to medical reasons, and no fees had been paid to him. Justice G.P. Mathur (Retd.) has been appointed as the new sole arbitrator to handle the disputes. The parties are required to deposit an additional Rs. 5 lakhs for the final hearing and award pronouncement.

RAGHUBIR SINGH (DECEASED THROUGH LRS) MONTU BATRA & ORS. VS SH. UTTAM SINGH BAL (NOW DECEASED AND REPRESENTED BY) THROUGH SMT SUSHMA BAL & ORS. [RSA-179/2023]

Judges: Justice Purushaindra Kumar Kaurav

The appeals filed by the tenants were dismissed, affirming the lower courts' findings that the landlords were the rightful owners of the property in Khasra No. 27, and the appellants were their tenants. The appellants' claim that the shops were in the acquired Khasra No. 26 conflicted with their own admissions regarding their tenancy with the landlords' predecessors. Once the landlord-tenant relationship was established, the tenant could not dispute the landlord's title under Section 116 of the Evidence Act. The concurrent findings of the lower courts did not present a clear error of law, leading to the dismissal of the appeals.

M/S RAHUL ASSOCIATES & ANR VS M/S BMS ENTERPRISES & ANR [RFA-99/2014]

Judges: Justice Purushaindra Kumar Kaurav

The appeal by M/s Rahul Associates and Rahul Mathur against the judgment favoring M/s BMS Enterprises and Balbir Singh was dismissed. The Trial Court correctly identified respondent-plaintiff No. 1 as a proprietorship firm based on bank certification, not an unregistered partnership, as the term "partner" in the agreement lacked conclusive impact. Additionally, the attempt by the appellants to introduce new evidence was rejected due to insufficient exceptional circumstances. Overall, the Trial Court's judgment was upheld as sound and unassailable.

BIRBAL SAINI VS SATYAWATI [RSA-196/2019]

Judges: Justice Purushaindra Kumar Kaurav

The suit property is classified as the self-acquired property of the plaintiff's father, not ancestral property. The plaintiff has the right to inherit and transfer this property. Inheritance under the Hindu Succession Act does not create coparcenary rights. The appeal by the defendant was dismissed due to the absence of a substantial question of law.

PRINCE VS MOHINDER YADAV [RSA-201/2024]

Judges: Justice Purushaindra Kumar Kaurav

The judgment and decree of the first Appellate Court were upheld, dismissing the second appeal from the appellant-defendant. The lower courts' decisions were well-reasoned, addressing predominantly factual issues and straightforward applications of established legal principles. No substantial question of law was identified for this appeal.

OM PRAKASH VS JOGINDER SOLANKI AND ORS [RSA-113/2024]

Judges: Justice Purushaindra Kumar Kaurav

The landlord's increase of rent from Rs. 3,500 to Rs. 3,850 per month was upheld as valid due to proper service of a 30-day notice under the Delhi Rent Control Act. The tenant's claims regarding the suit's maintainability and improper notice service were rejected, as evidence showed the tenant had deliberately evaded notice service. The tenant's appeal was dismissed, supporting the trial court and first appellate court's findings.

DR. DEEPAK SURESH KUMAR & ANR. VS ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ORS. [W.P.(C)-8943/2024]

Judges: Justice Purushaindra Kumar Kaurav

The denial of admission to meritorious petitioner doctors in super speciality courses at AIIMS was found invalid due to unclear eligibility criteria in the information bulletin regarding the completion of the postgraduate course within three calendar years. AIIMS failed to clarify this requirement, creating a legitimate expectation for the petitioners. Poor coordination between AIIMS and PGIMER Chandigarh in handling the case was also noted. The provisional admission granted to the petitioners was confirmed, as denying admission to qualified candidates who were not at fault would be unjust. The decision addressed issues from two writ petitions in a common judgment.

J.K. LAKSHMI CEMENT LTD VS MANISH GUALTI & ORS. [RSA-3/2022]

Judges: Justice Purushaindra Kumar Kaurav

The batch of second appeals filed by J.K. Lakshmi Cement Ltd. was dismissed. The lease agreement did not include provisions for automatic renewal after the initial 3-year term, requiring the execution of a fresh lease deed for renewal. The concurrent findings of the lower courts regarding termination of tenancy, calculation of mesne profits, and arguments based on Section 53A of the Transfer of Property Act were upheld. The scope of interference in second appeals is limited to substantial questions of law, without reappreciation of factual findings unless they are perverse or misread the evidence.

NETRA PRAKASH SHARMA VS RAKESH DHAWAN [EX.F.A.-15/2024]

Judges: Justice Purushaindra Kumar Kaurav

The pendency of a civil suit among family members of the decree-holder does not impact eviction proceedings or the execution of the decree against the tenant. The dispute between family members is irrelevant to the landlord-tenant relationship and the previously issued valid eviction order. The appeals by the tenant have been dismissed, as the tenant cannot delay execution based on a civil suit in which they are not a party. Objections to the execution had already been rejected in prior revision petitions.

MOHD SAJID VS SALEEM AHMAD AND ORS [RSA-21/2023]

Judges: Justice Purushaindra Kumar Kaurav

The Delhi Rent Control (DRC) Act does not apply to tenanted property in Ghonda Chauhan Bangar due to the absence of a notification extending its applicability to that area. Evidence, including gazette notifications and witness testimonies, established that Ghonda Chauhan Bangar is a separate revenue estate from the village of Ghonda and has not been notified under the DRC Act. The lower court decisions were supported by the facts and evidence presented, leading to the dismissal of the second appeal by the appellant/defendant.

AMRIT PAL KAUR & ORS VS HARCHARAN SINGH JOSH [RFA-71/2016]

Judges: Justice Purushaindra Kumar Kaurav

The suit for possession filed by the plaintiff was deemed maintainable despite the absence of a partition prayer, as the property was leasehold and its superstructure already divided into two parts. The plaintiff established title and ownership through documentary evidence, supplemented by sufficient oral evidence indicating an informal partition or family settlement regarding the property's occupation. The evidence favored the plaintiff's case. The appeal was dismissed, and the trial court's decision in favor of the plaintiff was upheld, with litigation costs awarded to the plaintiff.

ARYANS COLLEGE OF EDUCATION VS NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR & ANR. [W.P.(C)-14153/2024]

Judges: Justice Purushaindra Kumar Kaurav

A part of the cause of action arose within Delhi's jurisdiction due to the location of the appellate authority, but the essential facts of the case originated outside this jurisdiction. The application of the doctrine of 'forum conveniens' led to a decision not to exercise jurisdiction, directing the petitioner college to approach the appropriate high court. There is a caution against parties seeking jurisdiction solely based on the location of some authorities, as this could result in concentrated jurisdiction and judicial inconsistency.

DEVASIA THOMAS & ANR VS GOVERNMENT OF NCT OF DELHI & ANR [W.P.(C)-7941/2017]

Judges: Justice Purushaindra Kumar Kaurav

The writ jurisdiction under Article 226 can address compensation claims for violations of the right to life. In this case, disputed facts regarding the negligence of BYPL and GNCTD in maintaining electrical infrastructure led to the electrocution of the petitioners' son. Evidence does not sufficiently establish sole responsibility of the statutory authorities for the incident, which is necessary for applying res ipsa loquitur. Nonetheless, BYPL was directed to provide an ex-gratia compensation of ₹10,00,000/- to the petitioners, allowing them to pursue further legal remedies in civil court.

NILENDER PRAKASH VS UNION OF INDIA & ORS [RFA-538/2017]

Judges: Justice Purushaindra Kumar Kaurav

The appellant is not liable to pay 50% of the 'unearned increase' for converting leasehold property to freehold, based on the government's 1992 policy that exempts such payments. Previous interpretations of this policy support this position. The respondents must refund the 'unearned increase' amount paid by the appellant, along with interest.

SOUTH DELHI MUNICIPAL CORPORATION AND ANR VS DIRECTOR GENERAL INDIAN COUNCIL OF FORESTRY RESEARCH & EDUCATION [W.P.(C)-7438/2017]

Judges: Justice Purushaindra Kumar Kaurav

The property of the Indian Council of Forestry Research & Education (ICFRE), which offers transit accommodation to officials and scientists at nominal charges between Rs. 75 and Rs. 250 per day, is not classified as a "lodge/guest house" for property tax purposes. The property is subject to the lower "public purpose" tax rate due to its inherently public benefit activities, despite the modest rental charges. The assessment order by the South Delhi Municipal Corporation was set aside.

NITIN KUMAR VS JAGAT SINGH [RFA-22/2016]

Judges: Justice Purushaindra Kumar Kaurav

The dismissal of the plaintiff's suit for recovery of earnest money was upheld due to the plaintiff's father, acting as the SPA holder, lacking personal knowledge of the transaction and being deemed incompetent to testify on the plaintiff's behalf. The plaintiff's failure to appear as a witness led to an adverse inference, resulting in the inability to prove the case. Consequently, the issues of forfeiture of earnest money and the necessity of a sale deed were not addressed, and the appeal was dismissed.

OM PRAKASH VS SHEESH RAM @ SHEESH PAL (SINCE DECEASED) & ORS [RFA-47/2016]

Judges: Justice Purushaindra Kumar Kaurav

The appellant/plaintiff proved the existence of an agreement to sell, demonstrated readiness to comply with its terms, and established default by the respondents. Respondent/defendant No. 2 was deemed not a bona fide purchaser due to awareness of the prior agreement with respondent/defendant No. 1. The civil suit was decreed in favor of the appellant/plaintiff, leading to a directive for the execution of the sale deed in his favor.

MANAGING COMMITTEE, MASJID SYED FAIZ ELAHI (REGD.) VS DELHI WAQF BOARD & ORS. [W.P.(C)-10210/2024]

Judges: Justice Purushaindra Kumar Kaurav

The Delhi Waqf Board's demand of Rs. 55,44,194.40 includes both a 7% waqf contribution and an agreed 13% donation from the petitioner's managing committee. This committee had previously agreed to pay 33% of its monthly income, later modified to 20% (7% and 13%) per annum in a 2014 Board Resolution. The petitioner is required to deposit 50% of the demand within 30 days and continue quarterly deposits of the 13% donation, while the full demand's recovery is stayed until the matter is resolved. Observations made are not comments on the case's merits.

RESIDENT WELFARE ASSOCIATION 12 BLOCK SUBHASH NAGAR VS KISHAN DEVNANI EXECUTIVE ENGINEER, SOUTH DELHI MUNICIPAL CORPORATION & ORS. [W.P.(C)-10646/2021]

Judges: Justice Purushaindra Kumar Kaurav

The writ petition filed by the Resident Welfare Association was dismissed due to the presence of disputed questions of fact regarding the construction and ownership of a boundary wall, as well as alleged encroachments. Resolving these issues would require detailed evidence examination, not suitable for writ jurisdiction. Alternative legal remedies are available to the petitioner, including actions under Section 152 of the Bharatiya Nagarik Suraksha Sanhita, 2023, involvement of the Special Task Force, or filing a civil suit. The petitioner retains the right to pursue appropriate legal remedies.

RAJNEESH KUMAR SHARMA VS JAGANNATH SHARMA (DECEASED) THR LRS & ORS [RFA-747/2019]

Judges: Justice Purushaindra Kumar Kaurav

The case revolves around a dispute involving contract enforcement and interpretation. The parties presented arguments related to the terms of the contract and the obligations therein. Evidence was presented regarding the actions taken by both sides in relation to the contract, including any breaches and attempts at remediation. The decision emphasized the importance of contract clarity and the consequences of failing to adhere to established terms.

SHUBHA BHATTACHARYA AND ANR VS SOUTH DELHI MUNICIPAL CORPORATION [W.P.(C)-184/2022]

Judges: Justice Purushaindra Kumar Kaurav

The writ petition challenging the demand for property tax arrears by the South Delhi Municipal Corporation was dismissed. Current property owners are liable for 17 years of accrued tax arrears, as property tax is a first charge under the Delhi Municipal Corporation Act. The liability remains with the current owner regardless of when the property was acquired. This was a single-judge decision with no separate judgments or references to a larger bench.

RATUL PURI VS BANK OF BARODA [W.P.(C)-4128/2023]

Judges: Justice Purushaindra Kumar Kaurav

The declaration of Ratul Puri as a wilful defaulter by the Bank of Baroda was deemed unsustainable due to the reliance on a forensic audit report without an independent assessment of intentionality as required by the RBI's guidelines. The Bank's later characterization of Puri's investments during corporate debt restructuring as fund diversion was inconsistent, given its prior acknowledgment of those investments. Additionally, the borrower company was classified under a scheme that did not suggest fund diversion, and a forensic audit was not conducted before restructuring approval. The ruling emphasizes the necessity for banks to adhere to the safeguards in the RBI guidelines and undertake thorough assessments when declaring wilful defaults.

RATUL PURI VS BANK OF BARODA [W.P.(C)-4181/2023]

Judges: Justice Purushaindra Kumar Kaurav

The Bank of Baroda incorrectly declared Ratul Puri a wilful defaulter under the RBI's guidelines. Investments made by Moser Baer India Limited (MBIL) in its subsidiaries were financed through internal accruals, not borrowed funds, as acknowledged in the bank's own Final Restructuring Scheme. The bank had full knowledge of these investments from MBIL's audited financial statements and discussions during the Corporate Debt Restructuring process, without raising objections. The bank's committees did not consider the petitioner's explanation regarding the source of funds or the timing of write-offs after his resignation as director. This lack of thorough examination and disregard for pertinent facts rendered the declaration unsustainable, leading to its quashing.

RATUL PURI VS PUNJAB NATIONAL BANK [W.P.(C)-9491/2023]

Judges: Justice Purushaindra Kumar Kaurav

The Punjab National Bank's declaration of Ratul Puri as a wilful defaulter under the RBI's Master Circular was deemed unsustainable. The bank did not independently establish that the petitioner's actions constituted "wilful default" as required, relying solely on a Forensic Audit Report, which was insufficient as conclusive proof of fund diversion. It was noted that the bank was aware of the transactions during the Corporate Debt Restructuring and did not raise concerns at that time. The order declaring Puri as a wilful defaulter was quashed.

BHOORA MOHAMMAD VS KHAKASHA BANO & ORS [RSA-240/2019]

Judges: Justice Purushaindra Kumar Kaurav

The appellant's suit for declaration and possession of the property was dismissed due to inability to prove essential facts, including the loan transaction and allegations of document fabrication. While the respondents do not have complete ownership rights, they possess certain rights over the property under the Transfer of Property Act and the Indian Contract Act. The dismissal confirmed that no substantial question of law was presented, with the appellant effectively seeking a re-evaluation of factual findings.

CENTRAL WAREHOUSING CORPORATION VS BRIG R P S SHERGIL (RETD) SHAURYA CHAKRA [RFA-482/2015]

Judges: Justice Purushaindra Kumar Kaurav

The appeal by the Central Warehousing Corporation against Brig. R.P.S. Shergil was dismissed. Brig. R.P.S. Shergil's suit for recovery of interest on withheld amounts was not barred by limitation, as the cause of action arose when the principal amount was released without paying the accrued interest. The Central Warehousing Corporation was not justified in withholding amounts from Shergil's bills, as contractual terms did not allow such deductions, and advice from the Directorate General of Resettlement supported releasing the withheld amount. The lower court's decision in favor of Shergil was upheld.

D.V. SINGH VS USHA JAIN [RFA-486/2017]

Judges: Justice Purushaindra Kumar Kaurav

The dismissal of the plaintiff's defamation suit against the defendant was upheld. The defendant's statements made during proceedings before the Registrar of Cooperative Societies were protected by absolute privilege due to their quasi-judicial nature. The plaintiff failed to provide evidence that the alleged defamatory statements were communicated to a third party, which is necessary for a defamation claim. The arguments presented by the plaintiff lacked merit.

DEVADARSINI UMAPATHY VS MEDICAL COUNSELLING COMMITTEE & ORS. [W.P.(C)-12263/2024]

Judges: Justice Purushaindra Kumar Kaurav

The Supreme Court's decision in Anushka v. Union of India does not restrict OCI cardholders who obtained their cards before March 4, 2021, to the Indian National Category; they can also be classified under the Foreign National Category. The notification issued by AIIMS on August 21, 2024, is clarificatory and does not amend the original admission brochure-prospectus. While ambiguity existed between AIIMS and the Medical Counselling Committee, the final clarification aligns with prior Supreme Court judgments. The petitions were dismissed due to no illegality in the admission process or the notification. However, AIIMS was advised to improve diligence and clarity in its admission policies to prevent future disputes.

GEETA DEVI VS GOVT OF NCT OF DELHI & ORS [W.P.(C)-860/2012]

Judges: Justice Purushaindra Kumar Kaurav

The High Court of Delhi acknowledged the ability to award compensation for violations of fundamental rights but concluded that the state authorities (MCD) were not solely responsible for the incident occurring in the petitioner's private residence, where contradictions in her account were noted. The responsibility for care primarily lay with the petitioner and her family, as the MCD's duty did not extend to private premises. Despite this, an ex-gratia compensation of R.S. 2,50,000 was granted to the petitioner, with the option to seek further remedies in civil court. The need for a balanced and compassionate approach to managing the stray dog issue in Delhi was also emphasized.

GOVIND YADAV VS UNION OF INDIA & ORS. [W.P.(C)-2137/2023]

Judges: Justice Purushaindra Kumar Kaurav

The functions of the Election Commission of India under Section 29A of the Representation of the People Act, 1951 are quasi-judicial but limited to specific requirements in the Act. The ECI cannot adjudicate the validity of a political party's internal elections or adherence to its constitution. Its authority is confined to disputes where rival factions claim to represent a recognized political party, excluding internal disputes over office bearer selection. The dispute involving the internal elections of the Janata Dal United party falls outside the ECI's jurisdiction under Section 29A, leading to the dismissal of the writ petition.

GURPREET SINGH & ORS VS SUNIL DUTT & ANR [RFA-220/2017]

Judges: Justice Purushaindra Kumar Kaurav

The appeal by the appellants/defendants challenging the trial court's judgment in favor of the respondents/plaintiffs was dismissed. The appellants/defendants failed to establish ownership of the property through adverse possession, presenting inconsistent claims about the original owner and not proving the precise date their possession became hostile. Changes in ownership of the property were not accounted for in their claim, and the legal requirements for proving adverse possession were not met.

GYAN MANGAT & ORS VS SOUTH DELHI MUNICIPAL CORPORATION & ANR [W.P.(C)-11338/2015]

Judges: Justice Purushaindra Kumar Kaurav

The right of way (RoW) for Gurudwara Road is determined to include the carriageway, shoulder, drains, and footpaths, totaling 13 meters, which aligns with the Master Plan of Delhi 2021 for commercial activities. The term "Right of Way" lacks a definition in MPD 2021 and other regulations, necessitating interpretation from existing urban planning statutes. Valid permissions for commercial activities, including a hotel/guest house and a bank, were granted and not challenged, preventing interference with those activities. The writ petition was dismissed, with the option for petitioners to approach the competent authority regarding any rule violations.

HARSH VARDHAN BANSAL VS EAST DELHI MUNICIPAL CORPORATION AND ANR [W.P.(C)-13465/2021]

Judges: Justice Purushaindra Kumar Kaurav

The classification of the petitioners' properties as "Super Commercial Properties" by the Municipal Valuation Committee-III under the Delhi Municipal Corporation Act, 1957, is upheld based on reasonable criteria, including location in integrated commercial complexes and increased commercial activity. The argument against this classification regarding the principle of reasonable classification under Article 14 of the Constitution is rejected. The validity of the Commissioner's power to re-open property tax assessments under Section 123D of the Act remains unaddressed, and petitioners are directed to pursue the statutory appeal against assessment orders. Additionally, the issue of the DMRC's liability to pay property tax is pending in separate proceedings.

INDER PAL BHATIA VS NORTH DELHI MUNICIPAL COPORATION [RFA-193/2017]

Judges: Justice Purushaindra Kumar Kaurav

Om Prakash Bhatia, as the holder of a General Power of Attorney (GPA) from Inder Pal Bhatia, was authorized to file a civil suit on his behalf. The GPA explicitly allowed the holder to sign and present various legal documents, which included the authority to institute the suit. Previous case law supported the interpretation that the power to sign a plaint encompasses the power to initiate a suit. The trial court's dismissal of the suit was overturned, and the matter was returned for fresh consideration. The requirement of a Special Power of Attorney instead of a GPA was deemed unnecessary, as a GPA can provide broader powers.

INTERNATIONAL INSTITUTE OF INFORMATION TECHNOLOGY AND ANR VS INDIRA GANDHI NATIONAL OPEN UNIVERSITY [W.P.(C)-6350/2012]

Judges: Justice Purushaindra Kumar Kaurav

IGNOU lacked the legal authority to enter into a Memorandum of Collaboration (MoC) with the petitioners for face-to-face master's degree programs, as these programs fell outside the scope of IGNOU's Act and required AICTE approval. The MoC did not cover the 2009 batch of students, and the Joint Coordination Committee (JCC) had no power to expand its scope. The petitioners' argument based on "negative equality" was dismissed, leading to the dismissal of their writ petition.

JAIN COOPERATIVE BANK LTD VS BSA CITI COURIERS PVT. LTD [RSA-72/2024]

Judges: Justice Purushaindra Kumar Kaurav

The appeal by the defendant bank against the judgments favoring the plaintiff courier company was dismissed. The plaintiff successfully proved its case through invoices and relevant documents, while the defendant provided no evidence of service deficiencies or non-delivery. The findings of the lower courts were supported by the evidence and adhered to legal principles. The defendant bank was directed to pay the plaintiff Rs. 1,76,128/- along with interest.

JAS RAM THROUGH ASSIGNEES VS UNION OF INDIA THROUGH LAC [EX.F.A.-9/2022]

Judges: Justice Purushaindra Kumar Kaurav

The execution petition filed by the assignees under Section 146 and Order 22 Rule 16 of the Code of Civil Procedure is maintainable, despite the decree favoring the assignors. The objections from the Union of India regarding the petition's maintainability are rejected since the assignees possess valid claims through registered Assignment Deeds. Reliance on factual inconsistencies by the Executing Court to dismiss the petition is seen as erroneous, as the registered Assignment Deeds are presumed legal. The Executing Court is directed to proceed with the execution case accordingly.

KUNWER SACHDEV VS 1 IDBI BANK & ORS. [W.P.(C)-10599/2021]

Judges: Justice Purushaindra Kumar Kaurav

The Committee of Creditors (CoC) holds significant importance in the Corporate Insolvency Resolution Process (CIRP), with its "commercial wisdom" prioritized under the Insolvency and Bankruptcy Code (IBC). The need for a code of conduct or guidelines to regulate the CoC's operations was recognized, emphasizing fairness and natural justice in decision-making, while maintaining respect for its commercial wisdom. The Insolvency and Bankruptcy Board of India (IBBI) has been directed to develop these guidelines promptly.

LALLU RAM VS MANJU DEVI & ANR. [RSA-240/2023]

Judges: Justice Purushaindra Kumar Kaurav

The appellant's arguments regarding discrepancies in the property description did not present a substantial question of law. The plaintiff established ownership through a registered sale deed and a tenancy relationship. Minor inconsistencies in the property description were considered clerical errors and did not affect the plaintiff's case. Objections to the evidentiary value of certain documents lacked merit, as they had been properly exhibited without prior objections. The second appeal was dismissed, affirming the lower courts' findings.

M/S HARDAT RAI PARSHOTAM DASS & ANR VS M/S ROOP LAL & SONS & ORS [RSA-85/2019]

Judges: Justice Purushaindra Kumar Kaurav

The relationship between the parties was classified as a license rather than a lease, based on the language and intention evident in the license deed. Consequently, the restrictions under Section 19 of the Slums (Improvement and Clearance) Act, 1956 were deemed inapplicable. The findings of the lower courts were upheld, emphasizing the difficulty of overturning such findings in second appeals unless they are perverse or raise a substantial question of law.

M/S KALYANI (INDIA) PRIVATE LIMITED VS PUNJAB NATIONAL BANK THROUGH ITS CHIEF MANAGER & ANR. [W.P.(C)-2829/2023]

Judges: Justice Purushaindra Kumar Kaurav

The auction took place on an "as is where is" basis, but the bank had a duty to disclose all encumbrances and pending litigations related to the property. The bank was aware of these issues and did not inform the petitioner, an innocent auction purchaser. Consequently, the bank must refund the stamp duty and property tax paid by the petitioner, along with interest at 8% per annum from the date of deposit until the refund is made. The principle of caveat venditor applies more strongly than caveat emptor in this scenario, highlighting the bank's obligation to maintain fairness and transparency in the transaction. The bank is required to comply within specified timelines.

MEENU NANDA & ANR VS KARTAR SINGH KOCHAR [RFA-835/2019]

Judges: Justice Purushaindra Kumar Kaurav

The appeal filed by Smt. Meenu Nanda and Sh. Kamaljeet Singh Nanda was allowed, and the trial court's judgment favoring Sh. Kartar Singh Kochar was set aside. The appellants proved the due execution of the Will dated 10.12.2007 by Smt. Satnam Kaur in favor of Smt. Meenu Nanda, satisfying the requirements under the Indian Succession Act and the Indian Evidence Act. Testimonies from the attesting witnesses were found to be consistent and credible, with the respondent failing to present any suspicious circumstances. The severance of legal heirs from the property in the Will was not deemed suspicious, especially considering the care provided by the beneficiary to the testator. The appeal was allowed, and the respondent's suit was dismissed.

MTNL STAFF UNION CLASS III & IV (REGD.) VS MAHANAGAR TELEPHONE NIGAM LIMITED AND ORS [W.P.(C)-3577/2016]

Judges: Justice Purushaindra Kumar Kaurav

The writ petition filed by the MTNL Staff Union Class III & IV seeking a secret ballot verification of trade union membership is not maintainable. The Code of Discipline (CoD) governing the verification process is a voluntary agreement without statutory backing, and the recognition of trade unions by MTNL does not involve a public function. The petition is dismissed, and the parties are free to seek redressal through the appropriate forum.

MUNICIPAL CORPORATION OF DELHI VS GURBACHAN KAUR & ORS [RFA-420/2011]

Judges: Justice Purushaindra Kumar Kaurav

The Municipal Corporation of Delhi (MCD) was found liable for the death caused by an attack from a stray cow, due to its failure to maintain public streets and control stray cattle. The findings of negligence and causation were supported by sufficient evidence. The MCD's appeal was dismissed, and R.S. 4,80,000 in compensation was awarded to the dependents of the deceased.

MUNNA & ORS. VS M.C.D. [W.P.(C)-4202/2008]

Judges: Justice Purushaindra Kumar Kaurav

A writ petition for compensation was accepted regarding the death of a minor son due to negligence by the Municipal Corporation of Delhi (MCD). The principle of res ipsa loquitur was applied, indicating presumed negligence in maintaining safety, leading to a slab/lantern falling and causing the death. Compensation of Rs. 10,00,000 and simple interest at 6% per annum from the date of death until realization was ordered to be paid by MCD.

PIYUSH DAHIYA UNDER THE GUARDIANSHIP OF HIS FATHER SH PREM DAS VS DELHI SPORTS SCHOOL & ORS. [W.P.(C)-12484/2024]

Judges: Justice Purushaindra Kumar Kaurav

The Delhi Sports School's introduction of additional selection criteria during the admission process for Class VI was deemed arbitrary and against principles of fairness and transparency, as it was not included in the prospectus. The petitioner participated under protest, leading to the conclusion that the actions indicated "malice in law," though not specifically targeted. A complete recall of the process was avoided due to finalized admissions. A directive was issued to create a new merit list based solely on the original criteria, allowing the petitioner to be admitted if qualified.

PRAVESH KUMAR AND ANR VS DELHI JAL BOARD AND ORS. [W.P.(C)-10651/2016]

Judges: Justice Purushaindra Kumar Kaurav

The Delhi Jal Board (DJB) was found negligent in maintaining vacant land where a 9-year-old boy drowned, violating his right to life under Article 21 of the Constitution. DJB was deemed liable for the incident and ordered to pay the petitioners Rs. 22,00,000 in compensation, which includes standard compensation and loss of dependency, along with simple interest at 6% per annum from the date of the incident until realization.

RAMESH KUMAR & ANR VS BALBIR SINGH [RSA-208/2018]

Judges: Justice Purushaindra Kumar Kaurav

The appeal was dismissed as the appellants/plaintiffs did not provide adequate evidence to prove a partial partition under Hindu law. A presumption of complete partition existed, and claims of unequal distribution did not demonstrate that the partition was partial. The appellants/plaintiffs failed to justify the exclusion of the suit property from the 1984 partition.

PROMILA BHAGAT VS VIJAY KUMAR GUPTA (DECEASED) THR LRS [RFA-532/2019]

Judges: Justice Purushaindra Kumar Kaurav

The appeal by Promila Bhagat was allowed, with findings that the trial court wrongly dismissed the suit as barred by limitation and not maintainable under Section 34 of the Specific Relief Act, 1963. The issue of limitation was classified as a mixed question of fact and law, requiring proper procedural adherence to resolve disputed facts. Allegations of fraud regarding the original judgment necessitate only a declaration of the decree as null and void, with no need for additional relief of possession. The application of Section 34 was deemed inapplicable in cases involving fraud that undermines the proceedings. Consequently, the previous judgment was set aside, and the matter was remanded for fresh consideration.

PROSAFE INTERNATIONAL PVT. LTD. VS NORTH DELHI MUNICIPAL CORPORATION AND ORS. [W.P.(C)-5750/2019]

Judges: Justice Purushaindra Kumar Kaurav

Provisions of the Micro, Small and Medium Enterprises Development (MSMED) Act, 2006 take precedence over the Arbitration and Conciliation Act, 1996 in disputes involving micro, small, and medium enterprises (MSMEs). A registered 'small' enterprise under the MSMED Act is entitled to the benefits of this special law. The unilateral appointment of an arbitrator by a municipal corporation was set aside for violating the MSMED Act. The validity of an order from the Rajasthan Micro and Small Facilitation Council in parallel proceedings was not addressed.

PUNEET KUMAR ANAND VS PISHORI LAL (DECEASED) THR LRS [RSA-101/2019]

Judges: Justice Purushaindra Kumar Kaurav

The interpretation of a Will executed by Mrs. Lakshmi Devi designated a life estate in the property to Mr. Boota Mal, with the property ultimately passing to their two sons as absolute owners. This interpretation was deemed well-reasoned and consistent with legal principles, with no substantial question of law present to justify further intervention. The findings established by the lower courts were not found to exhibit any material irregularity or perversity.

RAM NARAYAN GUPTA VS NEW DELHI MUNICIPAL COUNCIL [W.P.(C)-8176/2016]

Judges: Justice Purushaindra Kumar Kaurav

The impugned demand notice from the New Delhi Municipal Council (NDMC) relates to restrictions on building usage as per Section 252 of the NDMC Act. The petitioner has a viable alternative remedy to contest the order before the Appellate Tribunal under Section 254 of the NDMC Act, leading to the dismissal of the writ petition while allowing the petitioner to pursue the statutory remedy.

RAVI KUMAR VS ALL INDIA INSTITUTE OF MEDICAL SCIENCES [W.P.(C)-15514/2023]

Judges: Justice Purushaindra Kumar Kaurav

The cancellation of the petitioner's candidature under the OBC-NCL category was deemed invalid due to the arbitrary requirement for an OBC-NCL certificate to be issued within a specific date range, which lacked a rational connection to the purpose of reservation. The requirement for the OBC-NCL certificate, considered evidence of an existing fact rather than a new eligibility criterion, led to the conclusion that the petitioner's certificate dated 23.11.2023 should have been accepted. The communications rejecting the candidature under the OBC-NCL category were set aside, affirming the petitioner's admission.

RAZIYA SULTAN VS UNION OF INDIA AND ORS. [W.P.(C)-8545/2017]

Judges: Justice Purushaindra Kumar Kaurav

The Railways failed to adequately address a complaint concerning a change of coach in train no. 28624 on 6/7/2017, resulting in a traumatic experience for the petitioner and her family. The importance of a timely and substantial response to public concerns was emphasized. A directive was issued for the senior-most officer in the relevant Railway Division to reconsider the complaint and issue a detailed response within four months.

SAKSHAM KUMAR THROUGH NATURAL GURDIAN VINOD KUMAR VS UNIVERSITY OF DELHI & ANR. [W.P.(C)-14617/2024]

Judges: Justice Purushaindra Kumar Kaurav

The rejection of the petitioner's admission due to late submission of the Scheduled Caste (SC) certificate was deemed arbitrary and a violation of fundamental rights. The petitioner applied for the SC certificate prior to the deadline, but issuance was delayed by authorities. An SC/ST certificate confirms a status determined by birth, and procedural inefficiencies should not deny educational opportunities to marginalized candidates. The petitioner must be granted admission for the 2024-2025 academic year, regardless of the missed deadline, with the possibility of utilizing vacant seats in the Scheduled Tribe category.

SEEMA BANSAL VS DURGA DASS BANSAL & ORS [RFA-704/2019]

Judges: Justice Purushaindra Kumar Kaurav

The appeal by the daughter-in-law against the eviction order was allowed. The property was not deemed an HUF property; however, she has the right to reside in the "shared household" under the Domestic Violence Act, 2005, regardless of her title or interest. There were indications of collusion between her husband and in-laws in the eviction proceedings. The eviction order was set aside for not following the "procedure established by law" under the Domestic Violence Act.

SHAGUFTA ALI VS GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-4291/2020]

Judges: Justice Purushaindra Kumar Kaurav

Writ jurisdiction under Article 226 can award compensation for violations of fundamental rights like the right to life under Article 21. In this case, negligence was not clearly established against the electricity distribution company, BSES, as the electrocution resulted from a current leakage from the shopkeeper's meter. An ex-gratia compensation of Rs. 10 lakhs was awarded to the petitioner, who may pursue the matter in civil court, which is to decide the case within one year.

SHANTI DEVI (SINCE DECEASED) THR HER LR VS PREM CHAND & ORS. & ORS. [RSA-35/2022]

Judges: Justice Purushaindra Kumar Kaurav

The plaintiff's suit for possession and permanent injunction over the disputed property was dismissed due to a failure to establish ownership and title, as the seller lacked valid title. Additionally, the plaintiff could not prove possession, with documentary evidence not supporting her claims. The legal principles of 'Nemo Dat Quod Non-Habet' and 'Caveat Emptor' were applied, concluding that the case was without merit. The evidence was properly appreciated, and no substantial question of law warranted interference.

SHRI SIDDHI VINAYAK MEDICAL COLLEGE AND HOSPITAL SAMBHAL UP VS UNION OF INDIA & ANR. [W.P.(C)-14233/2024]

Judges: Justice Purushaindra Kumar Kaurav

The writ petition filed by Shri Siddhi Vinayak Medical College and Hospital, Sambhal, Uttar Pradesh, lacks territorial jurisdiction. Essential facts related to the case arose in Uttar Pradesh, where the petitioner-college is located. The High Court of Judicature at Allahabad is deemed the more convenient forum for adjudication since the college, the affiliating university, and relevant authorities are situated there. The petition is dismissed on jurisdictional grounds, allowing the petitioner to approach the appropriate High Court. The National Medical Commission's inconsistent stance on jurisdiction in similar cases was also noted.

SIVANKUTTY VS HARINDER KAUR [RSA-242/2019]

Judges: Justice Purushaindra Kumar Kaurav

The appeal by Sh. Sivankutty was dismissed, affirming the findings that Smt. Harinder Kaur established ownership of the property through a valid Gift Deed from her mother. The claim of adverse possession by the appellant was rejected due to insufficient evidence of peaceful, open, and continuous possession. The issues raised were factual and did not present substantial questions of law, precluding any reevaluation of evidence considered by the lower courts.

SMT. ROSHNI & ANR VS SMT. DAYAWATI & ORS [RSA-128/2014]

Judges: Justice Purushaindra Kumar Kaurav

The second appeals by the appellants/defendants were dismissed due to the documents presented, such as the agreement to sell and GPA, not constituting valid transfer of title or ownership of the property, as established in a prior decision. Arguments regarding the non-joinder of parties and the bar under the Delhi Rent Control Act were rejected since the appellants/defendants denied the landlord-tenant relationship and claimed ownership. The scope of interference in second appeals is limited to substantial questions of law, not factual findings by lower courts.

FASHION DESIGN COUNCIL OF INDIA VS GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-6839/2015]

Judges: Justice Rajiv Shakdher

The unamended Entertainment Tax Act does not include sponsorship receipts as "payment for admission to entertainment." The addition of Explanation 2 to Section 2(m) with retrospective effect is deemed arbitrary and unreasonable. The Act lacks a specific provision for charging tax on sponsorship amounts and a mechanism for assessment and collection. Writ petitions challenging the imposition of entertainment tax on sponsorship receipts are allowed.

THE COMMISSIONER OF INCOME TAX-II VS MITSUBISHI CORPORATION INDIA P. LTD. [ITA-180/2014]

Judges: Justice Rajiv Shakdher

The non-discrimination provisions in the India-Japan and India-USA Double Taxation Avoidance Agreements apply to payments made by the assessee to its group companies in those countries, allowing reliance on the more beneficial provisions of the DTAAs under Section 90(2) of the Income Tax Act. For payments to group companies in Thailand and Singapore, it was established that these entities did not have a permanent establishment in India, making Section 195 inapplicable. A third judge addressed differing opinions between the division benches and resolved the legal questions in favor of the assessee.

ABHAY SAPRU & ANR. VS STATE DELHI & ANR. [W.P.(CRL)-2754/2023]

Judges: Justice Rajnish Bhatnagar

The writ petition seeking to quash FIR No. 82/2023 under Sections 420 and 406 of the Indian Penal Code was dismissed. The petitioners had previously filed a petition to quash the same FIR based on an alleged settlement but failed to comply with a court order to deposit the amount received from the respondent. Their claim that the settlement was made under threat was deemed an afterthought to evade compliance. Additionally, the petitioners falsely stated they had not filed a similar petition earlier. The current petition and any pending applications were dismissed.

AMIT KUMAR & ORS. VS UNION OF INDIA & ORS. [W.P.(CRL)-2945/2023]

Judges: Justice Rajnish Bhatnagar

The petition by the parents of deceased IIT Delhi students Ayush Ashna and Anil Kumar for FIR registration and a CBI investigation into their sons' deaths was dismissed. A thorough inquiry found no evidence of foul play or caste-based discrimination. The investigation indicated that the students, struggling academically and under pressure, likely died by suicide. The petition lacked merit and was dismissed.

ASIT MUKHERJEE VS STATE [CRL.REV.P.-300/2020]

Judges: Justice Rajnish Bhatnagar

The order framing charges against the petitioner under Sections 354A and 509 of the Indian Penal Code was set aside due to insufficient evidence demonstrating the essential elements required for these offences. Continuing the criminal proceedings was deemed an abuse of the process of law, resulting in the petitioner being discharged from the offences. Legal principles regarding the assessment of sufficient material to establish reasonable suspicion of the accused's involvement were noted.

BABLOO PASSI @ BHOLA VS STATE [CRL.A.-360/2013]

Judges: Justice Rajnish Bhatnagar

The appellant's conviction under IPC Sections 394/34, 307/34, 395/34, 397/34, and Section 120-B for criminal conspiracy was upheld. The sentence was reduced to the time already served, exceeding three years and five months, to align with a co-accused's release. A fine was imposed, with one month of simple imprisonment in default of payment, instead of three months. The appeal was accordingly disposed of.

CENTRAL BUREAU OF INVESTIGATION VS STATE [W.P.(CRL)-623/2023]

Judges: Justice Rajnish Bhatnagar

The writ petition by the CBI was allowed, setting aside the dismissal of its application for certified copies of documents. Obtaining documents from court records was deemed essential for maintaining authenticity and integrity in legal proceedings. The CBI Crime Manual requirements for documenting evidence in disproportionate asset cases were acknowledged. The Trial Court was directed to supply the requested documents, and the CBI was permitted to prepare an investigation copy from the court's compact discs.

KAMLESH JAIN VS COMMISSIONER OF POLICE [W.P.(CRL)-3407/2023]

Judges: Justice Rajnish Bhatnagar

Rohit and Diana illegally encroached on public land by placing tables, chairs, and a grass carpet outside their café, resulting in unlawful enrichment at the state's expense. Encroachment deprives the public of valuable assets and can pose safety risks. Authorities are tasked with creating rules to impose charges on encroachers for public benefit. The local police station must ensure that the café and nearby establishments do not play loud music beyond 10 P.M., as mandated by the Supreme Court.

MOHIT VS GOVERNMENT OF NCT DELHI [BAIL APPLN.-480/2023]

Judges: Justice Rajnish Bhatnagar

Anticipatory bail was granted to the petitioner in a case involving allegations of rape and criminal intimidation. The victim's delay of over four years in filing the FIR suggested a realization that the promise of marriage was false. Claims of forceful abortion lacked evidential support, and the victim's assertions about marrying another person were not corroborated. Custodial interrogation was deemed unnecessary, and bail was granted since a chargesheet had already been filed.

MOHIT VS GOVERNMENT OF NCT DELHI & ANR. [W.P.(CRL)-913/2023]

Judges: Justice Rajnish Bhatnagar

The FIR under Sections 376/506 IPC against the petitioner was quashed due to an amicable settlement between the parties. Continuing the case was deemed unnecessary and an abuse of the judicial process. In light of the specific facts and circumstances, quashing the FIR was viewed as serving the ends of justice and fostering harmony between the parties.

MRS. KANTA GOEL VS MR. ATUL GUPTA [CRL.M.C.-1397/2023]

Judges: Justice Rajnish Bhatnagar

The petitioner's petition was allowed, and the lower court orders permitting the respondent to recall the complainant for further cross-examination were set aside. The complainant had been thoroughly cross-examined on three occasions, with the process concluded in 2019. There were no tangible reasons to justify recalling the witness, especially considering the significant delay in the respondent's application, and caution was noted against recalling witnesses solely due to previous inadequacies in cross-examination.

NARESH @ SATYA VS STATE [CRL.A.-352/2013]

Judges: Justice Rajnish Bhatnagar

Naresh and Karnail Singh were convicted for theft under Section 379 IPC. The prosecution witnesses, including police officials, provided reliable testimonies. Evidence supported the presumption that possession of stolen goods shortly after the theft implicates the accused as either the thief or someone who received stolen property. The appeals were dismissed, and the accused were directed to surrender to serve the remainder of their sentence.

NARINDER PAL VERMA VS KAMAL THAPAR [CRL.M.C.-4244/2023]

Judges: Justice Rajnish Bhatnagar

The trial court dismissed the petitioner's application under Section 311 of the Criminal Procedure Code for cross-examination of the complainant, having provided ample opportunities over four years for the petitioner to do so. The petitioner's rationale regarding his counsel's father's illness was unsubstantiated and deemed inadequate. It was noted that the petitioner could have arranged alternative counsel to continue the case.

P. ROYCHAUDHURI VS STATE & ANR. [W.P.(CRL)-3072/2019]

Judges: Justice Rajnish Bhatnagar

The order framing charges under Section 498A IPC was set aside due to overly ambiguous allegations by the complainant. A single isolated incident, without significant evidence of dowry demands resulting in cruelty, was deemed inadequate for charges. The continuation of criminal proceedings against the petitioner was considered an abuse of the process of law, leading to the discharge of the petitioner from the offense.

PARTHA MANDAL VS SPECIAL COMMISSIONER OF POLICE VIGILANCE [W.P.(CRL)-2952/2023]

Judges: Justice Rajnish Bhatnagar

The writ petition filed by Partha Mandal was dismissed due to lack of merit. Mandal sought a directive for a departmental inquiry against SI Ashish, claiming improper investigation influenced by Home Ministry agents and senior police officials. The petitioner was identified as a chronic litigant with a history of multiple dismissed or withdrawn petitions. An inquiry revealed no cognizable offense from Mandal's complaint, negating the need for a departmental inquiry. With no inquiry initiated, the request for a report was deemed unfounded.

PREM KUMAR VS THE STATE & ORS. [W.P.(CRL)-2869/2023]

Judges: Justice Rajnish Bhatnagar

The petition to quash FIR No. 274/2017 under Sections 376/363 IPC and Section 6 of the POCSO Act was allowed due to the parties being married and the victim having no objection. The situation warranted quashing the proceedings to serve the interests of justice and prevent misuse of the court process, especially considering the future of the two minor children involved.

RAHUL AND ORS VS STATE OF NCT OF DELHI AND ORS [W.P.(CRL)-2796/2023]

Judges: Justice Rajnish Bhatnagar

The petition by accused Rahul, Kapil, and Chirag to quash the FIR under Sections 307/324/34 IPC, alleging attempt to murder and voluntary causing hurt, was dismissed. Serious allegations included the use of a stick and knife against the victim and injury to another individual. Offenses under Section 307 IPC are considered serious crimes against society, and a compromise between parties does not warrant quashing of the FIR. The nature of the allegations supports the decision to maintain the charges.

RITIK CHHIKARA VS THE STATE [BAIL APPLN.-2430/2023]

Judges: Justice Rajnish Bhatnagar

The bail application filed by Ritik Chhikara, accused under Sections 307/120B/34 IPC and Sections 25/27/54/59 Arms Act, was dismissed. Allegations against Chhikara involve firing a pistol at the victim, resulting in grievous injuries. Key witnesses, including the injured victim and the complainant, have yet to be examined by the trial court. No grounds for bail were identified at this stage, and the observations made do not reflect any opinion on the case's merits.

SONIA VS VISHAL [CRL.REV.P.-180/2020]

Judges: Justice Rajnish Bhatnagar

The husband's revision petition resulted in the lower court's judgment being set aside due to speculation about his income and assets. The automatic 5% annual increase in maintenance was deemed inconsistent with Section 127 of the Cr.P.C. The monthly maintenance payment was reduced from Rs. 75,000 to Rs. 60,000 effective from the petition's filing date, while the wife's cross-petition for an increase in maintenance was dismissed.

SONU CHOUDARY VS STA TE OF NCT DELHI [CRL.A.-243/2023]

Judges: Justice Rajnish Bhatnagar

The appellant was convicted under Sections 324 and 452 of the Indian Penal Code for voluntarily causing hurt with a dangerous weapon and house-trespass after preparation for hurt. Testimony from the injured witness, Rajat Dhayani, identified the appellant as the assailant and was deemed reliable. Arguments regarding the absence of other witness testimonies, non-seizure of the weapon, and contradictions in evidence were rejected. The appellant's appeal was dismissed, and the conviction and sentence from the trial court were upheld.

SUBHASH @ SATYA PRAKASH VS STATE [CRL.A.-1187/2012]

Judges: Justice Rajnish Bhatnagar

Subhash @ Satya Prakash was convicted under Sections 394/34, 307/34, 395/34, and 397 IPC for robbery, attempted murder, and dacoity. His sentence was reduced to the time already served, which exceeded 4 years and 10 months, aligning it with a co-accused who had been released after serving his sentence. The decision considered the appellant's satisfactory conduct in jail and lack of a prior criminal record. He was to be released if not wanted in other cases, contingent upon fine payment.

SUBODH ANAND VS C.B.I. [CRL.A.-768/2013]

Judges: Justice Rajnish Bhatnagar

The appellant's conviction for offenses under the Prevention of Corruption Act was set aside due to insufficient evidence of an illegal gratification demand. Prosecution witnesses provided inconsistent testimonies that did not establish the demand or acceptance of a bribe. The mere recovery of tainted money was deemed inadequate to trigger the presumption against the appellant. As a result, the appellant was acquitted of all charges.

SUDHIR JAIN & ANR. VS THE STATE (NCT OF DELHI) & ANR. [CRL.M.C.-8560/2023]

Judges: Justice Rajnish Bhatnagar

The matter was amicably settled for Rs. 35,00,000 through a Memorandum of Understanding. The complainant's objections to minor charges led to the invocation of Sections 307/427/109 IPC. It was determined that continuing with the case served no useful purpose, resulting in the quashing of FIR No. 471/2022 under various IPC sections and provisions of the Motor Vehicles Act, along with related proceedings.

VIJAY KUMAR AGARWAL VS THE STATE (GOVT. OF NCT OF DELHI) AND ANR. [CRL.M.C.-3027/2023]

Judges: Justice Rajnish Bhatnagar

The petition by Vijay Kumar Agarwal to quash the order dated 23.1.2023, which dismissed his Criminal Revision Petition regarding the charge order from 11.12.2012, was dismissed. The review of lower court orders showed the petitioner was adequately heard and sufficient evidence existed to establish a case against him. The principle of not conducting a mini-trial under Section 482 of the Code of Criminal Procedure was highlighted, leading to the dismissal of the petition and the affirmation of the charge order.

VISHAL SRIVASTAVA AND OTHERS VS STATE OF NCT OF DELHI AND OTHERS [W.P.(CRL)-1995/2023]

Judges: Justice Rajnish Bhatnagar

The petitioners' request under Section 482 CrPC resulted in the quashing of the FIR against them for Sections 419/354A/504/509/34 IPC. The parties reached an amicable settlement, and the quashing was deemed beneficial for maintaining peace and harmony. A cost of Rs. 25,000 was imposed on the petitioners, to be deposited with the Delhi High Court Legal Services Committee as a condition for the quashing.

BLUE STAR LIMITED THORUGH AUTHORISED SIGNATORY MR NIRANJAN NAYAK VS COMMISSIONER OF DELHI VALUE ADDED TAX & ANR. [W.P.(C)-14468/2023]

Judges: Justice Ravinder Dudeja

Blue Star Limited is entitled to a refund of Rs. 28,36,313/- according to a refund order dated 24.01.2024. The respondents must issue a speaking order regarding the payment of interest under Section 42 of the Delhi Value Added Tax Act, 2004. If interest is deemed payable, it should be paid within two weeks of this order; if not, the reasoning will be communicated to Blue Star, allowing them to seek further remedies as per law.

ARYAN TIMBER STORE THROUGH ITS PROP VIRENDER KUMAR VS SALES TAX OFFICER CLASS II/ AVATO WARD 62 DEPARTMENT OF TRADE AND TAXES IP ESTATE NEW DELHI [W.P.(C)-628/2024]

Judges: Justice Ravinder Dudeja

The cancellation of Aryan Timber Store's GST registration with retrospective effect from 01.07.2017 is deemed unsustainable. Under Section 29(2) of the CGST Act, the proper officer can cancel registration as necessary, but this power must be exercised based on objective criteria, not mechanically. Failure to file returns does not justify retrospective cancellation for periods of compliance. Retrospective cancellation may negatively impact the taxpayer's customers regarding input tax credits. The cancellation is modified to take effect from 06.05.2019, the date of the petitioner's cancellation application, without precluding recovery of any due tax, penalty, or interest.

DR SUNIL KUMAR VS DR ARCHANA [CM(M)-4108/2024]

Judges: Justice Ravinder Dudeja

The petition filed by Dr. Sunil Kumar was allowed, and the orders closing his right to file a written statement in the divorce petition by Dr. Archana were set aside. It was noted that family courts should adopt a more liberal approach in such disputes, as closing the opportunity to file a written statement can have serious personal implications. Dr. Kumar was permitted to file the written statement upon payment of Rs. 20,000 to the respondent, with a request for expedited case disposal.

INDOTECH MAGNETICS VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX & ANR. [W.P.(C)-16380/2023]

Judges: Justice Ravinder Dudeja

Indotech Magnetics' GST registration cancellation with retrospective effect from 01.07.2017 was invalid. Per Section 29(2) of the Central Goods and Services Tax Act, registration cannot be cancelled retroactively without objective criteria. The lack of return filings post-business discontinuation on 01.04.2020 does not justify such cancellation for the prior compliant period. Retroactive cancellation also impacts customers' input tax credits. The effective cancellation date is set to 29.05.2020, the date of the petitioner's application for cancellation.

JAGDISH KUMAR & ORS. VS STATE & ORS. [CM(M)-3920/2024]

Judges: Justice Ravinder Dudeja

The trial court's dismissal of the application to set aside an ex parte order was set aside due to the representation of the defendants by counsel at the time the order was made. The principle established emphasizes a liberal interpretation of applications to set aside ex parte orders, prioritizing merits over technicalities. The ex parte order was annulled, contingent upon the defendants paying Rs. 20,000 to the plaintiffs before the next hearing.

JAGVEER VS ASHA DEVI [CM(M)-3854/2024]

Judges: Justice Ravinder Dudeja

The plaintiff's suit for recovery of possession, arrears of rent, mesne profits, and permanent injunction is maintainable despite the defendant's challenge to the plaintiff's title. The principles of estoppel under Section 116 of the Evidence Act prevent a tenant from disputing the landlord's title during tenancy. The directions for amending the plaint or withdrawing the suit were deemed unnecessary, as the trial court previously dismissed the defendant's application to reject the plaint. The order was partly set aside regarding those specific directions.

M S BRIDGEKALA LUXURIOUS LIFESTYLE MANAGEMENT PRIVATE LIMITED VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX AND ANOTHER [W.P.(C)-661/2024]

Judges: Justice Ravinder Dudeja

The GST registration of M S Bridgekala Luxurious Lifestyle Management Private Limited cannot be cancelled retroactively from 11.01.2020 due to the failure to file returns. Cancelling registration with retrospective effect can adversely affect the customers' access to input tax credit. The cancellation order was modified to take effect from 08.11.2020, the date the show-cause notice was issued and the registration was suspended.

M S MAA KAMAKHYA THROUGH PROPRIETOR SH VINOD MAURYA VS SALES TAX OFFICER CLASS II AVAT WARD 12 ZONE 2 [W.P.(C)-1085/2024]

Judges: Justice Ravinder Dudeja

Ms. Maa Kamakhya challenged a show cause notice and suspension of her GST registration, which were based on an alleged violation of Rule 86B of the Central Goods and Services Tax Act, 2017. She was allowed to file a response within one week, and the Sales Tax Officer was required to issue a speaking order within two weeks after a personal hearing. The petitioner retains the right to pursue further legal remedies if dissatisfied with the subsequent order.

M/S SKYLARK ENTERPRISES VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-1070/2024]

Judges: Justice Ravinder Dudeja

The petitioner's challenge to the suspension of its GST registration resulted in an order to respond to the show cause notice and submit required details within two weeks. The petitioner failed to provide the necessary information when requested. Following the submission, the respondent must issue a speaking order within two weeks and offer a personal hearing. The petitioner retains the right to pursue further legal remedies if dissatisfied with the outcome.

M/S SOLANKI ENTERPRISES VS COMMISSIONER OF CGST AND ANR [W.P.(C)-15616/2023]

Judges: Justice Ravinder Dudeja

The petitioner's GST registration can be revoked upon depositing a short balance of Rs. 9,520 along with interest of Rs. 911 in their electronic credit ledger. Necessary compliance as required by law must be made when the registration is restored.

M/S SYM COMPANY VS PR. COMMISSIONER, CUSTOMS (IMPORT) AND ORS [W.P.(C)-14842/2023]

Judges: Justice Ravinder Dudeja

Section 110(2) of the Customs Act, 1962 requires issuance of a notice within six months of the seizure of imported goods. Since no notice was issued to M/S SYM Company within this timeframe, the seized goods must be released unconditionally within one week. The respondents expressed willingness to release the goods while maintaining their rights to adjudicate the proceedings related to the show cause notice.

M/S.NIRMAL METAL VS UNION OF INDIA & ORS. [W.P.(C)-593/2024]

Judges: Justice Ravinder Dudeja

M/s. Nirmal Metal will receive all material related to the show cause notice dated 19.05.2023 by 08.02.2024. The petitioner may submit a detailed response within one week of receiving the materials. An opportunity for personal hearing will be provided before a speaking order is issued by 22.02.2024. The petitioner can seek further legal remedies if dissatisfied with subsequent orders.

MANISHA GUPTA PROP VARUN ENTERPRISES VS UNION OF INDIA THROUGH SECRETARY MINISTRY OF FINANCE & ORS. [W.P.(C)-381/2024]

Judges: Justice Ravinder Dudeja

The order cancelling the petitioner's GST registration from July 2, 2017, was deemed invalid due to a lack of opportunity for objection regarding the retrospective cancellation. The proper officer must consider the impact on taxpayers' customers who claimed input tax credit during the cancelled period, as outlined in Section 29(2) of the CGST Act. The cancellation was modified to take effect from January 28, 2019, reflecting the petitioner's cessation of business since that date. Additionally, the petitioner must file all pending statutory returns and settle any liabilities. Recovery of any due tax, penalty, or interest remains permissible under the law.

MS RS WIRES INDUSTRIES THROUGH PROPRIETOR RAJENDER SINGH VS SALES TAX OFFICER CLASS II AVATO WARD 63 ZONE 6 DELHI [W.P.(C)-16189/2023]

Judges: Justice Ravinder Dudeja

The show cause notice for cancellation of GST registration and the subsequent rejection of revocation applications lacked essential details and reasons for the alleged wrongful input tax credit claims. Cancellation of registration cannot occur retrospectively without proper justification and consideration of impacts on customers. The show cause notice and related orders were quashed, allowing for new proceedings with a proper notice.

P R INNOVATIONS PVT LTD VS L G ELECTRONICS INDIA PVT LTD [CM(M)-3940/2024]

Judges: Justice Ravinder Dudeja

The trial court's dismissal of the petitioner's application for condonation of delay in filing the written statement has been set aside. The delay beyond the 30-day deadline under the Commercial Courts Act, 2015, is to be condoned for up to 90 days with an imposition of costs of Rs. 25,000. The focus is on deciding the matter on merits instead of technicalities.

PANKAJ PLASTIC VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX AND ORS [W.P.(C)-402/2024]

Judges: Justice Ravinder Dudeja

The show cause notice and order canceling the GST registration of Pankaj Plastic were set aside due to lack of reasoning and particulars. Cancellation of registration with retrospective effect based on failure to file returns was deemed inappropriate, as proper discretion must be exercised based on objective criteria. Retrospective cancellation can adversely affect the taxpayer's customers, which must be considered. Further actions can be taken, including potential cancellation with retrospective effect, only after issuing a proper show cause notice and providing an opportunity for a hearing.

PARAS THUKRAL VS ANU SOHAL [CM(M)-3913/2024]

Judges: Justice Ravinder Dudeja

The order to dismiss the petitioner's written statement and application for condonation of delay in a probate case was upheld. The report of the process server, as a public servant, was deemed correct, countering the petitioner's claims of improper service and absence from Delhi. The petitioner failed to provide sufficient evidence for a valid reason regarding a delay of over 10 years in filing the written statement, and discretion was correctly not exercised in the petitioner's favor.

POLYTEC INDUSTRIES THROUGH ITS PROPRIETOR MR.ROHIT GUPTA VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX AND OTHERS [W.P.(C)-1103/2024]

Judges: Justice Ravinder Dudeja

GST registration of Polytec Industries cannot be cancelled retrospectively from July 1, 2017 due to non-filing of returns for six months. Such cancellation requires an objective assessment, not a mechanical one. The cancellation is modified to be effective from February 1, 2019, the date the business was discontinued. The petitioner must provide necessary details for demand assessment.

PREM ENTERPRISES VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX & ANR. [W.P.(C)-611/2024]

Judges: Justice Ravinder Dudeja

The retrospective cancellation of the petitioner's GST registration from July 2017 was invalid due to a lack of cogent reasons and material in the cancellation order and show cause notice. Under the CGST Act, such cancellation requires objective criteria and consideration of its consequences. The cancellation order was modified to take effect from June 2020, the date the petitioner ceased business, and the petitioner was instructed to provide details for assessing any demands for periods before and after June 2020.

SANJEEV MAGGU VS COMMISSIONER OF CUSTOMS AIR CARGO COMPLEX-EXPORTS, NEW CUSTOM HOUSE, NEW DELHI [W.P.(C)-855/2024]

Judges: Justice Ravinder Dudeja

The petitioner, a customs broker, was granted the opportunity to file final written submissions within two weeks and a personal hearing by the adjudicating authority. Some witnesses mentioned in the show cause notice did not appear despite summons, while others were extensively cross-examined by the petitioner. The merits of the contentions from both parties were not considered, and all rights and contentions remained reserved.

SHARDA METAL WORKS THROUGH ITS PROPRIETOR MR.DILIP KUMAR VS THE COMMISSIONER CENTRAL GOODS AND SERVICES TAX [W.P.(C)-16190/2023]

Judges: Justice Ravinder Dudeja

The show cause notice and order cancelling the petitioner's GST registration retrospectively were set aside due to lack of reasoning and particulars. There was no supporting material indicating wrongful availment or utilization of input tax credit. Registration cannot be cancelled retrospectively without satisfying objective criteria and considering the impacts on the petitioner's customers. Further action may be taken, including potential retroactive cancellation, only after a proper show cause notice and opportunity for a hearing.

SHREE BALAJI TRANSPORT VS THE COMMISSIONER OF CENTRAL TAX APPEALS- I & ANR. [W.P.(C)-15377/2023]

Judges: Justice Ravinder Dudeja

The show cause notice, cancellation order, and appellate order against the petitioner's GST registration were set aside due to a lack of proper reasoning and clarity. Retrospective cancellation of registration is not valid without sufficient grounds, and non-filing of returns alone does not justify such action, as it could negatively impact the taxpayer's customers. The decision pertains to an individual case rather than a broader matter.

SIKKA KARS GLOBAL PVT LTD & ANR. VS ABHAY KUMAR JAIN [CM(M)-4026/2024]

Judges: Justice Ravinder Dudeja

Striking off the defense of the petitioners for not filing the affidavit of admission/denial in the prescribed format was not acceptable. Filing the affidavit is not compulsory under the Commercial Courts Act, 2015. Petitioners were directed to file the affidavit within two weeks, and their previously filed written statement was acknowledged.

VIJAY KUMAR VS FARMUDA BEGUM [CM(M)-4005/2024]

Judges: Justice Ravinder Dudeja

The trial court's order striking off the defense of defendant Vijay Kumar for failing to pay rent arrears was upheld. The argument regarding the unprofessional conduct of the previous advocate was rejected, highlighting the responsibility of litigants to remain vigilant in their proceedings. The principle of legal diligence was emphasized, asserting that assistance is given to those who are proactive, not negligent. The defendant's petition lacked merit and was dismissed.

M/S SAGAR RATNA RESTAURANTS PRIVATE LIMITED VS HILL VIEW HOTEL AND RESTAURANT [RFA(COMM)-493/2024]

Judges: Justice Rekha Palli

The plaintiff, Sagar Ratna Restaurants, justified direct approach to the trial court for urgent interim relief regarding alleged trademark infringement of "Sagar Ratna." The cause of action was deemed continuous and recurring, and delay after a cease and desist notice did not preclude the plaintiff's right to urgent relief. The trial court's order rejecting the suit was set aside, and the matter was remanded for adjudication on merits along with the interim application.

UNION OF INDIA THROUGH GENERAL MANAGER VS M/S CHIRAJ STOCK & SECURITY PVT. LTD. [O.M.P. (COMM)-417/2018]

Judges: Justice Rekha Palli

The arbitral award favored M/s Chiraj Stock & Security Pvt. Ltd., allowing claims for reimbursement of additional expenses due to project delays caused by the employer, the Union of India. The award of interest was justified, as there was no prohibition in the contract, and the contractor incurred borrowing costs. The award was not found to be illegal or against public policy, resulting in dismissal of the petition by the Union of India.

AAKASH EDUCATIONAL SERVICES LIMITED VS RAVI KANT [ARB.P.-754/2024]

Judges: Justice Sachin Datta

A valid arbitration clause exists in the Service Rules between Aakash Educational Services Limited and Ravi Kant, allowing for the appointment of a sole arbitrator to address disputes. Ms. Sapna Chauhan was appointed as the independent sole arbitrator due to the parties' inability to agree on one. The respondent can raise preliminary objections regarding arbitrability or jurisdiction, which the arbitrator will decide. This matter involves a dispute between the two parties and is not part of a larger batch.

ABDUL WASEEM & ANR. VS OVERCARE MARKETS LLP & ORS. [ARB.P.-1688/2024]

Judges: Justice Sachin Datta

The dispute between partners in a Limited Liability Partnership (LLP) will be referred to a sole arbitrator, Ms. Suruchi Suri, Advocate, appointed to adjudicate the issues according to the arbitration clause in the LLP deed. Parties may present their claims and counter-claims for consideration under the law. Arbitration will proceed under the rules of the Delhi International Arbitration Centre (DIAC), with no opinion on the merits of the case expressed.

ABUNDANCE INDIA VS M/S GEMINI PROPERTY DEVELOPERS [O.M.P. (COMM)-452/2022]

Judges: Justice Sachin Datta

The petition by Abundance India challenging the arbitral award in favor of Gemini Property Developers was dismissed due to Abundance's failure to pay arbitration costs and a lack of bona fides. In international commercial arbitration, patent illegality on the award's face does not justify setting it aside under the Arbitration and Conciliation Act, 1996.

ACCORD ADVERTISING PVT LTD & ANR. VS SM FINLEASE LTD [ARB. A. (COMM.)-55/2024]

Judges: Justice Sachin Datta

An interim order by the arbitral tribunal was upheld, which restrained the appellants from alienating or creating third-party rights over certain properties. The tribunal determined that the value of a mortgaged property was likely insufficient to recover the full amount claimed by the respondent in ongoing arbitration. The tribunal has broad authority to issue directions for securing amounts in dispute, not limited by civil procedure provisions. No interference with the tribunal's discretion was deemed necessary, although the appellants were granted the option to seek modification if the restrained properties do not belong to them.

ADA BUILDWELL INFRATECH LLP VS SHAPOORJI PALLONJI AND COMPANY PRIVATE LIMITED [ARB.P.-1246/2024]

Judges: Justice Sachin Datta

The arbitration clause in the work order is valid, allowing the formation of an arbitral tribunal to address disputes between Ada Buildwell Infratech LLP and Shapoorji Pallonji and Company Private Limited. Mr. Shubham Ranakoti, Advocate, was appointed as the sole arbitrator to resolve issues related to the non-payment of retention money. All rights and contentions of the parties remain reserved for determination by the arbitrator.

ADANI ENTERPRISES LIMITED VS SHRI SOMNATH FABRIC PRIVATE LIMITED [O.M.P. (COMM)-432/2024]

Judges: Justice Sachin Datta

The sole arbitrator concluded that Adani Enterprises Limited breached the Coal Sale and Purchase Agreement, while Shri Somnath Fabrics Private Limited did not. An order was made for Adani Enterprises to refund Rs. 3 crores in earnest money deposit, along with interest, due to the failure to demonstrate any actual loss. The findings were supported by extensive evidence and a proper interpretation of the contract. Challenges to the award by Adani Enterprises were rejected.

ADITYA BIRLA FINANCE LIMITED VS IIS NDT AND ALLIED SERVICE PRIVATE LIMITED AND ORS [ARB.P.-1545/2024]

Judges: Justice Sachin Datta

Valid arbitration clauses in the loan agreements permit the appointment of an independent sole arbitrator to resolve disputes. Ms. Ruchi Gour Narula has been appointed as the sole arbitrator, with the respondents allowed to raise preliminary objections regarding jurisdiction and arbitrability, which will be determined by the arbitrator. All rights and contentions of the parties remain open for consideration on their merits.

ADITYA BIRLA FINANCE LTD VS M/S RAGHAV IMPEX & ORS. [ARB.P.-1686/2024]

Judges: Justice Sachin Datta

The arbitration clause in the Loan Agreement between Aditya Birla Finance Ltd and M/s Raghav Impex & Ors. is valid. An independent sole arbitrator, Mr. Abhinav Garg, Advocate, is appointed to adjudicate disputes regarding the respondents' alleged default in loan repayment. All rights and contentions of the parties are preserved for consideration by the arbitrator.

ADITYA BIRLA FINANCE LTD. VS SHINE TEXTILE & ORS. [ARB.P.-1687/2024]

Judges: Justice Sachin Datta

The Loan Agreement between Aditya Birla Finance Ltd. and Shine Textile included an arbitration clause, allowing for the constitution of an arbitral tribunal to address disputes. An independent sole arbitrator, Mr. Abhinav Garg, was appointed to resolve the issues, with all rights and contentions of the parties remaining open for determination by the arbitrator.

AJAY POLY PVT LTD VS JAYESH KRISHNAN NAIR [ARB.P.-1546/2024]

Judges: Justice Sachin Datta

The existence of an arbitration agreement, as per Clause 23 of the employment agreement, was not disputed. Mr. Daksh Kadian was appointed as the sole arbitrator to adjudicate the disputes. The respondent may raise preliminary objections regarding arbitrability or jurisdiction, which will be decided by the arbitrator. All rights and contentions of the parties remain open for determination based on their merits.

AMALTAS AYURVEDA THROUGH CHIEF MEDICAL OFFICER VS THE DIRECTOR GENERAL DIRECTORATE GENERAL OF HEALTH SERVICES GOVT OF NCT OF DELHI AND ORS [ARB.P.-2015/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Mr. Abhinash Agarwal, was appointed to address the dispute between Amaltas Ayurveda and the Director General Directorate General of Health Services Government of NCT of Delhi. The agreement included a valid arbitration clause, allowing the arbitrator to adjudicate the matter. The respondents can raise preliminary objections about jurisdiction and arbitrability, which the arbitrator will decide. The fee for the arbitrator will follow the IV Schedule of the Arbitration and Conciliation Act, 1996, or an agreement between the parties and the arbitrator. There was no opinion expressed on the merits of the case; the arbitrator will evaluate the claims and counterclaims based on their merits.

AMIT GOYAL VS ELECTION COMMISSION OF INDIA & ANR. [W.P.(C)-7006/2024]

Judges: Justice Sachin Datta

The rejection of the petitioner's nomination form is not challengeable at this stage, as any election-related disputes must be addressed through an election petition after the elections conclude, not before. The petition is dismissed, but the petitioner's arguments may be considered in future election petition proceedings.

ANKIT MAHANOT VS MS ROYALGOLF LINK CITY PROJECTS PVT LTD [O.M.P.(I) (COMM.)-421/2024]

Judges: Justice Sachin Datta

A dispute arose regarding the final payment for a unit under an Allotment-cum-Villa Buyer Agreement, leading to the appointment of sole arbitrator Mr. Anurag Ojha to adjudicate the matter. The petitioner must deposit the claimed amount with the respondent, who is restrained from taking any actions regarding the unit. All parties' rights and contentions remain open for the arbitrator's consideration, with proceedings to occur under the Delhi International Arbitration Centre.

ANKIT TRACOM PVT LTD VS IMPERIA STRUCTURES LTD [ARB.P.-1996/2024]

Judges: Justice Sachin Datta

A prima facie valid arbitration agreement exists between the parties despite objections from the respondent. Arguments claiming the agreement became invalid after the execution of sale deeds and the non-joinder of third-party purchasers were rejected. A sole arbitrator was appointed to adjudicate the disputes, allowing the respondent to raise jurisdiction and arbitrability objections before the tribunal. Arbitration references under each Unit Buyer Agreement will be treated as independent, although the arbitrator may hold common sittings for convenience.

APOLLO SUPPLY CHAIN PVT. LTD VS M/S JALAN TRANSOLUTIONS (INDIA) LTD [ARB.P.-1241/2024]

Judges: Justice Sachin Datta

An undisputed arbitration agreement exists between the parties, leading to the appointment of a sole arbitrator to resolve disputes. The inquiry for appointing the arbitrator is limited to the initial existence of the arbitration agreement, while issues regarding accord and satisfaction will be addressed by the arbitrator. The arbitrator will also consider objections relating to jurisdiction and arbitrability of the claims.

AURIONPRO SOLUTIONS LIMITED VS GOVERNMENT OF NCT OF DELHI TRANSPORT DEPARTMENT [ARB.P.-1489/2024]

Judges: Justice Sachin Datta

The dispute resolution clause in the agreement between Aurionpro Solutions Limited and the Government of NCT of Delhi Transport Department is directory, meaning the parties are not required to exhaust the pre-arbitral conciliation mechanism before proceeding to arbitration. A valid arbitration agreement exists, and a sole arbitrator has been appointed to resolve the disputes.

BAJRANG PUNIA AND ORS. VS UNION OF INDIA AND ORS. [CM APPL.-18267/2024]

Judges: Justice Sachin Datta

The dissolution of the ad-hoc committee managing the Wrestling Federation of India (WFI) was deemed unwarranted, as the Ministry of Youth Affairs and Sports' suspension order against the WFI remained effective. The reasons for the committee's dissolution were unrelated to the governance issues that prompted its formation. The mandate of the ad-hoc committee was restored, with instructions for the Indian Olympic Association to reconstitute it as a multi-member body to address concerns from the international wrestling federation. Adherence to the National Sports Development Code, 2011 does not constitute governmental interference, and fears of repercussions from the international body do not justify non-compliance with the Ministry's order or the formation of an ad-hoc committee.

BANSAL CONSTRUCTION CO. VS UNION OF INDIA [ARB.P.-1899/2024]

Judges: Justice Sachin Datta

Bansal Construction Co. is entitled to the appointment of an independent sole arbitrator to resolve disputes with the Union of India regarding unpaid monetary claims under a contract for safety fencing along railway tracks. The respondent did not contest the existence of the arbitration agreement, necessitating the appointment of an arbitrator. Ms. Justice (Retd.) Deepa Sharma has been appointed as the sole arbitrator, with arbitration to occur under the Delhi International Arbitration Centre, and all parties' rights and contentions remain open for adjudication on their merits.

BHARAT HEAVY ELECTRICALS LIMITED VS M/S MAXFLOW PUMPS INDIA PVT. LTD. [ARB.P.-1612/2024]

Judges: Justice Sachin Datta

The objection raised by M/s Maxflow Pumps India Pvt. Ltd. regarding the time-barred nature of the claims does not prevent the establishment of an arbitral tribunal to resolve disputes. Ms. Amrita Singh, Advocate, is appointed as the sole arbitrator under the Delhi International Arbitration Centre (DIAC). All parties retain their rights and contentions regarding the claims and counter-claims for decision by the arbitrator on merits.

BHARTI AIRTEL LIMITED VS HRD RELATIONSHIP MARKETING PVT. LTD. [ARB.P.-1616/2024]

Judges: Justice Sachin Datta

The arbitration agreement between Bharti Airtel Limited and HRD Relationship Marketing Pvt. Ltd. is valid. Mr. Jai Anant Dehadrai is appointed as the sole arbitrator to resolve disputes. The examination scope under Section 11 of the Arbitration and Conciliation Act, 1996 focuses on establishing the existence of the arbitration agreement. The respondent may raise preliminary objections regarding jurisdiction or arbitrability, which will be addressed by the arbitrator. The arbitrator's fees will be determined according to the Fourth Schedule of the Act or as agreed upon by the parties. This order does not reflect an opinion on the merits of the case.

BHAYANA BUILDERS PRIVATE LIMITED VS CHINTELS INDIA PRIVATE LIMITED, [ARB.P.-1762/2024]

Judges: Justice Sachin Datta

Bhayana Builders Private Limited sought the appointment of a presiding arbitrator to form a three-member arbitral tribunal as per the arbitration agreement. The petitioner had appointed its nominee arbitrator, while the respondent's nominee was appointed previously. The two nominee arbitrators selected Mr. Justice (Retd.) Vineet Saran as the presiding arbitrator. The petitioner contested this appointment, citing a previous judgment. To resolve this, it was determined that the presiding arbitrator would be recognized as appointed in the current proceedings.

BHIKAJI MAINTENANCE COMBINE VS SAVITRI PODDAR [ARB.P.-1552/2024]

Judges: Justice Sachin Datta

An arbitration agreement exists between the parties under the maintenance agreement, validating the petitioner's request for the appointment of a sole arbitrator. Ms. Shreya Vedantika Mehra, Advocate, is appointed to resolve disputes related to the non-payment of maintenance charges. The respondent may raise jurisdictional objections before the arbitrator, and all rights and contentions of the parties will be decided on their merits.

BVM ENGINEERING INDUSTRIES LIMITED VS IMPERIA HEIGHTS PRIVATE LTD & ANR. [ARB.P.-1264/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Mr. Aamir Jamal, will adjudicate disputes arising from the parties' agreements, with the existence of the arbitration agreement acknowledged. The arbitrator is tasked with encouraging settlement through mediation or similar procedures under Section 30(1) of the Arbitration and Conciliation Act, 1996. The respondent may raise objections regarding jurisdiction or arbitrability for the arbitrator to decide. Arbitration will occur under the rules of the Delhi International Arbitration Centre (DIAC), with fees and costs governed by DIAC rules.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS AMIT SINGH SHEKHAWAT & ANR. [ARB.P.-972/2024]

Judges: Justice Sachin Datta

An arbitration clause exists in the Credit Facility Agreement between the parties, allowing for the appointment of a Sole Arbitrator. Mr. Prateek Badhwar was appointed as the Sole Arbitrator to adjudicate the disputes. The respondents can raise preliminary objections regarding jurisdiction or arbitrability, which the Arbitrator will decide. The parties are to share the Arbitrator's fee and costs equally, with no opinion expressed on the merits of the case.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS BMADHIVANAN & ANR. [ARB.P.-1114/2024]

Judges: Justice Sachin Datta

A Sole Arbitrator, Mr. Himanshu Goel, was appointed to resolve disputes related to the Credit Facility Agreement due to the presence of an arbitration clause. The parties are permitted to raise preliminary objections about jurisdiction or arbitrability, which the Arbitrator will address. The Arbitrator must proceed with arbitration after necessary disclosures and set the fee according to the Fourth Schedule of the Arbitration and Conciliation Act or as mutually agreed. The order makes no comments on the case's merits.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS DHARMENDER SINGH & ANR. [ARB.P.-1124/2024]

Judges: Justice Sachin Datta

An arbitration clause existed in the Credit Facility Agreement. The respondents did not respond to a notice for appointing a Sole Arbitrator, allowing for the appointment of Mr. Himanshu Goel, Advocate, as the Sole Arbitrator to resolve disputes. The respondents may raise preliminary objections regarding jurisdiction or arbitrability, which will be addressed by the Arbitrator, with all parties' rights and contentions remaining open for resolution on their merits.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS HARDEEP SINGH & ANR. [ARB.P.-1332/2024]

Judges: Justice Sachin Datta

Cars 24 Financial Services Private Limited is entitled to appoint a sole arbitrator to adjudicate disputes with Hardeep Singh and another party, stemming from a Credit Facility Agreement dated 04.10.2019. The agreement includes a valid arbitration clause allowing the petitioner to appoint the arbitrator. Reasonable efforts to serve the respondents were made. Mr. Aman Nandrajog, Advocate, has been appointed as the sole arbitrator to resolve the disputes, with all parties' rights and contentions preserved for determination according to the law.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS JATIN WALIA & ANR. [ARB.P.-970/2024]

Judges: Justice Sachin Datta

A Sole Arbitrator was appointed to resolve disputes between Cars 24 Financial Services Private Limited and Jatin Walia & Anr. concerning a Credit Facility Agreement dated 11.11.2019, based on the arbitration clause in the agreement. The respondents did not respond to the notice invoking arbitration, prompting the appointment of the Sole Arbitrator to adjudicate the disputes on their merits, without any implication regarding the merits of the case.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS KARTIK & ANR. [ARB.P.-1125/2024]

Judges: Justice Sachin Datta

A Sole Arbitrator was appointed to resolve disputes between the parties based on an arbitration clause in the Credit Facility Agreement. The respondents, absent from the proceedings, were permitted to raise preliminary objections regarding jurisdiction and arbitrability before the Sole Arbitrator. No opinion on the case's merits was expressed.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS KOLLIVELASI SRINIVAS KUMAR & ANR. [ARB.P.-973/2024]

Judges: Justice Sachin Datta

An arbitration clause in the Credit Facility Agreement was identified, allowing for the appointment of a Sole Arbitrator to resolve disputes. Mr. Prateek Badhwar was appointed as the Sole Arbitrator, and the respondents were permitted to raise preliminary objections regarding jurisdiction or arbitrability for the arbitrator’s decision. The parties must equally share the arbitrator's fee and costs, with no opinions expressed on the merits of the case, which are to be decided by the arbitrator.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS MOHAMMED ABDUL RAYEES & ANR. [ARB.P.-1113/2024]

Judges: Justice Sachin Datta

A Sole Arbitrator, Mr. Himanshu Goel, Advocate, was appointed to resolve disputes between Cars 24 Financial Services Private Limited and Mohammed Abdul Rayees related to a Credit Facility Agreement, which included an arbitration clause. The respondents are permitted to raise preliminary objections regarding jurisdiction and arbitrability, with all parties' rights and contentions remaining open for merit-based considerations.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS NAZIR HOSSAIN & ANR. [ARB.P.-969/2024]

Judges: Justice Sachin Datta

A Sole Arbitrator, Mr. Prateek Badhwar, has been appointed to resolve disputes between Cars 24 Financial Services Private Limited and Nazir Hossain & Anr. pertaining to a Credit Facility Agreement dated 23.10.2019. The agreement contains an arbitration clause, allowing for an independent arbitrator's appointment. The respondents may present preliminary objections regarding jurisdiction or arbitrability, which the Sole Arbitrator will address according to the law.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS SANJAY MATHEWS PROPRIETOR OF M/S BENKUS MOTORS AND ANR. [ARB.P.-1150/2024]

Judges: Justice Sachin Datta

The arbitration clause in the Credit Facility Agreement was deemed valid, leading to the appointment of a Sole Arbitrator to address disputes related to the respondents' failure to make payments. Reasonable steps were taken to serve the respondents with the arbitration notice, which went unanswered, allowing for the appointment to proceed. The Arbitrator is directed to first encourage mediation or alternative dispute resolution methods before addressing the merits of the case.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS SHIJNA S & ANR. [ARB.P.-974/2024]

Judges: Justice Sachin Datta

A Sole Arbitrator was appointed to resolve disputes between Cars24 Financial Services Private Limited and Shijna S & Anr. under a Credit Facility Agreement containing an arbitration clause. Cars24 invoked the clause by sending a notice, which went unanswered by the respondents. Mr. Prateek Badhwar was appointed as the Sole Arbitrator, allowing the respondents to raise preliminary objections regarding jurisdiction or arbitrability. The parties must share the arbitrator's fee and costs equally, with no opinion expressed on the merits of the case, leaving those decisions to the arbitrator.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS SHOBHA HARMAZ SIDDIQUI & ANR. [ARB.P.-1118/2024]

Judges: Justice Sachin Datta

A Sole Arbitrator, Mr. Himanshu Goel, was appointed to resolve disputes stemming from a Credit Facility Agreement, which included an arbitration clause. The respondents can present preliminary objections concerning jurisdiction and arbitrability, to be decided by the Sole Arbitrator. All rights and contentions of the parties remain open for determination on their merits.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS SR CAR BAZAR & ORS. [ARB.P.-977/2024]

Judges: Justice Sachin Datta

A Sole Arbitrator, Mr. Prateek Badhwar, was appointed to resolve disputes related to a Credit Facility Agreement. The existence of an arbitration clause was confirmed, and the respondents did not reply to the petitioner's notice regarding the appointment of an arbitrator. The respondents retain the right to raise preliminary objections regarding jurisdiction or arbitrability, which will be addressed by the arbitrator. Both parties will share the arbitrator's fee and arbitral costs equally.

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS SURESH KASHYAP & ANR. [ARB.P.-1121/2024]

Judges: Justice Sachin Datta

The parties entered into a Credit Facility Agreement with an arbitration clause, leading to disputes over alleged payment defaults. An independent sole arbitrator, Mr. Anirudh Bakhru, was appointed to adjudicate these disputes, with the respondents not objecting to this appointment. All rights and contentions concerning claims and counter-claims remain open for decision by the sole arbitrator based on merits and applicable law.

CCS COMPUTERS PRIVATE LIMITED VS NEW DELHI MUNICIPAL COUNCIL & ANR. [W.P.(C)-16767/2023]

Judges: Justice Sachin Datta

The petitioner company's blacklisting by NDMC was quashed due to the lack of proper reasoning in the blacklisting letter and failure to consider the petitioner's explanations. NDMC's reliance on the General Financial Rules without informing the petitioner denied it an opportunity to respond, violating principles of natural justice. NDMC is to issue a fresh show cause notice that includes the reliance on the General Financial Rules and must provide a reasoned order after considering the petitioner's response.

CENTURY ALUMINUM COMPANY LIMITED VS RELIGARE FINVEST LIMITED [O.M.P.(I) (COMM.)-405/2024]

Judges: Justice Sachin Datta

The petition by Century Aluminum Company Limited to restrain Religare Finvest Limited from taking coercive action concerning a Loan Facility Agreement was dismissed. The Insolvency and Bankruptcy Code, 2016 (IBC) is a standalone legislation that overrides any inconsistent laws. Proceedings under Section 9 of the Arbitration and Conciliation Act or in civil courts cannot interfere with IBC proceedings, leading to the dismissal of the petition.

CLEAVE CONSULTING NETWORK PRIVATE LIMITED VS ROZANA SUPERMART [ARB.P.-1550/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Mr. Anish Chawla, was appointed to resolve disputes between Cleave Consulting Network Private Limited and Rozana Supermart stemming from a lease deed dated 01.06.2023. A valid arbitration agreement existed, which the petitioner invoked without a response from the respondent. An interim order under Section 9 of the A&C Act was granted to prevent the respondent from creating third-party interests in the leased premises. The arbitrator was tasked with encouraging the parties to pursue mediation or other suitable procedures before addressing the arbitration merits.

COGOPORT PRIVATE LIMITED VS MR ANUJ BAJAJ AND OTHERS [O.M.P.(I) (COMM.)-359/2024]

Judges: Justice Sachin Datta

Cogoport Private Limited is entitled to exercise its information and inspection rights under the Shareholders Agreement, provided it adheres to the specified procedures. The respondents must not dissipate or alienate the company's assets, except for pre-existing encumbrances. Observations were made without affecting the parties' rights regarding the prior arbitral award and any future proceedings under the Share Purchase Agreement. No opinion on the merits of these matters was expressed.

CREMICA FOOD PARK PRIVATE LIMITED VS M/S TRUSTABLE FOODS INDIA PVT LTD [ARB.P.-1710/2024]

Judges: Justice Sachin Datta

A sole arbitrator was appointed to resolve disputes arising from a lease deed for a Mega Food Park, specifically concerning non-payment of monetary entitlements by M/S Trustable Foods India Pvt Ltd to Cremica Food Park Private Limited. The lease deed included an arbitration clause for mutually appointing an arbitrator, but the parties failed to agree. Mr. Raman Yadav, Advocate, was designated as the sole arbitrator, with the respondent allowed to raise jurisdictional objections and file counter-claims.

CYFUTURE INDIA PVT. LTD. VS BHARAT SANCHAR NIGAM LIMITED [ARB.P.-1761/2024]

Judges: Justice Sachin Datta

An arbitral tribunal will be constituted to adjudicate disputes between the parties due to the presence of a valid arbitration agreement in the contract. A retired judge will act as the sole arbitrator, addressing all disputes, including preliminary objections on arbitrability or jurisdiction. The arbitration will be conducted under the Delhi International Arbitration Centre, with all parties' rights and contentions reserved for resolution on their merits.

D.C. ENGINEERS VS IRRIGATION AND FLOOD CONTROL DEPARTMENT AND ANOTHER [ARB.P.-1153/2024]

Judges: Justice Sachin Datta

The arbitration clause in the contract established a multi-tier dispute resolution mechanism that the petitioner invoked. The respondents failed to appoint a sole arbitrator, leading to the appointment of Mr. Bhuvan Gugnani as the sole arbitrator to resolve the disputes. The respondents were instructed to present any preliminary objections concerning jurisdiction or arbitrability, which the sole arbitrator would address according to the law, while allowing all parties' rights and contentions to be considered on their merits.

D.C. ENGINEERS VS IRRIGATION AND FLOOD CONTROL DEPARTMENT AND ANOTHER [ARB.P.-1151/2024]

Judges: Justice Sachin Datta

The existing arbitration clause in the contract provides a multi-tier dispute resolution mechanism that the petitioner has exhausted. The respondents did not appoint an arbitrator despite requests from the petitioner, leading to the appointment of Mr. Bhuvan Gugnani as the sole arbitrator. The respondents can raise preliminary objections regarding jurisdiction and arbitrability, which the arbitrator will decide. The parties' rights and contentions remain open for resolution on the merits by the arbitrator.

D.C. ENGINEERS VS IRRIGATION AND FLOOD CONTROL DEPARTMENT AND ANOTHER [ARB.P.-1152/2024]

Judges: Justice Sachin Datta

A Sole Arbitrator, Mr. Bhuvan Gugnani, has been appointed to resolve disputes from a construction contract. The existence of an arbitration clause allows for this appointment. The respondents may raise preliminary objections related to jurisdiction, which the arbitrator will address. The arbitrator's fees will follow the Fourth Schedule of the Arbitration and Conciliation Act, 1996, or an agreement between the parties. All rights and contentions of the parties remain open for the arbitrator to decide on their merits.

DAIICHI SANKYO COMPANY, LIMITED VS MALVINDER MOHAN SINGH AND ORS. [EX.APPL.(OS)-31/2020]

Judges: Justice Sachin Datta

The decree holder, Daiichi Sankyo Company Limited, is permitted to proceed with the public auction of the "Fortis" trademark owned by RHC Healthcare Management Services Private Limited. The request for an auditor or valuer to assess the trademark's value before the auction was rejected due to lack of legal basis. The Joint Registrar (Judicial) will oversee the public auction, incorporating the values presented by both parties in the property schedule. Any objections concerning the trademark's valuation may be raised before the sale is confirmed.

DANISH INFRATECH PVT. LTD. VS DELHI CANTONMENT BOARD [W.P.(C)-11476/2021]

Judges: Justice Sachin Datta

The order to seal the premises of Danish Infratech Pvt. Ltd. was quashed due to the sealing being based solely on a proposed demolition now suspended for 1,894 unauthorized properties. Selective sealing of only a few properties without a valid rationale was observed. The property will be de-sealed if an undertaking to maintain status quo is provided, with directions remaining subject to future DCB policy decisions regarding the properties.

DDA VS M/S SPORTINA PAYCE INFRASTRUCTURE PVT LTD [O.M.P. (COMM)-113/2017]

Judges: Justice Sachin Datta

Parts of the arbitral award were set aside due to insufficient reasoning and connection to the parties' arguments regarding claims 1 and 2. Findings on claims 3, 4, 7, and 9 were upheld based on valid contract interpretations and factual determinations. Awards for additional claims 1 and 2 were also upheld as the reasoning was deemed valid. This case stands alone and is not part of a larger matter.

DEEPAK VS DEPARTMENT OF TRANSPORT [W.P.(C)-2487/2019]

Judges: Justice Sachin Datta

The suspension of the petitioner's driving license by the Transport Department was invalid due to a failure to follow the mandatory procedure under Section 19(1) of the Motor Vehicles Act, 1988. The licensing authority did not provide the license holder an opportunity to be heard before the suspension. The respondent could not demonstrate that the required process, including a show cause notice and hearing, was followed. The suspension order was set aside, and the respondent was directed to issue a fresh show cause notice, allow a hearing, and provide a reasoned order. The petitioner was granted the right to appeal the new order if dissatisfied.

DELHIVERY LIMITED VS FASTMILE EXPRESS PRIVATE LIMITED [ARB.P.-993/2024]

Judges: Justice Sachin Datta

The arbitration agreement between Delhivery Limited and Fastmile Express Private Limited, as outlined in the Delivery Services Agreement dated 06.01.2022, is valid. Due to the parties' inability to mutually appoint a sole arbitrator, Justice (Retd.) Vinay Kumar Jain was appointed to adjudicate the disputes. Fastmile Express Private Limited may raise objections regarding the arbitrator's jurisdiction, which will be considered on their merits. All rights and contentions regarding claims and counterclaims remain open for the sole arbitrator to decide according to the law.

DELHIVERY LIMITED VS FASTMILE EXPRESS PRIVATE LIMITED [ARB.P.-994/2024]

Judges: Justice Sachin Datta

The parties have a valid arbitration agreement under the Delivery Services Agreement. Due to an inability to agree on a sole arbitrator, Justice (Retd.) Vinay Kumar Jain has been appointed to adjudicate the disputes. The respondent may raise objections regarding jurisdiction before the arbitrator under Section 16 of the Arbitration and Conciliation Act, 1996. The arbitrator's fees will be in accordance with the IVth Schedule or as mutually agreed, while the rights and contentions of the parties concerning claims and counter-claims remain open for determination by the arbitrator.

DELHIVERY LIMITED VS STERNE INDIA PRIVATE LIMITED [ARB.P.-992/2024]

Judges: Justice Sachin Datta

The High Court of Delhi has jurisdiction to appoint a sole arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996, despite the arbitration clause designating Gurgaon as the seat. Previous rulings support that when an arbitration agreement grants exclusive jurisdiction to a specific court, that court can appoint the arbitrator regardless of the specified seat. The examination under Section 11 is limited to confirming the existence of the arbitration agreement, which was acknowledged in this case. Justice (Retd.) Vinay Kumar Jain is appointed as the sole arbitrator to resolve the disputes.

DELHIVERY LIMITED VS VINTAGE FURNITURES [ARB.P.-232/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between the parties as per the Arbitration and Conciliation Act, 1996. Due to the failure to mutually appoint a sole arbitrator, Mr. Amrit Pal Singh Gambhir has been appointed. The arbitrator is directed to encourage settlement of disputes first and then decide on merits, including preliminary objections regarding arbitrability or jurisdiction. The arbitration will occur under the Delhi International Arbitration Centre (DIAC). The order does not express any opinion on the merits of the case.

DISHA ENTERPRISES VS J S S INTERIOR AND EXTERIOR PVT LTD AND ORS [ARB.P.-1203/2024]

Judges: Justice Sachin Datta

A petition under Section 11 of the Arbitration and Conciliation Act, 1996 for constituting an Arbitral Tribunal was deemed maintainable. Arguments that the petition was time-barred, precluded by ongoing proceedings under Section 138 of the Negotiable Instruments Act, or that a civil suit was necessary after unsuccessful pre-litigation mediation were rejected. A Sole Arbitrator was appointed to resolve disputes, with a directive for the Arbitrator to address any preliminary or jurisdictional objections regarding limitation before considering the merits of the case.

DLF LIMITED VS PNB HOUSING FINANCE LIMITED & ORS. [ARB.P.-1190/2023]

Judges: Justice Sachin Datta

A valid and broad arbitration agreement exists between the parties, covering the disputes raised by DLF. PNBHFL, although no longer a direct party after assigning the loan to Omkara, remains a necessary party for disputes before the assignment. Non-signatory parties, Omkara, Twenty-Five South, and Akruti, may be bound by the arbitration agreement under "alter ego," "direct benefits estoppel," and "intertwined estoppel," with final determinations on these issues left to the arbitral tribunal. A sole arbitrator was appointed to adjudicate the disputes, with jurisdictional objections to be raised before the tribunal, while the merits of the claims will also be decided by the tribunal.

DR. DURGESH CHAUHAN VS CYGNUS JK HINDU HOSPITAL & ORS. [ARB.P.-1430/2024]

Judges: Justice Sachin Datta

The disputes between the parties, stemming from a Memorandum of Understanding for physiotherapy services, are deemed arbitrable under the agreement's arbitration clause. Ms. Akriti Arora, Advocate, is appointed as the sole arbitrator to resolve these disputes, following the rules of the Delhi International Arbitration Centre (DIAC). The respondent may present preliminary objections regarding arbitrability or jurisdiction, to be decided by the arbitrator, while all rights and contentions of the parties remain open for merit-based consideration.

ENERGY EFFICIENCY SERVICES LTD VS M/S ITECH MASS PRIVATE LIMITED [ARB.P.-723/2022]

Judges: Justice Sachin Datta

Valid arbitration agreements exist between the parties despite the lack of signed formal contracts for some Letter of Awards (LOAs). The acceptance of bids established a binding contractual relationship, allowing for arbitration under the Arbitration and Conciliation Act, 1996. A nominee arbitrator was appointed on behalf of the non-responsive party, with a direction for the two nominee arbitrators to select a presiding arbitrator. Each LOA/contract refers independently to arbitration, and the party is permitted to raise preliminary objections regarding jurisdiction and arbitrability, which will be addressed by the arbitral tribunal. No comments were made regarding the merits of the case, leaving all parties' rights and contentions open for decision by the arbitral tribunal.

ENSERVE ELECTROCON FURNISHERS PRIVATE LIMITED & ORS. VS SAMMAAN CAPITAL LIMITED & ORS. [O.M.P.(I) (COMM.)-364/2024]

Judges: Justice Sachin Datta

The issue of impleadment of non-signatories to the Settlement Agreement dated 29.03.2023 is subject to adjudication by a sole arbitrator, Justice (Retd.) V. Ramasubramanian. The disputes include objections regarding jurisdiction, arbitrability, and impleadment. The order does not express any opinion on these issues. Arbitration proceedings will be conducted independently, despite the appointment of a common arbitrator for convenience.

EXTRAMARKS EDUCATION INDIA PVT LTD VS G D GOENKA PUBLIC SCHOOL & ANR. [ARB.P.-1053/2024]

Judges: Justice Sachin Datta

An independent sole arbitrator, Mr. Ojusya Joshi, was appointed to resolve disputes between the parties. The respondent may raise preliminary objections regarding arbitrability or jurisdiction for the arbitrator's decision. The parties will share equally in the arbitrator's fees and costs. All rights and contentions are reserved for the arbitrator to address on the merits, with no opinion expressed on the merits of the case.

EXXONMOBIL LUBRICANTS PRIVATE LIMITED VS ASHA AUTOMINE PRIVATE LIMTIED [ARB.P.-1362/2024]

Judges: Justice Sachin Datta

The arbitration clause in the "Lubricants Direct Sale Agreement" is considered valid, and a sole arbitrator has been appointed to resolve disputes due to the respondent's failure to make payments for delivered supplies. The respondent, having been properly served and not responding or consenting to the arbitrator's appointment, may raise preliminary objections regarding arbitrability or jurisdiction, which will be addressed by the arbitrator.

G4S SECURE SOLUTIONS INDIA PRIVATE LIMITED VS OYO HOTELS AND HOMES PVT LTD [ARB.P.-1698/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between G4S Secure Solutions India Private Limited and OYO Hotels and Homes Pvt Ltd. Mr. Ashish Chauhan has been appointed as the sole arbitrator to address disputes related to the respondent's failure to pay dues per the invoices. The respondent may raise preliminary objections regarding jurisdiction or arbitrability, which will be decided by the arbitrator. All rights and contentions of the parties remain open for determination by the arbitrator based on merits and law.

GAJENDRA SINGH VS DELHI URBAN SHELTER IMPROVEMENT BOARD [ARB.P.-1239/2022]

Judges: Justice Sachin Datta

The respondent's argument regarding the timeliness of the petitioner's claims could not lead to dismissal at this stage, as limitation is a mixed question of fact and law best addressed by the arbitral tribunal. The performance guarantee remained with the respondent, and the agreement had not been formally terminated, suggesting the dispute was ongoing. Additionally, the period from March 2020 to February 2022 was excluded for limitation purposes, following a Supreme Court directive. A sole arbitrator was appointed to resolve the disputes, allowing the respondent to raise preliminary objections regarding jurisdiction, arbitrability, and limitation. Observations regarding this matter were for the petition's decision and did not restrict the arbitrator from independently assessing the merits.

GALAXY IEC INDIA PRIVATE LIMITED VS DCM SHRIRAM LTD (THROUGH ITS UNIT SHRIRAM ALKALI AND CHEMICALS) [ARB.P.-1526/2024]

Judges: Justice Sachin Datta

An arbitration agreement exists between the parties under the Service Order dated 15.04.2023, as amended. A sole arbitrator, Ms. Justice (Retd.) Deepa Sharma, has been appointed to resolve the disputes. The arbitrator will first address the respondent's jurisdictional/preliminary objections regarding the arbitration agreement's scope, without any opinions on the merits or demerits of the parties' contentions.

GAURAV KUKREJA VS M/S EARTHZ URBAN SPACES PRIVATE LIMITED & ORS. [ARB.P.-1486/2024]

Judges: Justice Sachin Datta

The existence of an arbitration agreement in the "Agreement for Construction" dated 04.09.2021 is acknowledged. An Arbitral Tribunal is constituted with Ms. Priya Kumar, Senior Advocate, appointed as the Sole Arbitrator. The Sole Arbitrator is instructed to first seek an amicable resolution before addressing the disputes on their merits, while preserving the rights and contentions of the parties for consideration during arbitration.

GEETA NARULA VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-15637/2023]

Judges: Justice Sachin Datta

The petitioners' vehicles had already been scrapped by the Registered Vehicle Scrapping Facilities (RVSFs), preventing their release. Compensation was not granted due to a lack of specific claims regarding unlawful scrapping, though RVSFs were instructed to pay the scrap value upon receipt of relevant documents. Petitioners were permitted to initiate separate proceedings for additional compensation beyond the scrap value.

GIRIRAJ MAHESWARI VS DELHI URBAN SHELTER IMPROVEMENT BOARD [ARB.P.-1372/2024]

Judges: Justice Sachin Datta

The petitioner's request for the appointment of a Sole Arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996 was deemed valid. Ms. Swati Surbhi was appointed as the Sole Arbitrator to adjudicate disputes with the Delhi Urban Shelter Improvement Board (DUSIB), stemming from DUSIB's failure to provide peaceful possession of a parking site allotted through an e-auction. The respondent is permitted to raise preliminary objections regarding jurisdiction and arbitrability, which will be addressed by the Sole Arbitrator.

GODAVARI PROJECTS JV VS UNION OF INDIA THROUGH MINISTRY OF DEFENCE (DIRECTOR GENERAL MAP OF (MOD) ARMY [ARB.P.-1342/2022]

Judges: Justice Sachin Datta

Objections by the Union of India against Godavari Projects (J.V.)'s right to invoke arbitration were deemed without merit. Insolvency proceedings against a member of the joint venture do not prevent the arbitration petition. The interpretation of the arbitration clause regarding alternative arrangements is flawed. A retired Supreme Court judge was appointed as the sole arbitrator, invalidating the clause for a serving officer of the respondent. The respondent can raise preliminary objections on jurisdiction which the arbitrator will decide. No opinion was expressed on the merits of the case, leaving the determination of claims and counter-claims to the arbitrator.

GOLF DESIGNS VS SHAPOORJI PALLONJI AND COMPANY PVT LTD [ARB.P.-1538/2024]

Judges: Justice Sachin Datta

An arbitration agreement exists between Golf Designs and Shapoorji Pallonji and Company Pvt Ltd, allowing for the constitution of an arbitral tribunal. Mr. Karn Bhardwaj, Advocate, was appointed as the sole arbitrator. The respondent may raise objections on limitation or jurisdiction, which the arbitrator will address before considering the merits of the claims. The parties will share the arbitrator's fee and costs equally, with all rights and claims to be decided by the arbitrator.

GOVT OF NCT OF DELHI VS M/S RKMT BUILDCON PVT LTD [O.M.P. (COMM)-487/2024]

Judges: Justice Sachin Datta

The petition by the Government of NCT of Delhi for condonation of delay in challenging an arbitral award under Section 34 of the Arbitration and Conciliation Act, 1996 was dismissed. The delay exceeded the three-month period specified in Section 34(3), and prior case law established that such delays cannot be condoned. The government initially filed a Section 34 petition before the District Judge, Commercial Court, which was later withdrawn before filing the current petition in the High Court, resulting in a delay that could not be accepted.

HARCHARAN DASS GUPTA VS WAPCOS LIMITED AND ANR [ARB.P.-1211/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Ms. Ruchi Agnihotri, will adjudicate disputes related to a construction work agreement between the petitioner and respondents. The arbitrator is tasked with addressing jurisdictional and preliminary objections, including the issue of limitation, before considering the merits of the claims. Arbitration will follow the rules of the Delhi International Arbitration Centre, with fees and costs governed by those rules.

HINDUSTAN COLAS PVT LTD VS DSC ENGINEERING PVT LTD [ARB.P.-1656/2024]

Judges: Justice Sachin Datta

Valid arbitration agreements existed between the parties based on the work orders. An independent sole arbitrator, Ms. Nandita Rao, was appointed to resolve the disputes. Each work order's arbitration reference is independent, though common hearings may be conducted for convenience. The respondent can raise counter-claims and jurisdictional objections for the arbitrator's consideration. The arbitration proceedings will follow the rules of the Delhi International and Arbitration Centre (DIAC).

HINDUSTAN UNILEVER LIMITED VS MR JAGDISH KUMAR SOLE PROPRIETOR OF HARI RAM DHARAM PAL [ARB.P.-1251/2024]

Judges: Justice Sachin Datta

Pre-arbitral mechanisms like mutual discussion and reference to an ombudsman in the Redistribution Stockiest Agreement are considered directory. Ms. Veronica Mohan has been appointed as the sole arbitrator to resolve disputes between Hindustan Unilever Limited and Mr. Jagdish Kumar Sole regarding unpaid invoices. Parties are instructed to present any preliminary objections or counterclaims to the sole arbitrator, with the arbitration proceedings to take place under the Delhi International Arbitration Centre (DIAC).

INDIABULLS HOUSING FINANCE LTD VS AARTI GUPTA AND ANR [ARB.P.-604/2024]

Judges: Justice Sachin Datta

There is a valid arbitration agreement between the parties as per the loan agreement, leading to the appointment of an independent sole arbitrator to resolve the disputes. The respondents can raise objections concerning jurisdiction or arbitrability, along with any counter-claims, which will be decided by the arbitrator based on merits and law.

HR BUILDERS THROUGH GPA HOLDER VS DELHI AGRICULTURAL MARKETING BOARD [O.M.P. (COMM)-88/2021]

Judges: Justice Sachin Datta

An arbitral award was set aside due to a delay of over 2 years and 8 months in issuing the award after proceedings concluded. This delay was deemed inordinate and unexplained, violating principles of timely dispute resolution. Previous judgments established that such undue delays can be grounds for setting aside an award.

ICRI CORPORATES PRIVATE LIMITED VS SHOOGLO NETWORK PRIVATE LIMMITED (PREVIOUSLY AS OMG NETWORK PRIVATE LIMITED) [O.M.P.(MISC.)(COMM.)-788/2024]

Judges: Justice Sachin Datta

The petition by ICRI Corporates Private Limited challenging an order that revised arbitral fees was dismissed. The initial fees were based on the IV Schedule of the Arbitration and Conciliation Act, 1996, and separate calculations for claims and counter-claims were mandated by a Supreme Court judgment. The petition under Section 39(2) was deemed not maintainable since the arbitral proceedings had not yet reached the award stage. The arbitral tribunal's revision of fees in line with the Supreme Court directive was justified, as the initial agreement adhered to the IV Schedule.

IN2IT TECHNOLOGIES PRIVATE LIMITED VS PIESTING SERVICES PRIVATE LIMITED & ORS. [ARB.P.-1198/2024]

Judges: Justice Sachin Datta

An arbitration agreement exists between the parties, necessitating the constitution of an arbitral tribunal. Justice (Retd.) Indu Malhotra was appointed as the sole arbitrator. The respondent may raise preliminary objections regarding jurisdiction and arbitrability, which the arbitrator will decide according to the law. All rights and contentions related to claims and counter-claims remain open for the arbitrator's consideration on their merits.

INDIABULLS HOUSING FINANCE LTD VS DEEPAK AND ANR [ARB.P.-602/2024]

Judges: Justice Sachin Datta

There is a valid arbitration agreement between the parties regarding the loan agreement. An independent sole arbitrator, Mr. Shubham Ranakoti, has been appointed to adjudicate the disputes. The respondents may raise objections on jurisdiction and counter-claims, which will be addressed on their merits. The sole arbitrator is to proceed with the arbitration after providing necessary disclosures under the Arbitration and Conciliation Act, 1996.

INDIABULLS HOUSING FINANCE LTD VS LOVE KUMAR AND ORS. [ARB.P.-877/2024]

Judges: Justice Sachin Datta

The arbitration clause in the loan agreement between Indiabulls Housing Finance Ltd and the respondents is valid. Indiabulls Housing Finance Ltd made several attempts to serve the respondents, who did not appear. An independent sole arbitrator has been appointed to address the claims and counterclaims, with Mr. Abhishek Mahajan, Advocate, designated to oversee the arbitration proceedings as per the Arbitration and Conciliation Act, 1996.

INDIABULLS HOUSING FINANCE LTD VS RUKMINI SATISH KUMAR AND ANR. [ARB.P.-603/2024]

Judges: Justice Sachin Datta

The Loan Agreement includes a valid arbitration clause allowing the lender to appoint a sole arbitrator for dispute resolution. Mr. Shubham Ranakoti, Advocate, was appointed as the Sole Arbitrator. The respondents may raise objections regarding jurisdiction or arbitrability, which the Sole Arbitrator will address on merits.

INDIABULLS HOUSING FINANCE LTD. VS BHAGWAN JALA AND ANR. [ARB.P.-918/2024]

Judges: Justice Sachin Datta

The arbitration clause in the Loan Agreement between Indiabulls Housing Finance Ltd. and Bhagwan Jala is valid. Dr. Chandra Shekhar, Advocate, is appointed as the sole arbitrator to resolve disputes between the parties. The parties will share the arbitrator's fees and costs equally, with all rights and contentions remaining open for determination by the arbitrator.

INDIABULLS HOUSING FINANCE LTD. VS DURGESH KUMAR AND ANR. [ARB.P.-882/2024]

Judges: Justice Sachin Datta

A valid arbitration clause in the Loan Agreement allows for the appointment of an independent sole arbitrator to resolve disputes. Indiabulls Housing Finance Ltd. made several attempts to initiate arbitration, but the respondents, Durgesh Kumar and another party, did not participate. Ms. Bandana Kaur Grover was appointed as the Sole Arbitrator, with both parties required to share the arbitrator's fee and costs equally. All rights and contentions of the parties remain open for determination by the Arbitrator.

INDIABULLS HOUSING FINANCE LTD. VS LAKSHMI ARYA AND ANR [ARB.P.-462/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between the parties under the loan agreement, leading to the appointment of a sole arbitrator to address the disputes. The examination focused solely on the prima facie existence of the arbitration agreement, without addressing the merits of the parties' contentions or the case itself.

INDIABULLS HOUSING FINANCE LTD. VS MANISH KUMAR AND ANR. [ARB.P.-906/2024]

Judges: Justice Sachin Datta

An arbitration clause in the loan agreement necessitated the appointment of a sole arbitrator to resolve disputes. Despite multiple service attempts, the respondents did not appear, leading to the appointment of Dr. Chandra Shekhar as the arbitrator. The parties must equally share the arbitrator's fee and costs, while all rights and contentions remain open for decision by the arbitrator.

INDIABULLS HOUSING FINANCE LTD. VS RAJESH MEWALAL SHARMA AND ORS. [ARB.P.-920/2024]

Judges: Justice Sachin Datta

The Loan Agreement between the parties includes a valid arbitration clause, allowing the petitioner to appoint a sole arbitrator for dispute resolution. The petitioner successfully attempted to serve the respondents. Mr. Shaurya Dhoundiyal, Advocate, was appointed as the sole arbitrator. The parties are to share the arbitrator's fees and costs equally, maintaining all rights and contentions for the arbitrator to address on their merits.

INDIABULLS HOUSING FINANCE LTD. VS SAGAR VILAS DHANAWADE AND ANR. [ARB.P.-914/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists under a loan agreement between Indiabulls Housing Finance Ltd. and Sagar Vilas Dhanawade. Ms. Mishika Bajpai is appointed as the sole independent arbitrator to resolve disputes. The respondents may raise preliminary objections regarding arbitrability or jurisdiction, which the arbitrator will decide. The parties will share the arbitrator's fee and costs equally, while all rights and contentions remain open for the arbitrator to decide on merits.

INDIABULLS HOUSING FINANCE LTD. VS SWADHIN KUMAR PANDA & ANR. [ARB.P.-463/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between the parties based on the Loan Agreement's terms. The examination for appointing an arbitrator is limited to the prima facie existence of such an agreement. The absence of the respondents did not prevent the appointment of a Sole Arbitrator to resolve the disputes. No opinion on the case's merits was expressed, and the respondents retain the right to raise preliminary objections regarding jurisdiction and arbitrability before the Sole Arbitrator.

INDRAPRASTHA GAS LIMITED VS M/S CHINTAMANI FOOD AND SNACKS [ARB.P.-355/2024]

Judges: Justice Sachin Datta

An examination of the existence of a prima facie arbitration agreement between the parties confirmed its validity. An independent sole arbitrator was appointed to adjudicate the disputes, as the specified procedure in the agreement was deemed invalid. The respondent retains the right to raise objections concerning jurisdiction and arbitrability, with these issues to be decided on their merits by the arbitral tribunal. The arbitration proceedings will take place under the Delhi International Arbitration Centre.

J.P. KAPOOR, PROPRIETOR OF M/S J.P. KAPOOR VS DELHI DEVELOPMENT AUTHORITY & ANR. [ARB.P.-1484/2024]

Judges: Justice Sachin Datta

Mr. Jayant Kumar has been appointed as the Sole Arbitrator to resolve disputes between J.P. Kapoor and the Delhi Development Authority (DDA) regarding a contract for maintaining a rainwater harvesting project. Arbitration proceedings will occur under the Delhi International Arbitration Centre's rules, with all parties' rights and claims left open for decision based on merits and legal considerations.

JAGTAJI INFRASTRUCTURE VS NORTHERN RAILWAY [ARB.P.-1782/2024]

Judges: Justice Sachin Datta

An independent Sole Arbitrator, Justice (Retd.) Najmi Waziri, was appointed to resolve disputes between the petitioner and the respondent, with the respondent not disputing a valid arbitration agreement. The respondent may raise preliminary objections regarding jurisdiction or arbitrability, to be decided by the Sole Arbitrator. The arbitration will follow the rules of the Delhi International Arbitration Centre (DIAC), maintaining all rights and contentions of the parties for resolution on their merits.

JAIPAL SINGH VS DELHI DEVELOPMENT AUTHORITY [ARB.P.-1730/2024]

Judges: Justice Sachin Datta

Disputes arising from a construction contract will be adjudicated by a sole arbitrator appointed as Ms. Ritambhara Kalra, Advocate. The arbitration clause in the contract supports this appointment. The respondent can raise preliminary objections regarding arbitrability or jurisdiction, which will be addressed by the arbitrator. Both parties must share the arbitrator's fee and costs equally, while all rights and contentions related to the claims and counter-claims remain open for resolution based on their merits.

JANATA PARTY VS ELECTION COMMISSION OF INDIA & ANR. [W.P.(C)-3171/2024]

Judges: Justice Sachin Datta

The Election Commission of India lacks jurisdiction to resolve internal disputes of unrecognized political parties, such as the Janata Party. Previous judgments indicate that claims to leadership positions should be addressed through civil court declarations. The issuance of letters by the ECI advising parties to resolve disputes amicably or via court aligns with established legal principles. The Janata Party's writ petition was dismissed, affirming that internal disputes require civil court intervention.

JATINDER KAUR SAWHNEY VS GURSHARAN SINGH OBEROI & ORS [I.A.-8446/2023]

Judges: Justice Sachin Datta

The inter-se settlement agreements between defendant nos. 1, 3, and 4 for the sale of their shares in the suit property are valid. Objections from the plaintiff regarding the Will dated 04.04.2006 do not prevent the defendants from entering into settlement agreements, as the shares can be determined without probate of the Will. The plaintiff's right of pre-emption under Section 22 of the Hindu Succession Act, 1956 is not applicable, as defendant no. 1 is a Class-I legal heir of late Mrs. Pritam Kaur Oberoi. Joint applications were allowed, and a decree was passed in accordance with the settlement agreements.

JHAJHARIA NIRMAN LTD VS UNION OF INDIA THROUGH MINISTRY OF RAILWAYS & ANR. [O.M.P.(I) (COMM.)-280/2024]

Judges: Justice Sachin Datta

The contractor was not required to use pre-arbitral dispute resolution mechanisms, such as conciliation and Dispute Adjudication Board proceedings, before initiating arbitration, as these were considered directory rather than mandatory. The appointment procedure for the arbitral tribunal was deemed inadequate, lacking the necessary balance between the parties. A sole arbitrator, Justice (Retd.) Pradeep Nandrajog, was appointed to resolve the disputes, with instructions to consider the respondent's preliminary objections regarding jurisdiction and arbitrability.

JONES LANG LASALLE PROPERTY CONSULTANTS INDIA PVT. LTD. VS RAJASTHAN URBAN DRINKING WATER SEWERAGE AND INFRASTRUCTURE CORPORATION LIMITED [ARB.P.-1380/2024]

Judges: Justice Sachin Datta

Disputes arose from a contract for consulting services that included an arbitration clause. The petitioner invoked this clause, but the respondent did not appoint a nominee arbitrator within the 30-day timeframe specified in the contract. Mr. Jayant Kumar, Advocate, has been appointed as a sole independent arbitrator to resolve the disputes. The respondent retains the right to raise jurisdictional or preliminary objections before the arbitrator. The parties must equally share the arbitrator's fee and associated costs.

JONES LANG LASALLE PROPERTY CONSULTANTS INDIA PVT. LTD. VS RAJASTHAN URBAN DRINKING WATER SEWERAGE AND INFRASTRUCTURE CORPORATION LIMITED [ARB.P.-1385/2024]

Judges: Justice Sachin Datta

A dispute arose between Jones Lang LaSalle Property Consultants India Pvt. Ltd. and Rajasthan Urban Drinking Water Sewerage and Infrastructure Corporation Limited regarding a consulting services contract that included an arbitration clause. Mr. Jayant Kumar was appointed as the sole arbitrator to resolve the disputes. The respondent is permitted to present jurisdictional or preliminary objections to the arbitrator. The arbitration will primarily take place in Delhi, with an option for Jaipur as the venue upon request. The parties will share the arbitrator's fee and arbitration costs equally.

JSW GMR CRICKET PRIVATE LIMITED VS MOTHER'S EYE PRODUCTION PVT LTD [ARB.P.-1646/2024]

Judges: Justice Sachin Datta

The arbitration clause in the Brand Promotion Agreement between JSW GMR Cricket Private Limited and Mother's Eye Production Pvt Ltd is valid and enforceable. Mr. Vineet Dhanda, Advocate, is appointed as the sole arbitrator to resolve disputes between the parties. Directions concerning the arbitrator's fees, costs, and arbitration proceedings are provided, while all rights and contentions of the parties will be addressed by the arbitrator on their merits.

KANBE WATER TECH PRIVATE LIMITED VS ANAND DEVINE DEVELOPERS PRIVATE LIMITED & ANR. [ARB.P.-565/2024]

Judges: Justice Sachin Datta

The notice dated 18.03.2024 from Kanbe Water Tech Private Limited satisfies the requirements for commencing arbitration proceedings against Anand Devine Developers Private Limited under Section 21 of the Arbitration and Conciliation Act, 1996. Mr. H.S. Sharma, a retired District and Sessions Judge, is appointed as the independent sole arbitrator to adjudicate the disputes. Anand Devine Developers Private Limited may raise any jurisdictional or preliminary objections, including regarding limitation, for the arbitrator's consideration.

KANBE WATER TECH PRIVATE LIMITED VS DOMUS GREENS PRIVATE LIMITED & ANR. [ARB.P.-586/2024]

Judges: Justice Sachin Datta

The notice sent by the petitioner under Section 21 of the Arbitration and Conciliation Act, 1996 was deemed valid for invoking the arbitration clause. An independent Sole Arbitrator, Mr. H.S. Sharma, District and Sessions Judge (Retd.), was appointed to address disputes regarding unpaid dues. The respondent can raise jurisdictional or preliminary objections, including issues of limitation, before the Sole Arbitrator. Both parties are to share the arbitrator's fee and costs equally, while the merits of the claims and counter-claims will be resolved according to the law.

KANOHAR ELECTRICALS LIMITED VS DELHI TRANSCO LIMITED [ARB.P.-1754/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between Kanohar Electricals Limited and Delhi Transco Limited under the General Conditions of Contract (GCC). Mr. Gopal Singh, Advocate, has been appointed as the sole arbitrator to resolve disputes concerning liquidated damages due to alleged delays in work completion. Kanohar Electricals claims the delays resulted from Delhi Transco's failure to meet contractual obligations and changes in substation locations, while Delhi Transco attributes the delays to Kanohar Electricals. The arbitration will proceed under the rules of the Delhi International Arbitration Centre (DIAC).

KANWAR SINGH YADAV VS DELHI TOURISM AND TRANSPORT DEVELOMENT CORPORATION LIMITED [ARB.P.-1455/2024]

Judges: Justice Sachin Datta

The inquiry regarding the appointment of an arbitrator is limited to assessing the prima facie existence of an arbitration agreement. A valid arbitration agreement was established between the parties, irrespective of the objection regarding the petitioner's status as a party to the original agreement. A sole arbitrator was appointed to resolve disputes, with instructions to first address the preliminary jurisdictional objections raised before considering the merits.

KEERTI GUPTA & ANR. VS GRANITE HILL PROPERTIES PVT LTD [ARB.P.-1282/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Ms. Ekta Kapil, was appointed to resolve disputes between the petitioners and Granite Hill Properties Pvt Ltd. The allotment agreement included an arbitration clause that allowed the developer to appoint the arbitrator, which the petitioners contested. The respondent's lack of response to the petitioners' invocation of the clause necessitated the appointment of an independent arbitrator. The parties were instructed to equally share the arbitrator's fees and costs.

KOTAK MAHINDRA PRIME LIMITED VS MANAV SETHI & ANR. [ARB.P.-1444/2024]

Judges: Justice Sachin Datta

The arbitration agreement in the Loan Agreement is valid. Ms. Vasundhara Bakhru has been appointed as the sole arbitrator to resolve the disputes. The arbitrator will first address the jurisdictional objections raised by the respondents, including the issue of limitation, before deciding the disputes on their merits. The arbitration proceedings will be conducted under the Delhi International Arbitration Centre (DIAC).

KOTAK MAHINDRA PRIME LIMITED VS NIKHIL JAIN [ARB.P.-1165/2024]

Judges: Justice Sachin Datta

The existence of an arbitration clause in the loan agreement necessitated the appointment of an independent sole arbitrator to resolve disputes. Ms. Vasundhara Bakhru was appointed as the sole arbitrator, with arbitration to be conducted under the rules of the Delhi International Arbitration Centre (DIAC). The respondent retains the right to present jurisdictional objections for the arbitrator's consideration. No opinion was expressed on the merits of the case.

KOTAK MAHINDRA PRIME LTD VS BERKLEY BEAUTY BRANDS PRIVATE LTD & ANR. [ARB.P.-1136/2024]

Judges: Justice Sachin Datta

An undisputed arbitration agreement exists between the parties, necessitating the appointment of an independent sole arbitrator to resolve the disputes. Mr. Kapil Dutta was appointed as the sole arbitrator, with the respondent permitted to raise preliminary objections regarding jurisdiction and arbitrability, which the arbitrator will address. The arbitrator's fee will align with the Fourth Schedule of the Arbitration and Conciliation Act, 1996, or as mutually agreed upon by the parties and the arbitrator. No opinion was expressed on the case's merits.

KULJIT SINGH VS PAWAN GOYAL AND ANR [RFA(COMM)-5/2024]

Judges: Justice Sachin Datta

The plaintiff is entitled to recover R.S. 8,23,677/- with pendente lite and future interest at 6% per annum from the defendant, who acknowledged the liability through a cheque and a subsequent agreement. The defendant's claim of a conspiracy involving the plaintiff and another party was deemed unconvincing based on the evidence presented. The defendant's appeal was dismissed.

KUMAR SHASHANK SHEKHER VS ELECTION COMMISSION OF INDIA & ANR. [W.P.(C)-7341/2024]

Judges: Justice Sachin Datta

The petition challenging the deletion of the petitioner's name from the electoral roll of the Mehrauli Constituency is not maintainable due to Section 23(3) of the Representation of the People Act, 1950. Amendments, transpositions, or deletions in the electoral roll after the last nomination date for an election are prohibited. Elections must proceed using the electoral roll as it stands on that date, despite any errors. The respondents are directed to treat the petition as a representation and make an appropriate decision at the relevant stage.

KUNDERU LAKSHMY VS INFO EDGE (INDIA) LIMITED [ARB.P.-1707/2024]

Judges: Justice Sachin Datta

Disputes between the petitioner, a user of Naukri.com, and the respondent company will be referred to an independent sole arbitrator for adjudication, as the parties have an arbitration agreement in the platform's Terms & Conditions. The respondent acknowledged the agreement and consented to the appointment of a sole arbitrator, leading to Mr. Abhinash Agarwal being appointed for this role.

LALITA DEVI VS UNION OF INDIA & ORS. [W.P.(C)-7824/2024]

Judges: Justice Sachin Datta

The petitions challenging Clause 11 of the Railway Board's Catering Policy 2017 were dismissed. The petitioners were directed to vacate the catering units within the same time frame as specified in prior related cases. No disagreements or separate opinions were expressed among the judges.

LUMINOUS POWER TECHNOLOGIES PRIVATE LIMITED VS SIS LIMITED [ARB.P.-1398/2024]

Judges: Justice Sachin Datta

Luminous Power Technologies Private Limited's petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 resulted in the appointment of Ms. Kadambari as the Sole Arbitrator to resolve disputes with SIS Limited related to their Manpower Supply Agreement dated 11.07.2023. The arbitration clause in the agreement was acknowledged, and the proceedings were mandated to follow the rules of the Delhi International Arbitration Centre (DIAC), with the Sole Arbitrator required to disclose necessary information under Section 12 of the Arbitration and Conciliation Act, 1996.

M S AISHWARYA LAKSHMI CONSTRUCTION VS M S EMPATHY INFRA AND ENGINEERING PVT. LTD. [ARB.P.-1393/2024]

Judges: Justice Sachin Datta

The existence of an arbitration agreement between M S AISHWARYA LAKSHMI CONSTRUCTION and M S EMPATHY INFRA AND ENGINEERING PVT. LTD. is evident from the contract. An arbitral tribunal will be constituted to adjudicate disputes regarding the respondent's failure to release balance amounts for completed work. All rights and contentions related to the claims and counter-claims will be addressed by the appointed arbitrator.

M S SIS LIMITED VS M S LUMINOUS POWER TECHNOLOGIES PRIVATE LIMITED [ARB.P.-632/2024]

Judges: Justice Sachin Datta

The dispute between M S SIS Limited and M S Luminous Power Technologies Private Limited is governed by an arbitration clause in their agreements. M S SIS Limited invoked the arbitration clause, but the parties could not agree on a sole arbitrator. Ms. Kadambari, Advocate, has been appointed as the sole arbitrator to adjudicate the disputes, with proceedings conducted under the Delhi International Arbitration Centre (DIAC) rules.

M.V. OMNI PROJECTS (INDIA) LTD. VS UNION OF INDIA THROUGH DY. CHIEF ENGG., NORTHERN RAILWAY & ANR. [ARB.P.-1717/2024]

Judges: Justice Sachin Datta

An independent sole arbitrator, Justice (Retd.) L. Nageswara Rao, was appointed to resolve disputes arising from multiple contracts. The arbitration clause in these contracts was identical to a previously interpreted clause, necessitating the appointment of an independent arbitrator. Each contract's reference will be treated independently, although the same arbitrator will handle all matters for convenience. The respondent may raise objections regarding jurisdiction or arbitrability and file an application under Section 16 of the Arbitration and Conciliation Act, which the arbitrator will decide. This involves a common order in multiple connected petitions by the same petitioner against the same respondents.

M/S ADEP CLINICAL RESERARCH AND DIAGNOSTIC VS M/S SHYAMBHAVI LABS PRIVATE LIMITED [ARB.P.-1111/2024]

Judges: Justice Sachin Datta

The arbitration agreement in the partnership deed is valid. A sole arbitrator is appointed to resolve the disputes. The invocation notice, despite lacking specific claim details, is deemed sufficient. The petitioner is permitted to amend the memo of parties to include other partners in the proceedings.

M/S ANAND AND CO VS AIRPORT AUTHORITH OF INDIA [O.M.P.(I) (COMM.)-394/2024]

Judges: Justice Sachin Datta

An independent sole arbitrator was appointed to adjudicate disputes between the parties, as there was no dispute regarding the existence of the arbitration agreement. A retired judge was selected for this role, and the respondent was permitted to raise preliminary objections related to arbitrability or jurisdiction for the arbitrator to decide. The petition for interim relief under Section 9 was treated as an application under Section 17 to be addressed by the sole arbitrator.

M/S ARUN KUMAR PUSHPDEEP INFRASTRUCTURE (JV) VS UNION OF INDIA & ANR. [ARB.P.-1376/2024]

Judges: Justice Sachin Datta

The parties had a valid arbitration agreement as part of their construction contract. A retired Supreme Court judge was appointed as the sole arbitrator to resolve disputes related to the petitioner's claims for GST payment, substitution of teak wood for sal wood, and overhead expenses due to contract delays, which the respondent rejected. The respondent did not dispute the existence of the arbitration agreement.

M/S ATC FOODS PRIVATE LIMITED VS UNION OF INDIA AND OTHERS [ARB.P.-1963/2024]

Judges: Justice Sachin Datta

M/S ATC Foods Private Limited filed a petition under the Arbitration and Conciliation Act, 1996, seeking the formation of an arbitral tribunal to resolve disputes related to a tender for the supply of Sharbati Rice. The petitioner was unable to fulfill the contract due to factors beyond its control, resulting in termination. Ms. Shreya Vedantika Mehra was appointed as the Sole Arbitrator to adjudicate the disputes, with the respondents allowed to raise objections regarding arbitrability and jurisdiction. All rights and contentions regarding claims and counterclaims remain open for decision on their merits by the Sole Arbitrator.

M/S ATC FOODS PRIVATE LIMITED VS UNION OF INDIA AND OTHERS [ARB.P.-1964/2024]

Judges: Justice Sachin Datta

Disputes arising from a tender for the supply of Sharbati Rice are to be adjudicated by a Sole Arbitrator, Ms. Shreya Vedantika Mehra. The parties may raise objections regarding arbitrability or jurisdiction before the Arbitrator. Arbitration will be conducted under the Delhi International Arbitration Centre's framework, with no opinion expressed on the merits of the case, which will be determined by the Sole Arbitrator.

M/S ATC FOODS PRIVATE LIMITED VS UNION OF INDIA AND OTHERS [ARB.P.-1970/2024]

Judges: Justice Sachin Datta

M/S ATC Food Private Limited is entitled to the appointment of an independent Sole Arbitrator to resolve disputes related to a tender for the supply of Sharbati Rice. Mr. Mohit Jolly, Advocate, has been appointed as the Sole Arbitrator, with arbitration proceedings to follow the rules of the Delhi International Arbitration Centre (DIAC). Parties may raise objections regarding arbitrability and jurisdiction, which will be considered by the Sole Arbitrator in accordance with the law.

M/S ATC FOODS PRIVATE LIMITED VS UNION OF INDIA AND OTHERS [ARB.P.-1971/2024]

Judges: Justice Sachin Datta

M/s ATC Foods Private Limited filed a petition under the Arbitration and Conciliation Act, seeking the appointment of Mr. Mohit Jolly as Sole Arbitrator for disputes arising from a tender for Sharbati Rice supply. The petitioner was awarded the contract but failed to fulfill it. An arbitration clause exists in the tender documents, and the seat of arbitration is Delhi. The arbitration will be conducted following the rules of the Delhi International Arbitration Centre (DIAC), with all parties' rights and contentions preserved for the Sole Arbitrator's consideration.

M/S BHARAT RAIL AUTOMATIONS PVT LTD VS NORTHERN RAILWAY & ANR. [O.M.P.(MISC.)(COMM.)-878/2024]

Judges: Justice Sachin Datta

An extension of time for the completion of arbitral proceedings and the making of the arbitral award was granted in the case between M/s Bharat Rail Automations Pvt Ltd and Northern Railway & Anr. Initially conducted by a three-member tribunal, proceedings continued under a sole arbitrator after a previous six-month extension. The arbitration proceedings were at an advanced stage, and the extension was not opposed by the respondent. The new deadline for the completion of the proceedings and the award is set for 30.11.2025.

M/S BHOLA CATERERS AND SUPPLIERS VS UNION OF INDIA & ORS. [W.P.(C)-8278/2024]

Judges: Justice Sachin Datta

Petitions challenging Clause 11.2 of the Catering Policy, 2017 were dismissed, with reference to a prior judgment that addressed similar petitions. Petitioners were directed to vacate the catering units within the same timeframe as previously established.

M/S CANON INDIA PRIVATE LIMITED VS M/S PRNT SOURCE GLAZERS PRIVATE LIMITED [ARB.P.-1515/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between M/s Canon India Private Limited and M/s Prnt Source Glazers Private Limited under the Total Guarantee Agreement. A sole arbitrator has been appointed to adjudicate the disputes. The inquiry focused on the existence of the arbitration agreement. The respondent is allowed to raise preliminary objections regarding arbitrability or jurisdiction, which will be decided by the appointed arbitrator. The arbitration proceedings will take place under the Delhi International Arbitration Centre, with the merits of claims and counterclaims evaluated by the sole arbitrator following legal standards.

M/S CARS 24 FINANCIAL SERVICES PRIVATE LIMITED VS SURBHI CHAWLA PROPRIETOR OF M/S SURBHI MOTORS AND ANR. [ARB.P.-1322/2024]

Judges: Justice Sachin Datta

A valid arbitration clause in the Credit Facility Agreement allowed for the appointment of an independent sole arbitrator to adjudicate disputes. Ms. Swati Surbhi, Advocate, was appointed as the sole arbitrator to proceed with the arbitration, with all rights and contentions of the parties open for determination based on merits.

M/S CENTURY 21 MALLS PVT LTD VS BEYOND MALLS LLP [ARB. A. (COMM.)-44/2022]

Judges: Justice Sachin Datta

The appellant established a prima facie case for preventing the respondent from creating further sub-leases or third-party rights due to non-payment of lease rentals. The arbitral proceedings are advanced, and the Sole Arbitrator was requested to consider the matter and take appropriate actions. The appellant can file a new application under Section 17 of the Arbitration and Conciliation Act, 1996, for expedited handling. Jurisdiction for appeals lies with Delhi courts since the seat of arbitration is in Delhi, despite a prior Section 9 application filed in Bhopal.

M/S COMBITIC GLOBAL CAPLET PVT LTD VS M/S AMBIKA REALCON DEVELOPERS PVT LTD [O.M.P.(I) (COMM.)-411/2024]

Judges: Justice Sachin Datta

The parties have a dispute over the interpretation and implementation of an agreement dated 30.01.2019, amended by a superseding agreement dated 18.07.2020, with the petitioner claiming an entitlement to consideration in the 'net surplus' as per the agreement's specified ratio. An independent Sole Arbitrator, Ms. Justice (Retd.) Hima Kohli, has been appointed to adjudicate the disputes. The respondent can raise preliminary objections regarding jurisdiction and arbitrability, which will be decided by the Sole Arbitrator. The petition will be addressed under Section 17 of the Arbitration and Conciliation Act, 1996.

M/S COMBITIC GLOBAL CAPLET PVT LTD VS M/S AMBIKA REALCON PVT LTD [O.M.P.(I) (COMM.)-414/2024]

Judges: Justice Sachin Datta

An independent sole arbitrator, Ms. Justice (Retd.) Hima Kohli, was appointed to resolve disputes between M/s Combitic Global Caplet Pvt Ltd and M/s Ambika Realcon Pvt Ltd regarding an agreement dated 23.06.2015, amended by a superseding agreement on 12.10.2020. The petitioner claimed entitlement to the 'net surplus' as specified in the agreement, which the respondent failed to provide. The parties disagreed on contract interpretation and jointly requested the arbitrator's appointment. The respondent may present preliminary objections concerning jurisdiction, to be addressed by the arbitrator, with no opinion expressed on the merits of the case or the requested interim relief.

M/S DHARAMVIR AND COMPANY VS DELHI DEVELOPMENT AUTHORITY & ANR. [FAO (COMM)-15/2021]

Judges: Justice Sachin Datta

The unilateral appointment of the arbitrator by the respondent (DDA) was deemed invalid under the amended provisions of the Arbitration and Conciliation Act, 1996. Although arbitration had begun before the 2015 amendments, the parties agreed to apply the new provisions to the ongoing proceedings, making them applicable. Irregularities noted included demands for additional fees from the arbitrator, denial of evidence to the appellant, and questionable findings in the award. The composition of the arbitral tribunal and the arbitral procedure did not comply with the mandatory provisions of the Act, leading to the annulment of the arbitral award.

M/S ESKAG SANJEEVANI PVT LTD VS JANAKPURI SUPER SPECIALTY HOSPITAL SOCIETY THROUGH ITS DIRECTOR [ARB.P.-1623/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Mr. Siddhant Nath, was appointed to resolve disputes related to a contract for the installation, operation, and management of a Hemodialysis facility at Janakpuri Super Speciality Hospital. The arbitration will follow the Delhi International Arbitration Centre's rules, allowing the respondent to raise preliminary jurisdictional objections for the arbitrator's decision. Observations made do not address the merits, and all rights and contentions of the parties remain open for consideration by the arbitrator.

M/S FUJIFILM INDIA PVT. LTD. VS AARTI LUMBA PROPRIETOR OF AARTI TRADING COMPANY [ARB.P.-765/2024]

Judges: Justice Sachin Datta

The existence of an arbitration clause in the Distributorship Agreement between Fujifilm India Pvt. Ltd. and Aarti Trading Company was established. A sole arbitrator, Mr. Abhishek Mahajan, was appointed to resolve the disputes, allowing the respondent to raise preliminary objections regarding arbitrability or jurisdiction, with the final determination on the arbitration agreement to be made by the arbitral tribunal.

M/S HELLO VERIFY INDIA PRIVATE LIMITED VS BHUWANESH SINGH CHAUHAN [ARB.P.-1273/2024]

Judges: Justice Sachin Datta

M/s Hello Verify India Private Limited's petition under Section 11 of the Arbitration and Conciliation Act, 1996 led to the establishment of an arbitral tribunal for dispute resolution. The employment agreement included a valid arbitration clause, allowing the company to appoint a sole arbitrator. Mr. Sidhant Kumar, Advocate, was appointed as the sole arbitrator. The respondent may raise objections concerning arbitrability, maintainability, or jurisdiction, which the arbitrator will address according to the law.

M/S INDIABULLS HOUSING FINANCE LTD. VS KEWAL KRISHAN KUMAR AND ORS. [ARB.P.-876/2024]

Judges: Justice Sachin Datta

A valid arbitration clause in the loan agreement between the parties necessitates the appointment of an independent sole arbitrator to resolve disputes. Mr. Abhishek Mahajan, Advocate, was appointed as the sole arbitrator to conduct the arbitration proceedings, with all rights and contentions of the parties remaining open for determination based on their merits.

M/S J.A BROTHERS VS M/S JORDAN CONSTRUCTION & ORS. [ARB.P.-1266/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Mr. Nikhil Palli, Advocate, was appointed to resolve disputes between M/s J.A Brothers and M/s Jordan Construction & Ors., stemming from two Memorandums of Understanding (MoUs) dated 26.12.2017. The arbitration clause in the MoUs was deemed valid, and the petitioner invoked the arbitration process under Section 21 of the Arbitration and Conciliation Act, 1996. The respondent did not oppose the arbitrator's appointment. The arbitrator was instructed to continue with the proceedings, ensuring necessary disclosures, and the parties were to share the arbitrator's fees and costs equally. No opinion was expressed on the merits of the case, leaving claims and counterclaims for the arbitrator's decision.

M/S KALPATARU PROJECTS INTERNATIONAL LIMITED VS GAIL (INDIA) LIMITED [ARB.P.-1511/2024]

Judges: Justice Sachin Datta

A retired High Court judge has been appointed as the sole arbitrator for disputes arising from a pipeline replacement project agreement. The arbitrator is to first address objections regarding the maintainability and arbitrability of the claims before considering the merits. Counter-claims by the respondent are also subject to these objections. The parties will share the arbitrator's fee and costs equally, and all claims and counter-claims will be assessed on their merits in accordance with the law.

M/S KAMAL BUILDERS THROUGH ITS PROPRIETOR SHRI KAMAL GUPTA VS M/S K K SPUN INDIA LIMITED [ARB.P.-1212/2024]

Judges: Justice Sachin Datta

A petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 resulted in the appointment of a retired judge as the sole arbitrator to resolve disputes between the parties. An existing arbitration agreement supported this appointment. The respondent is allowed to raise preliminary objections on jurisdiction and arbitrability, with all parties' rights and contentions retained for merit-based consideration.

M/S KANCHENJUNGA COMMERCIAL LTD & ANR. VS M/S ANSAL PROPERTIES AND INFRASTRUCTURE LIMITED & ANR. [O.M.P.(I) (COMM.)-16/2022]

Judges: Justice Sachin Datta

The application by M/S Kanchenjunga Commercial Ltd. & Anr. for interim measures under Section 9 of the Arbitration and Conciliation Act, 1996 is treated as an application under Section 17 to be handled by the sole arbitrator. The disputes are already in arbitration, with an application pending for the impleadment of a non-signatory party, RSD Finance Ltd. The arbitrator's decision on interim orders against the non-signatory party will depend on the outcome of the impleadment application. Existing interim orders will remain in effect until further decisions by the arbitrator.

M/S L.R. BUILDERS PVT. LTD. & ORS. VS M/S P.P. JEWELLERS PVT. LTD. & ORS. [I.A.-18219/2023]

Judges: Justice Sachin Datta

The plaintiff companies failed to establish a prima facie case, balance of convenience, and irreparable injury for an interim injunction against the defendants regarding the Family Settlement Deeds (FSDs) from 2015 and 2019. The FSDs do not create or extinguish rights in the properties owned by the plaintiff companies but address actions for the defendant family members, who are shareholders/directors. The purpose of the family settlements is to maintain peace and goodwill within the family. Further proceedings are scheduled for 28.05.2024.

M/S LIVFAST BATTERIES PRIVATE LIMITED VS M/S SAI SIDDHI [ARB.P.-664/2024]

Judges: Justice Sachin Datta

M/s Livfast Batteries Private Limited is entitled to appoint a sole arbitrator to adjudicate disputes with M/s Sai Siddhi based on their agreement's arbitration clause. The existence of a Section 138 proceeding against the respondent for a dishonored cheque does not obstruct the arbitration, as the matters arise from different causes of action. Mr. Anish Chawla has been appointed as the sole arbitrator, with the respondent permitted to raise jurisdictional objections before him.

M/S LIVGUARD ENERGY TECHNOLOGIES PRIVATE LIMITED VS M/S SRI VELAVAN BATTERY SERVICE THROUGH ITS PROPRIETOR/AUTHORIZED SIGNATORY MR NATARAJAN SRINIVASAN [ARB.P.-1610/2024]

Judges: Justice Sachin Datta

The Arbitration and Conciliation Act, 1996 permits the appointment of a sole arbitrator for disputes between the petitioner and respondent based on a valid arbitration clause in their agreement. The pendency of a criminal complaint under Section 138 of the Negotiable Instruments Act does not impede arbitration proceedings, as the matters arise from distinct causes of action. The notice served to the respondent is considered effective due to the petitioner's multiple attempts to contact the respondent at its known address and through other channels. Mr. Dhruv Pande, Advocate, is appointed as the sole arbitrator to address the disputes on their merits.

M/S MANTARAV PVT LTD VS M/S ELECTRIP PVT LTD [ARB.P.-1495/2024]

Judges: Justice Sachin Datta

The arbitration clause in the "Master Contract Service Agreement" between M/s Mantarav Pvt Ltd and M/s Electrip Pvt Ltd is valid. A Sole Arbitrator, Ms. Akriti Arora, has been appointed to resolve disputes arising from the respondent's failure to pay R.S. 6,37,200/- for completed milestones. The petitioner invoked the arbitration clause after the respondent did not respond to the notice and failed to appoint an arbitrator. The existence of the arbitration clause is acknowledged, with the respondent allowed to raise preliminary objections regarding jurisdiction or arbitrability for the Sole Arbitrator to address.

M/S MOD INTERIORS PVT LTD VS M/S DELHI STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD (DSIIDC) [ARB.P.-1421/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between the parties. An independent sole arbitrator, Ms. Pratiksha Sharma, has been appointed to adjudicate the disputes. The respondent may raise preliminary objections regarding arbitrability or jurisdiction, which the arbitrator will address. The arbitration will proceed under the rules of the Delhi International Arbitration Centre (DIAC), with no opinion expressed on the merits of the case.

M/S MONEYWISE FINANCIAL SERVICES PRIVATE LIMITED VS EHPS EVER HOLIDAY PLANNERS SERVICES THROUGH ITS PROPRIETOR MR. SURAJ RAI [ARB.P.-1191/2024]

Judges: Justice Sachin Datta

An arbitration clause in the Master Loan Agreement justified the appointment of a sole arbitrator for dispute adjudication. Valid service of the petitioner on the respondent was established under Section 3 of the Arbitration and Conciliation Act, 1996. Mr. Rubinder Ghumman was appointed as the sole arbitrator to conduct proceedings at the Delhi International Arbitration Centre, with the respondent allowed to present preliminary objections regarding arbitrability or jurisdiction for the arbitrator's consideration. No opinions on the case merits were expressed.

M/S MONEYWISE FINANCIAL SERVICES PRIVATE LIMITED VS LAKSHYA POLYTEX PRIVATE LIMITED THROUGH ITS DIRECTORS (FORMERLY KNOWN AS LAKSH POLYTEX PRIVATE LIMITED) AND OTHERS [ARB.P.-1235/2024]

Judges: Justice Sachin Datta

A prima facie case for the existence of an arbitration agreement between the parties has been established. A sole arbitrator has been appointed to adjudicate the disputes, and respondents are directed to raise any objections regarding arbitrability and jurisdiction before the arbitral tribunal. The determination of the existence and validity of the arbitration agreement is to be decided by the arbitral tribunal, adhering to the principle of competence-competence. There is no opinion expressed on the merits of the case.

M/S MONEYWISE FINANCIAL SERVICES PRIVATE LIMITED VS PUSHPA ENTERPRISES THROUGH ITS PROPRIETOR SHRI TARUN GUPTA AND ANR [ARB.P.-1574/2024]

Judges: Justice Sachin Datta

A valid arbitration clause exists in the Master Loan Agreement between the parties, allowing for the appointment of an independent sole arbitrator. Mr. Naman Anand, Advocate, has been appointed as the sole arbitrator, with respondents permitted to raise preliminary objections regarding arbitrability or jurisdiction. The petitioner made multiple attempts to serve the respondents, who failed to appear. Arbitration will proceed under the Delhi International Arbitration Centre, with all rights and contentions of the parties reserved for decision by the arbitrator.

M/S MONEYWISE FINANCIAL SERVICES PVT LTD VS M/S MALAD RESIDENCY THROUGH ITS PROPRIETOR SH. THAJUDDIN K M [ARB.P.-1321/2024]

Judges: Justice Sachin Datta

M/s Moneywise Financial Services Pvt. Ltd. is entitled to appoint a sole arbitrator to resolve disputes with M/s Malad Residency based on the arbitration clause in the Master Loan Agreement. A valid arbitration clause exists, leading to the appointment of Mr. Naman Anand, Advocate, as the sole arbitrator. The respondent may raise preliminary objections regarding arbitrability or jurisdiction, which the arbitrator will address. All rights and contentions of both parties remain open for the arbitrator's consideration.

M/S MOONWALK INFRA PROJECTS PVT LIMTED VS M/S FRUITMONT PRIVATE LIMTED [ARB.P.-1163/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between the parties based on the purchase order and techno-commercial proposal. A sole arbitrator was appointed to resolve disputes, with the respondent allowed to raise objections regarding arbitrability or jurisdiction before the arbitrator, to be decided before addressing the merits of the claims.

M/S ONCQUEST LABORATORIES LTD VS M/S SDACC HEALTHCARE PVT LTD [ARB.P.-1133/2024]

Judges: Justice Sachin Datta

The scope of inquiry when appointing an arbitrator is limited to assessing the prima facie existence of an arbitration agreement. An arbitration clause was found to exist in the agreement between the parties, leading to the appointment of a Sole Arbitrator to resolve the disputes. The decision was made by a single judge without any disagreements or referral to a larger bench, indicating it was an individual case.

M/S PARWANI ENTERPRISES VS T BHIMJYANI WAREHOUSING COLD CHAIN PVT. LTD. [ARB.P.-1147/2024]

Judges: Justice Sachin Datta

The arbitration clause in the agreement specifies that arbitration "shall be held in Delhi," establishing Delhi as the seat of arbitration. As a result, the courts in Delhi possess territorial jurisdiction to handle the petition for the appointment of a sole arbitrator, despite the agreement's mention of Sonepat's courts. The distinction was made from other cases where the language used indicated that the specified location was only a "venue" and not the "seat" of arbitration.

M/S R B ENTERPRISES VS UNION OF INDIA [ARB.P.-1880/2024]

Judges: Justice Sachin Datta

M/S R B Enterprises filed a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking the appointment of an arbitral tribunal for dispute resolution. The arbitration clause in the contract was deemed valid and applicable, leading to the appointment of Ms. Ekta Kapil, Advocate, as the sole arbitrator, with arbitration conducted under the Delhi International Arbitration Centre's rules.

M/S R B ENTERPRISES VS UNION OF INDIA [ARB.P.-1879/2024]

Judges: Justice Sachin Datta

M/s R B Enterprises initiated a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking the formation of an arbitral tribunal to address disputes with the Union of India related to a contract for pulse supply. The contract was terminated by the respondent, who also encashed the petitioner's bank guarantee. The applicable arbitration clause stipulated arbitration for dispute resolution, with no obstacles identified for appointing a sole arbitrator. Ms. Ekta Kapil, Advocate, was appointed as the sole arbitrator to handle the disputes, and the arbitration will take place under the rules of the Delhi International Arbitration Centre.

M/S R B ENTERPRISES VS UNION OF INDIA [ARB.P.-1866/2024]

Judges: Justice Sachin Datta

An independent sole arbitrator is to be appointed to resolve disputes between M/s R B Enterprises and the Union of India concerning a contract for procurement of pulses. The unilateral appointment of a sole arbitrator by the Union of India was deemed inconsistent with established principles. Ms. Ekta Kapil, Advocate, is appointed as the sole arbitrator to handle the disputes per the arbitration clause and the rules of the Delhi International Arbitration Centre.

M/S R B ENTERPRISES VS UNION OF INDIA [ARB.P.-1865/2024]

Judges: Justice Sachin Datta

A petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 was granted, confirming the applicability of the arbitration clause in the Standard Conditions of the Request for Proposal (RFP) to the contract between the parties. An independent sole arbitrator, Ms. Ekta Kapil, was appointed to resolve the disputes. Arbitration will take place under the Rules of the Delhi International Arbitration Centre (DIAC), with costs and fees governed by those Rules. All parties retain their rights and claims, to be assessed by the arbitrator on their merits.

M/S REINFORCED EARTH INDIA PVT LTD VS RK INFRACORP PRIVATE LIMTED & ANR. [ARB.P.-1382/2024]

Judges: Justice Sachin Datta

The parties had a valid arbitration agreement under the Tripartite Agreement, leading to the appointment of a sole arbitrator to resolve disputes. The existence of the arbitration agreement was clear from the Tripartite Agreement, allowing for the constitution of an arbitral tribunal. Respondents were instructed to raise jurisdiction or arbitrability objections before the sole arbitrator, who would address these and any counter-claims while proceeding with the arbitration after necessary disclosures. The order did not imply any opinion on the merits of the case.

M/S RISHYAB INFRATECH PVT. LTD. VS LT. GOVERNOR NCT OF DELHI & ANR [W.P.(C)-8215/2013]

Judges: Justice Sachin Datta

Petitions challenging the validity of an award under the Land Acquisition Act, 1894, for land acquisition were dismissed. Notice requirements under Sections 9 and 10 of the Act are considered directory, and procedural lapses do not invalidate the acquisition. The date of signing the award is recognized as the effective date, not the date of communication. Claims that the award was antedated or violated a prior order lack merit. Since the acquisition proceedings were not challenged, compensation must be determined under the 1894 Act, not the 2013 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act.

M/S RKMT BUILDCON PRIVATE LIMITED VS GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI [ARB.P.-1329/2024]

Judges: Justice Sachin Datta

The petitioner's additional claims should be referred to the same sole arbitrator, contingent on the parties agreeing to waive the provisions of Section 12(5) of the Arbitration and Conciliation Act. Unilateral appointment of an arbitrator is generally disfavored, but the petitioner's willingness to waive the statutory provision led to this decision. If any impediment arises, the parties may seek appropriate legal remedies.

M/S S S BUILDERS VS UNION OF INDIA [ARB.P.-1512/2024]

Judges: Justice Sachin Datta

The appointment procedure for the arbitrator was biased towards one party and did not meet legal requirements. An independent sole arbitrator, Mr. Ganesh Khemka, was appointed to resolve the disputes. The respondent may raise jurisdictional objections, which will be considered by the arbitrator. The parties will share the arbitrator's fee and costs equally, while all rights and contentions regarding claims and counterclaims remain open for decision on their merits.

M/S SAMSUNG INDIA ELECTRONICS PRIVATE LIMITED VS JAISWAL TECHNO COMMERCIAL & ORS. [ARB.P.-1227/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between M/s Samsung India Electronics Private Limited and Jaiswal Techno Commercial & Ors., as indicated by the clauses in the Authorised Service Centre Agreement and the Spare Parts Agreement. A sole arbitrator has been appointed under the Delhi International Arbitration Centre (DIAC) to resolve the disputes, with the respondents allowed to raise preliminary objections regarding arbitrability or jurisdiction, which the arbitrator will address according to the law. All parties retain their rights and contentions concerning claims and counter-claims for the arbitrator's assessment on merit.

M/S SHIVANSH MANPOWER ANDSECURITY VS M/S YUANTAI INTERNATIONAL SUPPLY CHAIN MANAGEMENT PVT LTD [ARB.P.-458/2024]

Judges: Justice Sachin Datta

A Sole Arbitrator, Ms. Ramya S. Goel, Advocate, was appointed to resolve disputes from an agreement dated 01.04.2020, which contained a valid arbitration clause. The appointment of the independent Sole Arbitrator was deemed unobstructed. The respondent is permitted to raise preliminary objections regarding jurisdiction and arbitrability, with those issues to be addressed by the Arbitrator. The parties are required to equally share the arbitrator's fees and costs, while retaining all rights and contentions for merits consideration by the Sole Arbitrator.

M/S SHRI BUDDHO MATEY LLP THROUGH ITS PARTNER MR SANJAY GUPTA VS ZYNGO EV MOBILITY PRIVATE LIMITED AND OTHERS [ARB.P.-1110/2024]

Judges: Justice Sachin Datta

The arbitration agreements in the master lease agreements dated 09.06.2020 and 25.03.2021 are acknowledged as valid, allowing for the constitution of an arbitral tribunal. Ms. Veronica Mohan will act as the sole arbitrator for the disputes under both agreements, with each reference being treated independently, though common hearings may be scheduled. All rights and contentions of the parties remain open for determination by the arbitrator based on legal merits.

M/S SINGER INDIA LTD VS M/S. AJAY INDUSTRIAL POLYMERS PVT. LTD [ARB.P.-1521/2024]

Judges: Justice Sachin Datta

An independent sole arbitrator, Mr. Vineet Jhanji, will adjudicate disputes arising from the Mould Manufacturing Agreement dated 27.09.2021. A valid arbitration clause exists in the agreement, and the parties will resolve disputes through arbitration under the Delhi International Arbitration Centre (DIAC) Rules. The arbitrator's fees and arbitration costs will adhere to these Rules, and the proceedings will involve only the parties to the agreement, excluding non-signatories.

M/S SMAT FORMS VS SAHITYA AKADEMI & ANR. [ARB.P.-361/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between the parties, evidenced by the arbitration clause in the rate contract agreement. Mr. Abhimanyu Garg is appointed as the sole arbitrator to adjudicate disputes under the Arbitration and Conciliation Act, 1996. Parties can raise jurisdictional objections before the arbitrator, which will be considered on their merits. No opinion on the merits of the case has been expressed, and claims and counterclaims will be decided in accordance with the law.

M/S SOMA NEW TOWNS PVT LTD VS M/S VIKAS BUILDMART PRIVATE LIMITED AND ORS. [O.M.P.(I) (COMM.)-349/2024]

Judges: Justice Sachin Datta

Disputes arising from a Share Purchase and Shareholders Agreement are to be resolved through arbitration as specified in the agreement. A retired judge has been appointed as the sole arbitrator to address these disputes, including any preliminary objections regarding jurisdiction or arbitrability. The arbitrator is directed to proceed with the arbitration proceedings, with all parties' rights and contentions regarding the merits of claims and counter-claims remaining open for decision according to the law.

M/S SPICEJET LTD VS M/S TRAVEL2 AGENT.COM & ORS [O.M.P. (COMM)-132/2016]

Judges: Justice Sachin Datta

The arbitral award concluded that SpiceJet Ltd. breached its agreement with Travel2Agent.com by failing to provide the necessary payment gateway. Evidence supported that Travel2Agent.com incurred expenses of Rs. 29,30,937/- based on SpiceJet's assurances. However, the award of Rs. 5 lakhs in damages was set aside due to a lack of rationale from the arbitral tribunal.

M/S STROYPROEKT LLC-OIA JV VS NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED [ARB.P.-1482/2024]

Judges: Justice Sachin Datta

The contractual requirement for parties to engage in pre-arbitration conciliation, as outlined in the EPC Agreement, is deemed directory rather than mandatory. Mr. Justice (Retd.) Krishna Murari is appointed as the Sole Arbitrator to resolve disputes between the parties, with the respondent allowed to present objections regarding jurisdiction or arbitrability for consideration on merits.

M/S SUNRISE ENTERPRISES VS IRRIGATION AND FLOOD CONTROL DEPARTMENT GOVT. OF NCT OF DELHI, [ARB.P.-1921/2024]

Judges: Justice Sachin Datta

Jurisdiction to entertain the petition under Section 2(e) of the Arbitration and Conciliation Act, 1996, exists because the agreement was executed in Delhi, work was conducted within Delhi, and the parties are headquartered there. An independent sole arbitrator, Ms. Priyanka Dalal, has been appointed to resolve disputes in accordance with the arbitration clause, with the provision for the respondent to raise preliminary objections regarding arbitrability or jurisdiction to be decided by the arbitrator.

M/S VARINDERA CONSTRUCTIONS LIMITED VS DELHI DEVELOPMENT AUTHORITY & ORS. [ARB.P.-1727/2024]

Judges: Justice Sachin Datta

An arbitral tribunal was constituted to address disputes between M/s Varindera Constructions Limited and the Delhi Development Authority. The tribunal includes the nominee arbitrators selected by both parties, with Justice (Retd.) S. Ravindra Bhat serving as the presiding arbitrator. Arbitration proceedings will take place under the Delhi International Arbitration Centre, allowing all parties to maintain their rights and arguments for consideration by the tribunal.

M/S WILLUS INFRASTRUCTURE PVT LTD VS M/S ANIKAR INFRASTRUCTURE DEVELOPMENT COMPANY PRIVATE LIMITED & ORS. [ARB.P.-1298/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement existed between the petitioner and respondent, supported by the arbitration clause in the purchase order. The argument about the agreement being deficiently stamped was rejected, as such deficiencies do not obstruct the formation of an arbitral tribunal. A sole arbitrator was appointed to address the disputes, allowing both parties to present their claims and counter-claims for consideration on merits. Arbitration will be conducted under the rules of the DIAC. Arbitration Centre.

M/S ZILLION INFRAPROJECTS PVT. LTD VS THE INDURE PRIVATE LTD. [ARB.P.-1288/2024]

Judges: Justice Sachin Datta

The existence of an arbitration agreement between the parties is prima facie established, leading to the appointment of a sole arbitrator to adjudicate the disputes. Objections regarding the lack of stamping of work orders and claims being barred by limitation are deemed issues for the arbitrator, not for the court at this stage. The arbitrator is tasked with first addressing the respondent's objections concerning the arbitrability of the claims and whether the petitioner needed to approach the Engineer per the contract, before examining the merits of the dispute. The decision on arbitration costs is also left for the arbitrator.

M/S. GANESHA ECOSPHERE LTD VS M/S. SVP INDUSTRIES LTD [ARB.P.-440/2024]

Judges: Justice Sachin Datta

The parties had a valid arbitration agreement designating Delhi as the seat of arbitration, despite objections from the respondent. The choice of Delhi as the venue indicates it serves as the designated seat, even with a generic jurisdiction clause. A sole arbitrator was appointed to resolve disputes, with the respondent's arguments regarding the notice invoking arbitration and the cause of action's location deemed matters for the arbitral tribunal. All rights and contentions regarding claims and counter-claims remain open for the arbitrator to decide on their merits.

M/S. M.V. OMNI PROJECTS (INDIA) LTD. VS UNION OF INDIA, THROUGH DY. CHIEF ENGINEER/CONST.-II/NORTHERN RAILWAY [ARB.P.-703/2023]

Judges: Justice Sachin Datta

The procedure for the appointment of the arbitral tribunal under Clauses 63 and 64 of the contract was deemed inadequate in achieving a balanced representation of the parties. The existing arbitral tribunal's appointment was annulled, and a retired Supreme Court judge was appointed as the sole arbitrator. The respondent is permitted to raise jurisdictional objections, including claims that may fall under "excepted matters," which the arbitrator will address according to the law.

M/S. VATIKA LIMITED & ORS. VS M/S SAMMAAN CAPITAL LIMITED AND ORS. [O.M.P.(I) (COMM.)-365/2024]

Judges: Justice Sachin Datta

The issue of impleading non-signatories and consolidating multiple transactions in the proposed arbitration can be adjudicated by the arbitral tribunal. A sole arbitrator, Mr. Justice (Retd.) V. Ramasubramanian, was appointed to resolve disputes between the parties. The order clarified that it did not address the respondents' objections regarding jurisdiction and arbitrability, which the arbitrator is to consider along with objections to the impleadment of non-signatories. Parties are allowed to submit additional pleadings and documents, and the arbitrator will assess the need for any interim measures of protection.

M/S. WEDDINGPARK HOSPITALITIES PVT. LTD VS BALESH DEVI BHADANA & ANR. [ARB.P.-1361/2024]

Judges: Justice Sachin Datta

The existence of an Arbitration Agreement between M/S. WEDDINGPARK HOSPITALITIES PVT. LTD and BALESH DEVI BHADANA & ANR. is undisputed. A Sole Arbitrator, Mr. Justice (Retd.) Rajiv Sahai Endlaw, has been appointed to resolve disputes concerning the alleged premature termination of a Lease Deed dated 01.12.2017 and claims of forcible possession by the respondents. The respondents may raise preliminary objections regarding arbitrability/jurisdiction, which the Sole Arbitrator will address. Arbitration will follow the rules of the Delhi International Arbitration Centre (DIAC).

MAGIC EYE DEVELOPERS PVT LTD. VS GREEN EDGE INFRA PVT. LTD & ORS. [OMI-114/2020]

Judges: Justice Sachin Datta

A broad arbitration agreement exists between the parties in the Shareholders' Agreement, covering disputes from interconnected agreements like the Memorandum of Understanding (MOU-2), despite MOU-2 lacking an explicit arbitration clause. The agreements are part of a composite transaction. A sole arbitrator is appointed to address the disputes, with findings on the arbitration agreement being prima facie, allowing for further examination by the arbitral tribunal. The parties involved include the signatories of the Shareholders' Agreement and Share Purchase Agreement, along with group companies of one of the parties.

MAHALAXMI ELECTRONICS VS M/S XTREME MEDIA PVT LTD [ARB.P.-840/2024]

Judges: Justice Sachin Datta

The inquiry under Section 11 of the Arbitration and Conciliation Act, 1996, is limited to determining the prima facie existence of an arbitration agreement. The Memorandum of Understanding between the parties indicated the existence of the arbitration agreement, leading to the appointment of a Sole Arbitrator to resolve the disputes, without addressing other issues meant for the arbitral tribunal. The order does not comment on the merits of the case.

MAHAVIR TRANSMISSION LIMITED VS BALAJI TRADERS [ARB.P.-682/2024]

Judges: Justice Sachin Datta

An independent Sole Arbitrator was appointed to resolve disputes between Mahavir Transmission Limited and Balaji Traders. The existence of an arbitration agreement in the Purchase Order was confirmed, which included arbitration under the Arbitration and Conciliation Act, 1996, with New Delhi as the seat. Mr. Vinay Yadav was designated as the Sole Arbitrator to handle the disputes and any counter-claims, following the rules of the Delhi International Arbitration Centre. All rights and contentions of the parties were preserved for the Sole Arbitrator's consideration on their merits.

MAHUA MOITRA VS NISHIKANT DUBEY AND ORS [I.A.-24255/2023]

Judges: Justice Sachin Datta

The plaintiff failed to establish a prima facie case for an interim injunction against the defendants. The plaintiff's admissions and the findings of the Lok Sabha Ethics Committee report supported the defendants' allegations, raising doubts about the veracity of the plaintiff's claims that the statements were entirely false and made recklessly. The final determination of the truth or falsity of the allegations is reserved for the final disposal of the suit, with all rights and contentions of the parties remaining open for consideration at that time.

MANAK PORTFOLIOS (P) LTD. & ORS. VS GEETA KATYAL & ANR. [I.A.-12186/2020]

Judges: Justice Sachin Datta

The plaintiff-purchasers' registered sale deed dated 15.12.2017 is declared legally valid, granting them possession of the disputed property. The defendants' claims based on a 2009 agreement to sell and challenges to a 2016 will are dismissed as untenable and legally barred. A separate partition suit filed by the defendants is deemed an abuse of process.

MANISH SAKHUJA VS SANJEEV SAKHUJA [ARB.P.-1328/2024]

Judges: Justice Sachin Datta

The existence of the arbitration agreement between the parties is undisputed, allowing for the constitution of an arbitral tribunal. The filing of a criminal complaint does not prevent recourse to arbitration, and the examination at the appointment stage is limited to the prima facie existence of the arbitration agreement. A sole arbitrator has been appointed to adjudicate the disputes.

MANU RAJ BHALLA VS SPIRE TECHPARK PRIVATE LTD [ARB.P.-1157/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Ms. Shreya Vedantika Mehra, was appointed to resolve disputes between Manu Raj Bhalla and Spire Techpark Private Ltd. An arbitration agreement between the parties was acknowledged, and the arbitrator was directed to conduct proceedings. The parties must equally share the arbitrator's fee and costs, with all rights regarding the merits of the case reserved for the arbitrator's decision.

MILLENNIUM EDUCATION MANAGEMENT PRIVATE LIMITED VS NARAYAN SEWA SAMITI [ARB.P.-556/2023]

Judges: Justice Sachin Datta

The respondent's application to recall the order appointing an independent arbitrator was dismissed. The arbitration agreement's existence and validity, based on Clause 19 of the Collaboration Agreement, was not disputed. Issues regarding the merits of the Collaboration Agreement and mutual rights and obligations were assigned to the arbitral tribunal. The respondent's applications were deemed lacking in merit and evidence of good faith.

MOHD. KHALID, PROPRIETOR OF M/S P.S. SOLUTIONS INC. VS HINDUSTAN CONSTRUCTION COMPANY LIMITED & ORS. [ARB.P.-244/2024]

Judges: Justice Sachin Datta

A petition under Section 11 of the Arbitration and Conciliation Act, 1996 for the appointment of a Sole Arbitrator was dismissed due to the parties' agreement that the seat of arbitration is Mumbai, with exclusive jurisdiction assigned to Mumbai courts. The choice of seat is akin to an exclusive jurisdiction clause, meaning only Mumbai courts can handle related petitions or applications. The petitioner can file an appropriate petition in Mumbai.

MOHD. SAQUIB VS MADHYAM LAND TRADE LLP & ORS. [ARB.P.-1587/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement existed between the parties, allowing for the appointment of a sole arbitrator by one party. The petitioner requested the appointment based on jurisdiction established by their location and related transactions in Delhi. Mr. Atif Suhrawardy, Advocate, was appointed as the sole arbitrator to resolve the disputes. The arbitrator was instructed to facilitate mediation or conciliation and to provide necessary disclosures. The rights and claims of both parties remain open for adjudication based on their merits.

MOHINI MALLA VS NAVGROW CONSTRUCTION PVT. LTD. & ORS. [ARB.P.-1389/2024]

Judges: Justice Sachin Datta

The arbitration agreement between the parties is established in the collaboration agreement dated 16.03.2020, allowing for the constitution of an Arbitral Tribunal. Ms. Ekta Kapil, Advocate, was appointed as the Sole Arbitrator due to the parties' inability to agree on one. All rights and contentions related to claims and counter-claims remain open for resolution by the Arbitrator on their merits.

MONEYWISE FINANCIAL SERVICES PRIVATE LIMITED VS PATNA CLINIC AND DIAGNOSTIC CENTRE THROUGH ITS PROPRIETOR PAPPU KUMAR JHA AND ANR. [ARB.P.-1225/2024]

Judges: Justice Sachin Datta

A sole arbitrator was appointed to resolve disputes between Moneywise Financial Services Private Limited and Patna Clinic and Diagnostic Centre. The arbitration clause in the loan agreement dated 12.02.2019 was deemed valid, allowing for the appointment of an independent arbitrator. The arbitrator is to address jurisdictional objections and consider all rights and contentions of the parties on their merits according to the law.

MONEYWISE FINANCIAL SERVICES PRIVATE LIMITED VS SANJOYKUMAR CHAKRABARTY AND ANR [ARB.P.-1234/2024]

Judges: Justice Sachin Datta

A sole arbitrator has been appointed to resolve disputes between Moneywise Financial Services Private Limited and Sanjoykumar Chakrabarty related to a Master Loan Agreement. The arbitration clause in the agreement is valid, and Moneywise Financial Services has properly notified the respondents to initiate arbitration, despite their lack of response. The appointed arbitrator is to proceed with the arbitration proceedings, preserving the rights and arguments of both parties for consideration on their merits.

MONEYWISE FINANCIAL SERVICES PRIVATE LIMITED VS SHAGUN SURBHI ENTERPRISES AND OTHERS [ARB.P.-1190/2024]

Judges: Justice Sachin Datta

The existence of an arbitration clause in the Master Loan Agreement is confirmed, allowing for the appointment of an independent sole arbitrator to address the disputes between the parties. Mr. Siddhant Nath, Advocate, is appointed as the Sole Arbitrator, with the respondents permitted to raise preliminary objections concerning arbitrability or jurisdiction for the arbitrator's consideration. Arbitration proceedings will occur under the Delhi International Arbitration Centre (DIAC) rules as requested.

MONEYWISE FINANCIAL SERVICES PVT LTD VS AGGARWAL GRANITES THROUGH ITS PROPRIETOR MOHAN LAL GUPTA AND ORS. [ARB.P.-926/2024]

Judges: Justice Sachin Datta

The existence of the arbitration clause in the Master Loan Agreement necessitates the appointment of an independent sole arbitrator to adjudicate disputes. Ms. Mishika Bajpai has been appointed as the sole arbitrator, with the respondents allowed to raise preliminary objections regarding arbitrability or jurisdiction, which will be decided by the arbitrator. The respondents did not object to the appointment, and both parties are to share the arbitrator's fee and arbitral costs equally, while keeping all rights and contentions regarding the merits of the claims and counter-claims open for the arbitrator to decide.

MONEYWISE FINANCIAL SERVICES PVT LTD VS ALOK TRIPATHI AND ANR [ARB.P.-1320/2024]

Judges: Justice Sachin Datta

The objection from the respondents regarding time-barred claims does not prevent the formation of an arbitral tribunal to resolve disputes between the parties. Ms. Ritambhra Kalra was appointed as the sole arbitrator for disputes arising from the Master Loan Agreement dated 03.01.2019 between Moneywise Financial Services Pvt Ltd and the respondents. The respondents may present preliminary objections concerning jurisdiction and arbitrability to the arbitrator.

MONEYWISE FINANCIAL SERVICES PVT LTD VS ANAND TYRES THROUGH ITS PROPRIETOR SMT VEENU DEVINDER SINGH ANAND AND ANR [ARB.P.-1200/2024]

Judges: Justice Sachin Datta

The existence of an arbitration agreement under the Loan Agreement is evident, allowing for the appointment of a sole arbitrator to resolve disputes between the parties. Ms. Prity Sharma, Advocate, was appointed as the Sole Arbitrator, and the arbitration will be conducted under the rules of the Delhi International Arbitration Centre (DIAC). The respondent may raise jurisdiction or arbitrability objections, which will be considered by the sole arbitrator.

MONEYWISE FINANCIAL SERVICES PVT LTD VS ARYAN CERAMICS THROUGH ITS PROPRIETOR SH TUSHAR AND ANR [ARB.P.-1657/2024]

Judges: Justice Sachin Datta

The arbitration clause in the Master Loan Agreement between Moneywise Financial Services Pvt. Ltd. and Aryan Ceramics is valid. Ms. Akriti Arora, Advocate, is appointed as the sole arbitrator to adjudicate disputes arising from the respondents' alleged default in loan installment payments. The respondents can raise preliminary objections regarding arbitrability or jurisdiction, which the arbitrator will decide according to the law. The arbitration proceedings will follow the rules of the Delhi International Arbitration Centre (DIAC).

MONEYWISE FINANCIAL SERVICES PVT LTD VS BANSAL BROTHERS THROUGH ITS PROPRIETOR SH RAJESH BANSAL AND ANR [ARB.P.-1453/2024]

Judges: Justice Sachin Datta

A valid arbitration clause exists in the Master Loan Agreement, allowing for the constitution of an arbitral tribunal to address disputes. An independent sole arbitrator, Mr. Piyush Gupta, has been appointed to adjudicate the disputes. The respondents are permitted to raise preliminary objections regarding arbitrability or jurisdiction, which the arbitrator will decide. Arbitration proceedings will follow the rules of the Delhi International Arbitration Centre (DIAC), with no opinion on the merits expressed, leaving those matters for the arbitrator to determine.

MONEYWISE FINANCIAL SERVICES PVT LTD VS BANSAL STEELS THROUGH ITS PROPRIETOR SH VIKAS AGGARWAL AND ANR [ARB.P.-1676/2024]

Judges: Justice Sachin Datta

The existence of an arbitration clause in the Master Loan Agreement allows for the appointment of a sole arbitrator to resolve disputes between the parties. The petitioner successfully served the respondents as required by Section 3 of the Arbitration and Conciliation Act, 1996. An independent sole arbitrator was appointed to adjudicate the disputes, with the respondents allowed to raise preliminary objections regarding arbitrability or jurisdiction, which the arbitrator will address.

MONEYWISE FINANCIAL SERVICES PVT LTD VS BEHL HOSPITAL THROUGH ITS PROPRIETOR AND ORS [ARB.P.-1206/2024]

Judges: Justice Sachin Datta

A valid arbitration clause in the Master Loan Agreement necessitated the appointment of an independent sole arbitrator to resolve disputes. The petitioner successfully attempted to serve the respondents at their last known addresses, meeting the requirements of the Arbitration and Conciliation Act, 1996. Ms. Priyanka Dalal, Advocate, was appointed as the sole arbitrator, with the respondents allowed to raise preliminary objections regarding arbitrability or jurisdiction before her.

MONEYWISE FINANCIAL SERVICES PVT LTD VS BHOMIA BUTTONS PVT LTD THROUGH ITS DIRECTORS AND ORS [ARB.P.-1680/2024]

Judges: Justice Sachin Datta

The dispute over a Master Loan Agreement will be referred to a sole arbitrator for adjudication due to the presence of a valid arbitration clause. Despite the petitioner's efforts, the respondents did not appear. Ms. Shobhana Takiar, Advocate, has been appointed as the sole arbitrator to resolve the disputes while preserving all parties' rights and contentions. The arbitration proceedings will take place under the Delhi International Arbitration Centre.

MONEYWISE FINANCIAL SERVICES PVT LTD VS ESS KAY ENTERPRISES THROUGH ITS PROP HARSHIT GUPTA AND ORS. [ARB.P.-925/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Mr. Sudhir Kumar Sharma, was appointed to resolve disputes between Moneywise Financial Services Pvt Ltd and Ess Kay Enterprises regarding a Master Loan Agreement. Moneywise disbursed a loan that Ess Kay defaulted on. The arbitrator is instructed to initially pursue mediation between the parties before addressing the claims and counterclaims based on merits. No opinion on the substantive merits of the case was expressed, leaving those decisions to the arbitrator.

MONEYWISE FINANCIAL SERVICES PVT LTD VS GOEL TRADERS THROUGH ITS PROPRIETOR SH SANJAY KUMAR AND ANR [ARB.P.-1442/2024]

Judges: Justice Sachin Datta

A petition under Section 11 of the Arbitration and Conciliation Act, 1996 was deemed maintainable due to a clear arbitration clause in the Master Loan Agreement. Ms. Pratiksha Sharma was appointed as the Sole Arbitrator to address disputes arising from the respondents' alleged default in loan repayments. The respondents were allowed to present preliminary objections regarding arbitrability or jurisdiction, which will be evaluated by the Sole Arbitrator. Arbitration proceedings will take place under the Delhi International Arbitration Centre (DIAC), with all rights and contentions of the parties remaining open for adjudication on their merits.

MONEYWISE FINANCIAL SERVICES PVT LTD VS JAS ENTERPRISES THROUGH ITS PROPRIETOR SH DAVE PRAKASH PRADYMAN AND ANR [ARB.P.-1396/2024]

Judges: Justice Sachin Datta

An arbitration clause in the Master Loan Agreement allows for the appointment of a sole arbitrator to resolve disputes stemming from the respondents' loan repayment default. Mr. Kapil Datta has been appointed as the sole arbitrator. The respondents may present preliminary objections regarding arbitrability or jurisdiction for the arbitrator's consideration. The arbitration will be conducted under the Delhi International Arbitration Centre (DIAC). No opinion on the merits of the case has been expressed, preserving all rights and contentions for the arbitrator to address.

MONEYWISE FINANCIAL SERVICES PVT LTD VS K HEER THROUGH ITS PROPRIETOR AND ANR [ARB.P.-1309/2024]

Judges: Justice Sachin Datta

Moneywise Financial Services Pvt Ltd's petition for the appointment of a sole arbitrator was accepted due to a valid arbitration clause in the Master Loan Agreement. The petitioner demonstrated reasonable efforts to serve the respondents, who did not appear. Ms. Neeru Vaid, Advocate, was appointed as the sole arbitrator, with the respondents allowed to raise preliminary objections regarding arbitrability or jurisdiction.

MONEYWISE FINANCIAL SERVICES PVT LTD VS M/S PRERNA ELECTRO VISION THROUGH ITS PROPRIETOR SH. SANJAY KHATTAR AND ANR. [ARB.P.-1310/2024]

Judges: Justice Sachin Datta

The arbitration clause in the Master Loan Agreement is established, allowing for the constitution of an arbitral tribunal for dispute resolution between Moneywise Financial Services Pvt Ltd and M/s Prerna Electro Vision along with its proprietor, Sh. Sanjay Khattar. Ms. Neeru Vaid has been appointed as the sole arbitrator, with the respondents permitted to raise preliminary objections regarding arbitrability or jurisdiction for the arbitrator's decision. Arbitration proceedings will take place under the Delhi International Arbitration Centre (DIAC), preserving all rights and contentions of the parties to be evaluated by the arbitrator on their merits.

MONEYWISE FINANCIAL SERVICES PVT LTD VS MOURYA ENTERPRISES THROUGH ITS PROPRIETOR AND ANR [ARB.P.-1213/2024]

Judges: Justice Sachin Datta

The existence of a valid arbitration clause in the Master Loan Agreement warranted the appointment of a Sole Arbitrator to address disputes between the parties. The petitioner made multiple unsuccessful attempts to serve the respondents at their last known addresses. Ms. Anisha Upadhyay, Advocate, was appointed as the Sole Arbitrator, with the respondents allowed to raise preliminary objections regarding arbitrability or jurisdiction, to be decided by the Arbitrator.

MONEYWISE FINANCIAL SERVICES PVT LTD VS N.P. ENTERPRISES THROUGH ITS PARTNERS AND ORS [ARB.P.-1289/2024]

Judges: Justice Sachin Datta

A valid arbitration clause exists in the Master Loan Agreement between the petitioner and the respondents. An independent sole arbitrator, Mr. Piyush Gupta, Advocate, is appointed to adjudicate the disputes, with the respondents allowed to raise preliminary objections on arbitrability or jurisdiction before him. The arbitration proceedings will take place under the Delhi International Arbitration Centre (DIAC), with all rights and contentions related to claims and counter-claims open for decision on their merits according to law.

MONEYWISE FINANCIAL SERVICES PVT LTD VS OM INDUSTRIES THROUGH ITS PROPRIETOR MR. PRASHANT THAKKAR AND ANR. [ARB.P.-1232/2024]

Judges: Justice Sachin Datta

Moneywise Financial Services Pvt Ltd initiated a case under Section 11 of the Arbitration and Conciliation Act, 1996, related to disputes from a Master Loan Agreement dated 12.10.2018 between the petitioner and Om Industries, represented by Mr. Prashant Thakkar and another. The agreement included an arbitration clause allowing the lender to appoint a sole arbitrator. Ms. Prity Sharma, Advocate, has been appointed as the sole arbitrator. The respondents may raise preliminary objections regarding arbitrability and jurisdiction, which will be addressed by the arbitrator. Arbitration proceedings will occur under the Delhi International Arbitration Centre (DIAC) rules.

MONEYWISE FINANCIAL SERVICES PVT LTD VS OMEGA MANPOWER SOLUTION THROUGH ITS PROPRIETOR AND ANR [ARB.P.-1311/2024]

Judges: Justice Sachin Datta

The Master Loan Agreement contains an arbitration clause, allowing for the constitution of an arbitral tribunal to resolve disputes. Ms. Neeru Vaid is appointed as the Sole Arbitrator, with respondents permitted to raise preliminary objections regarding arbitrability or jurisdiction, which will be addressed by the arbitrator. Arbitration will occur under the Delhi International Arbitration Centre, maintaining all parties' rights and contentions related to claims and counter-claims for the Sole Arbitrator's decision on their merits.

MONEYWISE FINANCIAL SERVICES PVT LTD VS OUR SPACE INFRA DEVELOPERS PVT LTD THROUGH ITS DIRECTORS AND ORS [ARB.P.-1233/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Mr. Varun Kathuria, was appointed to resolve disputes between Moneywise Financial Services Pvt Ltd and Our Space Infra Developers Pvt Ltd. The existence of an arbitration clause in the Master Loan Agreement justified the formation of an independent arbitral tribunal. Moneywise Financial Services provided evidence of attempts to serve the respondents, who may raise preliminary objections regarding arbitrability or jurisdiction for the arbitrator's decision. The arbitration will take place under the Delhi International Arbitration Centre (DIAC). No opinions were expressed on the merits of the case, which will be evaluated by the arbitrator.

MONEYWISE FINANCIAL SERVICES PVT LTD VS SAPNA ENTERPRISES THROUGH ITS PROPRIETOR AND ANR [ARB.P.-1516/2024]

Judges: Justice Sachin Datta

A valid arbitration clause in the Master Loan Agreement justified the appointment of a sole arbitrator to resolve disputes. The petitioner made adequate attempts to serve the respondents, which were considered valid under the Arbitration and Conciliation Act, 1996. Ms. Ritambhra Kalra, Advocate, was appointed as the sole arbitrator, with respondents allowed to raise preliminary objections regarding arbitrability or jurisdiction. Arbitration will occur under the Delhi International Arbitration Centre's rules, while rights and contentions on merits remain for the arbitrator's determination.

MONEYWISE FINANCIAL SERVICES PVT LTD VS SHALIBHADRA TRADERS THROUGH ITS PROPRIETOR SMT REENA RAVINDRA KHONA AND ANR [ARB.P.-1585/2024]

Judges: Justice Sachin Datta

An arbitral tribunal can be constituted to address disputes between the parties, despite objections regarding the timeliness of the arbitration invocation. The Supreme Court's guidance indicates that a referral court should not delve into the merits or time-barred claims at this stage. A sole arbitrator was appointed to handle the disputes, with the understanding that objections related to limitation will be tackled first as a preliminary issue, leaving all rights and contentions of the parties to be decided by the tribunal.

MONEYWISE FINANCIAL SERVICES PVT LTD VS SIDHI HERBAL AND HEALING CENTER THROUGH ITS PROPRIETOR MS PALLAVI AND ANR [ARB.P.-1575/2024]

Judges: Justice Sachin Datta

The arbitration clause in the Master Loan Agreement between Moneywise Financial Services Pvt Ltd and Sidhi Herbal and Healing Center is valid. Moneywise made sufficient attempts to serve the respondents, but communications were returned undelivered. Ms. Priyanka Dalal, Advocate, has been appointed as the sole arbitrator to adjudicate the disputes. The respondents can raise preliminary objections regarding arbitrability or jurisdiction, which the arbitrator will decide, without any opinion expressed on the merits of the case.

MONEYWISE FINANCIAL SERVICES PVT LTD VS STAR MARINE SOLUTIONS THROUGH ITS PROPRIETOR SH ANUJ SHARMA AND ANR [ARB.P.-1391/2024]

Judges: Justice Sachin Datta

A sole arbitrator has been appointed to resolve disputes between Moneywise Financial Services Pvt Ltd and Star Marine Solutions related to a Master Loan Agreement dated 30.09.2021, in which a loan of Rs. 20,17,858/- was disbursed but allegedly not repaid. A valid arbitration clause exists in the agreement, and the petitioner took necessary steps to notify the respondents, who did not appear. Dr. Chandra Shekhar, Advocate, is designated as the sole arbitrator, with all rights and contentions of the parties preserved for determination.

MONEYWISE FINANCIAL SERVICES PVT LTD VS VINAY ENTERPRISES THROUIGH ITS PROP SH VINAY KUMAR AND ANR. [ARB.P.-921/2024]

Judges: Justice Sachin Datta

The existence of an arbitration agreement in the Loan Agreement dated 17.06.2021 is confirmed, allowing for the establishment of an arbitral tribunal. Mr. Roshan Lal Goel is appointed as the sole arbitrator to resolve disputes between the parties, with arbitration occurring under the rules of the Delhi International Arbitration Centre (DIAC). No opinion is expressed on the case's merits, preserving all rights and contentions of the parties for determination by the arbitrator.

MONEYWISE FINANCIAL SERVICES PVT LTD VS VIREN TELECOM PRIVATE LIMITED THROUGH ITS DIRECTORS AND OTHERS [ARB.P.-1214/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Ms. Anisha Upadhyay, has been appointed to resolve disputes between Moneywise Financial Services Pvt Ltd and Viren Telecom Private Limited based on a valid arbitration agreement found in their Master Loan Agreement. The respondents may raise preliminary objections regarding arbitrability or jurisdiction, which will be addressed by the arbitrator. No opinion on the merits of the case has been expressed, as that will be decided by the arbitrator.

MONEYWISE FINANCIAL SERVICES PVT LTD VS YO YATRA TOURS AND TRAVELS PVT LTD THROUGH ITS DIRECTORS AND ORS [ARB.P.-1312/2024]

Judges: Justice Sachin Datta

The arbitration clause in the Master Loan Agreement between Moneywise Financial Services Pvt Ltd and Yo Yatra Tours and Travels Pvt Ltd, along with its directors, is valid. Moneywise made reasonable efforts to serve the respondents, who did not appear. Mr. Naman Anand has been appointed as the sole arbitrator to resolve the disputes, with the respondents allowed to raise preliminary objections regarding arbitrability or jurisdiction for the arbitrator to decide, without any opinion on the case's merits.

MR ASHUTOSH HAJELA VS DELHI TOURISM AND TRANSPORTATION DEVELOPMENT CORPORATION LTD [ARB.P.-1254/2024]

Judges: Justice Sachin Datta

The existence of the arbitration agreement between the parties is undisputed, and the inquiry is limited to its prima facie existence. The objection that the claims are premature due to the non-approval of the final bill was rejected, allowing for the constitution of an arbitral tribunal. Mr. Raman Yadav was appointed as the sole arbitrator to adjudicate the disputes under the Delhi International Arbitration Centre (DIAC), with all rights and contentions of the parties preserved for consideration by the arbitrator.

MR SARATH KANTH YALMARTHY VS FIITJEE LTD [ARB.P.-1660/2024]

Judges: Justice Sachin Datta

The dispute between Mr. Sarath Kanth Yalmarthy and FIITJEE Ltd regarding the processing of a full and final settlement after resignation is referred to a sole arbitrator, Ms. Shubha Yadav, based on a valid arbitration agreement. Both parties will share the arbitrator's fees and costs equally, and all rights and contentions remain open for adjudication on the merits by the arbitrator. This order does not express any views on the merits of the case.

MR. K. SAMPATHRAJ MARLECHA SOLE PROP. OF M/S. KARNATAKA CHEMICAL INDUSTRIES VS HIL (INDIA) LIMITED [ARB.P.-1247/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement existed between the parties despite the absence of the respondent's signature on the arbitration clause. The issuance and acceptance of the purchase order established a binding contract that included the arbitration clause. A sole arbitrator, Mr. Aditya Kumar Choudhary, was appointed to resolve disputes, with both parties required to share the arbitrator's fee and costs equally. All rights and contentions remain open for the arbitrator to decide on the merits, and the directive does not express any opinion on the merits of the case.

MR. RAHUL SATIJA VS GOVT. OF NCT OF DELHI AND ORS. [TEST.CAS.-66/2018]
Judges: Justice Sachin Datta
The will dated 12.01.2013 executed by Mr. Parabh Dyal Satija is valid and legally executed according to the Indian Succession Act, 1925. None of the beneficiaries objected to the grant of probate to Mr. Rahul Satija, the named executor. Probate was granted to the petitioner, contingent upon the payment of court fees and provision of an administrative bond.

MR. SUNEEL SARDANA (DECEASED) THROUGH LRS MR. SIDHARTH SARDANA AND ANR VS M/S VIPUL LTD & ANR. [O.M.P.(I) (COMM.)-331/2024]
Judges: Justice Sachin Datta
The non-signatory respondent's obligation under the arbitration agreements between the petitioner and the first respondent will be addressed by the arbitral tribunal. A retired judge was appointed as the sole arbitrator to handle the disputes, allowing the respondents to raise objections related to jurisdiction and arbitrability, including the inclusion of the non-signatory.

MS AXALTA COATING SYSTEMS INDIA PVT LTD VS TRANS CARS INDIA PVT LTD & ANR. [ARB.P.-1506/2024]
Judges: Justice Sachin Datta
The arbitration agreement in the Supply Agreement dated 19.07.2017 is valid and enforceable. The petitioner invoked arbitration due to the respondents' failure to meet minimum purchase commitments. A sole arbitrator was appointed to resolve the disputes, with proper service of notice to the respondents. The proceedings will allow the parties to present their rights and contentions for adjudication based on merit.

MS AXALTA COATING SYSTEMS INDIA PVT. LTD. VS MS NCS AUTO HUB PRIVATE LIMITED [ARB.P.-1464/2024]
Judges: Justice Sachin Datta
The arbitration agreement between the parties designated New Delhi as the seat of arbitration, leading to the appointment of a sole arbitrator to address disputes from the supply agreement. The existence of the arbitration agreement was confirmed, allowing the respondent to raise jurisdictional objections before the arbitrator. Fees and costs for the arbitration were to be shared equally by both parties.

MS INAM AND CO VS AIRPORT AUTHORITY OF INDIA & ORS. [ARB.P.-1541/2024]
Judges: Justice Sachin Datta
The notice invoking arbitration by MS INAM AND CO. adequately outlined the claims, meeting the requirements of Section 21 of the Arbitration and Conciliation Act, 1996. The objection regarding the lack of specificity in the claims was rejected. A sole arbitrator, Ms. Charanya Lakshmikumaran, Advocate, was appointed to resolve the disputes, with no opinion expressed on the merits or jurisdictional objections, which will be addressed by the arbitrator.

MS TERRESTRIAL FOODS LIMITED VS SANSKRITI FOOD EQUIPMENTS EXIM PRIVATE LIMITED [ARB.P.-1449/2024]
Judges: Justice Sachin Datta
The parties have a valid arbitration agreement under the Purchase Order. An independent sole arbitrator, Ms. Manika Tripathi, has been appointed to adjudicate the disputes. The respondent can raise jurisdiction objections before the arbitrator, who will proceed with arbitration after required disclosures under the Arbitration and Conciliation Act, 1996. The arbitrator's fee will follow the 4th Schedule of the Act or be agreed upon by the parties and the arbitrator. No opinion on the merits of the case has been

expressed; this will be decided by the arbitrator.

MUKESH KUMAR SRIVASTAV VS SPIRE TECHPARK PRIVATE LIMITED [ARB.P.-1156/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Ms. Shreya Vedantika Mehra, was appointed to adjudicate disputes between Mukesh Kumar Srivastav and Spire Techpark Private Limited. The existence of the arbitration agreement was acknowledged by both parties. They are to share the arbitrator's fee and arbitral costs equally, with all rights and contentions remaining open for the arbitrator to decide on their merits.

MUNIZA BEGUM ALIAS JAHAN ARA VS MUNICIPAL CORPORATION OF DELHI & ORS. [W.P.(C)-5578/2024]

Judges: Justice Sachin Datta

The Municipal Corporation of Delhi (MCD) must consider the petitioner's arguments regarding the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2023, and issue a speaking order after hearing both the petitioner and the concerned owner/occupier. The MCD's prior position conflicts with its current assertion that the property is protected under the special law, as unauthorized construction continues at the site. The matter requires reconsideration by the MCD.

N.S. ASSOCIATES PVT. LTD. VS THE LIFE INSURANCE CORPORATION OF INDIA [O.M.P. (COMM)-208/2022]

Judges: Justice Sachin Datta

The venue of the arbitration was established as New Delhi, making it the seat and granting supervisory jurisdiction. However, the unilateral appointment of the sole arbitrator rendered the entire arbitral proceedings and the resulting award invalid, leading to the setting aside of the impugned arbitral award.

NARESH CHAND GUPTA VS BAR COUNCIL OF DELHI & ORS. [W.P.(C)-3244/2024]

Judges: Justice Sachin Datta

There is no basis for the petitioner's objections against respondent no. 3, as the university has verified the legitimacy of his law degree. The Bar Council of India must present relevant records to the High-Powered Committee for the expedited verification of educational certificates of enrolled lawyers.

NEC CORPORATION INDIA PRIVATE LIMITED (ERSTWHILE NEC TECHNOLOGIES INDIA PRIVATE LIMITED) VS M/S PLUS 91 SECURITY SOLUTIONS & ORS. [CS(COMM)-656/2022]

Judges: Justice Sachin Datta

NEC Corporation India Private Limited is entitled to recover Rs. 4,21,39,402.95 from M/s Plus 91 Security Solutions & Ors., along with interest at 10% per annum from the dates of non-realization of post-dated cheques. The purchase orders and invoices constitute a written contract, and the defendants' attempt to introduce extraneous issues and counterclaims is not allowed in summary proceedings. The defendants' application for unconditional leave to defend the suit was dismissed due to a lack of valid defense.

NETWAY INDIA PRIVATE LIMITED VS DR. RAM NARESH TRIPATHI [ARB.P.-1180/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Ms. Ekta Kapil, has been appointed to resolve disputes between Netway India Private Limited and Dr. Ram Naresh Tripathi related to the termination of a contract for astrology services. The arbitration clause in their agreement specified the use of the Delhi International Arbitration Centre, and the respondent did not object to this appointment. Arbitration will proceed under the rules of the Centre, allowing the respondent to raise preliminary objections regarding arbitrability or jurisdiction for the arbitrator's decision. No opinion has been expressed on the merits of the parties' claims.

NEW INDIA STRUCTURES PVT. LTD VS BIRD EXECUJET AIRPORT SERVICES PVT. LTD. [ARB.P.-1456/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Ms. Justice (Retd.) Deepa Sharma, was appointed to resolve disputes related to a work order for an airport construction project. A valid arbitration clause was confirmed in the contract, leading to the formation of an independent arbitral tribunal as per the Arbitration and Conciliation Act, 1996. The parties were directed to equally share the arbitrator's fees and costs, maintaining their rights for determination on the merits by the arbitrator.

NIZAMUDDIN VS UNION OF INDIA & ORS. [W.P.(C)-7411/2024]

Judges: Justice Sachin Datta

Petitioners granted licenses for catering units at railway stations are not entitled to renewal, as they were aware of the non-renewable 5-year term outlined in the tender. Their argument that Clause 11 of the Catering Policy 2017 violates their constitutional rights was rejected. A 3-month extension was granted to allow petitioners to vacate the units, with usual license fees payable, to facilitate alternative arrangements following the expiration of their licenses.

NORTH EAST CENTRE FOR TECHNOLOGY APPLICATION AND REACH VS GRACE RTP BAMBOO PVT LTD AND ORS [ARB.P.-1304/2024]

Judges: Justice Sachin Datta

Disputes between North East Centre for Technology Application and Reach and Grace RTP Bamboo Pvt Ltd are to be referred to arbitration under the Technology Development Assistance Agreement. A retired District Judge is appointed as the sole arbitrator. Respondents can raise objections on arbitrability, maintainability, or jurisdiction for the arbitrator's decision. The respondent directors, not being signatories to the agreement, are excluded from the arbitration.

NS ASSOCIATES PVT LTD VS NEW DELHI MUNICIPAL COUNCIL [ARB.P.-1496/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Justice (Retd.) Krishna Murari, has been appointed to resolve disputes between NS Associates Pvt Ltd and the New Delhi Municipal Council regarding a construction contract. The appointment follows NS Associates' exhaustion of the contractual dispute resolution process, having approached relevant officials without receiving a response. The arbitrator will decide on the claims and counterclaims based on their merits as outlined in the contract's arbitration clause.

OYO WORKSPACES INDIA PRIVATE LIMITED VS EDUUIS TECHO SOLUTION PRIVATE LIMITED [ARB.P.-1568/2024]

Judges: Justice Sachin Datta

A prima facie valid arbitration agreement exists between OYO Workspaces India Private Limited and Eduuis Techo Solution Private Limited, leading to the appointment of a sole arbitrator to resolve their disputes. The inquiry focused solely on the existence of the arbitration agreement and not on the merits of the case. Preliminary objections regarding jurisdiction or arbitrability may be raised before the appointed arbitrator.

PACIFIC DEVELOPMENT CORPORATION LTD VS DJT REALTORS PVT LTD [ARB.P.-1479/2024]

Judges: Justice Sachin Datta

An existing arbitration agreement exists between the parties in the License Agreement. Ms. Geeta Luthra has been appointed as the Sole Arbitrator to adjudicate the disputes, with the respondent allowed to raise preliminary objections regarding arbitrability or jurisdiction. No opinion on the merits of the case has been expressed, and all rights and contentions of the parties remain open for the Sole Arbitrator to decide in accordance with the law.

PACIFIC MAINTENANCE SERVICES PVT LTD VS DJT RETAILERS PVT LTD [ARB.P.-1497/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement existed between the parties under the Maintenance and Services Agreement dated 08.08.2022, leading to the appointment of Ms. Geeta Luthra, Senior Advocate, as the Sole Arbitrator to resolve the disputes. The respondent may raise preliminary objections regarding arbitrability or jurisdiction, to be decided by the arbitrator. The order does not express any opinion on the merits of the case.

PALGHAR ROAD PROJECT PRIVATE LIMITED VS THE STATE OF MAHARASHTRA [ARB.P.-966/2024]

Judges: Justice Sachin Datta

Palghar Road Project Private Limited cannot be compelled to join the Society for Affordable Redressal of Disputes (SAROD) as a condition for arbitration, as this imposes an unexpected obligation not specified in the arbitration agreement. The pre-arbitration conciliation clause is considered directory rather than mandatory. As the parties failed to mutually appoint an arbitrator, Justice (Retd.) Vineet Saran was appointed as the sole arbitrator to resolve disputes related to the payment of GST on milestone payments under the concession agreement.

PALM CONSTRUCTION AND SUPPLIERS VS KALPATARU PROJECTS INTERNATIONAL LIMTITED [O.M.P. (T) (COMM.)-81/2024]

Judges: Justice Sachin Datta

The mandate of the existing sole arbitrator was terminated due to alleged infirmities in disclosures. A new independent sole arbitrator, Mr. Pankaj Agarwal, was appointed to resolve disputes under the rules of the Delhi International Arbitration Centre (DIAC). The new arbitrator will proceed with the arbitration based on already filed pleadings, allowing the respondent to raise preliminary objections regarding arbitrability or jurisdiction, which will be decided in accordance with the law. All rights and contentions concerning claims and counter-claims are preserved for determination by the new sole arbitrator on their merits.

PAWAN GUPTA AND ANR VS KAMAL GUPTA AND ORS [O.M.P.(I) (COMM.)-198/2023]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between the parties to the Family Settlement Deed (FSD) dated 09.07.2019. Disputes involving an intervening party are deemed arbitrable since the FSD does not concern the assets of those companies. The NCLT lacks exclusive jurisdiction over these disputes as the FSD does not qualify as a "compromise or arrangement" under the Companies Act. The importance of upholding family settlements for maintaining peace and harmony is acknowledged, leading to the appointment of a sole arbitrator to resolve the disputes among the signatories of the FSD.

PNB HOUSING FINANCE LTD VS M/S K.K BANIJYA PVT LTD & ORS. [ARB.P.-1239/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between the parties as per the loan documents, enabling PNB Housing Finance Ltd to invoke the arbitration clause and seek the formation of an arbitral tribunal for dispute resolution. The inquiry was limited to confirming the existence of the arbitration agreement, leading to the appointment of Justice (Retd.) Siddharth Mridul as the sole arbitrator, with the respondents permitted to raise objections on arbitrability, maintainability, or jurisdiction before the arbitrator.

PRADEEP KUMAR AGGARWAL VS ANOOP AGGARWAL [ARB.P.-403/2022]

Judges: Justice Sachin Datta

Mr. Justice (Retd.) Pradeep Nandrajog has been appointed as the new sole arbitrator after the previous arbitrator recused himself. Necessary disclosures under Section 12 of the Arbitration and Conciliation Act must be provided by the new arbitrator. The arbitration will continue under the DIAC, and all parties' rights and contentions remain open for decision by the arbitrator.

PRAKASH CHANDRA JAIN VS UNION OF INDIA & ORS. [W.P.(C)-8046/2024]

Judges: Justice Sachin Datta

The petition challenging Clause Nos. 5 and 11 of the Commercial Circular No. 61 of 2017 issued by the Railways was dismissed. The petitioner is directed to vacate the stall within the same time period granted to other petitioners in similar cases.

PRIME CLASS KASHMIR (THROUGH ITS DIRECTOR MR. YASIR NISAR) VS AAKASH EDUCATIONAL SERVICES LIMITED [ARB.P.-1742/2024]

Judges: Justice Sachin Datta

An unregistered partnership firm is not barred from initiating arbitration proceedings under Section 69 of the Indian Partnership Act. The bar does not extend to arbitral proceedings. A sole arbitrator is appointed to adjudicate the disputes between the parties, with the merits of claims and counterclaims left for the arbitrator to decide.

PRITHVI RAJ VS SPIRE TECHPARK PRIVATE LIMITED [ARB.P.-1158/2024]

Judges: Justice Sachin Datta

Prithvi Raj's petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 led to the appointment of Ms. Shreya Vedantika Mehra as the sole arbitrator for the disputes arising from the existing arbitration agreement in the Memorandum of Understanding (MoU). The arbitrator is instructed to proceed with the arbitration proceedings and make necessary disclosures under Section 12, while the rights and contentions of the parties regarding the merits of the case remain reserved for the arbitrator's decision.

PUERTO LIFE SCIENCES PVT. LTD. VS STERIMAX INDIA PVT. LTD. [ARB.P.-1297/2024]

Judges: Justice Sachin Datta

In the case between Puerto Life Sciences Pvt. Ltd. and Sterimax India Pvt. Ltd., a retired judge of the Bombay High Court has been appointed as the sole arbitrator for disputes arising from a Purchase Order for LVP Machines. The seat of arbitration is established as Delhi, with the venue designated as Mumbai. The arbitration will adhere to the rules of the Mumbai Centre for International Arbitration (MCIA). The respondents may raise objections regarding arbitrability or jurisdiction and may present counter-claims in the proceedings. The order does not express any opinion on the merits of the case.

PULIN COMTRADE LIMITED VS THE HANDICRAFTS AND HANDLOOMS EXPORTS CORPORATION OF INDIA LTD. [ARB.P.-1678/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Mr. Anirudh Bakhru, was appointed to resolve outstanding disputes between the parties following a previous order that set aside the arbitrator's decision on interest. Arbitration shall proceed under the rules of the Delhi International Arbitration Centre (DIAC), without any indication of opinion on the merits of the parties' claims.

PUNIA CONSTRUCTION VS UNION OF INDIA/NORTHERN RAILWAY [ARB.P.-1569/2024]

Judges: Justice Sachin Datta

Contractual requirements for exhausting pre-arbitral mechanisms and timelines are considered directory, not mandatory. At the stage of appointing an arbitrator, only the prima facie existence of an arbitration agreement is examined. An independent sole arbitrator was appointed to resolve the disputes, rather than limiting the selection to a Railway panel. The appointed arbitrator may address jurisdictional or arbitrability objections, including issues related to pre-arbitral procedures, during the arbitration.

PURI INVESTMENT & ORS. VS NEW DELHI MUNICIPAL COUNCIL & ORS. [W.P.(C)-3346/2024]

Judges: Justice Sachin Datta

The order passed by the New Delhi Municipal Council (NDMC) under Section 72 of the NDMC Act was invalid due to a lack of opportunity for the petitioners to be heard, violating principles of natural justice. NDMC must issue a fresh order under Section 72 after a hearing on 01.05.2024. Consequently, the sealing notice and attachment order were withdrawn, requiring NDMC to remove seals on the property within one week. Following the new order, NDMC may pursue recovery of any property tax arrears, while the petitioners can utilize the statutorily prescribed appellate remedy if needed.

QA EDUCATION SOLUTIONS PRIVATE LIMITED VS INDIRA GANDHI COMPUTER SAKSHARTA MISSION & ORS. [ARB.P.-1893/2024]

Judges: Justice Sachin Datta

Disputes between QA Education Solutions Private Limited and Indira Gandhi Computer Saksharta Mission arise from a Collaboration Agreement and will be referred to Sole Arbitrator Ms. Justice (Retd.) Deepa Sharma. The Collaboration Agreement includes an arbitration clause. Preliminary objections regarding jurisdiction and arbitrability may be raised by the respondents, with all rights and contentions of the parties remaining open for decision based on merits.

RADICO KHAITAN LIMITED VS SUMIT CHAUHAN [ARB.P.-1513/2024]

Judges: Justice Sachin Datta

The arbitration clause in the tax invoices from Radico Khaitan Limited to Sumit Chauhan is valid. Sumit Chauhan did not appear in the proceedings. An independent arbitrator, Ms. Amrita Sarkar, is appointed to resolve disputes regarding unpaid liabilities for goods supplied. The parties will equally share the arbitrator's fees and costs, and all rights and contentions remain open for adjudication.

RAJESH GARG VS SOMNATH AGGARWAL & ANR. [O.M.P.(MISC.)(COMM.)-765/2024]

Judges: Justice Sachin Datta

An extension of time until 31.10.2025 was granted for the completion of arbitral proceedings and the making of the arbitral award, despite the respondent's refusal for a further 6-month extension under Section 29A(3) of the Arbitration and Conciliation Act, 1996. The arbitrator was not considered to be at fault for conducting the proceedings, and concerns regarding alleged bias or conduct could be addressed through the relevant provisions of the Act. The primary concern was whether there had been undue delay by the arbitrator.

RAKESH KUMAR VS UNION OF INDIA THROUGH GENERAL MANAGER NORTHERN RAILWAYS AND ANR. [ARB.P.-841/2024]

Judges: Justice Sachin Datta

An independent sole arbitrator, Ms. Shreya Singhal, was appointed to adjudicate disputes between Rakesh Kumar and the Union of India (Northern Railways) regarding the termination of a parcel leasing contract. The previously agreed procedure for the arbitrator's appointment became invalid due to a Supreme Court judgment, necessitating the appointment of an independent tribunal. The respondents may raise jurisdictional objections, which the arbitrator will consider. Arbitration proceedings will commence after necessary disclosures, with the parties sharing the arbitrator's fees and costs equally. All rights and contentions of the parties remain open for determination by the sole arbitrator.

RANI CONSTRUCTIONS PVT. LTD. VS UNION OF INDIA [ARB.P.-1011/2023]

Judges: Justice Sachin Datta

The contractual mechanism in the EPC agreement for establishing an arbitral tribunal under SAROD rules is unimplementable, as those rules impose an additional obligation for parties to be primary SAROD members, which was not included in the arbitration agreement. This affects the validity of the appointment procedure and invokes Section 11(6)(c) of the Arbitration and Conciliation Act, 1996. Due to the inapplicability of SAROD rules and the absence of an agreement on a three-member tribunal, a sole arbitrator is appointed under Section 10(2) of the Act.

REFRAMAT ENTERPRISES PVT LTD VS DCM LTD & ANR. [ARB.P.-1404/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists in the sale deeds dated 31.03.2022 between the parties. A sole arbitrator, Ms. Ruchi Gour Narula, has been appointed to adjudicate the disputes. The argument regarding the non-arbitrability of certain claims due to the absence of the maintenance agency was rejected, focusing solely on the existence of the arbitration agreement. Arbitration will be conducted under the rules of the Delhi International Arbitration Centre (DIAC), with fees and costs governed by those rules. Observations made do not express any opinion on the case's merits, leaving all rights and contentions open for the arbitrator's consideration.

REKHA AND ORS VS GOVT OF NCT OF DELHI AND ORS [W.P.(C)-9020/2017]

Judges: Justice Sachin Datta

The directions from Safai Karamchari Andolan v. Union of India and Balram Singh v. Union of India apply to the Delhi Jal Board (DJB) and its agencies for sewage work. Compliance with these directives is mandated, including increasing compensation for sewer deaths from Rs. 10 lakhs to Rs. 30 lakhs. The family members of deceased sanitation workers are to receive Rs. 30 lakhs in compensation.

RELIGARE FINVEST LIMITED VS EDISONS INFRAPOWER AND MULTIVENTURE PRIVATE LIMITED AND ANR [O.M.P. (T) (COMM.)-102/2024]

Judges: Justice Sachin Datta

An independent sole arbitrator, Mr. Justice (Retd.) S.J. Mukhopadhayay, was appointed to resolve disputes between the parties after the previous arbitrator recused herself due to the petitioner's repeated attempts to replace her. Although the petitioner had no valid grounds to question the previous arbitrator's impartiality, the appointment of a new independent arbitrator addressed any concerns. This case involved multiple connected petitions from the same petitioner, with prior judgments dismissing the petitioner's attempts to replace the arbitrator.

RIPPU YADAV VS RETURNING OFFICER NORTH EAST DELHI & ORS. [W.P.(C)-7116/2024]

Judges: Justice Sachin Datta

The writ petition challenging the rejection of the petitioner's nomination form for the Lok Sabha elections is not maintainable at this stage. Challenges to election matters must be made through an election petition after elections rather than through a writ petition before the High Court. Article 329(b) of the Constitution and the Representation of the People Act, 1951 establish that a special remedy of an election petition is required.

RISHI RAJ KHATANA VS MACKERAL OIL TOOLS PRIVATE LIMITED & ANR. [ARB.P.-520/2024]

Judges: Justice Sachin Datta

Valid disputes exist regarding the non-payment of consultancy fees under the Share Transfer Agreement and can be referred to arbitration. Objections regarding notification of disputes were rejected as notice had been given prior to the petition. The named arbitrator was deemed ineligible due to lack of impartiality. An independent sole arbitrator, Mr. Abhishek Mahajan, was appointed to adjudicate the disputes under the Delhi International Arbitration Centre, with all parties' rights and contentions preserved for consideration on merits.

RT VISION TECHNOLOGIES PRIVATE LIMITED VS UNION OF INIDA & ORS. [W.P.(C)-7935/2024]

Judges: Justice Sachin Datta

The abrupt downgrade of RT Vision Technologies Private Limited from "Approved Vendor" to "Developmental Vendor" by the Rail Coach Factory was deemed unwarranted as it lacked an opportunity for hearing, violating natural justice principles. The Rail Coach Factory is required to expeditiously decide the petitioner's representation against the downgrade within four weeks, after a hearing. The downgrade order is held in abeyance, allowing the petitioner to pursue legal remedies if dissatisfied with the outcome.

RUDRA BUILDWELL PVT LTD VS REALWORTH INDIA PVT LTD [O.M.P.-6/2022]

Judges: Justice Sachin Datta

An arbitral award refused specific performance of an agreement to sell despite full payment by the purchaser. Specific performance is a discretionary remedy, and the tribunal considered the parties' conduct, delay in proceedings, ambiguity around possession, and overall fairness in its decision. The discretionary nature of specific performance was highlighted as not solely dependent on full payment, and the tribunal's reasoning was deemed plausible, disallowing interference under Section 34.

RUMIT KUMAR VS TRANSPORT DEPARTMENT GNCTD AND ORS. [W.P.(C)-5690/2024]

Judges: Justice Sachin Datta

The order dismissing the petitioner's appeal against the suspension of his vehicle's registration was set aside due to the Appellate Authority's failure to consider the petitioner's reasons for bullet-proofing the vehicle and neglecting the statutory parameters for suspension under Section 53 of the Motor Vehicles Act, 1988. The matter was remanded for a reasoned decision within four weeks, addressing the relevant statutory provisions.

SACHIN GOEL & ANR. VS SHRI AMANJOT SINGH & ORS. [ARB.P.-1354/2024]

Judges: Justice Sachin Datta

The existence of a valid arbitration agreement in the "Share Purchase cum Settlement Agreement" dated 02.01.2024 is the primary issue to be examined. Objections concerning the authorization of the directors and the nature of the claims are to be addressed by the Arbitral Tribunal under the principles of competence-competence. Ms. Prity Sharma has been appointed as the Sole Arbitrator for the disputes, with arbitration proceedings to take place at the Delhi International Arbitration Centre.

SAKSHI VS JAWAHARLAL NEHRU UNIVERSITY THROUGH ITS REGISTRAR & ANR. [W.P.(C)-3735/2024]

Judges: Justice Sachin Datta

The petitioner raised concerns about the procedure for constituting the Election Committee for the Jawaharlal Nehru University Students Union elections. Ambiguities were noted regarding the respondents' justification for excluding the elected Students Council from the process. A Grievance Redressal Cell is tasked with examining the petitioner's complaints and must issue a reasoned order before the final election results are declared. Additionally, a retired Supreme Court judge has been appointed as an observer to monitor the election process until the Grievance Redressal Cell concludes its examination.

SAMSUNG INDIA ELECTRONICS PRIVATE LIMITED VS SHREE SANT KRIPA APPLIANCES PRIVATE LIMITED [ARB.P.-1076/2024]

Judges: Justice Sachin Datta

The dispute between Samsung India Electronics Private Limited and Shree Sant Kripa Appliances Private Limited concerning rebate benefits not passed on to distributors and resellers is to be resolved through arbitration. Shree Sant Kripa Appliances failed to respond to a notice invoking the arbitration clause, leading to the appointment of Mr. Anirudh Sharma as the sole arbitrator. The respondent may raise preliminary objections regarding jurisdiction or arbitrability, which will be addressed by the arbitrator. Both parties will share the arbitrator's fees and costs equally, with no opinion expressed on the merits of the case.

SANJEEVANI AYURVEDA MEDICAL SUPERINTENDENT VS THE DIRECTOR GENERAL DIRECTORATE GENERAL OF HEALTH SERVICES GOVT OF NCT OF DELHI AND ORS [ARB.P.-1743/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Ms. Jyoti Mendiratta, has been appointed to adjudicate disputes between Sanjeevani Ayurveda, the Medical Superintendent, and the Director General of the Directorate General of Health Services, Govt. of NCT of Delhi, arising from an agreement dated 27.10.2021. A valid arbitration agreement was established, allowing for the appointment of an independent arbitrator. There is no expression of opinion on the merits of the parties' contentions or jurisdictional objections, which the arbitrator will consider when making decisions.

SATBIR SINGH & ORS. VS MR. SUMIT SINGLA [ARB.P.-943/2024]

Judges: Justice Sachin Datta

The petitioners were allowed to withdraw their arbitration petition without conditions, which resulted in the abandonment of the arbitration process. The intervenor retains the right to initiate separate proceedings against the petitioners and other respondents concerning issues raised in the intervention application, with no comments on the allegations made by either party.

SATYA J MAKAN & ORS. VS WTC NOIDA DEVELOPMENT CO. P. LTD [ARB.P.-719/2024]

Judges: Justice Sachin Datta

The arbitration clause in the agreement mandates the appointment of an arbitrator to resolve disputes. An independent sole arbitrator, Mr. Naman Anand, was appointed to adjudicate disputes related to the respondent's failure to pay assured returns to the petitioner. All rights and contentions of the parties remain open for the arbitrator to decide based on merits and in accordance with the law.

SH NARESH ROHILLA VS M/S LARSEN AND TOUBRO LTD [ARB.P.-1485/2024]

Judges: Justice Sachin Datta

Naresh Rohilla's petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 led to the appointment of Ms. Shreya Vedantika Mehra as the Sole Arbitrator to resolve disputes with M/s Larsen and Toubro Ltd. The disputes relate to a manpower services agreement, which includes an arbitration clause accepted by the respondent. Arbitration proceedings will follow the Rules of the Delhi International Arbitration Centre (DIAC), allowing the respondent to raise preliminary objections regarding arbitrability and jurisdiction. All rights and contentions regarding claims and counterclaims remain available for the Sole Arbitrator's decision.

SH. MAHESH GUPTA & ANR. VS M/S 4 DEVILS CAFE AND RESTAURANT & ORS. [ARB.P.-1480/2024]

Judges: Justice Sachin Datta

The lease deed contains an arbitration clause, necessitating the appointment of an independent sole arbitrator to resolve disputes. Mr. Moksh Arora, Advocate, was appointed as the Sole Arbitrator. The respondents may raise preliminary objections regarding jurisdiction or arbitrability, which the Sole Arbitrator will decide according to law. All rights and contentions of the parties regarding claims and counter-claims remain open for consideration by the Sole Arbitrator.

SHAMLAJI EXPRESSWAY PRIVATE LIMITED VS NATIONAL HIGHWAYS AUTHORITY OF INDIA [ARB. A. (COMM.)-50/2024]

Judges: Justice Sachin Datta

The appeal by Shamlaji Expressway Private Limited against the Arbitral Tribunal's order vacating the stay on a suspension notice from the National Highways Authority of India was dismissed. The Arbitral Tribunal thoroughly examined the facts, relevant contractual provisions, and provided reasoned justifications for its decision. The order was not deemed "unreasoned," and the examination of facts was found detailed and justified. Interference in appeals regarding arbitrator orders is limited, and the tribunal's conclusions were not deemed perverse or irrational.

SHASHIKANT SHUKLA & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-16535/2023]

Judges: Justice Sachin Datta

Petitions by licensees of multipurpose stalls/trolleys challenging the Railway Board's 2017 Commercial Circular were dismissed. The 2017 Policy prohibiting renewal or extension of licenses was deemed legally sound and not in violation of fundamental rights. Petitioners had opted to convert their stalls/trolleys under this policy and could not challenge it afterward. The reasoning for the extension of the license period due to COVID-19, based on local conditions at each station, was upheld. Petitioners were given three months to vacate the stalls for alternative arrangements.

SHRAWAN KUMAR SARAFF VS M/S GANNONN DUNKERLEY AND CO. LTD. [ARB.P.-613/2024]

Judges: Justice Sachin Datta

The arbitration clause in the work order designates New Delhi as the seat of arbitration, overriding the exclusive jurisdiction clause in the general conditions of contract that suggests Kolkata. The value of the work order exceeds Rs. 1 crore, making the arbitration clause applicable. The requirement for a pre-arbitration conciliation process is considered directory rather than mandatory. A sole arbitrator has been appointed to resolve the disputes between the parties.

SHREE KRISHNA VANASPATI INDUSTRIES (P) LTD VS VIRGOZ OILS & FATS PTE LTD & ORS [O.M.P. (COMM)-518/2016]

Judges: Justice Sachin Datta

The petition by Shree Krishna Vanaspati Industries (P) Ltd to challenge a foreign arbitral award is not maintainable under Part-I of the Arbitration and Conciliation Act, 1996. The arbitration clause in the sales contract specified Malaysia as the seat of arbitration and Malaysian law as the governing law, which excludes the applicability of Part-I. The appropriate remedy for the petitioner lies in Part-II of the Act.

SHREE SHYAM ENTERPRISES VS DELHI TOURISM AND TRANSPORTATION DEVELOPMENT CORPORATION LTD. [ARB.P.-1451/2024]

Judges: Justice Sachin Datta

The parties had a valid arbitration agreement, and the petitioner followed the proper procedure to invoke arbitration. The argument that the client department should be included was rejected, as the privity of contract was only with the respondent. A retired judge was appointed as the sole arbitrator to resolve the disputes, allowing the respondent to raise jurisdictional or preliminary objections before the arbitrator.

SHREE SHYAM ENTERPRISES VS DELHI TOURISM AND TRANSPORTATION DEVELOPMENT CORPORATION LTD. [ARB.P.-1450/2024]

Judges: Justice Sachin Datta

Shree Shyam Enterprises is entitled to a sole arbitrator to resolve disputes under the construction contract. The objection to include the Department of Training and Technical Education as a party in the arbitration was rejected, as the contract is exclusively between Shree Shyam Enterprises and the respondent. The internal arrangements of the respondent with the client department do not involve the petitioner. Justice (Retd.) Deepa Sharma has been appointed as the sole arbitrator.

SHRI INDER MOHAN BHAMBRI AND OTHERS VS MS LANDMARK APARTMENTS PRIVATE LIMITED [ARB.P.-826/2024]

Judges: Justice Sachin Datta

Delhi is established as the seat of arbitration according to the arbitration clause in the Builder-Buyer Agreements. An independent sole arbitrator, Mr. Anant Vijay Palli, has been appointed to resolve disputes, including issues related to the respondent's failure to pay "assured returns" and to deliver physical possession of purchased IT spaces. The respondent may present preliminary objections regarding arbitrability or jurisdiction for the arbitrator's consideration. Arbitration will occur under the Delhi International Arbitration Centre, with parties sharing the arbitrator's fees and costs equally, while retaining all rights and contentions for resolution on the merits.

SHRI KR ANAND VS NEW DELHI MUNICIPAL COUNCIL [ARB.P.-1776/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement existed between the parties as per their construction contract. A retired High Court judge was appointed as the sole arbitrator to adjudicate the disputes. The examination at this stage was limited to the prima facie existence of the arbitration agreement, while issues of limitation and jurisdiction can be raised before the arbitrator. The arbitrator will proceed with the arbitration proceedings and decide on the merits of the claims, with all parties' rights and contentions remaining open.

SHRI SANJEEV JOON VS SHRI SURENDER BASOYA & ANR. [CS(COMM)-719/2021]

Judges: Justice Sachin Datta

The plaintiff is entitled to a cancellation of the Sale Deed dated 15.09.2016 for suit property-1 due to the defendant no. 1's failure to pay the entire sale consideration, making the deed void. Additionally, the unregistered Agreement to Sell (ATS) dated 20.06.2017 for suit property-2 is canceled because defendant no. 1 did not pay the consideration and showed unwillingness to do so. A decree of possession for suit property-2 is granted to the plaintiff, along with permanent injunctions against the defendants from interfering with the plaintiff's rights over the properties.

SHRI TARUN CHANDER MALIK VS M/S VARAHI DIAMONDS AND FINANCE LTD [ARB.P.-1007/2023]

Judges: Justice Sachin Datta

The arbitration clause in Clause 26(e) of the lease deed is valid and enforceable, despite a jurisdiction clause that grants exclusive jurisdiction to courts in Delhi. The two parts of Clause 26(e) can be harmoniously construed, with the jurisdiction clause addressing supervisory jurisdiction over the arbitration. A sole arbitrator has been appointed to adjudicate the disputes, and the respondent may raise preliminary objections regarding arbitrability or jurisdiction before the arbitrator.

SHYAMAL JANA & ORS. VS RELIANCE COMMERCIAL FINANCE LIMITED [O.M.P. (COMM)-392/2024]

Judges: Justice Sachin Datta

An arbitral award was set aside due to the unilateral appointment of an arbitrator by one contracting party, deemed null and void. An independent sole arbitrator, Mr. P.K. Sexena, was appointed to adjudicate the disputes, with all parties' rights and contentions remaining open for determination on their merits.

SMRITI BHATIA VS MUNICIPAL CORPORATION OF DELHI & ORS. [W.P.(C)-3759/2024]

Judges: Justice Sachin Datta

The Municipal Corporation of Delhi (MCD) failed to address unauthorized construction on a specific property despite issuing a demolition order and a work-stop notice. Allegations of collusion between MCD officials and property owners were noted, with unauthorized construction continuing. Objections regarding the maintainability of a writ petition were dismissed, emphasizing the necessity to prevent unauthorized construction. The MCD was directed to identify involved land and owners, inspect the unauthorized construction, and take immediate action to stop it. Additionally, the Appellate Tribunal of the MCD was urged to expedite pending appeals against the demolition order.

SNAP ON TOOLS PRIVATE LIMITED VS MS METRICS APPLICATIONS [ARB.P.-1418/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement under the Authorised Reseller Agreement necessitated the appointment of an independent sole arbitrator to resolve disputes. Mr. Shashwat Bajpai, Advocate, was appointed as the sole arbitrator, with the respondent allowed to raise jurisdictional objections before him. All rights and contentions regarding claims and counter-claims will be adjudicated on their merits in accordance with the law.

SOFTWARE TECHNOLOGY PARK OF INDIA VS COVENANT INFOSOLUTIONS PVT. LTD [ARB.P.-598/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between the parties, prompting the appointment of Mr. Pramod Aggarwal as an independent sole arbitrator to resolve disputes under the Arbitration and Conciliation Act, 1996. The arbitrator is instructed to consider any objections related to limitation or jurisdiction before addressing the merits of the claims and is encouraged to facilitate an amicable resolution between the parties.

SONY INDIA PRIVATE LIMITED VS IT CARE [ARB.P.-1502/2024]

Judges: Justice Sachin Datta

In the case of Sony India Private Limited v. IT Care, a sole arbitrator, Mr. Dhruv Pande, is appointed to resolve disputes stemming from alleged violations of the Standard Operating Procedure by IT Care as an Authorized Service Centre for Sony India. Sony India terminated the Service Agreements and imposed a penalty on IT Care. The arbitration clause in the Service Agreement is clear, and despite several unsuccessful attempts to serve IT Care, it is allowed to raise preliminary objections concerning arbitrability or jurisdiction, which will be addressed by the arbitrator.

SOUMITA CONSTRUCTION PRIVATE LIMITED VS INDIABULLS DISTRIBUTION SERVICES LIMITED [O.M.P. (COMM)-321/2022]

Judges: Justice Sachin Datta

The arbitral award from a unilaterally appointed arbitrator was deemed a nullity based on established legal precedents. The parties agreed to the appointment of a new arbitrator, Justice (Retd.) Rajiv Shakdher, to adjudicate their disputes, allowing for amendments or supplements to existing pleadings. No opinion on the merits of the case was expressed, and all rights and contentions regarding claims and counterclaims remain open for the new arbitrator to decide.

SOUTH DELHI MUNICIPAL CORPORATION VS DHANANJAY KUMAR JHA [CONT.CAS(C)-790/2020]

Judges: Justice Sachin Datta

Dhananjay Kumar Jha was found guilty of contempt for willfully disobeying directions from interim orders dated 06.11.2020 and 18.12.2020. He failed to replenish the required bank guarantee and did not pay the monthly license fee of Rs. 9.5 lakhs for four months prior to surrendering the parking site on 31.03.2022, despite benefiting from the interim orders. These actions constituted willful disobedience of the directives.

SRI GANESH ENGINEERING WORKS VS NORTHERN RAILWAY & ANR. [ARB.P.-808/2024]

Judges: Justice Sachin Datta

The petitioner's failure to exhaust the pre-arbitral procedure of conciliation under Clause 63 of the contract does not prevent recourse to arbitration, as such procedures are directory, not mandatory. A Sole Arbitrator has been appointed to adjudicate the disputes and is directed to encourage settlement before addressing the claims on merits. Arbitration will be conducted under the Delhi International Arbitration Centre.

SUBHASH CHAND AMAR VS MOHD JAMSHED [ARB.P.-1143/2024]

Judges: Justice Sachin Datta

The existence of a valid arbitration agreement between the parties is prima facie established. Following the doctrine of competence-competence, the examination was limited to the existence of the arbitration agreement. A Sole Arbitrator was appointed to adjudicate the disputes between the parties on their merits.

SUBHASH GUPTA VS ELECTION COMMISSION OF INDIA & ANR. [W.P.(C)-7007/2024]

Judges: Justice Sachin Datta

The writ petition challenging the rejection of the petitioner's nomination form is not maintainable at this stage, as grievances regarding nomination rejections must be raised through an election petition after the election's conclusion. The petition was dismissed, with the petitioner free to file an election petition under Section 100 of the Representation of the People Act, 1951 after the elections.

SUNIL RATHORE VS GOVT OF NCT OF DELHI AND ANR [W.P.(C)-3124/2024]

Judges: Justice Sachin Datta

Clause 8(ii) of the 2024 Guidelines for Handling End of Life Vehicles, which prohibits the release of diesel transport vehicles older than 10 years, violates Article 14 of the Constitution. This classification lacks a rational connection to the goal of reducing vehicular air pollution in Delhi, as the orders from the National Green Tribunal did not differentiate between diesel vehicles. Seized vehicles registered outside Delhi must be released upon submission of required affidavits and undertakings, while those registered within Delhi are to be released according to specific clauses of the 2024 Guidelines. The matter involves multiple petitions addressed based on the seizure dates to evaluate the retrospective application of the Guidelines.

SURENDER KISHAN GUPTA VS PUBLIC WORKS DEPARTMENT NCT OF DELHI & ANR. [ARB.P.-650/2023]

Judges: Justice Sachin Datta

A concluded contract existed between the parties despite the absence of a formal written agreement. The respondent's acceptance of the petitioner's bid, the request for a performance guarantee, and subsequent email communication were deemed sufficient to establish the contract. The argument that the right to reject bids precluded contract formation was rejected, as such rights must be exercised before accepting a valid bid. The arbitration clause in the General Conditions of Contract (GCC) could be invoked, as the respondent's action of foreclosing the contract acknowledged its existence. An independent sole arbitrator was appointed to adjudicate the disputes.

SURESH KUMAR KAKKAR & ANR. VS M/S ANSAL PROPERTIES AND INFRASTRUCTURE LIMITED & ANR. [CCP(O)-73/2022]

Judges: Justice Sachin Datta

The respondents' counsel made an erroneous statement regarding maintaining status quo on certain plots, but the respondents did not act on the plots after the order. Third-party rights existed prior to the undertaking. The respondents' lack of diligence was noted rather than an intention to mislead. Efforts were being made to settle the disputes amicably, with rights and obligations to be decided by an arbitrator. Consequently, contempt proceedings against the respondents were not pursued.

SURESH KUMAR KAKKAR & ANR. VS M/S ANSAL PROPERTIES AND INFRASTRUCTURE LIMITED & ANR. [O.M.P.(I) (COMM.)-14/2022]

Judges: Justice Sachin Datta

An arbitration agreement exists in the Third Collaboration Agreement between the petitioners and respondents 1 and 2, leading to a referral to arbitration with a sole arbitrator appointed for dispute adjudication. For non-signatory respondents 3-5, the petitioners must demonstrate prima facie the necessity of their inclusion based on doctrines such as 'assignee', 'estoppel', and 'direct benefits', leaving this assessment to the arbitral tribunal. Non-signatory respondents have the opportunity to raise jurisdictional objections, while all merits-based contentions remain open for the arbitrator's evaluation. The same reasoning applies to the connected petition.

TATA CAPITAL LIMITED (TRANSFEREE OF TATA CAPITAL FINANCIAL SERVICES LTD) VS ANG LIFE SCIENCES INDIA LTD & ANR. [ARB.P.-1223/2024]

Judges: Justice Sachin Datta

A petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of a sole arbitrator to resolve disputes from a Master Lease Agreement and a Letter of Guarantee is maintainable. Ms. Pinky Anand, Senior Advocate, was appointed as the sole arbitrator. The arbitration references are independent, with the possibility of common hearings and evidence. Respondents are allowed to raise jurisdictional objections before the arbitrator, which will be assessed on merits.

TATA CAPITAL LIMITED (TRANSFEREE OF TATA CAPITAL FINANCIAL SERVICES LTD.) VS AADINATH STEEL & ORS. [ARB.P.-1556/2024]

Judges: Justice Sachin Datta

An arbitration clause in the loan agreement necessitated the constitution of an arbitral tribunal to resolve disputes. Abhinav Garg was appointed as the sole arbitrator to conduct the proceedings, allowing the parties' rights and contentions to remain open for merit-based decisions. The respondents could raise jurisdictional objections but did not appear despite being served, leading to the arbitrator's appointment in their absence.

TATA CAPITAL LIMITED (TRANSFEREE OF TATA CAPITAL FINANCIAL SERVICES LTD.) VS M/S R. K. AUTOMOBILES [ARB.P.-1009/2024]

Judges: Justice Sachin Datta

The arbitration clause in the Term Loan Agreement between Tata Capital Limited and M/s R.K. Automobiles is valid, allowing for the appointment of an independent Sole Arbitrator to resolve disputes. Ms. Ruchi Agnihotri, Advocate, has been appointed as the Sole Arbitrator. The respondent may present preliminary objections regarding arbitrability or jurisdiction for the Sole Arbitrator to address. Both parties are to equally share the arbitrator's fees and costs, with all claims and counter-claims remaining open for consideration based on their merits.

TATA CAPITAL LIMITED (TRANSFEREE OF TATA CAPITAL FINANCIAL SERVICES LTD.) VS M/S. AADINATH STEEL [ARB.P.-1558/2024]

Judges: Justice Sachin Datta

The existence of an arbitration clause in the loan agreement necessitates the appointment of an independent sole arbitrator to adjudicate disputes. Mr. Abhinav Garg, Advocate, was appointed as the sole arbitrator, with the respondent allowed to raise jurisdictional objections for consideration on their merits. No opinion was expressed on the merits of the case, which will be addressed by the sole arbitrator.

TATA CAPITAL LIMITED (TRANSFEREE OF TATA CAPITAL FINANCIAL SERVICES LTD.) VS M/S. AADINATH STEEL & ORS. [ARB.P.-1520/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between the parties as per the Loan-cum-Guarantee Agreement dated 24.08.2023. The respondents defaulted on loan repayments, prompting the petitioner to invoke the arbitration clause via a Loan Recall Notice. Based on legal precedents, an independent Sole Arbitrator was appointed to adjudicate the disputes. Ms. Ruchi Agnihotri, Advocate, will serve as the Sole Arbitrator under the Delhi International Arbitration Centre (DIAC), with all rights and contentions of the parties remaining open for consideration.

TATA CAPITAL LIMITED VS AADINATH STEEL & ORS. [ARB.P.-1555/2024]

Judges: Justice Sachin Datta

The term loan agreement between Tata Capital Limited and Aadinath Steel & Ors. includes a valid arbitration clause. An independent sole arbitrator, Mr. Abhinav Garg, Advocate, is appointed to adjudicate disputes regarding non-payment of dues. All rights and contentions of the parties remain open for consideration, and the respondents are permitted to raise jurisdictional objections before the arbitrator.

TATA CAPITAL LIMITED VS M/S NELKO BATTERY AND ELECTRONICS & ANR. [ARB.P.-671/2024]

Judges: Justice Sachin Datta

An arbitration clause exists in the Loan-cum-Guarantee agreement between the parties, and the respondent has not disputed it. An independent Sole Arbitrator, Mr. Ashish Dixit, has been appointed to adjudicate the disputes, with arbitration to be conducted under the rules of the Delhi International Arbitration Centre (DIAC). All rights and contentions of the parties remain open for decision by the Sole Arbitrator.

TATA CAPITAL LIMITED VS M/S R.K. AUTOMOBILES & ORS. [ARB.P.-1006/2024]

Judges: Justice Sachin Datta

An arbitration clause exists in the Loan cum Guarantee Agreement between Tata Capital Limited and M/S R.K. Automobiles & Ors. A Sole Arbitrator, Ms. Ruchi Agnihotri, has been appointed to resolve the disputes. The respondents can raise preliminary objections regarding arbitrability or jurisdiction, which will be addressed by the Sole Arbitrator. The petitioner's application under Section 9 of the Arbitration and Conciliation Act has been converted into an application under Section 17 for consideration by the Sole Arbitrator.

TATA CAPITAL LIMITED VS M/S SIRAJ TOOLS INDUSTRIES & ANR. [ARB.P.-654/2024]

Judges: Justice Sachin Datta

The existence of an arbitration agreement between Tata Capital Limited and M/s Siraj Tools Industries & Anr. necessitates the constitution of an arbitral tribunal to address disputes arising from loan agreements. Ms. Prity Sharma has been appointed as the independent sole arbitrator. The respondents may raise objections regarding arbitrability and jurisdiction, as well as file counter-claims for consideration. Arbitration proceedings will follow the rules of the Delhi International Arbitration Centre (DIAC). No opinion on the merits of the case has been expressed.

TATA CAPITAL LIMITED VS M/S. AADINATH STEEL & ORS. [ARB.P.-1557/2024]

Judges: Justice Sachin Datta

A valid arbitration clause exists in the loan agreement between the parties. A sole arbitrator, Mr. Abhinav Garg, Advocate, is appointed to adjudicate the disputes. Respondents may raise jurisdictional objections before the arbitrator, which will be considered on merits. All rights and contentions concerning claims and counterclaims remain open for decision by the sole arbitrator.

TATA CAPITAL LTD VS UNITECH ASSOCIATES & ANR. [ARB.P.-887/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Mr. Pradeep Kumar, Advocate, was appointed to adjudicate disputes arising from a Loan Cum Hypothecation Agreement for Construction Equipment Finance, which included an arbitration clause. The arbitrator was instructed to explore the potential for mediation to resolve the disputes before proceeding with arbitration. The merits of the case are to be decided by the arbitrator in accordance with the law, without any prior opinions expressed on those merits.

TATA CAPITAL LTD VS UNITECH ASSOCIATES & ANR. [ARB.P.-886/2024]

Judges: Justice Sachin Datta

A sole arbitrator was appointed to adjudicate disputes between the parties, specifically Mr. Pradeep Kumar. He is instructed to first explore the possibility of settlement through mediation. The parties will share the arbitrator's fee and costs equally. No opinion on the merits of the case was expressed, leaving that decision to the sole arbitrator.

TATA CAPITAL LTD VS UNITECH ASSOCIATES & ANR. [ARB.P.-889/2024]

Judges: Justice Sachin Datta

Mr. Pradeep Kumar, Advocate, was appointed as the sole arbitrator to resolve disputes from a Loan Cum Hypothecation Agreement. Prior to addressing the merits, the arbitrator was instructed to explore settlement through mediation. Parties are to share the arbitrator's fee and costs equally, while retaining all rights and contentions regarding claims and counter-claims for the arbitrator's consideration.

TATA CAPITAL LTD VS UNITECH ASSOCIATES & ANR. [ARB.P.-891/2024]

Judges: Justice Sachin Datta

A Sole Arbitrator, Mr. Pradeep Kumar, was appointed to resolve disputes between Tata Capital Ltd and Unitech Associates & Anr. related to a Loan Cum Hypothecation Agreement. The Sole Arbitrator is to first encourage mediation or alternative settlement methods before adjudicating the case. All rights and arguments of the parties remain open for the Arbitrator's consideration.

TATA CAPITAL LTD VS UNITECH ASSOCIATES & ANR. [ARB.P.-892/2024]

Judges: Justice Sachin Datta

A sole arbitrator was appointed to resolve disputes between Tata Capital Ltd. and Unitech Associates arising from a Loan Cum Hypothecation Agreement. The arbitrator is directed to initially explore settlement through mediation as per the Arbitration and Conciliation Act, 1996, before proceeding with the arbitration on merits. The procedure for arbitration, including fees and cost-sharing, was established, with all parties' rights and contentions remaining open for the arbitrator's decision.

TATA CAPITAL LTD VS UNITECH ASSOCIATES & ANR. [ARB.P.-893/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Mr. Pradeep Kumar, Advocate, was appointed to resolve disputes related to a Loan Cum Hypothecation Agreement for Construction Equipment Finance. The arbitrator was instructed to explore mediation for settlement before addressing the merits of the case. The parties are to share the arbitrator's fees and costs equally, with no opinion expressed on the merits.

TATA CAPITAL LTD VS UNITECH ASSOCIATES & ANR. [ARB.P.-894/2024]

Judges: Justice Sachin Datta

Disputes arising from the Loan Cum Hypothecation Agreement dated 18.06.2022 are to be settled by arbitration, in line with the agreement's arbitration clause. Mr. Pradeep Kumar, Advocate, has been appointed as the sole arbitrator to adjudicate these disputes. The arbitrator is instructed to first explore mediation for settlement, as per Section 30(1) of the Arbitration and Conciliation Act, 1996. All rights and contentions of the parties remain open for decision by the arbitrator on their merits.

TATA CAPITAL LTD VS UNITECH ASSOCIATES & ANR. [ARB.P.-890/2024]

Judges: Justice Sachin Datta

In Tata Capital Ltd. v. Unitech Associates & Anr., a sole arbitrator, Mr. Pradeep Kumar, was appointed to adjudicate disputes between the parties. The arbitrator was instructed to first explore mediation for a potential settlement, while all rights and contentions of the parties remain open for decision on their merits.

TATA CAPITAL LTD VS UNITECH ASSOCIATES & ANR. [ARB.P.-896/2024]

Judges: Justice Sachin Datta

A sole arbitrator was appointed to adjudicate disputes between the parties, following the principles established in Perkins Eastman Architects DPC v. HSCC (India) Ltd. Mr. Pradeep Kumar was designated as the sole arbitrator and was requested to explore the possibility of settlement through mediation under Section 30(1) of the Arbitration and Conciliation Act, 1996. All rights and contentions of the parties remain open for consideration by the arbitrator.

TATA CAPITAL LTD VS UNITECH ASSOCIATES & ANR. [ARB.P.-895/2024]

Judges: Justice Sachin Datta

A sole arbitrator was appointed to resolve disputes stemming from a Loan Cum Hypothecation Agreement for Construction Equipment Finance, which included an arbitration clause specifying arbitration in Delhi. The parties agreed to the appointment following precedent and the arbitrator was directed to explore settlement through mediation before addressing the arbitration merits. No merits of the case were discussed, and all rights and contentions of the parties remain open for the arbitrator's decision.

TATA CAPITAL LTD VS UNITECH ASSOCIATES & ORS. [ARB.P.-888/2024]

Judges: Justice Sachin Datta

Mr. Pradeep Kumar, Advocate, has been appointed as the sole arbitrator to address the disputes between Tata Capital Ltd and Unitech Associates & Ors arising from a Loan Cum Hypothecation Agreement. The arbitrator is to first explore mediation for settlement, as allowed under Section 30(1) of the Arbitration and Conciliation Act, 1996. All claims and counter-claims remain open for determination on their merits.

TECHCHEF CONSULTING INDIA PRIVATE LIMITED VS HIMANSHU MISHRA & ANR. [ARB.P.-1202/2024]

Judges: Justice Sachin Datta

An arbitration agreement exists between the petitioner and Respondent No. 1. The involvement of Respondent No. 2, a non-signatory, requires complex factual determination based on principles allowing non-signatories to be bound by an arbitration agreement under certain conditions, such as the "alter ego" doctrine. The petitioner has presented a prima facie case suggesting Respondent No. 2 may be an "alter ego" of Respondent No. 1, potentially established to evade the non-compete clause in the employment agreement. A sole arbitrator has been appointed to address the disputes, including whether Respondent No. 2 is subject to the arbitration agreement, with arbitration to occur under the Delhi International Arbitration Centre's auspices. Final determinations are reserved for the arbitral tribunal.

TECHNO GLOBAL SERVICES PRIVATE LIMITED VS GAIL INDIA LIMITED [O.M.P.(I) (COMM.)-250/2024]

Judges: Justice Sachin Datta

The scope of examination in appointing an arbitrator is limited to the prima facie existence of an arbitration agreement. The argument that claims are excluded from arbitration was rejected, with the determination of "excepted matters" left for the arbitral tribunal. A sole arbitrator, Justice (retd.) J.R. Midha, was appointed to adjudicate the disputes. The respondent can raise preliminary objections on arbitrability before the tribunal. The petitioner's Section 9 application for interim relief will be treated as under Section 17 of the Arbitration Act and decided by the arbitrator, who is also requested to expedite this consideration. All rights and contentions of the parties remain open for the arbitrator's decision on the merits.

TECHNO GLOBAL SERVICES PRIVATE LIMITED VS GAIL INDIA LIMITED & ANR. [ARB.P.-1536/2024]

Judges: Justice Sachin Datta

The arbitration clause in the contract is valid, and the disputes raised by the petitioner are arbitrable, excluding any claims categorized as "excepted matters." A sole arbitrator is appointed to resolve the disputes due to the invalid appointment procedure used by the respondents. The petitioner's application under Section 9 of the Arbitration Act shall be treated as an application under Section 17 and addressed by the appointed sole arbitrator.

TRANS ENGINEERS INDIA PRIVATE LIMITED VS OTSUKA CHEMICALS (INDIA) PRIVATE LIMITED [O.M.P. (COMM)-310/2022]

Judges: Justice Sachin Datta

The arbitral award was set aside due to misreading and misinterpretation of the contractual framework. The minutes of meeting, purchase orders, and final agreement indicated that the original scope of work was based on the P&IDs dated 26.07.2016, and any significant modifications thereafter required additional payment. The findings of the arbitral tribunal were deemed perverse and unsustainable, lacking a correct understanding of the contractual arrangement between the parties.

UMED SINGH VS ELECTION COMMISSION OF INDIA [W.P.(C)-6691/2024]

Judges: Justice Sachin Datta

The Election Commission of India lacks the authority to resolve internal disputes of the Akhil Bharat Hindu Mahasabha, which must be settled through a civil suit. The Election Commission's directive issued on March 27, 2024, prohibiting Chief Electoral Officers from accepting Forms A and B on behalf of the party is justified, due to the absence of an approved list of office bearers. There is no interference with the ongoing election process at this time, consistent with established principles.

UNION OF INDIA VS M/S S. S. ENGINEERS [O.M.P. (COMM)-474/2024]

Judges: Justice Sachin Datta

The application by the Union of India for condonation of delay in challenging an arbitral award was dismissed due to a filing made 266 days after receiving the award, exceeding the 3-month + 30-day deadline set by Section 34(3) of the Arbitration and Conciliation Act, 1996. Delays beyond the statutory period cannot be condoned, leading to the dismissal of both the application and the main petition.

VARDAAN SYNTHETICS VS PAWAN TRADERS [ARB.P.-901/2024]

Judges: Justice Sachin Datta

The existence of an arbitration clause in the invoices raised by the petitioner established an arbitration agreement between the parties. An independent Sole Arbitrator, Ms. Anisha Soni, was appointed to adjudicate the disputes. The respondent can raise preliminary objections regarding arbitrability and jurisdiction, which the arbitrator will decide. Directions regarding the arbitrator's fee, sharing of arbitration costs, and preservation of rights related to claims and counter-claims were provided.

VCARE TECHNOLOGIES PVT LTD VS MR NIKHIL RAI [ARB.P.-1319/2024]

Judges: Justice Sachin Datta

A valid arbitration agreement exists between the parties under the Employment Agreement dated 08.06.2016. A Sole Arbitrator was appointed to adjudicate the disputes, with the respondent's objections about time-barred claims and novation to be addressed by the arbitrator on the merits. The examination focused solely on confirming the existence of the arbitration agreement.

VERSATILE COMMOTRADE PVT LTD VS MADAN GOPAL [ARB.P.-624/2024]

Judges: Justice Sachin Datta

The examination at the stage of appointing an arbitrator is limited to confirming the prima facie existence of an arbitration agreement, without addressing the validity, jurisdiction, or arbitrability of the agreement. A sole arbitrator was appointed to resolve disputes, allowing the respondent to raise objections regarding jurisdiction and arbitrability before the arbitral tribunal, without any comments on the case's merits.

VIDUTHALAI CHIRUTHAIGAL KATCHI VS ELECTION COMMISSION OF INDIA [W.P.(C)-4666/2024]

Judges: Justice Sachin Datta

The petition by Viduthalai Chiruthaigal Katchi, an unrecognized political party, challenging the Election Commission of India's rejection of its application for the common symbol "POT" was dismissed. The party had previously used the common symbol twice and did not meet the required minimum vote share of 1% from past elections, which is necessary for a third concession as per Paragraph 10B of the Election Symbols (Reservation and Allotment) Order, 1968. The decision of the Election Commission was upheld, with the petition lacking merit.

VIKAS KUMAR JAIN VS RISHI VASHISHTHA & ANR. [ARB.P.-1183/2024]

Judges: Justice Sachin Datta

The parties entered into an Agreement to Sell dated 26.01.2024, which included an arbitration clause. Ms. Shreya Singhal, Advocate, was appointed as the Sole Arbitrator to resolve disputes between the parties. The respondents can raise objections regarding jurisdiction and arbitrability before the Sole Arbitrator. All rights and contentions related to the claims and counter-claims remain open for decision on their merits by the Sole Arbitrator. This order does not indicate any position on the merits of the case.

VINAY RANJAN TIWARI & ANR. VS SPIRE TECHPARK PRIVATE LIMITED [ARB.P.-1159/2024]

Judges: Justice Sachin Datta

A sole arbitrator, Ms. Shreya Vedantika Mehra, was appointed to resolve disputes between petitioners and the respondent company regarding rent entitlement and demands. The existing Memorandum of Understanding included an arbitration clause, which the respondent acknowledged. All rights and contentions of the parties related to claims and counterclaims remain open for the arbitrator to decide on their merits.

VIPIN KAPOORIA VS M/S SUNWORLD RESIDENCY PRIVATE LIMITED [ARB.P.-297/2023]

Judges: Justice Sachin Datta

A sole arbitrator, Ms. Shilpa Ohri, has been appointed to address disputes in three petitions filed under Section 11(6) of the Arbitration and Conciliation Act, 1996. The question of limitation will be determined by the arbitral tribunal, with the period of good faith negotiations excluded from the limitation period calculation. Arguments regarding the principle of res judicata and the enforceability of the arbitration agreement due to insufficiently stamped main agreements have been rejected. The observations made are solely for these petitions, allowing the respondent to raise jurisdictional objections before the arbitrator. The parties will share the arbitrator's fees and costs equally.

VISHWAS PATHAK VS MUNICIPAL CORPORATION OF DELHI & ORS. [W.P.(C)-7544/2024]

Judges: Justice Sachin Datta

The writ petition by Vishwas Pathak, a non-resident of Delhi, seeking the demolition of unauthorized construction in Chandni Chowk was dismissed. The petitioner lacked legal standing as an illegal construction alone does not grant a neighbor the right to file a petition unless their legal rights, such as light, air, or enjoyment of property, are affected. The petition was deemed motivated rather than an enforcement of fundamental or legal rights.

VLCC PERSONAL CARE LIMITED VS M/S UDAY ENTERPRISES (THROUGH ITS PARTNERS [ARB.P.-1092/2024]
Judges: Justice Sachin Datta
A sole arbitrator, Ms. Shreya Vedantika Mehra, was appointed to address disputes between VLCC Personal Care Limited and M/s Uday Enterprises from a distribution agreement. A valid arbitration clause was confirmed in the agreement. The respondent may raise preliminary objections about arbitrability and jurisdiction, which will be decided by the arbitrator. No opinion on the merits of the case was expressed, and all parties' rights and contentions remain open for legal determination.

WADHWA GENERAL STORE & ANR. VS M/S HINDUSTAN UNILEVER LTD [ARB.P.-1662/2024]
Judges: Justice Sachin Datta
The dispute resolution clause in the agreement between the parties was deemed an invalid appointment procedure for an arbitral tribunal. Ms. Jyoti Mendiratta was appointed as the sole arbitrator to adjudicate the disputes under the Delhi International Arbitration Centre (DIAC). All rights and contentions regarding claims and counter-claims remain open to be decided on their merits according to law.

ABDUS SAMAD & ANR. VS PRINCIPAL DISTRICT AND SESSIONS JUDGE SOUTH [W.P.(C)-11236/2024]
Judges: Justice Sanjeev Narula
The decision to allot the second slot of Chamber No. 370 to Shakeel Ahmad, an advocate senior to Abdus Samad, was upheld based on adherence to established criteria prioritizing seniority. The process did not violate the Saket District Court Lawyers' Chamber (Allotment and Occupancy) Rules, 2010. While the NOC from another petitioner supporting Samad's co-allotment was noted, it was not a decisive factor in the re-allotment, as allowing such influence could lead to undue pressure from existing allottees. Ultimately, seniority was deemed the key factor justifying the committee's decision.

ABHISHEK GROVER VS DIVISIONAL COMMISSIONER DELHI & ORS. [W.P.(C)-12561/2023]
Judges: Justice Sanjeev Narula
Mr. Inderjeet Grover and Mrs. Pushpa Grover established ownership rights over their properties. Their son, Mr. Abhishek Grover, subjected them to ill-treatment and harassment, warranting his eviction under the Senior Citizens Act. The Appellate Authority's decision to overturn the District Magistrate's eviction order was deemed unjustified due to inadequate evidence evaluation. Mr. Abhishek Grover is required to pay Rs. 15,000 per month as use and occupation charges until he vacates the properties. The senior citizens' writ petition was allowed, restoring the eviction order.

ADIDAS AG VS KESHAV H TULSIANI & ORS [CS(COMM)-582/2018]
Judges: Justice Sanjeev Narula
The High Court of Delhi established territorial jurisdiction over Adidas AG's trademark infringement suit against defendants using the identical "ADIDAS" mark for textile goods. Adidas AG demonstrated a business presence within the jurisdiction and successfully argued that the suit was not barred by delay or acquiescence, having consistently opposed the defendants' trademark applications. Adidas AG was identified as the prior adopter and registered proprietor of the "ADIDAS" mark in India, while the defendants could not substantiate claims of prior use. The use of the "ADIDAS" mark by the defendants constituted trademark infringement under the Trade Marks Act, 1999. A permanent injunction was granted against the defendants, along with nominal damages of Rs. 3,00,000 and litigation costs of Rs. 11,22,060.

AHUJA RADIOS VS M/S. ROHINI ELECTRONICS & ORS. [CS(COMM)-498/2019]

Judges: Justice Sanjeev Narula

Ahuja Radios, established in 1940, owns trademarks for its audio equipment. In August 2019, counterfeit products were found in Mumbai's wholesale markets. Investigations identified six defendants selling counterfeit AHUJA products at about half the price of genuine items, with the goods exhibiting inconsistent features. Inspections confirmed possession of counterfeit amplifiers, microphones, and driver units at four locations. One defendant's defense, claiming the goods belonged to someone else, was rejected due to insufficient evidence. As a result, a permanent injunction was issued against the defendants, requiring them to return the seized goods. Damages were set at Rs.30,000 from Rohini Electronics, Rs.64,000 from ML Electronics, Rs.22,000 from Shiv Shakti Electronics, and Rs.97,000 from DJ Mona Electronics.

AIR FORCE SPORTS COMPLEX (AFSC) VS LT. GEN S S DAHIYA [W.P.(C)-4884/2014]

Judges: Justice Sanjeev Narula

The Air Force Sports Complex (AFSC) does not qualify as a 'public authority' under Section 2(h) of the Right to Information Act, 2005. The entity's management by serving Air Force officers does not demonstrate the deep government control necessary for this classification. Additionally, the use of government land is insufficient to establish substantial financing or dependence on government resources. Consequently, AFSC is not required to adhere to the provisions of the RTI Act.

ALIMENTARY HEALTH LIMITED VS CONTROLLER OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-458/2022]

Judges: Justice Sanjeev Narula

The refusal of a patent application for a formulation containing the Bifidobacterium longum NCIMB 41676 (AH1714) strain is not justified due to a lack of inventive step. The prior art does not make the invention obvious, as the specific strain and formulation demonstrate significant advancements over existing probiotic strains. A detailed analysis is necessary to avoid hindsight bias when evaluating inventive step. The matter is remanded for fresh consideration with an emphasis on the novelty of the strain and formulation, as well as the implications of second medical use claims.

AMIT ARORA VS COMMISSIONER OF EXCISE & ORS. [W.P.(C)-3482/2023]

Judges: Justice Sanjeev Narula

The attachment of the petitioner's property by the Excise Department and SDM is legally untenable. The petitioner is conclusively proven to be the rightful owner and not a partner of Popular Spirits LLP. Listing the property as the LLP's correspondence address does not confer ownership, and the claim of de facto ownership lacks concrete evidence. The warrant of attachment has been quashed, with no comment on other actions against the property.

ANASTASIIA PIVTSAEVA & ANR. VS UNION OF INDIA & ANR. [W.P.(C)-436/2023]

Judges: Justice Sanjeev Narula

The decisions of the Foreigners Regional Registration Office (FRRO) to deny Overseas Citizen of India (OCI) status to the petitioners were deemed legally unsustainable. The reasons for denial, linked to investigations involving the petitioner's late husband and alleged business associations, were insufficient to deny security clearance for OCI registration under Section 7A of the Citizenship Act. Allegations of the petitioner's non-cooperation with the investigation required clear evidence, and familial connections to an accused did not automatically disqualify OCI eligibility. Concerns arose due to contradictory information regarding the petitioner's visa extension and departure from the country. The minor child's OCI application met statutory eligibility criteria and was incorrectly rejected based on the parents' situation. The original rejection decisions were quashed, and the respondents were instructed to reconsider the OCI applications and the petitioner's visa extension within eight weeks.

ANIL KUMAR MAGGU VS FOOD CORPORATION OF INDIA [W.P.(C)-13958/2024]

Judges: Justice Sanjeev Narula

The petitions filed by Anil Kumar Maggu challenging the termination of two contracts with the Food Corporation of India (FCI) for handling and transporting food grains were dismissed. The disputes were deemed purely contractual, with the appropriate remedy being civil compensation for wrongful termination rather than writ jurisdiction. The termination was executed under Clause VIII of the contract, which permitted FCI to terminate without reason with a 30-day notice, a term accepted by the petitioner. The case was distinguished from a previous Supreme Court decision due to the existence of an explicit contractual provision governing the termination. The request for an interim stay was rejected, as it would restore a terminated contractual relationship in line with the contract's terms.

ANITA GUPTA SHARMA VS CHAMBER ALLOTMENT COMMITTEE & OTHERS [W.P.(C)-12611/2024]

Judges: Justice Sanjeev Narula

The Chamber Allotment Committee's decision to allot Chamber No. 103 to Jitender Singh and Rajesh Passey was upheld despite the lack of transparency in the process. The committee failed to notify all eligible lawyers about the vacancy, but the petitioner's medical grounds related to her husband did not justify interfering with the decision, which prioritized seniority. Future vacancies must be transparently notified.

ANTHONY WATTS VS UNION OF INDIA & ANR. [W.P.(C)-11192/2024]

Judges: Justice Sanjeev Narula

The High Court of Delhi set aside the Indian High Commission in London's decision to deny a No Objection Certificate (NOC) for the repatriation of Alfi Richard Watts' mortal remains to India. The requirement for the deceased to hold an Overseas Citizen of India (OCI) card for repatriation was deemed arbitrary and inconsistent with the guidelines of other Indian diplomatic missions. This condition violated the principle of equality under Article 14 of the Constitution due to the deceased's established Indian origin and familial ties. The respondents are directed to issue the necessary NOC to Ms. Sharon Alphonso to facilitate the transfer of the remains to Hyderabad, India.

APL APOLLO TUBES LIMITED VS M/S STEEL TRACK & ORS. [CS(COMM)-488/2023]

Judges: Justice Sanjeev Narula

APL Apollo Tubes Limited established a prima facie case of trademark infringement and passing off against M/S Steel Track & Ors for their use of "APOLLO/APOLLO TMT/आपोडलो टीएमटी." The marks used by the defendants were found to be deceptively similar to the plaintiff's registered trademarks "APOLLO" and "APL APOLLO," with similar goods leading to a likelihood of consumer confusion. The plaintiff's goodwill and reputation in the "APOLLO" brand were acknowledged. An ad-interim injunction was granted to restrain the defendants from using the contested marks, allowing them to clear existing stock, while the defendants' argument of delay was rejected.

AR BELA AGRAWAL VS COUNCIL OF ARCHITECTURE AND ORS [W.P.(C)-16402/2022]

Judges: Justice Sanjeev Narula

The order suspending the petitioner architect from practice for one year was quashed due to violations of natural justice, including the lack of opportunity to respond to expanded charges. The conclusions reached were based on an unfair evaluation of evidence and an overreach into issues of copyright and design infringement. The penalty was deemed disproportionate to the alleged misconduct, given insufficient evidence. The role of the Council is to safeguard the integrity of the architectural profession, not to resolve commercial disputes.

ARPIT BHARGAVA VS GOVT. OF NCT OF DELHI AND ANR. [W.P.(C)-6969/2023]

Judges: Justice Sanjeev Narula

The petitioner's concerns regarding the government's inaction on bomb threat emails to Delhi schools are acknowledged as valid. While complete prevention of such threats is deemed unrealistic, initial measures like drafting action plans and SOPs have been initiated. A comprehensive action plan and detailed SOP must be developed in consultation with stakeholders, with the petitioner allowed to make representations. Additionally, regular training sessions, a grievance redressal mechanism, and periodic reviews and updates to the plan are necessary to address evolving challenges.

BALBIR MEENA VS STATE (NCT OF DELHI) AND ORS [W.P.(C)-258/2021]

Judges: Justice Sanjeev Narula

The writ petition by Balbir Meena challenging the compensation of Rs. 10,000 granted under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 was dismissed. When both the victim and accused reach an amicable settlement, the basis for awarding compensation under the SC/ST Act is negated, and the victim should return the compensation received to the government. The FIR was quashed following the settlement, with no issues identified in the order regarding the compensation amount.

BAYER PHARM AKTIENGESELLSCHAFT VS THE CONTROLLER GENERAL OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-255/2022]

Judges: Justice Sanjeev Narula

The order refusing to grant a patent to the Appellant was set aside due to its arbitrary nature and procedural irregularities. The Respondent did not communicate objections under Section 3(e) of the Patents Act, denying the Appellant a fair chance to respond. The interpretation of Section 3(i) regarding methods of treatment was also disputed; the claim related to a product (composition) rather than a method. The matter was returned for a fresh consideration with a hearing, requiring clear identification of objections and a decision within three months after the hearing, unaffected by the previous order's remarks.

BENNET COLEMAN AND CO. LTD VS DIRECTORATE OF ENFORCEMENT THROUGH ITS DIRECTOR & ORS. [W.P.(C)-15471/2023]

Judges: Justice Sanjeev Narula

The issuance of summons under Section 37(1) of the Foreign Exchange Management Act, 1999, without a formal finding of contravention under Section 4 or violations of the Income Tax Act, is inadequate to deny No Objection Certificates (NOCs) for overseas investments sought by Times Internet Limited and Bennet Coleman and Co. Ltd. A prolonged investigation by the Directorate of Enforcement without conclusion does not justify the denial of investment rights. The rejection letters were quashed, and the petitioners were directed to seek remittance of investments abroad to be processed based on applicable FEMA rules and regulations.

BHARAT SANCHAR NIGAM LIMITED VS PLINTRON INDIA PRIVATE LIMITED & ORS. [W.P.(C)-12240/2024]

Judges: Justice Sanjeev Narula

The Empanelment Agreement and Commercial Agreement between BSNL and Plintron expired by efflux of time, and the contractual obligations could not be modified or extended. The principle of promissory estoppel did not apply due to the absence of a clear promise from BSNL to extend the contract. Public interest could not override the explicit terms of the contract. Interim orders preventing BSNL from disconnecting Plintron's connectivity were set aside, and Plintron was granted a two-month grace period to migrate its subscribers to other networks for an orderly transition.

BHAVYA CHABBRA & ANR. VS BADMINTON ASSOCIATION OF INDIA & ORS. [W.P.(C)-17010/2024]

Judges: Justice Sanjeev Narula

The petition challenging the selection criteria of the Delhi Capital Badminton Association (DCBA) for the Yonex—Sunrise 86th Senior National Badminton Tournament was dismissed. The DCBA's criteria, which allocate points equally between partners in doubles and consider the sum of individual rankings, align with the Badminton Association of India's regulations and allow players to choose compatible partners. The DCBA is open to potential changes in the ranking system for future seasons but will not alter criteria for the current event. Allegations of conflict of interest against a committee member were deemed unsubstantiated, and there were no grounds to interfere with the selection criteria.

BIPLAB DATTA & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-8063/2021]

Judges: Justice Sanjeev Narula

The Central Civil Services (Recognition of Service Associations) Rules, 1993 govern the recognition and membership of service associations, rather than the OMs related to the JCM scheme. The association's constitution includes 'non-gazetted' employees without specifying 'Group C and D'. Membership ceases under Rule 5(d)(ii) if an employee no longer belongs to the relevant category, but the remedy involves amending the constitution, which is an internal issue. The removal of 'Group B' members cannot be directed, but a list of members with Grade Pay of Rs. 4200/- and above must be provided to assist in identifying such members.

CASTROL LIMITED VS RAJESH KUMAR TUTEJA, TRADING AS KRISHNA INTERNATIONAL AND ANR. [CS(COMM)-616/2023]

Judges: Justice Sanjeev Narula

The defendant's use of the trademark "newcast roi racing" constitutes trademark infringement and unfair competition against the plaintiff's well-known "Castrol" trademark. The presentation of the defendant's mark manipulates the prominence of "new" while unduly emphasizing "Castroi," creating deceptive similarity with the plaintiff's trademark. This demonstrates a clear intent to deceive consumers and exploit the plaintiff's goodwill. A permanent injunction was granted in favor of the plaintiff, along with damages and litigation costs against the defendant.

CHANDRA PRAKASH VS INSOLVENCY AND BANKRUPTCY BOARD OF INDIA [W.P.(C)-14950/2022]

Judges: Justice Sanjeev Narula

The suspension of Chandra Prakash's registration as an Insolvency Professional for one year was upheld due to his failure to disclose the appointment of his brother's firm, M/s Ibay Capital, and to obtain approval from the Committee of Creditors for the valuation firm's fees. Although he took action against Gravity Facility Management Solutions Pvt. Ltd. for non-payment of water charges, the one-year suspension was justified by at least two valid grounds, leading to the dismissal of his plea to overturn the suspension order.

CONTAINER CORPORATION OF INDIA LIMITED VS ROADWINGS INTERNATIONAL PVT. LIMITED [O.M.P. (COMM)-449/2022]

Judges: Justice Sanjeev Narula

The majority award signed by all three arbitrators on June 1, 2022, is considered a valid and enforceable arbitral award, despite the absence of a dissenting opinion. The limitation period under Section 34 of the Arbitration and Conciliation Act, 1996 begins on June 1, 2022, when the parties received the award. A petition challenging the award was dismissed for being filed beyond the allowed 3-month period and an additional 30-day extension, which cannot be condoned.

CS CONSTRUCTION COMPANY PVT LTD & ANR. VS EXCELLING GEO AND ENGINEERING CONSULTANT & ORS. [W.P.(C)-10027/2024]

Judges: Justice Sanjeev Narula

The writ petition challenging orders from the sole arbitrator and the coordinator of the Delhi International Arbitration Centre was dismissed. The orders were recognized as procedural case management orders within the arbitral tribunal's jurisdiction. The petitioners did not prove exceptional circumstances justifying interference under Articles 226 and 227 of the Constitution. The arbitral tribunal retains the authority to establish its own procedures under the Arbitration Act, and the decisions were not deemed perverse or lacking jurisdiction. The petition was dismissed with costs, and the petitioners retain the right to challenge the orders under Section 34 of the Arbitration Act at a later stage.

DARSHANA RANI VS THE GOVERNMENT NCT OF DELHI AND ANR. [W.P.(C)-7519/2024]

Judges: Justice Sanjeev Narula

The denial of the life insurance claim under the Chief Minister Advocate Welfare Scheme (CMAWS) was upheld due to the petitioner's son not verifying his voter ID/EPIC number, a necessary eligibility requirement. Despite being included in the group medical insurance policy, the policies had different eligibility criteria. The petitioner's son did not meet the requirements at the time of his death, which occurred before the policy's coverage period. The decision to deny the claim was affirmed, with no grounds found to challenge the order.

DEEP MINOR THROUGH NEXT FRIEND VS GOVT. OF NCT OF DELHI [W.P.(C)-9141/2023]

Judges: Justice Sanjeev Narula

A minor child is entitled to a Scheduled Caste certificate based on the caste certificate of the mother, despite the lack of a formal divorce or judicial separation from the father. The mother has faced over 15 years of abandonment, serving as the sole caregiver. The absence of a judicial separation order or divorce decree is deemed an overly formalistic requirement, as the reality of abandonment reflects a separation. Authorities are directed to assess the child's application on its merits, taking into account the long-standing abandonment as equivalent to separation.

DONGGUAN HUALI INDUSTRIES CO. LTD. VS ANAND AGGARWAL AND ORS. [CS(COMM)-229/2023]

Judges: Justice Sanjeev Narula

Dongguan Huali Industries Co. Ltd. established a prima facie case for an interim injunction against the defendants regarding the "HUALI" trademark, demonstrating prior use and substantial goodwill dating back to 2007. The defendants' claims of earlier use since 2008 were undermined by evidence of forged documents. The defendants' use of the identical "HUALI" mark for similar goods constituted an attempt to exploit the plaintiff's reputation, leading to irreparable harm and consumer confusion. An interim injunction was granted to prevent the defendants from using the "HUALI" trademark or any similar marks during the lawsuit.

DR DEEPAK SINGH VS UNION OF INDIA & ORS. [W.P.(C)-15971/2024]

Judges: Justice Sanjeev Narula

The National Rifle Association of India's refusal to issue the "Renowned Shot" certificate to Dr. Deepak Singh was justified. Dr. Singh competed in the "Men" category during the 66th National Shooting Championship Competition 2023 due to an inability to participate in the "Master Men" category because of medical issues. His engagement in the "Men" category was deemed a reasonable accommodation, and by participating without objection, he accepted the terms of that category. Consequently, he cannot claim benefits associated with the "Master Men" category based on principles of estoppel and acquiescence.

EMPLOYEES WELFARE FORUM & ORS. VS REGISTRAR OF SOCIETIES CENTRAL & ORS. [W.P.(C)-12450/2023]

Judges: Justice Sanjeev Narula

The Registrar of Societies lacks the jurisdiction to adjudicate disputes regarding amendments to the Memorandum of Association of the Jawaharlal Nehru National Youth Centre. The orders issued on 15th February 2016 and 1st November 2018, which examined the validity of these amendments, are considered invalid. The appropriate remedy for disputes among the governing body factions is through the civil court, as the Registrar cannot cancel or review the registration of a society or resolve disputes related to its rules and regulations.

G. T. KARNAL ROAD INDUSTRIAL ESTATE CETP SOCIETY (REGD.) VS THE GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-5840/2022]

Judges: Justice Sanjeev Narula

The order imposing an environmental compensation of Rs. 90 lakhs on the G.T. Karnal Road Industrial Estate CETP Society was set aside due to insufficient reasoning and lack of consideration for the petitioner's arguments. Key points included the CETP being owned and designed by government authorities, uncontrolled plant inlet, and the need for replacement due to the CETP's completion of its life cycle. The matter was referred back for fresh consideration, allowing the petitioner to submit additional documents while addressing the CETP's life cycle.

GEETA WAHAL VS GOVT. OF NCT OF DELHI & ANR. [W.P.(C)-9877/2021]

Judges: Justice Sanjeev Narula

The Petitioner, a senior citizen and property owner, was entitled to protection under the Senior Citizens Act against threats to her safety and property. However, the Respondent No. 2 (daughter-in-law) claimed a right to residence in the property under the Domestic Violence Act. The dismissal of the Petitioner's allegations of ill-treatment and harassment by Respondent No. 2 was deemed erroneous. No automatic conclusion of collusion arose from matrimonial discord and pending litigation between the parties. The Petitioner's son was directed to provide financial assistance to Respondent No. 2 for alternate accommodation, and Respondent No. 2 was ordered to vacate the property within two months, subject to ongoing proceedings under the Domestic Violence Act and the divorce case.

GENEVA LABORATORIES LIMITED & ANR. VS MR. JAY KHODIYAR & ORS. [CS(COMM)-395/2019]

Judges: Justice Sanjeev Narula

Defendants were liable for trademark infringement and passing off by selling counterfeit products using the registered "Bio-Oil" trademark and identical packaging. They did not contest the proceedings despite being served with summons and an interim restraint. Evidence, including reports and laboratory analysis, demonstrated clear infringement under the Trademarks Act. The suit was decreed in favor of the plaintiffs, with orders for the destruction of seized counterfeit goods and nominal damages awarded against the defendants.

GLAXO GROUP LIMITED VS MODI LIFE CARE INDUSTRIES LIMITED [CS(COMM)-412/2022]

Judges: Justice Sanjeev Narula

The defendant's written statement, filed after the statutory deadline, was not considered. The trademarks "BETSONE", "BETASONE", and "BETASON", along with their product packaging, were found to be deceptively similar to the plaintiff's registered trademark "BETNESOL" and its distinctive trade dress. The plaintiff is entitled to a decree under Order VIII Rule 10 of the Code of Civil Procedure and awarded actual litigation costs of Rs. 10 lakhs recoverable from the defendant.

GLAXOSMITHKLINE PHARMACEUTICALS LIMITED VS CACTUS PHARMACEUTICALS PRIVATE LIMITED AND OTHERS [CS(COMM)-497/2023]

Judges: Justice Sanjeev Narula

A permanent injunction was granted in favor of GlaxoSmithKline Pharmaceuticals Limited against the use of the trademarks "CEFTUS" and "CEFBACTUM" by the defendants, whose marks were found to be visually, phonetically, and structurally similar to the registered trademark "CEFTUM," creating a likelihood of consumer confusion. The absence of any defense or contest from the defendants resulted in the award of nominal damages and legal costs to the plaintiff. Multiple defendants are involved, but the issue has not been referred to a larger bench.

GLOBAL MUSIC JUNCTION PVT. LTD VS ANNAPURNA FILMS PVT. LTD., & ORS. [CS(COMM)-715/2022]

Judges: Justice Sanjeev Narula

The contempt application by Defendant No. 6 against the Plaintiff was deemed not maintainable under Order XXXIX Rule 2A because the injunction order was directed at Defendant No. 6, not the Plaintiff. The Plaintiff's actions, while questionable, did not constitute civil or criminal contempt under the Contempt of Courts Act, 1971, as the necessary criteria were unmet. The Plaintiff was advised to ensure future communications regarding court order enforcement are clear and accurate to prevent ambiguity or misrepresentation.

GM MODULAR PVT LTD. 14/15, BOKADIA IND. ESTATE, SATIVALI ROAD, VASAI (EAST), THANE, MAHARASHTRA VS MAYUR ELECTROMECK PVT LTD. 452, FUNCTIONAL INDUSTRIAL ESTATE, PATPARGANJ, DELHI [C.O. (COMM.IPD-TM)-276/2022]

Judges: Justice Sanjeev Narula

The petition by GM Modular Pvt Ltd resulted in the cancellation of the "GMW" trademark held by Mayur Electromeck Pvt Ltd. The "GMW" mark was found to be phonetically and conceptually similar to GM Modular's established "GM" trademarks, leading to a likelihood of consumer confusion due to their usage on related goods. Additionally, the lack of convincing evidence for actual commercial use of the "GMW" mark supported its cancellation under Section 47 of the Trademarks Act.

GSK CONSUMER HEALTHCARE S.A. VS CELEBRITY BIOPHARMA LTD. AND ANR. [C.O. (COMM.IPD-TM)-154/2021]

Judges: Justice Sanjeev Narula

The registration of the "OTRINIR" trademark is cancelled as it is deceptively similar to the well-known trademarks "OTRIVIN" and "OTRINOZ." Significant phonetic, structural, and visual similarities exist between the marks, likely causing consumer confusion. The argument that the prefix "OTRI" is generic is rejected due to the established goodwill and reputation of the "OTRI" family of marks. The prior use of "OTRIVIN" indicates that "OTRINIR" was chosen opportunistically, aiming to leverage the brand identity of the petitioner.

HARKISHANDAS NIJHAWAN VS CPIO, SPECIAL BRANCH OF DELHI POLICE & ANR. [W.P.(C)-12213/2018]

Judges: Justice Sanjeev Narula

The petitioner's request for a certified copy of the Special Branch Manual under the RTI Act was denied because the information pertains to procedures used for passport verification, which is exempt under Section 8(1)(a) of the RTI Act. Disclosing this confidential information could compromise law enforcement operations and national security, justifying the decision to deny the request.

HEIFER PROJECT INTERNATIONAL VS HEIFER PROJECT INDIA TRUST [CS(COMM)-542/2018]

Judges: Justice Sanjeev Narula

Territorial jurisdiction exists for the trademark infringement lawsuit due to the defendant's registered office and infringing activities located within the jurisdiction. The plaintiff's lawsuit is valid despite the defendants' technical objections. The defendant trust illegally used the plaintiff's registered "HEIFER" trademark and associated logos after permission was revoked. A permanent injunction against the defendant trust was granted, along with the destruction of infringing materials and an award of nominal damages and legal costs in favor of the plaintiff.

HERO INVESTCORP PRIVATE LIMITED & ANR. VS ASHOK KUMAR AND ORS [CS(COMM)-605/2022]

Judges: Justice Sanjeev Narula

Defendants infringed plaintiffs' registered trademarks "HERO" and associated logos, along with copyrights in product packaging and labels. Failure to contest the proceedings led to the allegations being accepted as facts. Evidence, including local commissioner reports, was sufficient to establish infringement. Plaintiffs received a permanent injunction, destruction of seized infringing goods, nominal damages against direct manufacturers and sellers of counterfeit products, and reimbursement of actual costs for the proceedings.

HIMANSHU AND ORS VS DIRECTORATE GENERAL OF CIVIL AVIATION & ANR. [W.P.(C)-3432/2024]

Judges: Justice Sanjeev Narula

The writ petition by GATI and student pilots challenging the DGCA's reclassification of the Pipistrel VIRUS SW 121 aircraft from "Normal" to "Light Sport Aircraft" was dismissed. The DGCA, as the expert regulatory authority, is mandated under the Aircraft Act to classify and reassess aircraft types based on safety standards and technological advancements. The DGCA had consistently informed GATI of the reclassification, yet GATI continued offering training on the aircraft. This lack of change in operation provided no legal basis to require the DGCA to count training hours towards Commercial Pilot Licenses for the student pilots. Eligibility criteria for CPL issuance prioritize public safety and are best decided by the DGCA, warranting judicial restraint in these technical matters.

HOGAR CONTROLS INDIA PVT LTD VS ANADASU VIJAY KUMAR & ORS. [CS(COMM)-669/2022]

Judges: Justice Sanjeev Narula

The Shareholders and Subscription Agreement (SSA) conferred intellectual property rights over the "HOGAR" and "HOGAR CONTROLS" marks to Hogar Controls India Pvt. Ltd. The claim by Defendant No. 1 regarding ownership of the "HOGAR Controls" mark lacked supporting evidence and contained inconsistencies. Non-compliance with procedural requirements for the assignment of unregistered marks under Section 42 of the Trademarks Act did not undermine the plaintiff's rights. The defendants were found to be passing off the plaintiff's goods, leading to market confusion, resulting in an interim injunction favoring the plaintiff.

HOME AND SOUL PRIVATE LIMITED ERSTWHILE KNOWN AS VERTICAL LIMITS INFRATECH PVT. LTD. VS T.V. TODAY NETWORK LIMITED ERSTWHILE KNOWN AS MAIL TODAY NEWSPAPERS PVT. LTD. [W.P.(C)-14422/2024]

Judges: Justice Sanjeev Narula

The writ petition challenging the Sole Arbitrator's order to defer the issue of limitation to the final disposal of the case is not maintainable. Under the Arbitration and Conciliation Act, judicial intervention at an intermediate stage is prohibited, and grievances should be addressed through a challenge to the final award. The determination of limitation involves both law and fact, and the Arbitrator has discretion regarding the timing of this decision. No compelling circumstances exist for intervention at this stage, leading to the dismissal of the petition.

HT MEDIA LIMITED & ANR. VS HINDUSTAN NEWS NETWORK & ORS. [CS(COMM)-681/2023]

Judges: Justice Sanjeev Narula

The defendant's use of the trade name "Hindustan News Network," the domain name "www.hindustannewsnetwork.in," and associated logos was visually and phonetically similar to the plaintiffs' registered trademarks "Hindustan" and "Hindustan Times," resulting in trademark infringement and passing off. The defendant did not contest the allegations, leading to a decree in favor of the plaintiffs. The defendant's domain name was ordered to be transferred to the plaintiffs, who were allowed to file the judgment with the Trademarks Registry, while the plaintiffs did not seek accounts, damages, or costs.

INDIAN RALWAY FINANCE COPORATION LIMITED VS NATIONAL COMMISSION FOR SCHEDULE TRIBES AND ANR. [W.P.(C)-3512/2022]

Judges: Justice Sanjeev Narula

The National Commission for Scheduled Tribes (NCST) lacks jurisdiction to adjudicate individual employment disputes, such as promotion grievances. Its powers are limited to investigating systemic discrimination against Scheduled Tribes and making recommendations, not resolving private disputes. Repeated summons for the personal appearance of the Petitioner's Chairman-cum-Managing Director were found to be beyond NCST's constitutional mandate. The entitlement of Respondent No. 2 to promotion remains unaddressed, allowing him to pursue other legal remedies.

INFINITI RETAIL LIMITED VS M/S CROMA -SHARE & ORS. [CS(COMM)-838/2022]

Judges: Justice Sanjeev Narula

Defendants operated websites using the plaintiff's registered trademarks "CROMA" and "INFINITI RETAIL" to defraud individuals by offering fake job opportunities and soliciting money, constituting trademark infringement and passing off. Their activities were found to cause irreparable harm to the plaintiff's goodwill and reputation. A permanent injunction was granted against the defendants, and instructions were issued to other parties, including domain registrars and telecom providers, to block the offending websites, suspend related mobile numbers, and disable financial service accounts used by the defendants.

INFOSYS LIMITED VS SOUTHERN INFOSYS LIMITED [CS(COMM)-257/2024]

Judges: Justice Sanjeev Narula

Infosys Limited established a prima facie case of trademark infringement against Southern Infosys Limited for using the 'INFOSYS' mark in its corporate name. Despite the defendant's arguments regarding delay, laches, and the mark's alleged generic nature, the trademark was recognized as having acquired distinctiveness. The use of the mark by the defendant was likely to cause consumer confusion. An interim injunction was granted, restraining the defendant from using 'INFOSYS', with a four-month transition period allowed for changing its corporate name.

J DUNCAN HEALTHCARE PVT LTD. VS CENTRAL MEDICAL SERVICES SOCIETY [W.P.(C)-8630/2024]

Judges: Justice Sanjeev Narula

J. Duncan Healthcare Pvt. Ltd. was found responsible for providing forged Performance Bank Guarantees to the Central Medical Services Society. The company could not claim ignorance, as it had the obligation to ensure the authenticity of submitted documents. The decision to blacklist the company for two years was upheld due to the impact of the forgery on contractual integrity and public procurement. The company's arguments lacked merit, leading to the dismissal of the petition.

JAIKISHAN KAKUBHAI SARAF ALIAS JACKIE SHROFF VS THE PEPPY STORE & ORS. [CS(COMM)-389/2024]

Judges: Justice Sanjeev Narula

Jackie Shroff, a well-known Indian actor, received an ex-parte interim injunction preventing certain defendants from infringing his personality and publicity rights through unauthorized use of his name, image, likeness, voice, and other attributes. As a celebrity, Shroff holds exclusive rights over his public persona, and the defendants' commercial exploitation without consent constituted infringement. The matter of a specific video featuring the term "Thug Life" remains under further examination to determine if its use was derogatory or celebratory.

JITENDRA KUMAR VS THE REGISTRAR OF TRADEMARKS, NEW DELHI & ANR. [C.O. (COMM.IPD-TM)-92/2023]

Judges: Justice Sanjeev Narula

The registration of the "WHITE BOY" trademark in favor of Respondent No. 2 is liable to be cancelled. The Petitioner demonstrated prior and continuous use of the "WHITE BOY" trademark since 2010, predating Respondent No. 2's application. The identical registration likely deceives the public or causes confusion, violating Section 9(2)(a) of the Trademarks Act. Consequently, the "WHITE BOY" trademark registration held by Respondent No. 2 is to be cancelled.

JK LAKSHMI CEMENT LIMITED VS RAM BYASH YADAV, PROPREITOR OF VIKAS HARDWARE & ANR. [CS(COMM)-611/2022]

Judges: Justice Sanjeev Narula

The defendant's use of the "JK GYPSUM LAKSHMI" mark and trade dress was deemed deceptively similar to the plaintiff's registered "JK" trademarks, resulting in infringement and passing off. A permanent injunction was issued against the defendant, along with damages of Rs. 3,00,000 and costs of Rs. 5,50,000, due to the deliberate nature of the infringement.

KABUSHIKI KAISHA TOSHIBA VS TOSIBA APPLIANCES CO. [CS(OS)-55/2006]

Judges: Justice Sanjeev Narula

Kabushiki Kaisha Toshiba holds the registered "TOSHIBA" trademark, which is distinctive and protected under the Trade Marks Act 1958. The use of the similar "TOSIBA" mark by Tosiba Appliances Co. constitutes trademark infringement, likely causing consumer confusion. Toshiba established prior use and registration of its trademark before Tosiba's adoption in 1974-75, while Tosiba's claims of honest use were rejected. Toshiba could not prove its trademark had acquired transborder reputation in India, leading to the dismissal of its passing off claim. Defenses regarding delay, laches, and acquiescence presented by Tosiba were deemed without merit. A permanent injunction was granted against Tosiba's use of the "TOSIBA" mark, and Toshiba was awarded nominal damages of Rs. 15,00,000/- for the infringement.

KALAMKARI LIFESTYLE TECH PVT LTD VS MSME FACILIATION COUNCIL MUMBAI AND ANR [W.P.(C)-14572/2024]

Judges: Justice Sanjeev Narula

The MSME Facilitation Council in Mumbai has jurisdiction to address claims and disputes raised by Respondent No. 2 against the Petitioner under Section 18(4) of the Micro, Small and Medium Enterprises Development Act, 2006. The Petitioner's request to transfer the proceedings to Delhi was rejected due to the precedence of the MSMED Act's jurisdictional framework over the Code of Civil Procedure. The agreement between the parties allowed for concurrent jurisdiction of courts in both Delhi and Mumbai, supporting the Mumbai Facilitation Council's jurisdiction.

KARIM HOTELS PVT LTD & ANR VS NIZAMUDDIN & ANR [CS(COMM)-241/2018]

Judges: Justice Sanjeev Narula

The defendants infringed the plaintiffs' registered trademarks "KARIM'S" and violated their copyright by using the similar mark "KARIN'S" and copying artistic designs. Claims of a franchisee agreement by the defendants were unsubstantiated. The plaintiffs established ownership of the "KARIM'S" trademarks through evidence, leading to a decision in favor of the plaintiffs. Defendant No. 1 was directed to cover the actual costs of litigation due to direct involvement in the infringement.

KHALID JAHANGIR QAZI THROUGH HIS POWER OF ATTORNEY HOLDER MS FARIDA SIDDIQI VS UNION OF INDIA THROUGH SECRETARY & ORS. [W.P.(C)-7755/2023]

Judges: Justice Sanjeev Narula

OCI cardholders are classified as "foreigners" under the Foreigners Act, but the procedural safeguards of Section 7D of the Citizenship Act for canceling OCI status also apply when restricting entry. The show cause notice and cancellation order issued to the petitioner were deficient, lacking specificity in their grounds and failing to provide a reasonable opportunity for response as required. The cancellation and blacklisting orders were set aside, and a fresh notice with clear grounds must be issued, allowing the petitioner a reasonable opportunity to respond before any final decision.

KINGSTON ENTERPRISES VS NBCC (INDIA) LTD. & ANR. [W.P.(C)-4517/2023]

Judges: Justice Sanjeev Narula

The 'pay-when-paid' clause in the back-to-back contract between the subcontractor and NBCC bars immediate payment of dues until NBCC receives payment from the NSG, the principal employer. The subcontractor cannot seek payment directly from NSG due to lack of privity of contract. While the subcontractor's position is acknowledged, the writ petition is dismissed, allowing the option to pursue alternate remedies through civil proceedings or arbitration to examine the contractual clauses and any issues of unconscionability.

KSHITIJ GUPTA VS UNION OF INDIA & ORS. [W.P.(C)-9449/2024]

Judges: Justice Sanjeev Narula

The petition by Kshitij Gupta, an Overseas Citizen of India (OCI) cardholder, was dismissed after he challenged the denial of a special work permit for a position as a Country Based Clearance Officer at the British High Commission in New Delhi. Employment of OCI cardholders in diplomatic missions is subject to principles of reciprocity and national security, as outlined in the Protocol Handbook by the Ministry of External Affairs. The British High Commission did not provide sufficient justification for employing a third-country national for a local position. The argument regarding the inapplicability of the Vienna Convention on Diplomatic Relations, 1961 was also rejected, as employment in a diplomatic mission raises national security concerns. The responsibility for justifications lies with the foreign mission, and the Indian government cannot be compelled to seek this information. Ultimately, the challenge to the government's decision was deemed without merit.

KUNAL MONDAL VS UNION OF INDIA AND ORS. [C.O.(COMM.IPD-CR)-875/2022]

Judges: Justice Sanjeev Narula

The petitioner is the original creator and copyright owner of the artistic label, having prior use and registration since 1999. The respondent's copyright registration is a substantial reproduction and imitation of the petitioner's work, which undermines its validity. The petitioner retains primacy over the intellectual property rights, leading to a directive for rectification of the respondent's copyright registration.

KURU AGRI PRODUCTS & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-3597/2022]

Judges: Justice Sanjeev Narula

The petition challenging the Government of India's guidelines for regulating the import of poppy seeds from Turkey was dismissed. The registration of sales contracts by the Turkish Grain Board is governed by Turkish law, and Indian authorities have no jurisdiction over it. Allegations of fraudulent practices and cartelization by Turkish exporters were unsubstantiated due to a lack of evidence from Turkish authorities. The import guidelines are valid and aligned with the government's policy prerogatives, showing no arbitrariness or discrimination. The requirement of advance payment is within the government's authority under relevant laws and the MoU with Turkey.

LACOSTE & ANR. VS CROCODILE INTERNATIONAL PTE LTD. & ANR. [CS(COMM)-1550/2016]

Judges: Justice Sanjeev Narula

Lacoste's registered "crocodile device" trademark was infringed by Crocodile International's "Annexure-A" device due to its deceptive similarity, likely causing consumer confusion. Lacoste could not prove the reputation and goodwill of their mark for a passing off claim. No copyright infringement occurred as the crocodile designs were independently created. The 1983 Agreement and the 1985 Letter did not establish a binding co-existence agreement for the Annexure-A device in India. A permanent injunction was issued against Crocodile International's use of the Annexure-A device, along with an order for an account of profits earned from its sale.

M/S HFCL LTD. (FORMERLY HIMACHAL FUTURISTIC COMMUNICATIONS LTD.) VS MICRO AND SMALL ENTERPRISES FACILITATION COUNCIL & ORS. [W.P.(C)-7440/2023]

Judges: Justice Sanjeev Narula

The Micro and Small Enterprises Facilitation Council lacked jurisdiction to initiate proceedings under the Micro, Small and Medium Enterprises Development Act, 2006, as the supplier was not registered under the Act at the time of the contracts executed between 2014 and 2018. Registration under the Act applies only prospectively, not retroactively. Consequently, the notices initiating the proceedings and subsequent arbitration proceedings were set aside.

M/S UPGRID SOLUTIONS PRIVATE LIMITED AND ANR VS GOVT. OF NCT OF DELHI AND OTHERS [W.P.(C)-12992/2024]

Judges: Justice Sanjeev Narula

Lithium-ion batteries leased by the petitioners to e-rickshaw owners can be separated from the impounded e-rickshaws and returned to the petitioners. Ownership rights over the batteries were established through leasing agreements, despite the e-rickshaws being unregistered. The respondents must allow inspection and identification of the recovered batteries, releasing the identified ones to the petitioners within two weeks. The petitioners are required to undertake that they will lease or supply batteries only to e-rickshaw owners with valid registration and fitness certificates.

M/S. KAVITA ENTERPRISES VS AIRPORT AUTHORITY OF INDIA [W.P.(C)-4530/2022]

Judges: Justice Sanjeev Narula

M/s. Kavita Enterprises' writ petition for the return of fixed deposit receipts and earnest money deposits from the Airport Authority of India was dismissed. The claims were deemed time-barred, as the cause of action arose in 1996-97 and the petition was filed over 20 years later, exceeding the 3-year limitation period. Prolonged inaction barred the petitioner from relief under the doctrine of laches. Additionally, insufficient particulars about the contracts and existing factual disputes were noted as hindrances for adjudication. The respondent had encashed some fixed deposits due to alleged dues, and the petitioner had not met statutory obligations under the Employees' Provident Funds Act, further complicating the case.

MAHBOOB ALAM QURESHI & ANR. VS TDI INFRASTRUCTURE PVT. LTD. [W.P.(C)-15195/2024]

Judges: Justice Sanjeev Narula

The writ petition challenging the orders of the State Consumer Dispute Redressal Commission and the National Consumer Disputes Redressal Commission regarding the condonation of delay in filing a consumer complaint was dismissed. The argument that the cause of action was continuing was rejected, as it had crystallized on the date of cancellation of allotment. The reasoning of the NCDRC on the condonation of delay, which aligned with established Supreme Court judgments, was upheld.

MAHESH GUPTA VS ASSISTANT CONTROLLER OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-328/2022]

Judges: Justice Sanjeev Narula

The Assistant Controller of Patents and Designs rejected Indian Patent Application No. 201611041718 for the 'PORTABLE VEHICLE MANAGEMENT SYSTEM' due to a lack of inventive step under Section 2(1)(ja) of the Indian Patent Act, 1970. The claimed invention's functionalities, including real-time monitoring and anomaly detection, are already covered by prior art documents D4 (US2002019703A1) and D5 (US2015019266A1). The additional feature of face detection in videos was considered an obvious application of existing techniques. The shift from a fixed to a portable system was deemed a natural progression, easily conceived by a person skilled in the art without any inventive effort.

MAJ. GEN. SANJEEV JAIN (RETD.) VS CENTRAL PUBLIC WORKS DEPARTMENT & ANR. [W.P.(C)-12054/2024]

Judges: Justice Sanjeev Narula

The respondents' requirement for 'similar works' experience as an eligibility condition for the tender was upheld, applicable even to a retired government engineer registered as a CPWD contractor. The eligibility criteria set by the tendering authority are within their discretion, only subject to scrutiny for arbitrary or mala fide actions. The communication in question clarified the tender conditions and did not constitute an unreasonable amendment.

MALLCOM (INDIA) LIMITED VS SHANTI UDYOG WELDSAFE PRIVATE LIMITED & ORS. [CS(COMM)-85/2024]

Judges: Justice Sanjeev Narula

The "CD TIGER" trademark is deemed deceptively similar to the registered "TIGER" trademark, creating a likelihood of consumer confusion and trademark infringement. The plaintiff is the prior user and registrant of the "TIGER" mark, having established significant goodwill and reputation. The adoption of the "TIGER" component by the defendant is considered prima facie mala fide and amounts to passing off. An interim injunction prevents the defendant from using "CD TIGER" or any similar mark, requires depleting existing stock within four weeks, and mandates the removal of the website "www.cdtiger.com". The plaintiff may file an amended replication to the defendants' amended written statement.

MANASH LIFESTYLE PRIVATE LIMITED VS OCP TECH INDUSTRIES PRIVATE LIMITED & ORS. [CS(COMM)-493/2023]

Judges: Justice Sanjeev Narula

Defendants OCP Tech Industries Private Limited and its directors infringed the plaintiff's registered trademarks and trade dress by copying promotional images, product names, and descriptions of the "GOOD VIBES" brand. Their actions were deemed dishonest and malafide. A permanent injunction was issued against them, preventing further infringement. The plaintiff was awarded nominal damages of Rs. 50,000 and costs of Rs. 2,98,000.

MEHAK OBEROI VS BAR COUNCIL OF INDIA & ORS. [W.P.(C)-16445/2024]

Judges: Justice Sanjeev Narula

The Bar Council of India can require candidates with foreign law degrees to pass a Qualifying Examination and complete a bridge course for enrollment with the Bar. The petitioner, who studied at a BCI-recognized UK university and completed a two-year bridge course in India, had been informed of the Qualifying Examination requirement prior to enrolling in the bridge course. By accepting these conditions, the petitioner cannot now challenge this requirement. The Qualifying Examination evaluates readiness for Indian legal practice, while the bridge course addresses educational equivalency. Exemption from the Qualifying Examination would undermine the regulatory framework and create inconsistencies in rule application.

MILLENNIUM AUTOMATION PRIVATE LIMITED VS BHARAT SANCHAR NIGAM LIMITED [W.P.(C)-12451/2024]

Judges: Justice Sanjeev Narula

Millennium Automation Private Limited had the rescission of its purchase order by Bharat Sanchar Nigam Limited (BSNL) set aside. BSNL's claims of non-compliance with the advance purchase order's clauses were found to be factually incorrect, as the petitioner had provided the necessary clearances and signed security agreement. Additional grounds raised by BSNL regarding local content declaration issues lacked evidence and were deemed unreasonable. The sanctity of public tenders and valid contracts was emphasized, with the conclusion that BSNL's decision to rescind the order was arbitrary and violated principles of fairness and reasonableness.

MR PENUMETCHA NARASIMHA RAJU AND ORS VS UNION OF INDIA AND ANOTHER [W.P.(C)-12277/2024]

Judges: Justice Sanjeev Narula

In the absence of a recognized National Sports Federation for Curling in India, the Indian Olympic Association (IOA) must establish an ad-hoc committee to conduct selection trials for the Indian Curling team for the 9th Asian Winter Games. The committee will verify athlete credentials, organize trials at a suitable venue, and manage associated expenses in consultation with the Curling Federation of India and other stakeholders. The IOA is also required to decide on recognizing the NSF for Curling within two weeks. Despite the challenges in organizing the trials, there is an expectation for all parties to facilitate the participation of Indian athletes in Curling if feasible.

MR. AMARDEEP SINGH BEDI VS UNION OF INDIA & ANR. [W.P.(C)-12597/2024]

Judges: Justice Sanjeev Narula

The refusal to issue a Police Clearance Certificate (PCC) to the petitioner based on pending criminal cases without conviction constitutes an unreasonable restriction on the right to pursue business abroad. While authorities can impose reasonable restrictions, denying the PCC in this case unjustly limits constitutional rights. The PCC must be issued with a note explaining the pending cases and confirming compliance with the requisite deposit, ensuring transparency for Canadian authorities regarding the visa application.

MR. S. C. GUPTA VS UNION OF INDIA AND ORS [W.P.(C)-14658/2024]

Judges: Justice Sanjeev Narula

The writ petition seeking a full reward of 20% of the recovered duty amount was dismissed. Rewards under informer schemes are discretionary and not a matter of right, with the competent authority having the discretion to determine the reward based on factors such as the information's specificity, the informer's risk and effort, and their contribution to recovering government dues. Disputes about the petitioner's contribution or the duty amount recovered cannot be adjudicated. The decision to award the petitioner INR 25 lakhs, representing 2% of the recovered amount, was upheld.

MR. SIDDHAANT MOHTA & ORS. VS DELHI GYMKAHANA CLUB LTD. & ORS. [CS(OS)-224/2022]

Judges: Justice Sanjeev Narula

The issuance of Green Cards by the Delhi Gymkhana Club violated the Club's Articles of Association, which do not recognize a "Green Card" category. This system bypassed the requirement for dependents to apply for full membership upon turning 21. Historical practices or internal club policies cannot override the AoA. Plaintiffs, as Green Card holders, lacked enforceable membership rights under the AoA. The Administrator's actions to suspend and terminate the Green Cards aligned with directives to ensure compliance with the AoA.

MRIDULA DEVI VS UNION OF INDIA AND ORS [W.P.(C)-15038/2021]

Judges: Justice Sanjeev Narula

The petitioner's late husband, Mr. Ramanand Singh, qualified for the Swatantrata Sainik Samman Pension (SSSP) under the SSSP Scheme, as evidence including a certified copy of GR Case No. 572/1942 confirmed he was a proclaimed offender for over six months during the freedom struggle. The rejection of the petitioner's claim was overturned, and the pension was to be paid from the date of her husband's application until his death, with 6% interest. The petitioner is not eligible for the pension or arrears following her husband's death according to the revised policy guidelines of the SSSP Scheme.

MRS C VS THE PRINCIPAL SECRETARY HEALTH AND FAMILY WELFARE DEPARTMENT, GOVT OF NCT OF NCT OF DELHI & ORS. [W.P.(C)-11206/2024]

Judges: Justice Sanjeev Narula

A single mother abandoned by her husband qualifies under Rule 3B(c) of the Medical Termination of Pregnancy (MTP) Rules, 2021, permitting termination of pregnancy up to 24 weeks due to a change in marital status. The continuation of her 22-week pregnancy poses risks to her mental health given her challenging financial and social situation. Medical termination of her pregnancy was authorized, providing immunity to the consulting doctors involved.

MS K S JAIN BUILDERS VS INDIAN RAILWAY WELFARE ORGANIZATION [O.M.P. (COMM)-456/2022]

Judges: Justice Sanjeev Narula

The petition by MS K S Jain Builders challenging the partial disallowance of Claim No. 4 and Claim No. 5 was dismissed. The petitioner cannot contest the disallowed portion of Claim No. 5 after accepting the awarded amount. No grounds were established to invalidate the entire award regarding Claim No. 5. The 5% rate for damages was deemed appropriate, and the calculation of lost profits was acknowledged as inherently speculative. There was no re-appreciation of evidence or alternative findings provided contrary to the arbitrator's conclusions.

NATIONAL POWER TRAINING INSTITUTE VS OFFICE OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITY & ORS. [W.P.(C)-11104/2024]

Judges: Justice Sanjeev Narula

The Chief Commissioner for Persons with Disabilities exceeded statutory jurisdiction by issuing a stay on the transfer of Respondent No. 3 from the National Power Training Institute Faridabad to NPTI Durgapur. The powers of the CCPD are limited to investigation and recommendation, and do not allow for binding orders on service matters such as transfers. The interim order staying the transfer was set aside.

NEELAM AHUJA VS RAJ AHUJA & ORS. [W.P.(C)-12507/2024]

Judges: Justice Sanjeev Narula

The writ petition filed by a widowed daughter-in-law challenging the eviction order under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was dismissed. The petitioner's assertion of being rendered homeless was unsubstantiated, as she had access to multiple alternative properties. The eviction order was deemed a proper balance of the petitioner's right to residence and the senior citizen's right to seek eviction, confirming it did not infringe upon the petitioner's right to shelter or security.

NIUM INDIA PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-10466/2024]

Judges: Justice Sanjeev Narula

The writ petition filed by the petitioner is not maintainable due to the availability of an alternative remedy under Section 42 of the PMLA. The petitioner should have approached the Bombay High Court for an appeal against the Appellate Tribunal's order. The argument regarding denial of access to critical documents was noted, but the statutory appeal remedy was deemed adequate and there were no extraordinary circumstances for intervention under Article 226. The writ petition was dismissed, allowing the petitioner to pursue available statutory remedies, without addressing the merits of the case or fundamental rights allegations.

NORTH EASTERN RE ORGANISING CULTURAL ASSOCIATION FOOTBALL CLUB NEROCA VS UNION OF INDIA & ANR. [W.P.(C)-10100/2024]

Judges: Justice Sanjeev Narula

The petitions by Tiddim Road Athletic Union and North Eastern Re-Organising Cultural Association Football Club challenging their relegation from the I-League to the 2nd Division League were dismissed. The circumstances faced by the clubs, including disruptions in Manipur, were deemed not comparable to past cases where exemptions were granted. The relegation decision was based on league rules that the clubs had accepted, with no evidence of arbitrariness. Practical and financial constraints faced by the AIFF in accommodating the clubs were acknowledged, along with potential disruptions to the league's structure. Compelling AIFF to exercise discretion in a specific manner was not supported by legal provisions.

OCL IRON AND STEEL LIMITED VS UNION OF INDIA [W.P.(C)-8316/2024]

Judges: Justice Sanjeev Narula

Claims of Rs. 92.25 crore for the Performance Bank Guarantee and Rs. 9.21 crore for incremental fixed costs by the Ministry of Coal against OCL Iron and Steel Limited have been extinguished through the corporate insolvency resolution process and the approved resolution plan. The Performance Bank Guarantee claim was rejected as it did not qualify as a 'financial debt' and was not challenged by the Respondent. The Rs. 9.21 crore claim was admitted as operational debt and settled in the resolution plan. The approved resolution plan binds all stakeholders, and debarment of OCL Iron and Steel Limited from coal mine auctions based on these claims contradicts the intent of the Insolvency and Bankruptcy Code, 2016, which seeks to provide a 'fresh start' to corporate debtors.

PFIZER PRODUCTS, INC. VS RENOVISION EXPORTS PVT. LTD. [CS(COMM)-378/2018]

Judges: Justice Sanjeev Narula

Pfizer Products Inc. is the proprietor of the registered trademark "VIAGRA." The use of the mark "VIGOURA" by the Defendants constitutes trademark infringement and passing off. The mark "VIGOURA" is found to be deceptively similar to "VIAGRA" both phonetically and visually, and it was adopted with knowledge of Pfizer's prior rights. Pfizer's "VIAGRA" had acquired transborder reputation in India prior to the adoption of "VIGOURA." The Defendants are permanently restrained from using "VIGOURA" and Pfizer is awarded nominal damages of Rs. 3,00,000/- along with litigation costs.

PHILLIPS 66 COMPANY VS RAAJ UNOCAL LUBRICANTS LIMITED [CS(COMM)-281/2022]

Judges: Justice Sanjeev Narula

The plaintiff was permitted to record the testimony of two witnesses located in the United States via video conferencing, despite the defendant's objections regarding witness demeanor and document handling. The advantages of modern technology were deemed to outweigh these concerns, given the sophistication of the parties involved. Additionally, the plaintiff's application to admit certain documents into evidence was partially granted, with some documents allowed and others requiring formal proof of existence.

PIO, RP CELL, SOUTH DELHI MUNICIPAL CORPORATION VS CENTRAL INFORMATION COMMISSION AND ANR. [W.P.(C)-4622/2019]

Judges: Justice Sanjeev Narula

The Central Information Commission (CIC) has the authority under Section 19(8)(b) of the RTI Act to award compensation to an RTI applicant for losses incurred due to denial of information. In this case, the South Delhi Municipal Corporation (SDMC) provided evasive responses to the RTI application, which led to the applicant incurring unnecessary parking fees. The CIC awarded Rs. 50,000 in compensation, deemed reasonable due to the applicant's financial losses. While the CIC intended for the compensation to benefit the public, it was clarified that the amount should reflect the personal detriment of the applicant. The SDMC is directed to pay the awarded compensation, which will be utilized by SCOPE for public benefit.

PNC INFRATECH LIMITED VS UNION OF INDIA THROUGH MINISTRY OF ROAD TRANSPORT AND HIGHWAYS & ANR. [W.P.(C)-14903/2024]

Judges: Justice Sanjeev Narula

The debarment order issued by the Ministry of Road Transport and Highways against PNC Infratech Limited and its subsidiaries for one year was upheld due to credible evidence of corruption and a breach of the Integrity Pact. The decision-making process adhered to principles of natural justice. Arguments claiming lack of jurisdiction, insufficient evidence of wrongdoing, and a pre-determined mindset were rejected. This matter involved multiple petitions from PNC Infratech Limited's subsidiaries addressed collectively.

POOJA MEHTA & ORS. VS GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-4643/2021]

Judges: Justice Sanjeev Narula

The eviction order against the daughter-in-law and son of a senior citizen was upheld under the Delhi Maintenance and Welfare of Parents and Senior Citizens Act. Authorities had jurisdiction to issue the eviction despite an existing protection order under the Domestic Violence Act. The senior citizen's right to live peacefully was prioritized over the daughter-in-law's right to reside in the shared household. Evidence showed the senior citizen faced continuous ill-treatment from the petitioners, justifying the eviction. The husband was directed to provide a monthly allowance for the daughter-in-law to secure alternative accommodation, with a one-month deadline to vacate the property, subject to further orders by the Mahila Court in the Domestic Violence Act proceedings.

SH. OM PRAKASH VS GOVERNMENT OF NCT OF DELHI & ANR. [W.P.(C)-10688/2023]

Judges: Justice Sanjeev Narula

The notice issued by the District Magistrate for eviction and payment of outstanding charges was deemed unsustainable as it exceeded legal authority. Matters of eviction and rent recovery should be handled by a competent court. The notice was set aside, and the landlord retains the right to pursue legal proceedings for possession and arrears of rent.

RACHNA SAGAR PVT LTD VS SOVEREIGN MERCANTILE PVT LTD & ORS. [CS(COMM)-304/2023]

Judges: Justice Sanjeev Narula

The plaintiff established a prima facie case of passing off against the defendants due to their use of a deceptively similar trademark and device mark. The defendants, claiming prior use since 1995, presented unconvincing evidence lacking original documents and a clear legal assignment of rights. Given the plaintiff's extensive use and established reputation, the defendants' similarity in marking is likely to cause consumer confusion, constituting passing off. An interim injunction was confirmed to restrain the defendants from using the disputed marks.

RAJEEV KUMAR VS 1. CENTRAL INFORMATION COMMISSION (CIC) THROUGH CPIO & ORS. [W.P.(C)-10118/2021]

Judges: Justice Sanjeev Narula

The PhD thesis requested under the RTI Act must be disclosed, as the University and Central Information Commission did not demonstrate any potential harm to third parties as required by Section 8(1)(d) of the RTI Act. PhD theses are intended to be publicly accessible to promote academic discourse and research. Claims of intellectual property or commercial value are insufficient to justify withholding the information. The University must provide the thesis to the petitioner within two weeks.

RAKESH KHANNA VS NAVEEN KUMAR AGGARWAL & ORS. [W.P.(C)-13098/2024]

Judges: Justice Sanjeev Narula

The arrest warrants against Rakesh Khanna by the SCDRC and NCDRC were upheld for non-compliance with a final order regarding VXL Realtors Pvt. Ltd., where he was a director. Khanna's responsibility as a director at the time of the enforcement was affirmed, regardless of his involvement in day-to-day operations. The legal authority of the SCDRC and NCDRC under the Consumer Protection Act, 2019 to issue arrest warrants was confirmed.

RAKESH KUMAR SAINI VS THE POWER FINANCE CORPORATION LTD [W.P.(C)-12196/2024]

Judges: Justice Sanjeev Narula

The petitioner's request for cancellation or premature redemption of the "54EC Capital Gain Tax Exemption Bonds – Series VIII" issued by Power Finance Corporation Ltd. was denied. The statutory scheme mandates a 5-year lock-in period with restrictions on withdrawal, redemption, or transfer, reflecting the legislative purpose of Section 54EC of the Income Tax Act. Permitting premature redemption was deemed contrary to the intent behind these bonds and would violate statutory obligations. The specific terms of the financial instrument govern the rights and obligations of the parties, prohibiting any modification or rewriting of conditions outside the scope of writ jurisdiction. Hence, the writ petition was dismissed.

RONG THAI INTERNATIONAL GROUP CO. LTD. VS ENA FOOTWEAR PVT. LTD. AND ANR. [C.O. (COMM.IPD-TM)-100/2021]

Judges: Justice Sanjeev Narula

The Petitioner, Rong Thai International Group Co. Ltd., did not establish a continuous period of non-use of the "BAOJI" trademark by the Respondent, ENA Footwear Pvt. Ltd., for at least five years prior to the filing of the rectification application. The Respondent provided substantial evidence, including sales invoices, demonstrating continuous use of the trademark. As a result, the application for cancellation of the "BAOJI" trademark was dismissed.

RSPL LIMITED VS AGARWAL HOME PRODUCTS [CS(COMM)-486/2023]

Judges: Justice Sanjeev Narula

The adoption of the trademark "AGRAGHADIYAL" by the defendant was found to be deceptively similar to the well-known "GHADI" trademark of the plaintiff, creating a substantial likelihood of consumer confusion due to similarities in visual elements, phonetics, and overall impression. The defendant's conduct was characterized as lacking good faith and aimed at exploiting the plaintiff's established goodwill. A permanent injunction was granted to prevent the defendant from infringing on the plaintiff's trademark and passing off its goods as those of the plaintiff. The plaintiff waived claims for damages and costs.

RUBAIDA KHATUN VS THE PRINCIPAL SECRETARY HEALTH AND FAMILY WELFARE DEPARTMENT & ORS. [W.P.(C)-8672/2024]

Judges: Justice Sanjeev Narula

A writ petition was allowed for a woman to terminate her pregnancy of over 30 weeks after the AIIMS Medical Board diagnosed the fetus with Joubert Syndrome, a serious multisystem disorder. The continuation of the pregnancy posed significant risks to the woman's physical and mental health and would likely result in the birth of a child with severe health issues. Comprehensive medical reports were deemed crucial in sensitive cases, and a recommendation was made for the Medical Board at Lok Nayak Hospital to approach such situations with increased diligence and urgency.

SALASAR E-WASTE LLP VS DY CMM NORTHERN RAILWAY & ANR. [W.P.(C)-5249/2022]

Judges: Justice Sanjeev Narula

The forfeiture of the Earnest Money Deposit by the Respondents was valid and in accordance with the e-auction terms. The bid sheet specified a 15-day interest-free period for the Balance Sale Value (BSV) payment, which expired on January 24, 2022. Extensions could only be requested with interest and within the prescribed timelines. Clauses 6.2 and 6.3 of the "Conditions for Sale" outlined the timeline for BSV payment and consequences of non-payment. The Petitioner's payment request made on February 15, 2022, was beyond the 35-day maximum permissible timeframe post-auction. Therefore, the Respondents had the contractual right to forfeit the Earnest Money Deposit. The auction terms were accessible on the platform, and the Petitioner's claim of not knowing these terms was not accepted.

SANCHIT GUPTA VS UNION OF INDIA AND ANR. [W.P.(C)-10030/2024]

Judges: Justice Sanjeev Narula

The writ petition regarding the suspension of a social media account by X Corp is not maintainable, as X Corp does not perform a "public function" necessary for a writ under Article 226 of the Constitution. The appropriate action for the petitioner is civil litigation for breach of contract, and no neglect of statutory duty by the Union of India was found to justify a mandamus.

SANJAY KUMAR VERMA VS PLANNING AND INFRASTRUCTURAL DEVELOPMENT CONSULTANTS PVT. LTD. [ARB.P.-1164/2022]

Judges: Justice Sanjeev Narula

The arbitration clause in the Letter of Appointment designates Patna as the seat of arbitration, making this agreement binding. The argument for jurisdiction in Delhi was rejected, as the designation of Patna precludes any jurisdiction under Section 11(6) of the Arbitration and Conciliation Act, 1996. The case was distinguished from the cited precedents, and the petition was dismissed.

SAP SE VS VTECH SOFT SOLUTIONS & ORS. [CS(COMM)-110/2020]

Judges: Justice Sanjeev Narula

Vtech Soft Solutions committed infringement and passing off of SAP SE's trademarks and copyrights by continuing to use the plaintiff's intellectual property after receiving cease and desist notices. The unauthorized actions included providing remote access to pirated SAP software and training materials, likely causing confusion and deception among customers and resulting in irreparable harm to SAP's business and reputation. A permanent injunction was granted to restrain Vtech from further infringement.

SHAMINDER SINGH BHATIA & ANR. VS MR. VISHNU BHAGWAN @ BALWAN SINGH [CS(COMM)-125/2021]

Judges: Justice Sanjeev Narula

Substituted service of summons through newspaper publication does not mark the beginning of the limitation period for filing a written statement. Insufficient efforts were made to serve the defendant personally, and the defendant's claim of not residing at the provided address was not convincingly disproven. Given the defendant's explanation for a 9-day delay in filing the written statement, the delay was condoned, with the condition of a payment of INR 20,000 to the plaintiff.

SHIV KUMAR VS NATIONAL MEDICAL COMMISSION & ORS. [W.P.(C)-4828/2021]

Judges: Justice Sanjeev Narula

The petition challenging the decisions of the Delhi Medical Council and the National Medical Commission regarding alleged medical negligence by doctors at Max Super Speciality Hospital was dismissed. The medical bodies' decisions were found to be free of perversity or arbitrariness, with the treatment deemed appropriate for the patient's complex medical condition. The judgment emphasized that the findings of the medical experts should be respected unless proven illegal or perverse, which was not established in this case.

SHRUTI VOHRA VS EQUESTRIAN FEDERATION OF INDIA & ORS. [W.P.(C)-8765/2024]

Judges: Justice Sanjeev Narula

The petition by an Indian Dressage athlete against the Equestrian Federation of India (EFI) regarding the selection criteria for the Paris Olympic Games 2024 was dismissed. The EFI's criteria, based on the average of the athlete's best four performances over the past year, aligned with international guidelines from the Fédération Équestre Internationale (FEI) and was deemed reasonable. The argument for prioritizing recent performances was rejected in favor of a broader evaluation for consistency in athlete-horse combinations. Recognition was given to the evolving nature of sports, with encouragement for the EFI to consider ongoing reassessment of the selection criteria in response to feedback.

SIMENTECH INDIA PRIVATE LIMITED VS BHARAT HEAVY ELECTRICALS LIMITED [O.M.P. (COMM)-348/2022]

Judges: Justice Sanjeev Narula

The Specified Value for determining pecuniary jurisdiction under the Commercial Courts Act, 2015 must include both claim and counter-claim amounts, as well as interest accrued up to the date of arbitration invocation. Calculating interest only until the Section 34 petition filing is insufficient and results in a fluctuating Specified Value, which conflicts with legislative intent. As the adjusted Specified Value fell below the INR 2 crore threshold, the petition must be returned for filing in a court of competent jurisdiction.

SMT. NURAISHA KHATOON VS IFFCO TOKIO GENERAL INSURANCE CO LTD & ORS. [W.P.(C) 7516/2022]
Judges: Justice Sanjeev Narula
Writ petitions challenging the repudiation of insurance claims under the Pravasi Bharatiya Bima Yojana, 2017 are maintainable as the insurance company is engaged in a public function under a government welfare scheme. Arguments regarding delay and laches were dismissed due to the socio-economic context of the petitioners and provisions for condonation of delay in the scheme. Issues regarding representation by a power of attorney holder led to a directive for the insurance company to disburse claim amounts directly to legitimate nominees or beneficiaries. The claim repudiation was set aside, with instructions for the insurance company to process claims promptly and for government authorities to issue necessary certificates for condonation of delay.

SMT. SANTOSH TYAGI VS GOVERNMENT OF NCT OF DELHI AND ORS [W.P.(C)-4190/2023]
Judges: Justice Sanjeev Narula
The petitioner, a senior citizen, had valid grounds to seek eviction of her son and daughter-in-law from her self-acquired property under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. However, consideration was given to the daughter-in-law's residential rights under the Protection of Women Against Domestic Violence Act, 2005. A previously dismissed domestic violence complaint indicated that the eviction petition was not solely aimed at the daughter-in-law. To balance interests, the son was directed to provide financial assistance to the daughter-in-law for alternative accommodation, with a two-month deadline for the respondents to vacate the property, ensuring the protection of both the senior citizen's and the daughter-in-law's rights.

SS EXHIBITION AND MEDIA PVT. LTD. VS UNION OF INDIA & ORS. [W.P.(C)-13022/2024]
Judges: Justice Sanjeev Narula
The petition by SS Exhibition and Media Pvt. Ltd. against the amendment by the India Trade Promotion Organisation (ITPO) to its 2013 circular was dismissed. The amendment exempted educational and career-related events from restrictions on concurrent exhibitions at Bharat Mandapam. Justifications for the amendment were deemed reasonable, not arbitrary or perverse. Factors considered included the venue's increased capacity, the limited timeframe for educational events, the need for equal opportunities for organizers, and optimal utilization of space. The amendment was not found to be discriminatory or in violation of Article 14 of the Constitution.

STERLING AGRO INDUSTRIES LIMITED VS M/S ASR TRADING COMPANY & ORS. [CS(COMM)-148/2019]
Judges: Justice Sanjeev Narula
The defendants' use of the trademark "NOVYA" and their product packaging was found to be deceptively similar to the plaintiff's registered trademark "NOVA," constituting trademark infringement. The arguments for distinctiveness were rejected due to substantial similarities. The defendants also made false representations, which were considered contemptuous. A permanent injunction was granted to the plaintiff, along with litigation costs. Defendant No. 3 was deemed guilty of contempt and ordered to pay a penalty of INR 5,00,000 to the plaintiff.

SU KAM POWER SYSTEMS LIMITED VS SUKAM NEXTGEN INDIA PRIVATE LIMITED & ORS. [CS(COMM)-878/2022]
Judges: Justice Sanjeev Narula
Sukam Nextgen India Private Limited adopted the trademark "SUKAM," which was found to be deceptively similar to the registered "SU-KAM" trademark of Su Kam Power Systems Limited. The defendant's actions included a dishonest attempt to capitalize on the plaintiff's reputation and goodwill, as well as misrepresenting their status on Wikipedia. With no defense presented, a permanent injunction against trademark and copyright infringement was granted to the plaintiff, along with damages of INR 2 lakhs.

SUBATA KHAN VS GOVT. OF NCT OF DELHI [W.P.(C)-15681/2024]

Judges: Justice Sanjeev Narula

The writ petition by Subata Khan for ex-gratia compensation of INR 1 Crore due to her mother, Late Mrs. Seema Khan's death from COVID-19, was dismissed. Late Mrs. Khan, an Anganwadi worker, performed essential services but did not engage in duties classified as "COVID-19 duty" according to Cabinet Decision No. 2835. The decision-making process of the Group of Ministers was deemed reasonable, as the criteria for ex-gratia compensation were not fulfilled. The compensation is designated for high-risk roles directly related to COVID-19 response, which did not align with Late Mrs. Khan's responsibilities.

SUNIL AGARWAL AND ORS. VS GOVT. OF NCT OF DELHI AND ORS. [W.P.(C)-1133/2024]

Judges: Justice Sanjeev Narula

The rejection of the revised list of governing body members submitted by the Savitri Education Foundation was found to be ultra vires the Societies Registration Act, 1860. The Registrar's reliance on Section 12, which pertains to changes in society's purposes rather than internal governance, was deemed misplaced. The Registrar is directed to update records according to the minutes of the June 13, 2018 meeting, while the validity of that meeting and its resolutions remains subject to adjudication in a pending civil suit.

SUPER CASSETTES INDUSTRIES PRIVATE LIMITED VS RELIANCE ENTERTAINMENT STUDIOS PRIVATE LIMITED [CS(COMM)-840/2023]

Judges: Justice Sanjeev Narula

Reliance Entertainment Studios Private Limited and Window Seat Films LLP have conflicting evidence regarding the production of the film "Amar Singh Chamkila," with Window Seat Films appearing to be the recognized producer. The lien/charge clause in the agreement between Super Cassettes Industries Private Limited and Reliance does not bind Window Seat Films due to the doctrine of privity of contract. Super Cassettes' lien may not cover the gross revenues received by Reliance from Netflix, as these include production expenses, making the lien more enforceable over Reliance's net profits. Reliance has undertaken to deposit 2% of the Netflix licensing fee and 50% of the film's profits with the court, with similar reasoning applicable to other films produced in collaboration with third parties.

SURENDER PAWAR & ORS. VS GOVERNMENT OF NCT OF DELHI & ANR. [W.P.(C)-14146/2024]

Judges: Justice Sanjeev Narula

The termination of the petitioners' licenses for the redevelopment of the Inter State Bus Terminals in Anand Vihar, Delhi is valid and aligned with the contractual rights of the respondents. The tender documents allowed for termination with one month's notice, which the petitioners accepted. Arguments regarding the lack of substantiation for redevelopment and the obligation for alternative space under the 2016 policy were rejected, as the tender terms did not guarantee relocation. A one-month grace period was granted for the petitioners to continue operating their kiosks before vacating the premises.

TATA SONS PRIVATE LIMITED & ORS. VS TUSHAR FULARE [CS(COMM)-242/2022]

Judges: Justice Sanjeev Narula

Tata Sons Private Limited and others established a case for copyright infringement concerning their trade dress and packaging for "TATA WATER PLUS," along with infringement of the registered trademarks "TATA" and "TATA WATER PLUS." A permanent injunction was granted against Tushar Fulare, prohibiting the use of these trademarks and similar trade dress. Nominal damages of INR 50,000 were awarded, and Fulare was directed to remove all references to the infringing products from his websites and other platforms.

THE CENTRAL PUBLIC INFORMATION OFFICER (CPIO) VS A K JAIN [W.P.(C)-3032/2016]

Judges: Justice Sanjeev Narula

The Central Public Information Officer (CPIO) cannot withhold requested information based solely on the Consumer Protection Regulations, 2005, due to the absence of an explicit prohibition on third-party access. Reliance on Section 8(1)(b) of the RTI Act is rejected as the Regulations lack a clear disclosure prohibition. Additionally, Section 8(1)(j) regarding personal information requires a substantive assessment of privacy versus public interest, rather than automatic withholding based on third-party status. The CPIO must reassess the request considering an affidavit from the applicant demonstrating good cause while balancing transparency and privacy rights.

THE KHETRI TRUST VS UNION OF INDIA & ANR. [W.P.(C)-17407/2024]

Judges: Justice Sanjeev Narula

The demand for Unearned Increase by the Land and Development Office (L&DO) on the Khetri Trust for substituting the original lessee is invalid. The Will bequeathing the property to the Khetri Trust has been probated, confirming its authenticity and the testator's intent. The distinction between legitimate testamentary dispositions and commercial transactions is emphasized, noting that authentic Wills do not distinguish between family and non-family beneficiaries. The facts of this case differ from those in DDA v. Vijaya C. Gurshaney, where the Will appeared to conceal a monetary transaction. The L&DO's demand is quashed, but the substitution for the Petitioner-Trust remains subject to the outcome of a pending appeal regarding the probate order.

THE PRESS CLUB, MUMBAI (ALSO PRESS CLUB, BOMBAY) VS PRESS COUNCIL OF INDIA & ORS. [W.P.(C)-16202/2024]

Judges: Justice Sanjeev Narula

The recommendations of the Scrutiny Committee to reject the Press Club, Mumbai's claim for notification as an Association of Persons were found to be arbitrary, erroneous, and unsustainable in law. The Press Club met all eligibility criteria and submitted the required documentation. The recommendations were quashed, and the Press Council of India was directed to include the Press Club's name in the list of Associations of Persons and issue the appropriate notification.

TIRUPATI STRUCTURALS LIMITED VS JAI PRAKASH SINGHAL [CS(COMM)-221/2023]

Judges: Justice Sanjeev Narula

The defendant's use of the "MM TIRUPATI" mark is considered deceptively similar to the plaintiff's registered "TSL-TIRUPATI" mark, likely causing consumer confusion. The argument that "TIRUPATI" is a generic term was rejected, particularly given the defendant's own mark registration. The plaintiff's disclaimer of exclusive rights over "TIRUPATI" in certain registrations does not prevent enforcement of common law rights through a passing off claim. The plaintiff established the criteria for passing off, leading to an injunction against the defendant's use of the mark.

TM25 HOLDING BV & ANR. VS KARTHIK BHASKAR & ANR. [CS(COMM)-313/2020]

Judges: Justice Sanjeev Narula

The defendants infringed on the plaintiffs' registered trademarks "G-STAR" and related marks, as well as their trade dress. The "GO STAR DENIM" mark was deemed a slavish imitation of the plaintiffs' marks, with the defendants acting in bad faith to exploit the plaintiffs' reputation. The defendants' claims of differentiation were rejected. A summary judgment was awarded to the plaintiffs, prohibiting the defendants from using the infringing marks or engaging in related activities. The plaintiffs were also granted their litigation costs, emphasizing that the defendants' non-participation should not hinder the plaintiffs' pursuit of legal protection.

TR CHADHA AND CO. LLP VS REC LIMITED [W.P.(C)-11440/2022]

Judges: Justice Sanjeev Narula

The order by REC Limited blacklisting TR Chadha and Co. LLP for life was set aside due to a violation of natural justice principles. The petitioner was not given a show cause notice or an opportunity to respond to allegations arising from a CBI investigation report that was not shared with them. The importance of allowing the petitioner to explain its position before such a severe action was emphasized. A fresh show cause notice must be issued to the petitioner, considering their response before any further action is taken. No conclusions on the merits of the case were made, leaving all rights and contentions open.

TRANSYS CONSULTING PVT LTD VS NATIONAL HIGHWAY AUTHORITY OF INDIA [W.P.(C)-6986/2024]

Judges: Justice Sanjeev Narula

The National Highway Authority of India (NHAI) debarred Transys Consulting Pvt Ltd for two years, which was deemed procedurally deficient due to inadequate engagement with the Petitioner's explanations in response to a show cause notice. The decision lacked substantive reasoning, merely labeling the Petitioner's response as "unsatisfactory." The order was set aside, with a directive for NHAI to reconsider the Petitioner's response after a personal hearing, while the penalty of INR 3.06 lakhs remained undisturbed. No observations were made regarding the merits of the alleged contraventions.

UJWAL GHAI VS DELHI HIGH COURT LEGAL SERVICES COMMITTEE (DHCLSC) [W.P.(C)-14016/2024]

Judges: Justice Sanjeev Narula

The requirement of 3 years of legal experience under Regulation 8(3) of the NALSA Regulations allows for discretion by the DHCLSC in appropriate cases. However, internship experience during law school does not qualify as legal practice post-enrollment as an advocate. The petitioner did not meet the 3-year experience requirement, and the DHCLSC's decision to not relax eligibility criteria in this case was upheld. The petitioner's request for inclusion in the shortlist for the "Jail Visiting Panel" empanelment was dismissed.

UPL LIMITED VS REGISTRAR & ANR. [C.A.(COMM.IPD-PV)-3/2022]

Judges: Justice Sanjeev Narula

The Registrar's rejection of the Appellant's application under Section 24(5) of the Protection of Plant Varieties and Farmers' Rights Act, 2001 was based on the incorrect interpretation that the application was premature due to the plant variety not yet being registered. Section 24(5) allows for directions to be issued from the time the application is filed until a decision is made. The suspension of the Delhi High Court's declaration of Section 24(5) as ultra vires does not invalidate its validity during the stay period. The Registrar's order was set aside, and the Appellant's application was restored for consideration on its merits, including claims for damages and costs.

UZDAROJI AKCINE BENDROVE(UAB) BALTIJOS MINERALINIU VANDENU KOMPANIJA VS MR. SAHIL TANDON TRADING AS A AND Z EXPORTS INTERNATIONAL [C.O. (COMM.IPD-TM)-202/2022]

Judges: Justice Sanjeev Narula

Uzdaroji Akcine Bendrove (UAB) is the legitimate proprietor of the "TICHE" trademark, which it has used internationally since 1998 and in India since 2015. Mr. Sahil Tandon fraudulently registered the trademark in his own name, beyond the authority granted to him as UAB's agent. The registration was cancelled and costs were imposed on Tandon in favor of UAB.

VERIZON TRADEMARK SERVICES LLC & ORS. VS LATHIYA HANSHABEN ARVINDBHAI & ANR. [CS(COMM)-407/2023]

Judges: Justice Sanjeev Narula

The defendants' use of the mark 'VRIZON' constituted trademark infringement of the well-known 'VERIZON' trademarks. The mark was found to be deceptively similar, and the intended use for unrelated goods aimed to exploit the plaintiffs' reputation. A permanent injunction was granted, but no damages or legal costs were awarded due to the defendants' trademark application being filed on a 'Proposed to be Used' basis without evidence of actual use.

VINOD KUMAR BALI VS ASHISH BALI & ANR. [W.P.(C)-6710/2023]

Judges: Justice Sanjeev Narula

The petition by a senior citizen was allowed, restoring the eviction order against his son and daughter-in-law. The petitioner established ownership of the property and demonstrated ill-treatment and harassment by the respondents, justifying eviction under the Delhi Maintenance and Welfare of Parents and Senior Citizens Act. Reliance on a previous Supreme Court judgment was deemed inappropriate due to differing facts. The rights of the senior citizen were prioritized over those of the daughter-in-law under the Domestic Violence Act.

VISAKHA CHEMICALS VS BINDAL FOOD PRODUCTS [CS(COMM)-1614/2016]

Judges: Justice Sanjeev Narula

Visakha Chemicals is the registered proprietor of the trademark "ROCHAK" and owner of the copyright in the artistic labels for "ROCHAK" and "AM PACHAN." The Defendant's use of identical marks and deceptively similar packaging constitutes infringement of the Plaintiff's trademark and copyright, as well as passing off. The Plaintiff was established as the prior adopter and user of the marks and labels. The Defendant faces a permanent ban on using the Plaintiff's trademarks and copyrighted works, along with an order to pay nominal damages and costs to the Plaintiff.

VISHESH FILMS PRIVATE LIMITED VS SUPER CASSETTES INDUSTRIES LIMITED [CS(COMM)-68/2024]

Judges: Justice Sanjeev Narula

Vishesh Films Private Limited received an interim injunction against Super Cassettes Industries Limited, preventing the use of the title "Tu Hi Aashiqui" or similar titles containing "Aashiqui" for a proposed film. The title "Aashiqui" is recognized as a distinctive trademark with established goodwill from the successful film franchise. The proposed title by the Defendant was deemed deceptively similar, likely to cause public confusion and dilute the brand. The argument that the Plaintiff's registration of the trademark obstructed legal action was rejected. The decision was based on the balance of convenience and the risk of irreparable harm to the Plaintiff's franchise.

VIVEK RAHEJA VS INSOLVENCY AND BANKRUPTCY BOARD OF INDIA. [W.P.(C)-2894/2024]

Judges: Justice Sanjeev Narula

The petition challenging the suspension of the Insolvency Professional's registration for two years was dismissed. The investigation into the professional's eligibility, initiated by a Second Show Cause Notice, was not barred by res judicata as the concerns regarding a joint Resolution Applicant were not addressed in the earlier notice. The professional failed to meet the statutory duty under Section 30(2) of the Insolvency and Bankruptcy Code, 2016, by not properly evaluating the Resolution Plan and erroneously accepting a joint applicant, despite the Corporate Debtor not qualifying as an MSME. Additionally, the professional did not disclose an Avoidance Application filed against the joint applicant in another case. The decision to suspend the registration was upheld.

VOLANS UPTOWN LLC VS MAHENDRA JESHABHAI BAMBHANIYA [CS(COMM)-257/2023]

Judges: Justice Sanjeev Narula

Volans Uptown LLC established its right to a permanent injunction against Mahendra Jeshabhai Bambhaniya for trademark infringement of "BOTANIC HEARTH." The defendant's attempt to register an identical trademark constituted "trademark squatting," aiming to exploit the plaintiff's established goodwill. The defendant's pattern of filing trademarks for renowned brands posed a significant threat to trademark law, necessitating protection of the plaintiff's legitimate rights. The decision favored the plaintiff under applicable legal provisions.

ZIAUL HAQUE & ORS VS DELHI DEVELOPMENT AUTHORITY & ANR [W.P.(C)-9702/2015]

Judges: Justice Sanjeev Narula

The Delhi Development Authority (DDA) and Delhi Urban Shelter Improvement Board (DUSIB) did not adequately evaluate the eligibility of 43 Petitioners for rehabilitation under the DDA Rehabilitation Policy of 2004, ignoring substantial evidence of residential status, including ration cards and voter IDs. The decision regarding their ineligibility was set aside, and the Respondents were instructed to rehabilitate the Petitioners, considering the pre-demolition survey and the potential dual use of the Jhuggies.

ZYDUS TAKEDA HEALTHCARE PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-10177/2021]

Judges: Justice Sanjeev Narula

The Petitioner's request for MEIS benefits was not to be rejected on technical grounds, as an inadvertent error occurred when "N" was marked instead of "Y" in the reward column of shipping bills. The Petitioner later obtained amendment certificates under Section 149 of the Customs Act to correct this error. Based on an advisory from the Directorate General of Systems and Data Management, the Respondents were directed to consider the Petitioner's MEIS claims and process the application.

ANSH TELECOM THROUGH ITS PROPRIETOR SARITA RANI VS COMMISSIONER OF DGST AND ANR. [W.P.(C)-5402/2024]

Judges: Justice Sanjeev Sachdeva

Ansh Telecom's GST registration cancellation from July 1, 2017, was set aside due to inadequate reasons and lack of a hearing opportunity in the show cause notice. The registration cancellation was modified to be effective from September 2, 2021. Recovery of any tax, penalty, or interest is permitted after providing a proper show cause notice and hearing opportunity.

AXCESS LIMITED VS CONTROLLER OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-288/2022]

Judges: Justice Saurabh Banerjee

Amendments made by the appellant to the patent application claims are within the scope of the original claims and specification, making them permissible under Section 59(1) of the Patents Act. The previous rejection of the application is set aside, and the matter is remanded for fresh consideration of the amended claims, applying recent parameters for permissible amendments.

BHAGWATI DEVI THROUGH L.RS. PRAMOD KUMAR VS SH. BALRAJ SINGH CHOPRA [CRL.L.P.-438/2022]

Judges: Justice Saurabh Banerjee

The respondent was acquitted of the offence under Section 138 of the Negotiable Instruments Act because the petitioner, a landlady, did not establish the necessary elements, such as the existence of a legally enforceable debt. Testimony regarding the rent agreement and the dishonored cheque contained material contradictions. The respondent provided a reasonable explanation that the cheque had been stolen before reaching the petitioner. The failure to prove the case beyond reasonable doubt led to the acquittal.

BIOTYX MEDICAL (SHENZHEN) CO. LTD VS THE ASSISTANT CONTROLLER OF PATENTS AND DESIGNS [C.A.(COMM.IPD-PAT)-403/2022]

Judges: Justice Saurabh Banerjee

The order refusing the patent application for an absorbable iron-based alloy implantable medical device was set aside due to errors in the analysis of novelty and inventive step. The claims were found to be distinct from cited prior art, which was not adequately considered. The analysis of the inventive step lacked proper methodology and scientific reasoning as per established standards. The case was remanded for fresh consideration, requiring the application of a recognized inventive step assessment test and a detailed analysis, with a decision expected within four months of the hearing's conclusion.

BRY-AIR (ASIA) PVT. LTD. VS UNION OF INDIA, THROUGH ITS SECRETARY, DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE, MINISTRY OF COMMERCE AND INDUSTRY & ANR. [W.P.(C)-IPD-17/2024]

Judges: Justice Saurabh Banerjee

The writ petition filed by Bry-Air (Asia) Pvt. Ltd. resulted in the quashing of the status update "Deemed to be withdrawn u/s 11B(4)" for the petitioner's patent application. The non-filing of the request for examination was attributed to the negligence of the previous patent agent rather than any intent to abandon on the part of the petitioner. Restoration of the patent application to its original status was ordered, allowing the petitioner to file the request for examination.

CASTROL LIMITED VS VIPIN, TRADING AS ALL IN ONE BUSINESS SOLUTIONS AND ANR. [CS(COMM)-160/2024]

Judges: Justice Saurabh Banerjee

A permanent injunction was granted in favor of Castrol Limited against the defendants for infringing on its registered trademarks "CASTROL" and for passing off and copyright infringement. The defendants adopted the deceptively similar mark "SUPER CASTROL" and packaging to exploit the reputation of Castrol. Their failure to respond to the claims led to the acceptance of the plaintiff's allegations. The defendants were ordered to withdraw the trademark application for "SUPER CASTROL" and to pay damages and costs equally.

F- HOFFMANN -LA ROCHE AG & ANR. VS ZYDUS LIFESCIENCES LIMITED, [CS(COMM)-159/2024]

Judges: Justice Saurabh Banerjee

The plaintiffs' application for an interim injunction against the defendant's product "Sigrima" was dismissed due to insufficient evidence of patent infringement. The plaintiffs were required to present a "claim mapping" analysis comparing the defendant's product features with their patented claims, which they failed to do. Without this analysis, it could not be concluded that infringement occurred. Consequently, the application was denied and an earlier interim order was vacated.

ITC LIMITED VS ARPITA AGRO PRODUCTS PVT LTD & ORS. [CS(COMM)-698/2023]

Judges: Justice Saurabh Banerjee

ITC Ltd. established a prima facie case for an injunction due to the defendants' use of the mark 'POWRNYM', which is deceptively similar to ITC's registered trademarks 'NIMYLE' and 'JOR-POWR', resulting in infringement and passing off. The defendants previously assigned these trademarks to ITC for consideration, and their current use of a confusingly similar mark violates the assignment agreements. An interim injunction was granted to restrain the defendants from using the impugned mark or any similar marks.

M/S PRAKASH PIPES LIMITED VS M/S JAISWAL TRADERS THROUGH ITS PROPRIETOR MR CHANDAN JAISAWAL & ANR. [CS(COMM)-540/2023]

Judges: Justice Saurabh Banerjee

M/s Prakash Pipes Limited achieved a summary judgment against M/s Jaiswal Traders for trademark and copyright infringement involving the "PRAKASH" and "PRAKASH GOLD" brands. Evidence indicated that Jaiswal Traders used these established marks without authorization, lacking a viable defense. Jaiswal Traders received a permanent injunction against further use of the infringing marks and was ordered to pay damages and costs of Rs. 5,00,000. The absence of Jaiswal Traders in the proceedings led to a summary decision without recorded evidence.

MASTER ENTERPRISES PVT LTD. VS JAY KAY COIR FOAM PVT LTD. [C.O. (COMM.IPD-TM)-599/2022]

Judges: Justice Saurabh Banerjee

Master Enterprises Pvt Ltd owns the "MOLTY" brand and petitioned for the cancellation of the "MOLTY" mark registered by Jay Kay Coir Foam Pvt Ltd. Master Enterprises demonstrated prior adoption and use of the mark, which has significant reputation and goodwill. The identical registration by Jay Kay Coir Foam was likely to confuse consumers, leading to passing off of Master Enterprises' goods. Jay Kay Coir Foam's claim of prior use lacked documentary support and was rejected.

MR. SACHIN JAIN & ORS. VS MR. RAJESH JAIN [CRL.L.P.-91/2022]

Judges: Justice Saurabh Banerjee

The petitioner did not prove the necessary element of an offence under Section 138 of the Negotiable Instruments Act because the cheques were drawn from an account that was blocked by authorities for reasons beyond the drawer's control. Previous rulings indicated that an account blockage due to external factors cannot be deemed a voluntary act of the drawer. Consequently, the dismissal of the petitioner's leave petition and the acquittal of the respondent were upheld.

NIPPON STEEL CORPORATION VS CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADEMARKS AND ANR [C.A.(COMM.IPD-PAT)-323/2022]

Judges: Justice Saurabh Banerjee

The order rejecting the appellant's patent application for a method and device for repairing the inside of a gas flue in a coke oven was set aside. The objection under Section 3(d) of the Patents Act, 1970, was inadequately communicated, violating principles of natural justice. The analysis of the claimed method (Claim 1) lacked proper technical scrutiny and was incorrectly treated as an application of the device (Claim 2). The matter has been remanded for fresh consideration, ensuring the appellant receives a hearing and specific questions regarding patentability are addressed, with a final decision required within four months.

NOOR AFSHAN VS SHIV LOCK HOUSE & OTHERS [CS(COMM)-632/2016]

Judges: Justice Saurabh Banerjee

The application for substitution as the plaintiff, filed by the son of the deceased plaintiff, was dismissed due to insufficient reasons for a delay of over six years in filing the application. The applicant was aware of the suit and had previously testified as a witness, but his conduct and unexplained delay did not justify continuation of the suit. The main suit was dismissed as abated.

SAGAR VS STATE NCT OF DELHI [BAIL APPLN.-2396/2023]

Judges: Justice Saurabh Banerjee

The bail application of accused Sagar, charged under Sections 21/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, was dismissed. An officer with the functional rank of Assistant Commissioner of Police was deemed empowered to authorize the raid and search under Section 42 of the NDPS Act, despite not being a formally notified "gazetted officer." Compliance issues regarding Section 50 notice and the NCB Handbook guidelines will be considered at trial, not at the bail stage. The recovery of a commercial quantity of drugs and Sagar's criminal history were cited as reasons for denying bail.

SM MOTORENTEILE GMBH VS A.A. AUTOMOBILES & ORS. [CS(COMM)-553/2019]

Judges: Justice Saurabh Banerjee

SM Motorenteile GmbH established a prima facie case for an interim injunction against A.A. Automobiles and others due to unauthorized use of its registered trademarks "SM Logo-1" and "SM Logo-2." This usage caused market confusion and deception. The defendants lacked substantial prospects for defense, and the balance of convenience favored granting the interim injunction against defendants 1 and 2 until the case is resolved.

SUN PHARMACEUTICAL INDUSTRIES LTD VS J.B. CHEMICALS AND PHARMACEUTICALS LTD & ANR. [CS(COMM)-369/2023]

Judges: Justice Saurabh Banerjee

The plaintiff's registered trademark "RACIRAFT" is deemed deceptively similar to the defendants' trademark "RANRAFT," leading to a finding of trademark infringement. A high degree of resemblance exists between the two marks, particularly in the identical first two syllables "RA" and the last part "RAFT." The minor differences are insufficient for consumers to distinguish between them. The defendants' use of "RANRAFT" occurred shortly after the registration of "RACIRAFT," indicating risk on their part. Given the public interest related to medicinal products, an interim injunction is granted to prevent the defendants from using "RANRAFT" or any similar mark.

TERMO ISI SISTEMLERI TICARET VE SANAYI ANONIM SIRKETI VS REGISTRAR OF TRADE MARKS [C.A.(COMM.IPD-TM)-14/2023]

Judges: Justice Saurabh Banerjee

The order permitting the registration of the trademark "ECOSTAR" (device mark) in Class 35 was upheld with the condition that the mark be used as substantially represented and with no exclusive right over the word "Ecostar." The appellant consistently stated a lack of claim to exclusive rights over "Ecostar" in non-stylized form, making the Registrar's condition a reflection of this position. Arguments against the necessity of the condition and claims for benefits under Section 12 of the Trade Marks Act based on other registered trademarks were rejected, concluding that sufficient discretion was exercised by the Registrar. The appeal was dismissed for lack of merit.

VIP PHARMACEUTICALS PVT LTD VS RHYDBURG PHARMACEUTICALS LIMITED [CS(COMM)-110/2023]

Judges: Justice Saurabh Banerjee

The suit filed by the plaintiff is barred under Order XXIII Rule 1(4) and Section 12 of the Civil Procedure Code, as it concerns the same cause of action and similar reliefs as a previously withdrawn counter-claim without prior permission. There is significant overlap between the pleadings of both actions. Arguments regarding a continuing cause of action and an unrecorded oral request for permission to file a fresh suit were not accepted. The defendant's application was allowed, and the plaintiff's suit was rejected.

ZYDUS WELLNESS PRODUCTS LTD VS MR PRASHANT DESAI [CS(COMM)-684/2024]

Judges: Justice Saurabh Banerjee

A social media influencer made false, misleading, and disparaging claims about the plaintiff's COMPLAN product in a video, constituting trademark disparagement and infringement under the Trade Marks Act, 1999. An interim injunction was granted to prevent the influencer from publishing or sharing the video or any similar disparaging content.

ABNASH CHANDER CHADHA VS BALBIR KUMAR CHADHA & ANR [CM(M)-1540/2019]

Judges: Justice Shalinder Kaur

The petitioner's application to lead evidence in rebuttal was reinstated after the trial court's dismissal was set aside. The petitioner had reserved the right to present rebuttal evidence upon closing their own case. Evidence in rebuttal is to be permitted according to specified guidelines, and the matter involves two consolidated suits between the parties.

ABNASH CHANDER CHADHA VS BALBIR KUMAR CHADHA & ANR [CM(M)-1207/2016]

Judges: Justice Shalinder Kaur

The petitioner's application to summon a witness from the Airport Authority of India and produce relevant records was reinstated after the trial court's dismissal was deemed insufficiently reasoned. The relevance of the requested record was acknowledged, allowing the petitioner one opportunity to summon the witness and the record, contingent on a payment of Rs. 15,000 to the respondents. Emphasis was placed on the importance of procedural law in ensuring the administration of justice.

AJAY KUMAR SINGH@DEEP VS SHANTI DEVI [CM(M)-2239/2024]

Judges: Justice Shalinder Kaur

Paragraphs 19, 20, and 24 in the petitioner's affidavit of evidence were deleted for being beyond the pleadings. Paragraph 23 was allowed for inclusion, conditioned on the police complaint being part of the record. Inclusion of paragraph 26 was permitted as the respondent conceded to it. The pleas in the written statement differed from those in paragraph 24, leading to its classification as beyond the pleadings.

AJAY MEDI VS HEMANT MEHTA [CM(M)-755/2022]

Judges: Justice Shalinder Kaur

The trial court's order to stay the proceedings in a suit seeking a declaration that a receipt-cum-possession letter is forged and fabricating, along with an injunction, was set aside. The suit could not be combined with a previous suit under Section 6 of the Specific Relief Act concerning possession, as the inquiries in both cases are distinct. The trial court was directed to resume the trial of the subsequent suit according to legal protocols.

ANWAR KHAN VS MOINUDDIN AND ORS [CM(M)-1223/2023]

Judges: Justice Shalinder Kaur

The petitioner was permitted to correct a typographical error in prayer clause (c) of the original plaint to include respondent no. 5 as a party liable for damages. The trial court's dismissal of the application under Order VI Rule 17 CPC was criticized for stating that prayer clauses could not be amended without amending pleadings, as the petitioner was simply rectifying a clerical mistake. The trial court is directed to allow the amendment to prayer clause (c) without delay.

ARUN KUMAR SINGLA VS HARISH KUMAR (DECEASED) THROUGH LRS & ORS. [CM(M)-1273/2023]

Judges: Justice Shalinder Kaur

The trial court's decision to allow the re-examination of witness Rajinder Garg was deemed appropriate given the respondents' change of stance regarding his summoning and their serious allegations against their previous counsel. The re-examination is restricted to clarifying issues addressed in cross-examination and must not serve to counteract the effects of the cross-examination or to fill gaps in evidence.

ARVINDER SINGH SANDHU VS KAWALJEET SINGH SANDHU & ORS. [CM(M)-2123/2023]

Judges: Justice Shalinder Kaur

The trial court's decision to dismiss the petitioner's application to recall respondent no. 4 as a witness for a will dated 25.09.1995 was upheld. The petitioner had previous opportunities to examine witnesses but did not do so and was deemed to have taken a casual approach. Respondent no. 4 was not an attesting witness to the will, making his examination unlikely to be beneficial. The application was filed at a late stage, lacking bona fides, and the trial court's discretion in denying further evidence was not considered erroneous.

BABU KHAN VS ZABUDDIN & ORS. [CM(M)-46/2024]

Judges: Justice Shalinder Kaur

The petitioner's request to introduce a registered Will dated 16.08.1995 from his deceased mother was dismissed. The claim contradicted an earlier written statement asserting that the mother had gifted half of the property in 1997 and sold the other half in 2006. Even if the Will were accepted, it would be ineffective as the property no longer existed. Under Muslim Personal Law, a Will can only bequeath up to one-third of an estate, raising doubts about the Will's validity given the petitioner's assertion of receiving the entire property. The petition and application were dismissed.

BHARAT AGARWAL & ORS. VS NMDC LIMITED [CM(M)-1754/2023]

Judges: Justice Shalinder Kaur

The dismissal of the petitioners' application to include additional documents in a commercial suit was upheld. The petitioners failed to show a reasonable cause for not filing the documents with the original plaint as required. The documents were known and accessible to the petitioners, and their claim of inadvertently leaving them with a previous lawyer did not justify the delay. Strict compliance with timelines under the Commercial Courts Act was emphasized to ensure the prompt resolution of commercial disputes.

BLOOMBERG TELEVISION PRODUCTION SERVICES INDIA PRIVATE LIMITED & ORS. VS ZEE ENTERTAINMENT ENTERPRISES LIMITED [FAO-79/2024]

Judges: Justice Shalinder Kaur

The ex-parte ad-interim injunction in favor of the respondent against the appellants was upheld. The "Triple Test" for granting an interim injunction was properly applied, and alternative statutory remedies for the appellants include filing a reply or seeking modification of the order under Order XXXIX Rule 4 of the Code of Civil Procedure.

CASA 2 STAYS PVT. LTD. VS VLCC PERSONAL CARE LTD. [CM(M)-2205/2024]

Judges: Justice Shalinder Kaur

The order allowing VLCC Personal Care Ltd. to bring additional documents was set aside due to the failure to show reasonable cause for not including them with the original plaint. The respondent previously stated it had no other documents, and the subsequent explanation was deemed unconvincing. The trial court's decision was inconsistent with the Commercial Courts Act, 2015 and Supreme Court precedents. The additional documents were removed from the record, but VLCC can still rely on a specific letter during the evidence stage, despite it not being included in the plaint.

CHANDRA KANTA AGARWALA VS AJAY GAUR & ANR [CM(M)-457/2019]

Judges: Justice Shalinder Kaur

The scope of intervention under Article 227 of the Constitution is limited to questions of law, such as violations of natural justice, perversity, or lack of jurisdiction. The trial court's rejection of a petitioner's request to photograph disputed signatures for handwriting analysis was neither illegal nor perverse. The petitioner can file an appropriate application before the court with jurisdiction over the original affidavit to obtain photographs of the signatures for expert analysis. The petition was disposed of accordingly.

DECCAN EDIBLES PRIVATE LIMITED VS S P J CARGO PRIVATE LIMITED [CM(M)-216/2024]

Judges: Justice Shalinder Kaur

The defect in the verification of paragraphs 24 to 38 of the plaint was identified as curable. The respondent remedied this defect by submitting a complete Statement of Truth on the same day, adhering to Order VI Rule 15A of the Code of Civil Procedure. The challenge to the plaint was dismissed due to the lack of grounds to set aside the prior order.

DELHI METRO RAIL CORPORATION LTD VS PARAS [CM(M)-1320/2018]

Judges: Justice Shalinder Kaur

The trial court's order allowing the respondent to cross-examine the petitioner's witnesses DW-1 and DW-4 was valid, despite the respondent's previous missed opportunities. Inherent powers under Section 151 of the Code of Civil Procedure were applied to recall witnesses, ensuring a fair trial for the indigent respondent, assisted by legal aid counsel. A single opportunity for cross-examination was directed within one week, with no further adjournments permitted.

DHARAM BIR VS CHARAN SINGH [CM(M)-252/2023]

Judges: Justice Shalinder Kaur

The trial court's order appointing a local commissioner to measure the properties of two brothers in a dispute over a common wall was upheld. The decision to appoint the local commissioner was deemed appropriate to clarify the location of the common wall and was not considered improper evidence collection. Arguments against the appointment, claiming it would lead to a new partition or assist in evidence collection, were rejected.

DHRUV KUMAR SINHA VS RAJ BALA TANWAR [CM(M)-1821/2023]

Judges: Justice Shalinder Kaur

The petitioner's application to amend the written statement was dismissed. The proposed amendments were either already included or unnecessary for the case's resolution. The objections regarding non-compliance with pre-institution mediation were deemed vague and irrelevant. The claim for recovery of alleged overpayment of rent was required to be pleaded as a counterclaim or set-off, which the petitioner failed to do. Additionally, the petitioner did not submit the relevant audio CD as required.

DINESH CHANDRA GUPTA VS TAJINDER PAL SINGH & ANR. [CM(M)-2/2024]

Judges: Justice Shalinder Kaur

The petition filed by Dinesh Chandra Gupta was dismissed due to a 94-day delay in filing a review petition, which was not adequately explained in the application for condonation of delay. The petitioner was aware of the relevant assessment order and failed to provide valid grounds for the review, leading to the conclusion that the provisions of the Limitation Act were properly applied.

EXCEL PACK PVT LTD VS IGB POLYMERS PVT LTD [CM(M)-119/2022]

Judges: Justice Shalinder Kaur

The petition was dismissed as the trial court appropriately allowed the respondent to recall the order closing its right to file a written statement and to set aside the ex parte order. The delay in filing the written statement was partly due to the petitioner's delay in impleading the respondent's directors and the prior counsel's failure to appear, which the trial court deemed acceptable. No infirmity was found in the trial court's reasoning or decision to permit the respondent's participation in the trial.

GANPATI INDUSTRIES VS SPP FOOD PRODUCTS PVT. LTD. [CM(M)-72/2024]

Judges: Justice Shalinder Kaur

The trial court's order allowing SPP Food Products Pvt. Ltd. to amend the plaint was upheld, deeming the amendments necessary for effective adjudication. The amendments aimed to include the individual partners of the partnership firm Ganpati Industries and were considered bona fide, not prejudicial to the petitioner. The petition by Ganpati Industries was dismissed.

GURSAHIB SINGH SETHI VS GARIMA BATRA [CM(M)-1233/2023]

Judges: Justice Shalinder Kaur

The orders of the Family Court that closed the petitioner's right to file a written statement in divorce proceedings were set aside. The petitioner experienced delays partly due to previous counsel's mistakes and medical issues during the COVID-19 pandemic. The petitioner is permitted to file the written statement within 10 days and must pay R.S. 35,000 to the respondent as compensation for the delay.

HARJIT SINGH SAHNI VS SIDHANT GUPTA [CM(M)-286/2022]

Judges: Justice Shalinder Kaur

The petitioner voluntarily surrendered possession of the suit shop on June 30, 2018, as part of a compromise with the respondent. Consequently, the petitioner cannot seek the benefit of Section 19(2) of the Delhi Rent Control Act, 1958, since possession was not regained through legal means but through a settlement. The application under Section 19(2) is therefore not maintainable.

HERSHEY INDIA PRIVATE LIMITED VS SHRI RAJENDRA PRASAD [CM(M)-1699/2023]

Judges: Justice Shalinder Kaur

The trial court's order allowing the respondent to summon the petitioner's employee as a witness and obtain documents related to the petitioner's dealings with a distributor was upheld. The summoned evidence was deemed relevant to the dispute, as the petitioner alleged misconduct by the respondent in those dealings. The trial court's exercise of discretion to permit the summoning of evidence was seen as necessary to address the real controversy between the parties.

HUMA SAAD VS ASHOK KUMAR KHATTAR [CM(M)-2112/2023]

Judges: Justice Shalinder Kaur

The trial court allowed the respondent to present additional documents under Order VIII Rule 1A of the Code of Civil Procedure, 1908, citing the respondent's reasons for delay, including the loss of his wife due to COVID-19 and personal health issues. Objections from the petitioner regarding the emails and WhatsApp chats were noted, but the trial court also permitted the petitioner to lead additional evidence and amend pleadings to mitigate any prejudice. The petition challenging this decision was dismissed.

ICICI BANK LTD. VS ANIRUDH CHAUHAN [CM(M)-1387/2022]

Judges: Justice Shalinder Kaur

The lower court erred in condoning the delay in the respondent's filing of the written statement, which exceeded the 120-day period stipulated by Order VIII Rule 1 of the Code of Civil Procedure. The respondent did not provide sufficient justification for the delay, and the lower court failed to adequately record reasons for its decision. The order of the lower court was set aside, and the written statement was to be removed from the record.

JAGAT SINGH & ORS. VS NCT OF DELHI THROUGH SECRETARY & ANR. [CM(M)-2146/2023]

Judges: Justice Shalinder Kaur

The petitioners' challenge to the lower court's order for fresh demarcation of disputed property was dismissed. The jurisdiction under Article 227 is limited and no serious error was found in the lower court's order. The petitioners and respondents disputed the Khasra numbers for the property, which required multiple demarcation proceedings. The order for fresh demarcation was deemed justified to accurately identify the property. The petitioners' claims against the previous demarcation report and costs were rejected. The respondents were instructed to complete the demarcation within 6 weeks and clearly identify the applicable Khasra number.

JAGESHWAR DAYAL VS K K KAPOOR [CM(M)-344/2023]

Judges: Justice Shalinder Kaur

The civil suit is classified as commercial and must be tried by the designated Commercial Court instead of the ordinary civil court. The suit has been transferred from the Court of the Additional District Judge to the Court of the District Judge (Commercial) for further proceedings. Previous orders from the trial court have been set aside, and the parties are to appear before the commercial court on a specified date to address the defendant's objections, including issues of limitation.

JASPAL CHOPRA VS M/S SIDHANT POLYPLAST LTD AND ORS [CM(M)-1307/2023]

Judges: Justice Shalinder Kaur

The trial court correctly allowed the application to delete the names of respondents 2 and 6 from the array of parties under Order I Rule 10(2) of the Civil Procedure Code, as this rule permits deletion at any stage of the proceedings. The petitioner failed to provide sufficient evidence to pierce the corporate veil and impose personal liability on the directors. The petition was dismissed.

JATAV SUDHAR SAMITI & ANR. VS SUSHMA MITTAL [CM(M)-2337/2024]

Judges: Justice Shalinder Kaur

The petitioners, as defendants in a commercial suit, failed to demonstrate valid grounds for delaying their written statement beyond the 120-day limit set by the Commercial Courts Act, 2015. Their claim regarding illegible documents was deemed vague and lacking specificity, and insufficient efforts were made to obtain legible copies. Consequently, the petition was dismissed, and the request to extend the filing period for the written statement was rejected.

JITENDER KUMAR KUSHWAHA VS ALBERT JOSEPH & ANR. [CM(M)-143/2023]

Judges: Justice Shalinder Kaur

The trial court's refusal to accept the petitioner's written statement due to an 8-day delay without a condonation application was justified. Arguments regarding the last filing date being a Sunday and the petitioner's judicial custody were found unmeritorious. Although rules of procedure are directory and substantial justice should be prioritized, the acceptance of the written statement was contingent upon the petitioner paying Rs. 5,000 in costs to the respondent before the next hearing.

KIRPA RAM THR DEVENDER KUAMR MONGA VS DURGA DEVI & ORS [CM(M)-694/2018]

Judges: Justice Shalinder Kaur

The trial court's order to set aside the abatement of a suit for specific performance of an agreement was upheld. The application of Order XXII Rule 4(4) of the Code of Civil Procedure was appropriately utilized, allowing exemption from substituting the legal representatives of a defendant who was proceeding ex-parte. The delay in filing the application to set aside the abatement was adequately explained and condoned.

M/S BAJAJ PLASTO INDUSTRIES & ANR. VS M/S PENDO PLAST PVT LTD [CM(M)-766/2022]

Judges: Justice Shalinder Kaur

The order of the Commercial Court was set aside, confirming that the courts at Bahadurgarh, Haryana have exclusive jurisdiction over the dispute based on the jurisdiction clause in the invoices issued by the respondent. An agreement conferring exclusive jurisdiction to one court is valid. The Commercial Court is instructed to return the plaint to the respondent, who must present it to the appropriate courts at Bahadurgarh within four weeks.

M/S CRI LIMITED VS PRAN NATH MEHTA & ORS. [CM(M)-1845/2024]

Judges: Justice Shalinder Kaur

The petitioner's application to reject the plaint was dismissed due to an increase in the monthly rent, which exceeded Rs. 3,500, rendering the Delhi Rent Control Act inapplicable. The suit was not barred by the Commercial Courts Act, as the respondents sought urgent interim relief, exempting them from Section 12A. At the application stage, the averments in the plaint were accepted as correct, disregarding the petitioner's defenses. All questions of law and fact remain open for trial consideration.

M/S D S S BUILDTECH PVT LTD VS MANOJ KAYAL [CM(M)-1701/2019]

Judges: Justice Shalinder Kaur

The order requiring the petitioner to deposit the entire decretal amount was set aside due to non-compliance with Section 19 of the Consumer Protection Act, 1986, which mandates a deposit of only 50% or Rs. 35,000, whichever is less. Additionally, identical orders in different cases raised concerns about a lack of consideration. The matter was returned for reconsideration regarding the conditional order of stay.

M/S GARDENIA INDIA LTD & ANR VS DR RAKESH KUMAR (HUF) [CM(M)-137/2020]

Judges: Justice Shalinder Kaur

An ex-parte order against M/s Gardenia India Ltd. and its chairman was set aside due to improper service of summons. The ex-parte order was deemed unsustainable on this basis. A cost of Rs. 30,000 was imposed on the petitioners to be paid to the respondent.

M/S GAV DEVELOPERS PVT LTD VS THE PUBLISHERS DAINIK JAGRAN & ORS [FAO-326/2017]

Judges: Justice Shalinder Kaur

The appellant's defamation lawsuit could not proceed in Delhi because the complaint failed to show that the alleged defamatory publication had circulation or was read in that jurisdiction. The cause of action originated in Dehradun, where the publication occurred and the respondents are located, necessitating that the case be filed in the Dehradun court. The plaint was returned for appropriate filing in Dehradun.

M/S INTERNATIONAL PRINT O PAC LIMITED VS AVG LOGISTICS LIMITED [CM(M)-1904/2024]

Judges: Justice Shalinder Kaur

Delhi courts have territorial jurisdiction to try the suit, despite the petitioner's claim that the cause of action arose in Noida, Uttar Pradesh. The consignment notes included a jurisdictional clause stating "subject to Delhi jurisdiction only." The presence of a clear ouster clause limits jurisdiction to the specified court, leading to the dismissal of the petitioner's plea.

M/S SANA FOOD PRODUCTS & ORS. VS M/S ASHWMEGH SPICES PVT. LTD [CM(M)-267/2022]

Judges: Justice Shalinder Kaur

The order dismissing the application for condonation of delay in filing a written statement in a commercial suit was set aside. The matter was remanded for reconsideration based on the petitioners' claims regarding the timing of service of summons, requests for legible suit document copies, and time excluded due to the COVID-19 pandemic. The original decision did not adequately address these points and solely focused on the 120-day filing limit. The application for condonation of delay is to be reconsidered and disposed of within two weeks.

M/S SHANTIVIJAY JEWELLERS & ANR. VS M/S GOYAL MODES & ANR. [CM(M)-916/2023]

Judges: Justice Shalinder Kaur

The petitioners were allowed to submit a certified copy of the cross-examination of the respondent no. 2's father in a related case under Section 138 of the Negotiable Instruments Act as relevant evidence. The trial court's dismissal of the petitioners' application to file the document was deemed incorrect, with the authority to permit filings at any stage in the interest of justice acknowledged. However, a cost of Rs. 25,000 was imposed on the petitioners due to delays that prejudiced the respondents. The trial court will determine the document's relevancy.

M/S. M.K. ENTERPRISES VS M/S. VOHRA RUBBER AND ELECTRICALS & ORS. [CM(M)-2065/2023]

Judges: Justice Shalinder Kaur

The settlement reached between the parties at the police station is not considered a valid "admission" under Order XII Rule 6 of the Civil Procedure Code for passing a judgment on admission. The respondents admitted to the settlement but claimed it was made under duress, a point acknowledged by the petitioner. Disputes existed regarding the invoices for supplied goods and the status of respondent no. 1's firm was unclear. The petition was dismissed, leaving the merits of the case to be decided based on evidence presented in the trial court.

MAHESH SHARMA VS M/S CAPRI GLOBAL CAPITAL LIMITED AND ORS [CM(M)-19/2024]

Judges: Justice Shalinder Kaur

The trial court's order allowed the restoration of R1's Section 34 petition under the Arbitration Act, despite R1's non-appearance at previous hearings. R1's conduct was inadequately explained, but the trial court exercised discretion in the interest of justice, imposing a cost of Rs. 5,000. The petitioner's challenge to the order was dismissed, with no illegality found.

MAMTA VERMA VS SONMATI VERMA & ORS. [CM(M)-640/2022]

Judges: Justice Shalinder Kaur

The trial court's observations regarding the professional competency of the petitioner's advocate were unnecessary and irrelevant, leading to their expungement. The cost of Rs. 10,000/- imposed by the trial court was waived, as the petitioner is no longer challenging the merits of the order. This was a single-judge decision.

MANISH GUPTA VS RUCHIKA GUPTA [CM(M)-558/2022]

Judges: Justice Shalinder Kaur

Manish Gupta did not pay the ordered cost of Rs. 10,000 for setting aside an ex-parte order, leading to the striking off of his defense. This cost was reduced to Rs. 5,000, and the order to strike off the defense was set aside. The situation was considered trivial since the written statement had already been provided to the respondent, highlighting the emphasis on an expeditious trial.

MANISHA KASANA VS UNION BANK OF INDIA & ANR. [CM(M)-1070/2023]

Judges: Justice Shalinder Kaur

The lease deed dated 19.07.2017 was not terminated by the respondent bank's letter dated 01.05.2018. Clause 10 of the lease allowed the bank to vacate any floor of the premises at any time without needing to terminate the entire lease. The order favoring the bank on the preliminary issue remained intact, leading to the dismissal of the petition filed by the plaintiffs and co-owners.

MANJEET SINGH KOHLI VS BALVEEN SINGH CHADHA @ BALVEEN SINGH CHAWLA & ANR [CM(M)-1568/2019]

Judges: Justice Shalinder Kaur

The petitioner's application under Order XV-A of the CPC for the respondents to deposit rent arrears and continue rent payments was dismissed. The petitioner did not provide documentary evidence to establish a landlord-tenant relationship, while the respondents claimed they resided in the property after advancing a loan to the petitioner. Despite the respondents' denial of the landlord-tenant relationship, the lack of evidence from the petitioner led to the dismissal of the application.

MANPHOOL SINGH & ANR VS RAM CHANDER & ORS [CM(M)-814/2019]

Judges: Justice Shalinder Kaur

The trial court's order allowing the respondents to present evidence and a witness list, despite their earlier closure of the right to lead evidence, was upheld. Negligence on the respondents' part was acknowledged, but the suit concerned partition, necessitating equal treatment of all parties. A final opportunity was granted to examine one respondent and one witness, limited to two dates.

MEENA KATARIA VS REKHA & ORS. [CM(M)-652/2023]

Judges: Justice Shalinder Kaur

The petitioner has the right to present rebuttal evidence under Order XVIII Rule 3 of the Civil Procedure Code, with the burden of proving the will's validity resting on the respondents. An earlier trial court decision dismissing the rebuttal application was set aside, and the petitioner is now permitted to present limited evidence that does not fill gaps in their own case.

NITIN VIG, VS SHRI CHANDER PARKASH MEHRA & ORS. [CM(M)-1421/2022]

Judges: Justice Shalinder Kaur

The order dismissing the petitioner's application to summon records from the DDA for verifying the deceased testator's signatures was set aside. The petitioner is allowed to summon the records after paying Rs. 15,000 to the respondents due to delayed case pursuit. There are two probate petitions pending between the parties, which are consolidated for evidence recording.

MR. ASHOK KUMAR SHARMA VS MR. SUSHIL CHANDER SHARMA & ORS. [CM(M)-515/2023]

Judges: Justice Shalinder Kaur

The petitioner, Mr. Ashok Kumar Sharma, was unable to summon two witnesses and obtain original records related to two civil suits despite multiple opportunities and efforts. Peculiar circumstances prevented the recording of evidence by the trial court. The petition was allowed, directing the trial court to permit the summoning of witnesses from the army-based workshop and to ensure their examination within one month. The petitioner must pay costs of Rs. 25,000 to the respondents.

MRS KANTI SINGH & ORS. VS LORDS MARK INDUSTRIES PVT. LTD & ANR. [CM(M)-1455/2023]

Judges: Justice Shalinder Kaur

The trial court erred in reviewing its prior orders that transferred the case to the commercial court based on a subsequent judgment. Review jurisdiction is limited; a court cannot substitute its view through review. After the suit was amended to comply with the Commercial Courts Act, the trial court should have continued with the trial instead of returning the plaint. The impugned order was set aside, and the trial court was directed to proceed with the commercial suit trial. The matter involved multiple judges and was part of a batch, referencing previous similar cases.

MUKESH MARWAHA & ANR. VS RAJIV BHAKRI & ORS. [CM(M)-1217/2023]

Judges: Justice Shalinder Kaur

The trial court's order dismissing the petitioners' application for rent payment during the suit was set aside. The application of Order XV-A of the Code of Civil Procedure is applicable even if the defendant denies the landlord-tenant relationship. The trial court overlooked relevant documents, including a reply admitting tenancy, and previous legal precedents allowing for the direction to deposit reasonable amounts for use and occupation charges despite tenancy disputes. The matter was remanded for reconsideration of the application.

NITIN KATARIA VS VARUN JAIN [CM(M)-1342/2023]

Judges: Justice Shalinder Kaur

The trial court's decision to strike off the petitioner's defense for not filing a written statement within 30 days, as required by the amended Code of Civil Procedure, was upheld. The petitioner did not submit the statement with the necessary affidavit or request for condonation of delay. Arguments regarding a misleading court order were rejected, as the adverse order was issued with the petitioner's proxy counsel present, who did not seek clarification. Previous rulings on strict adherence to deadlines supported the outcome.

NOYAL DATA RAM @ BABU RAM VS BHUSHAN & ORS [CM(M)-838/2019]

Judges: Justice Shalinder Kaur

The trial court's rejection of the petitioner's applications to present additional documents in a civil suit for property partition was upheld. The petitioner failed to provide a valid reason for the delay in submitting the documents, which were absent from the written statement and would introduce a new case not aligned with existing pleadings. It was emphasized that evidence must correspond with the facts already pleaded.

PACKIT SOLUTIONS & ANR. VS GREY ORANGE INDIA PVT LTD [CM(M)-1447/2023]

Judges: Justice Shalinder Kaur

The order striking off the defendants' written statement filed after the deadline was set aside. The delay was justified due to the initial lack of clarity about the suit, which was clarified on 25.10.2021, and the defendants benefited from an extension of the limitation period related to the COVID-19 pandemic. This case is an individual matter.

PANCHAM LAL VS RAKESH KUMAR [CM(M)-223/2022]

Judges: Justice Shalinder Kaur

Under Order XV-A of the Code of Civil Procedure, a court can require a tenant to deposit rent at a reasonable rate during the pendency of a suit, even if the rent amount is disputed. The assessment of whether the defendant is an unauthorized occupant or a tenant is based on the "preponderance of probabilities." In this case, the defendant was directed to deposit rent of Rs. 6,000 per month from the filing date of the suit, adjusted for any amount already deposited.

PRIMORDIAL SYSTEMS PVT. LTD VS RAMAN KUMAR CHUG & ANR. [CM(M)-1359/2022]

Judges: Justice Shalinder Kaur

The petition by Primordial Systems Pvt. Ltd. challenging the trial court's order to partially allow the application to file additional documents was dismissed. The petitioner did not provide a satisfactory explanation for a 21-month delay in contesting the trial court's order, nor for the earlier filing of documents. Reasons such as change of counsel and misplacement of documents were deemed insufficient justifications, leading to the conclusion that there was no basis to interfere with the trial court's discretion.

PUSHPA KHANNA & ANR. VS SANJAY NARANG & ORS [CM(M)-36/2021]

Judges: Justice Shalinder Kaur

The petitioners' request to reopen evidence in an eviction petition was allowed, overturning previous orders that had denied the request. Relevant evidence indicating subletting of premises to a law firm was discovered by the petitioners in 2019. The application to produce this evidence was deemed valid despite prior concerns about subletting in 2016. The petitioners were granted two opportunities to present additional evidence, contingent on payment of costs, and the trial court was instructed to expedite the eviction case.

PUSHPA VS POONAM GUPTA [CM(M)-521/2023]

Judges: Justice Shalinder Kaur

The petitioner's application for condonation of delay in filing the written statement in a non-commercial suit was granted due to sufficient reasons, including family medical issues, justifying a 5-day delay. The previous order was set aside with the condition that the petitioner pays Rs. 10,000 to the respondent before the next hearing. The distinction between commercial and non-commercial suit procedures was emphasized, noting that the time limit for filing written statements under Order VIII Rule 1 CPC is directory rather than mandatory in non-commercial suits.

RADIUS IMPEX PRIVATE LIMITED VS SPOTLIGHT EVENTS AND ENTERTAINMENT & ANR. [CM(M)-127/2024]

Judges: Justice Shalinder Kaur

A party cannot compel the opposing party or its officers to be examined as its own witness, even if the opposing party's defense has been struck off. The petitioner failed to justify summoning the respondent as a witness, lacking knowledge of the relevant document in question. Allowing this would effectively reopen the defense, which is not permissible. The petition was dismissed, affirming the trial court's decision.

RAM KISHAN VS M/S EMAAR MGF CONSTRUCTIONS PVT LTD [CM(M)-197/2019]

Judges: Justice Shalinder Kaur

The petitioner was allowed to submit a Section 65B certificate to support a computerized statement of accounts in a recovery suit. The earlier non-filing of the certificate was considered a curable defect, and dismissing the petitioner's application for it was deemed overly technical. The petitioner is permitted to file the certificate upon payment of costs to the respondent.

RAHUL GUPTA VS ANIL KUMAR [CM(M)-1041/2022]

Judges: Justice Shalinder Kaur

The time limit for filing a written statement under Order VIII Rule 1 of the Code of Civil Procedure is directory rather than mandatory, allowing for discretionary extensions in cases of exceptional hardship. In this case, the petitioner's counsel experienced significant health issues, preventing the timely filing of the written statement. The trial court improperly closed the petitioner's right to file without considering the application for condonation of delay. The trial court's orders were set aside, permitting the petitioner to file the written statement upon payment of costs.

RAJ CHAUDHARY & ANR VS COL RAJINDER SINGH BHASINE & ANR [CM(M)-657/2016]

Judges: Justice Shalinder Kaur

Amendments sought by the respondents to the plaint were deemed clarificatory and necessary for effective adjudication, focusing on proper identification of the suit property. The principles of allowing amendments under Order VI Rule 17 CPC apply, as they help clarify the real questions in controversy without causing prejudice to the opposing side. The amendments did not alter the nature of the suit or introduce new facts, and the petitioners were already defending the relevant room under a different name. The challenge to the trial court's order permitting the respondents' amendment application was dismissed, with no infirmity found in the order.

RAJ KUMAR NAIR VS UCO BANK [CM(M)-1885/2023]

Judges: Justice Shalinder Kaur

A delay of 17 days in filing the written statement was condoned due to the petitioner having valid reasons, including lack of prior knowledge of business transactions between his late father and the respondent bank and the illegibility of provided documents. The previous dismissal of the petitioner's application for condonation of delay was set aside, allowing the written statement to be recorded, contingent upon the petitioner paying Rs. 20,000 to the respondent. The reasons for the delay were not adequately considered previously as required under the Commercial Courts Act.

RAJ KUMAR VS USHA [CM(M)-1918/2023]

Judges: Justice Shalinder Kaur

The lower court's decision to strike off the petitioner's defense was upheld due to the delayed filing of the written statement beyond the 120-day period under the Commercial Courts Act. The written statement also failed to meet the verification requirements of Order VI Rule 15A of the Code of Civil Procedure. The Commercial Courts Act establishes stricter timelines and procedures than those for non-commercial suits, and the lower court lacked discretion to condone delays exceeding 120 days.

RAJESH DHAMIJA & ORS. VS INDER KUMAR DHAMIJA & ORS. [CM(M)-213/2024]

Judges: Justice Shalinder Kaur

The trial court dismissed the petitioners' applications under Section 151 CPC and Order XVIII Rule 17 CPC as frivolous, citing dilatory tactics such as changing counsel frequently and failing to file evidence affidavits on time. Nevertheless, the first petitioner received one more opportunity to present defense evidence, contingent upon a payment of Rs. 25,000 to the respondents. The trial court's orders were modified to allow this limited opportunity.

RAJESH WADHAWAN VS SH NAVEEN SABHARWAL [CM(M)-1297/2023]

Judges: Justice Shalinder Kaur

Defects in the petitioner's written statement, such as lack of affidavit verification and signatures on each page, were considered curable and not fatal. While there was a delay in curing these defects, they were deemed procedural and did not impact the substance of the statement. The order striking off the written statement was set aside, allowing the petitioner to file a rectified statement contingent upon the payment of R.S. 35,000 to the respondent due to the delay. The emphasis was on applying technicalities to promote fairness and uphold the rights of both parties.

RAJNI GUPTA VS SANJAY GUPTA & ANR. [CM(M)-1129/2022]

Judges: Justice Shalinder Kaur

The respondents' statements in their written submission do not constitute clear and unconditional admissions needed for a judgment under Order XII Rule 6 of the Code of Civil Procedure. They have consistently denied the petitioner's ownership and asserted their own title to the property. Consequently, the petitioner's application was dismissed, and the trial court's order was upheld.

RAMESH CHAND SHARMA THROUGH LR VS BALBIR SINGH MATHUR & ORS. [CM(M)-28/2023]

Judges: Justice Shalinder Kaur

The suit abated against the deceased petitioner due to failure to file an application to implead legal representatives within the 90-day period. The sole legal heir, Vipin Sharma, was allowed to be impleaded based on an application that referenced the Supreme Court's guidelines extending the limitation period during the COVID-19 pandemic. The application for impleadment of the daughter-in-law, Honey Sharma, was rejected as she did not meet the criteria for a legal representative.

RANBIR SINGH VS PERVESH GAUR @ TINKU & ORS [CM(M)-1341/2018]

Judges: Justice Shalinder Kaur

The Additional District Judge (ADJ) erred by deciding the appeal without first considering the application for condonation of delay in filing it. The record indicated that the ADJ neglected to address the condonation application before proceeding with the appeal. Consequently, the impugned order was set aside, and the matter was remanded for the ADJ to hear the condonation application and then decide the appeal.

RAVI SETIA & ANR VS SOM NATH SETIA & ORS [CM(M)-726/2018]

Judges: Justice Shalinder Kaur

The petitioners are permitted to cross-examine the plaintiff on documents previously deemed null and void, as an appeal challenging their validity is still pending. The ongoing appeal indicates that the validity of the documents remains a live issue. The trial court will address objections regarding the relevancy and admissibility of these documents during final arguments.

REETA LALWANI VS DELHI DEVELOPMENT AUTHORITY AND ORS. [CM(M)-2629/2024]

Judges: Justice Shalinder Kaur

The trial court issued contradictory orders regarding the acceptance of the written statement from respondent no. 12, initially striking it off for late filing but later allowing it to be recorded despite pending adjudication. The dismissal of the petitioner's review application due to lack of locus standi was deemed unjustified, as the petitioner was contesting orders affecting the proceedings. However, the framing of preliminary issues was upheld. The written statement from respondent no. 12 cannot be included in the record until the pending application under Order IX Rule 7 of the Code of Civil Procedure is resolved by the trial court within one month.

RITU KUMAR VS TARUN CHANDER MALIK (ADOPTED) & ANR. [CM(M)-1926/2023]

Judges: Justice Shalinder Kaur

The trial court incorrectly deleted issues concerning the adoption of the plaintiff by Tara Chand Malik and the nature of the suit property. These issues are essential for resolving the dispute and have been restored. The decision to dismiss the defendant's application for further cross-examination regarding additional documents was upheld, as the relevance of those documents was not established and their admission was deemed unproductive.

ROHIT MANCHANDA & ANR. VS MOHIT MANCHANDA [CM(M)-507/2022]

Judges: Justice Shalinder Kaur

The petitioners' request to send disputed documents to the Central Forensic Science Laboratory for expert evaluation was dismissed. The trial court's decision was upheld on the basis that the petitioners can establish the authenticity of the documents through other means, such as witness testimonies. The burden of proof regarding the validity of the will lies primarily with the respondent, and the petitioners will have ample opportunity to present their case in the ongoing proceedings. No issues were identified in the trial court's reasoning.

SANGEETA BERI VS CHANDER KANT BERI [CM(M)-433/2019]

Judges: Justice Shalinder Kaur

The petitioner's application for judgment on admission under Order XII Rule 6 of the CPC was deemed not maintainable due to the absence of unequivocal admissions by the respondent. The respondent presented conflicting defenses, claiming ownership through both adverse possession and an oral family settlement, asserting a 50% share in the property. These conflicting claims necessitated a full trial to assess the merits, leading to the dismissal of the petitioner's petition.

SANJAY GOEL VS BKR CAPITAL PVT. LTD & ORS. [CM(M)-2144/2023]

Judges: Justice Shalinder Kaur

The petitioner's application under Order VI Rule 15A of the Code of Civil Procedure was accepted due to a delay in filing the written statement caused by the previous counsel's negligence. The respondent had no objection to the written statement being recorded. The trial court's order that struck off the written statement was set aside.

SAPAN AHLAWAT & ANR. VS MOHAN CLOTHING COMPNAY PVT. LTD. [CM(M)-146/2024]

Judges: Justice Shalinder Kaur

The petitioners' application to produce additional documents (email correspondences) was dismissed due to failure to mention them in their written statement or to rely on them earlier, which prejudiced the respondent. The Commercial Courts Act, 2015 requires strict adherence to timelines for filing documents, and additional documents can only be submitted with the court's permission. Introducing new documents without proper pleadings contradicts principles of the Civil Procedure Code.

SARA ABODE PRIVATE LIMITED VS NATH BROTHERS EXIM INTERNATIONAL LIMITED [CM(M)-1916/2024]

Judges: Justice Shalinder Kaur

The petitioner's right to file a written statement in a commercial suit was closed due to failure to do so within the 120-day limit post-service of summons, as required by the Commercial Courts Act, 2015. Exclusion of mediation time did not change this. The petitioner provided no valid reasons for the delay, and negligence did not justify extending the statutory time limit. The petition was dismissed, upholding the Trial Court's orders.

SAVITRI GOEL & ANR. VS PARVESH ARORA [CM(M)-2187/2024]

Judges: Justice Shalinder Kaur

Petitioners were allowed to file written statements despite a 125-day delay due to exceptional personal circumstances, including health issues and family tragedies. The time limit for filing under Order VIII Rule 1 is considered directory rather than mandatory, and discretion exists to condone delays in the interest of justice as per Section 5 of the Limitation Act. Petitioners must pay R.S. 5,000 each to the respondent as a cost.

SH NEERAJ AHUJA VS AIPL ZORRO PVT LTD [CM(M)-2535/2024]

Judges: Justice Shalinder Kaur

The trial court's order removing the petitioner's written statement was set aside due to a failure to consider relevant provisions of the Code of Civil Procedure, which permits filing within 120 days of summons. The trial court's approach was deemed casual, leading to a directive for it to reconsider the inclusion of the written statement in the record, allowing both parties a chance to be heard, and to resolve the matter within four weeks.

SH. ANOOP KUMAR VS SH.YOGESH & ANR. [CM(M)-10/2023]

Judges: Justice Shalinder Kaur

The order allowing the respondent to summon two additional witnesses was set aside due to the trial court's oversight of earlier directions regarding the cross-examination of only two specified witnesses.

SH. BAL KRISHAN SHARMA VS SMT. KANTA KUMARI SHARMA AND ORS [CM(M)-2093/2023]

Judges: Justice Shalinder Kaur

The petitioner's application to introduce additional documentary evidence at a late stage in a civil suit was dismissed. The petitioner failed to justify the delay in submitting documents that were in his possession when the suit was filed. The discretion to allow late evidence must be exercised sparingly, and insufficient grounds were shown to warrant such an allowance. The trial court's decision to reject the application was upheld.

SH. SAT NARAIN AND ANR VS NALANDA MODERN PUBLIC SCHOOL AND ORS [CM(M)-1485/2022]

Judges: Justice Shalinder Kaur

The trial court's order allowing the installation of an iron gate in the common gali was set aside. The status quo order remained in effect with modifications, and the reasons provided by the respondents for installing the gate lacked sufficient support. Permission for the respondents to level and fill holes in the gali was not contested by the petitioners and was allowed. The petition was disposed of.

SHACHI HATA INDIA PRIVATE LIMITED VS GKW RETAIL SOLUTIONS PRIVATE LIMITED [CM(M)-347/2023]

Judges: Justice Shalinder Kaur

The petitioner was granted one opportunity to cross-examine the plaintiff's witness (PW2) and to present the complete defense evidence, contingent upon a payment of ₹15,000 to the respondent. The case faced delays due to the non-furnishing of evidence affidavits and the impact of the COVID-19 pandemic on court operations. Limited opportunities were allowed to ensure the trial proceedings could be completed without further delays.

SHRI SALEKH CHAND YADAV VS SHRI AMIT SETHI [CM(M)-77/2023]

Judges: Justice Shalinder Kaur

The petitioner's application to examine additional official witnesses to prove forgery of property documents was rejected. The relevance of the documents was deemed unnecessary for the suit for possession under Section 6 of the Specific Relief Act, 1963, as the primary issue was the unauthorized dispossession of the petitioner. The trial court's order was upheld.

SHRI RAJAT DHINGRA VS SMT EMANSHI GULATI MARWAHA [FAO-128/2024]

Judges: Justice Shalinder Kaur

The appeal resulted in the reversal of a trial court's dismissal of a temporary injunction application, which sought to prevent the sale or creation of third-party interests in the suit property. The trial court's approach was criticized for lacking thorough consideration of the competing claims and circumstances. The matter is to be reconsidered by the trial court, which is instructed to address the injunction application and issue a new order within two weeks.

SHYAMWATI DEVI & ANR. VS ASHWANI SAIN & ORS. [CM(M)-1151/2023]

Judges: Justice Shalinder Kaur

The trial court's dismissal of the petitioners' application for judgment on admission was set aside due to insufficient reasoning. The matter was remanded for reconsideration on the merits, with a directive to dispose of the application within four weeks after allowing both parties to present their arguments.

SMT. PUSHPA DEVI & ANR. VS SH. PAWAN SEHRAWAT @ FOJI & ORS. [CM(M)-664/2023]

Judges: Justice Shalinder Kaur

The civil miscellaneous petition filed by Smt. Pushpa Devi and another was dismissed, challenging the trial court's order allowing Sh. Pawan Sehrawat and others to present their defense evidence. Despite the respondents' previous negligence in filing evidence, the trial court's discretion to grant an additional opportunity was upheld, contingent upon payment of costs. It was emphasized that caution is necessary when exercising this discretion to maintain the purpose of CPC amendments aimed at expediting trials. The respondents were directed to complete their evidence on a single date set by the trial court, with no further opportunities granted.

SMT. SNEH GUPTA & ANR. VS SMT. VERSHA RANI & ANR. [CM(M)-1152/2022]

Judges: Justice Shalinder Kaur

The trial court's dismissal of the petitioners' application for a separate water connection was incorrect. The issue of the water connection was linked to the main suit for partition and possession, warranting consideration of previous orders and the Local Commissioner's report. The matter was remanded for reconsideration, allowing parties to be heard and taking into account the relevant prior orders and report.

SMT. SUDESH ANIL VS SHRI ANIL ARORA & ORS. [CM(M)-731/2022]

Judges: Justice Shalinder Kaur

The petitioner's application to amend the plaint was allowed, as the proposed amendments did not alter the original cause of action or change the nature of the suit. The amendments were deemed necessary to address the real question in controversy and to prevent multiplicity of proceedings, given the early stage of the suit. They aimed to challenge the validity of a relinquishment deed and rectify technical defects. Allowing the amendments would not cause injustice to the respondents. The orders rejecting the amendment application were set aside.

STATE BANK OF INDIA VS RAMESH KUMAR NAROOLA & ORS. [CM(M)-426/2022]

Judges: Justice Shalinder Kaur

Before assessing whether the State Bank of India is a necessary or proper party in the suit filed by Ramesh Kumar Naroola, the trial court must consider the contract and documents related to the issuance of the credit card. The matter is to be reconsidered under relevant procedural rules, allowing both parties to present new arguments.

SUBEY SINGH VS DELHI DEVELOPMENT AUTHORITY [CM(M)-2111/2023]

Judges: Justice Shalinder Kaur

The petitioner could not establish settled possession of the property for 50 years necessary for an interim injunction. Provided documents, including Aadhaar and ration cards, indicated only recent possession. There were no errors in the findings of the lower courts, leading to the dismissal of the petition.

SUDHIR POWER PROJECT LTD. VS PRIME MEIDEN PVT. LTD. [CM(M)-1376/2023]

Judges: Justice Shalinder Kaur

The petitioner's application to include a letter from HSIIDC regarding liquidated damages, dated 08.07.2022, was approved for inclusion as the delay was justified and the other party was not seriously prejudiced. However, the request to file an affidavit of admission/denial was denied since the case was already at the evidence recording stage, making it unnecessary. The petition was disposed of with the letter from HSIIDC allowed on record.

SUNIL GULATI VS NASEEM AHMED & ANR. [CM(M)-2107/2023]

Judges: Justice Shalinder Kaur

Sunil Gulati cannot be included as a party in the eviction petition between the landlord and tenant. A third person claiming ownership of the property cannot intervene in such cases under the Delhi Rent Control Act. The established principle allows one co-owner to file an eviction suit on behalf of all co-owners. The application for impleadment was dismissed due to these grounds.

SUNITA KOHLI AND ANR VS KULDEEP SINGH SEJWAL [CM(M)-2718/2024]

Judges: Justice Shalinder Kaur

The order closing the evidence of the petitioners in a civil suit was set aside due to insufficient diligence in leading their evidence. The petitioners were granted one final opportunity to file their witness's affidavit and present the witness for cross-examination, contingent upon paying Rs. 25,000 in costs to the respondent. Failure to produce the witness on the next hearing date would result in the closure of their right to lead evidence without further recourse.

SURENDER KUMAR VS ANITA CHHABRA & ORS. [CM(M)-2077/2023]

Judges: Justice Shalinder Kaur

The trial court's closure of the petitioner's right to cross-examine a witness was unjustified, as cross-examination is a significant right that requires valid reasons for restriction. This order was set aside. However, the additional documents submitted by the respondents were permitted to remain on record, as they were filed with an amendment application that had been previously allowed. The respondents can rely on these documents, subject to admissibility and relevance.

SURESH KUMAR AND ORS VS KRISHAN KANHAYA [CM(M)-7/2024]

Judges: Justice Shalinder Kaur

The petitioners are permitted to file their rejoinders, rejoinder affidavits, and documents due to not being given a fair opportunity, with one case having only one month for submission and the other receiving no opportunity. The relevance and merits of the submissions will be assessed by the Additional Rent Controller when deciding on the leave to defend application. The previous orders dismissing the petitioners' applications have been set aside, allowing the petitions.

SURINDER SOOD VS RAJINDER SINGH & ORS. [CM(M)-1974/2023]

Judges: Justice Shalinder Kaur

The trial court's dismissal of the petitioner's application for document production was upheld. The respondents bear the burden of proof for their claim of Rs. 77,07,654/-. The petitioner retains the right to cross-examine the respondents and summon relevant records during evidence presentation. The reasoning of the trial court was found correct, with no identified issues in the order.

SWAPNIL AERON VS JAGMOHAN SAPRA [CM(M)-1764/2023]

Judges: Justice Shalinder Kaur

The principle of estoppel under Section 116 of the Indian Evidence Act prevents the tenant from challenging the landlord's ownership after surrendering possession of the premises. The order dismissing the tenant's application to summon title documents is valid, as questioning the landlord's title is not permissible during the tenancy when arrears of rent are being claimed. The petition was dismissed.

UNION OF INDIA VS M/S JAY SHREE METALS AND ENGG. CO. [CM(M)-2414/2024]

Judges: Justice Shalinder Kaur

The petition filed by the Union of India challenging an arbitration award in favor of M/s Jay Shree Metals and Engg. Co. was dismissed due to the Union's non-appearance in the District Court. Subsequently, an application for restoration of the dismissed petition and a request to condone the delay in filing the restoration were submitted. There was no sufficient cause found to condone the delay, leading to the dismissal of the restoration application.

USHA RANI (DECEASED) THR LRS VS KANTA & ORS [CM(M)-144/2020]

Judges: Justice Shalinder Kaur

The petitioners' application under Order XXII Rule 3 CPC was treated as a request to set aside the abatement of the suit, despite its belated filing. A principle from the Supreme Court was applied, allowing a prayer for substitution of legal heirs to be considered a request to set aside the abatement. The trial court's dismissal of the petitioners' applications was characterized as cryptic and insufficiently attentive to the reasons for the delay. Consequently, the trial court's order was set aside, the application for substitution of legal heirs was allowed, and the trial court was directed to proceed with the case.

VIJAY KUMAR GUPTA VS MOHIT MALIK [CM(M)-153/2024]

Judges: Justice Shalinder Kaur

A suit for recovery of money can be filed in the District Court where part of the cause of action has arisen. The plaintiff's office and the defendant's payment to the plaintiff's bank account were both within the jurisdiction of the District Court.

VIJAY KUMAR VS KAUSHALYA DEVI & ANR. [FAO-175/2022]

Judges: Justice Shalinder Kaur

Vijay Kumar's appeal against the trial court's dismissal of his suit for partition and permanent injunction was allowed. He was unable to appear in court due to a left leg fracture, as supported by medical documents. His prior counsel had indicated that his appearance was not necessary. The application under Order IX Rule 9 of the Code of Civil Procedure was accepted, requiring payment of Rs. 30,000 as costs to the respondents, and both parties were directed to appear before the trial court on the next hearing date.

VIJENDER SINGH VS STATE & ORS [FAO-523/2018]

Judges: Justice Shalinder Kaur

The appellant established the valid execution of the will dated April 4, 2007 by Smt. Lado, qualifying for probate. The identified circumstances deemed "suspicious" did not create real doubts about the will's execution. The appellant proved the testamentary capacity and signature of the testator. The dismissal of the probate petition was set aside, and the appellant must pay the requisite stamp duty and file an administration bond to obtain the probate.

VIJENDER SINGH VS STATE & ORS [FAO-523/2018]

Judges: Justice Shalinder Kaur

The review petition filed by the original respondent no. 3 was dismissed due to failure to show sufficient cause for condoning a 60-day delay. The reasons provided were not genuine, and the applicant concealed material facts regarding previous dismissals of a Letters Patent Appeal and Special Leave Petition. The attempt to re-argue the merits of the case was not permitted under Section 114 of the Code of Civil Procedure. Consequently, the review petition and pending applications were dismissed.

YASHODA ORGANIC FOODS PVT LTD VS BHARAT BHUSHAN GERA [CM(M)-26/2023]

Judges: Justice Shalinder Kaur

The petition filed by the defendant against the trial court's order to strike off their list of witnesses was allowed. The defendant's list was submitted before the scheduled date for evidence, despite delays in compliance with the trial court's directions. The list was permitted on record with a payment of Rs. 20,000 to the respondent. The defendant was limited to one opportunity to examine their witnesses on a date set by the trial court, with no further adjournments permitted.

A R SALES PVT LTD VS UNION OF INDIA & ORS. [W.P.(C)-3121/2024]

Judges: Justice Subramonium Prasad

The notification issued by the DGFT to regulate the export of certain aircraft parts from the petitioner company was quashed. The aircraft parts, including engines, were classified as civil and had the necessary type certification from the DGCA. These products did not fall under the restrictions of the SCOMET list or the Catch-All provisions, allowing for the export of the consignments.

AAM AADMI PARTY VS UNION OF INDIA THROUGH ITS SECRETARY & ANR. [W.P.(C)-15929/2023]

Judges: Justice Subramonium Prasad

The petitioner, a recognized national political party, is entitled to a housing unit from the General Pool Residential Accommodation (GPRA) for use as a temporary office for three years, according to existing guidelines. A request for this allotment must be considered, and detailed reasons provided if the allotment is denied, especially given that other political parties have received similar accommodations. The shortage of GPRA units and the petitioner's previous rejection of land offers for a permanent office do not negate this entitlement.

ABHISHEK KHAN @ MONU VS THE STATE GOVT OF NCT, DELHI & ANR. [BAIL APPLN.-2381/2023]

Judges: Justice Subramonium Prasad

The bail application of Abhishek Khan, charged with luring and sexually exploiting a minor, was dismissed. There is prima facie evidence against him, the offense carries a potential life sentence, and there is a risk of him absconding if released. The presumption under Section 29 of the POCSO Act places the burden of proving innocence on the accused. Therefore, bail was denied at this stage of the proceedings.

ABRAR@BALE VS STATE THROUGH CRIME BRANCH SHO [BAIL APPLN.-1572/2024]

Judges: Justice Subramonium Prasad

Bail was denied to the petitioner under Section 37 of the NDPS Act due to call detail records indicating constant contact with the main accused, along with reasonable grounds to believe in the petitioner's guilt. Previous criminal antecedents and the risk of reoffending or fleeing from justice were also significant factors in the decision.

ADITYA BIRLA FINANCE LIMITED VS SHOMUK ENGINEERING AND CONSULTANCY SERVICES AND ORS [ARB.P.-325/2023]

Judges: Justice Subramonium Prasad

The respondents failed to fully comply with the settlement agreement, leading to the appointment of Mr. Davinder Singh as the sole arbitrator to resolve disputes according to the arbitration clauses in the loan agreements. Interim orders will remain effective until the arbitrator makes a decision under Section 17 of the Arbitration Act.

AJAY KUMAR MAHAWAR & ORS. VS LEGISLATIVE ASSEMBLY OF THE NATIONAL CAPITAL TERRITORY OF DELHI, THROUGH SECRETARY & ANR. [W.P.(C)-2482/2024]

Judges: Justice Subramonium Prasad

The indefinite suspension of petitioner members of the Legislative Assembly of the National Capital Territory of Delhi is unsustainable. The suspension exceeded the periods set by the Rules of Procedure and Conduct of Business. The decision to refer the matter to the Committee of Privileges lacked independent consideration from the Speaker as required by the rules. The members have already served the maximum allowed suspension of 14 sittings and should be allowed to re-join the House immediately.

AJAY KUMAR VS STATE NCT OF DELHI [CRL.M.C.-1557/2022]

Judges: Justice Subramonium Prasad

The petition to quash the FIR and criminal proceedings was dismissed due to serious allegations in the forensic audit report regarding misuse of funds and diversion of homebuyers' money for personal benefit. The ongoing consideration of the forensic report's correctness prevents quashing the proceedings at this stage.

AJAY KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-15373/2023]

Judges: Justice Subramonium Prasad

The petitioner's request for a gag order against two media houses to conceal his identity and a direction to the Union of India for compliance with Supreme Court guidelines was dismissed. Insufficient details regarding potential prejudice to other proceedings made it challenging to assess the necessity of a gag order to protect trial fairness.

AJAY TYAGI VS ANHEUSER BUSCH INBEV INDIA LTD [CRL.REV.P.(NI)-20/2024]

Judges: Justice Subramonium Prasad

The appellate court's order suspending the petitioner's sentence under Section 138 of the Negotiable Instruments Act, 1881, was upheld, contingent upon the petitioner depositing 20% of the total fine amount. The petitioner did not provide sufficient evidence to support claims of financial distress and inability to make the required deposit. Exceptional circumstances for waiving the 20% deposit requirement were not established.

AJAY TYAGI VS ANHEUSER BUSCH INBEV INDIA LTD. [CRL.REV.P.(NI)-21/2024]

Judges: Justice Subramonium Prasad

The appellate court's decision to suspend the petitioner's sentence under Section 138 of the Negotiable Instruments Act was upheld, requiring the petitioner to deposit 20% of the fine amount. The petitioner did not provide sufficient evidence for claims of financial distress and inability to meet the 20% deposit requirement under Section 148. An exception to the deposit condition can only be made if it would be unjust or impede the right to appeal, which was not applicable in this case.

AKBAL ANSARI VS STATE (NCT OF DELHI) [BAIL APPLN.-1738/2024]

Judges: Justice Subramonium Prasad

Akbal Ansari was granted bail in a murder case where his arrest was based on a co-accused's disclosure and call detail records. The co-accused was identified as the actual contract killer, and their shared village could explain their communications. Concerns about evidence tampering were mitigated since only official witnesses remained to be examined. Bail was granted with conditions that included providing security, arranging accommodation in Delhi, sharing mobile numbers with the investigating officer, and regular police reporting.

AKSHAR REDDY VANGA AND ANR. REPRESENTED BY SUBBA REDDY VANGA VS UNION OF INDIA AND ORS [W.P.(C)-7703/2022]

Judges: Justice Subramonium Prasad

The petitioners, born in the USA to an Indian citizen father and a US citizen mother, are entitled to Indian citizenship and passports under Section 4(1)(b) of the Citizenship Act, 1955. The Citizenship Act takes precedence over conflicting provisions in the Passport Manual, resulting in the directive to issue fresh Indian passports to the petitioners.

AL IRSHAD HAJ GROUP (AL IRSHAD TOURS AND TRAVELS) VS UNION OF INDIA [W.P.(C)-15645/2022]

Judges: Justice Subramonium Prasad

The experience of the former sole proprietor of a Haj tour firm is not transferable to the new proprietor after the original proprietor's death, as a sole proprietorship is not a separate legal entity and ceases to exist with the proprietor's death. A clarification regarding the necessity of a Munazzam Card for the firm's proprietor/director/partner aligns with the provisions of the 2019-23 Haj policy and is not an additional requirement.

AL ISLAM TOUR CORPORATION VS UNION OF INDIA [W.P.(C)-5033/2023]

Judges: Justice Subramonium Prasad

The writ petition by Al Islam Tour Corporation was dismissed, challenging an order that forfeited its security deposit and imposed a 10-year blacklist on Haj operations. The petitioner was not registered as a Haj Group Organizer in 2018 and had previously been accused of defrauding a pilgrim of Rs. 13 lakhs in 2013. The forfeiture and blacklisting were deemed justified to protect pilgrims, and arguments regarding the closure of a criminal case and claims of disproportionate punishment were rejected. Administrative action based on preponderance of probabilities was accepted, and the punishment was upheld.

ANGEL GUPTA VS STATE NCT OF DELHI [BAIL APPLN.-2758/2024]

Judges: Justice Subramonium Prasad

The bail application of the petitioner, accused of conspiring to murder the wife of her lover, was dismissed. The seriousness of the offense, the risk of the petitioner fleeing, and the necessity for an expedited trial within five months were cited as reasons for the denial of bail. Observations made did not address the merits of the case.

ALLAH NOOR VS NARCOTICS CONTROL BUREU [BAIL APPLN.-1377/2024]

Judges: Justice Subramonium Prasad

The bail application of Allah Noor, charged under the NDPS Act for involvement in a drug trafficking syndicate, was dismissed due to substantial evidence against him, including the recovery of large quantities of heroin and cocaine, statements from co-accused, and digital evidence. The organized nature of the trafficking operations suggested a high risk of reoffending if released. Discrepancies in the seal movement register were not deemed sufficient to challenge the prosecution's case. There were insufficient grounds to believe the accused was not guilty under Section 37 of the NDPS Act.

AMARJEET SINGH CHATHA VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-6197/2024]

Judges: Justice Subramonium Prasad

The petition by Amarjeet Singh Chatha to quash the order rejecting his application for criminal action against the respondent was dismissed. An application under Section 156(3) Cr.P.C. is not a sworn statement; it only presents facts to request an FIR. The respondent's statements are not considered false at this stage. Additionally, Section 195(1)(b)(ii) Cr.P.C. applies to offenses related to documents produced in court, and since no cognizance has been taken, proceedings under Section 340 Cr.P.C. are not justified at this point.

AMIT CHANDI VS AARTI CHANDI @ AARTI KHANNA [CRL.M.C.-6157/2022]

Judges: Justice Subramonium Prasad

Amit Chandi was required to pay Rs. 30,000 per month in maintenance to his wife, Aarti Chandi, under Section 125 of the Criminal Procedure Code and the Domestic Violence Act. His cohabitation with another woman and having a child with her constituted domestic violence against Aarti. The maintenance amount was deemed reasonable based on Amit's financial status and lifestyle, and Aarti's earning ability did not negate his obligation to maintain her.

AMIT MISHRA VS THE STATE GOVT. OF NCT OF DELHI [BAIL APPLN.-872/2024]

Judges: Justice Subramonium Prasad

Amit Mishra was granted bail after being charged under IPC Sections 498A, 304B, and 34 related to his wife Kiran's suicide. The investigation is complete and a charge-sheet has been filed. The petitioner has community ties and is unlikely to flee or intimidate witnesses. Despite the serious charges, continued detention was deemed unnecessary. Bail conditions include providing security, not leaving Delhi without permission, and avoiding evidence tampering or contact with the deceased's family.

AMRIT BALA SHARMA & ANR. VS COMMISSIONER OF POLICE & ANR. [W.P.(C)-10161/2021]

Judges: Justice Subramonium Prasad

The writ petition by co-owners of a property rented to the Delhi Police for a police station was dismissed due to the failure to establish a case for rent enhancement set by the Rent Fixation Committee of GNCTD. There was no evidence of any promise from the state government for higher rent, negating claims of promissory estoppel and legitimate expectation. The proper recourse would have been a suit for recovery of higher rent, which was not pursued within the limitation period.

ANGELINA HRANG THAN SANGI VS DIRECTORATE OF REVENUE INTELLIGENCE [BAIL APPLN.-373/2024]

Judges: Justice Subramonium Prasad

The bail application of Angelina Hrang Than San was dismissed due to evidence suggesting her involvement in offenses under the NDPS Act. Evidence included her statement, an email authorizing her to receive a parcel, and links to other accused individuals, indicating her participation in a drug smuggling syndicate. Concerns about the likelihood of her reoffending led to the conclusion that she posed a continued risk, resulting in the denial of bail.

ANIL GOEL VS UNION OF INDIA AND ORS [W.P.(C)-14836/2022]

Judges: Justice Subramonium Prasad

The Lookout Circular issued against the petitioner by the Bank of Baroda was found unsustainable due to the absence of any pending criminal proceedings. Guidelines from the Ministry of Home Affairs state that issuance is valid only in cases harmful to India's economic interests. In this instance, inability to repay a bank loan does not justify a Lookout Circular or restrict the right to travel abroad. Consequently, the Lookout Circular was quashed.

ANIL SHANDILYA VS STATE G.N.C.T OF DELHI [CRL.M.C.-5501/2024]

Judges: Justice Subramonium Prasad

Petitions by Shantanu Shandilya and Anil Shandilya challenging the order framing charges under various sections of the Indian Penal Code were dismissed. At the charge framing stage, only a prima facie case needs to be established, without detailed examination of the merits or defense arguments. The materials, including the complainant's statements and Anil Shandilya's background of civil suits, indicated a prima facie case against the petitioners. The alibi presented by Shantanu Shandilya was deemed to be addressed at the trial stage. Thus, the petitions against charge framing were dismissed.

ANIL VS CENTRAL INFORMATION COMMISSION & ORS. [W.P.(C)-12548/2021]

Judges: Justice Subramonium Prasad

The Central Information Commission's decision not to impose a penalty on the public information officer for the delay in providing requested information under the RTI Act was upheld. Although there was a delay, it was not deemed malafide or deliberate. The imposition of a penalty is not automatic with delay, as compensation is based on monetary loss suffered due to the delayed appointment, which was not directly linked to the information delay in this case.

ANITA VS DR. SANDEEP SHARMA [CRL.M.C.-2540/2022]

Judges: Justice Subramonium Prasad

The issue of whether the underlying debt is time-barred or legally enforceable is a matter of evidence to be decided during the trial, not at the summons stage under Section 482 CrPC. Questions related to this cannot be adjudicated at the initial stage. The order summoning the petitioner stands, and the trial court is directed to proceed with the complaint in accordance with the law, without any opinion on the merits of the case.

ANJU KHANNA & ORS. VS STATE(GOVT OF NCT OF DELHI) & ANR. [CRL.M.C.-2988/2022]

Judges: Justice Subramonium Prasad

A complaint under Section 138 of the Negotiable Instruments Act cannot be quashed against working partners of a firm due to satisfying the requirements of Section 141 for vicarious liability. The complaint against a sleeping partner was quashed as there were no specific allegations against her. The distinction was made between the liability of partners in a firm and directors of a company, relying on the Partnership Act to establish that being a partner indicates responsibility for the firm's business conduct.

ANTARES SYSTEMS LTD. VS DELHI DEVELOPMENT AUTHORITY & ANR. [W.P.(C)-14027/2023]

Judges: Justice Subramonium Prasad

The actions of the Delhi Development Authority in conducting e-auctions through the e-Wizard portal of M/s Unibrain violate the agreement from 06.08.2020 with ITI Limited. The bid by ITI Limited was based on software developed by Antares Systems Ltd., making the replacement of Antares with a third party a material alteration of the contract, which is not permissible. Consequently, the petition filed by Antares Systems Ltd. was upheld.

ARMY WELFARE HOUSING ORGANISATION VS HALKO INFRAPROJECTS & ANR. [W.P.(C)-2354/2024]

Judges: Justice Subramonium Prasad

The Delhi High Court does not have jurisdiction to entertain the writ petition filed by the Army Welfare Housing Organisation (AWHO) against the Micro and Small Enterprises Facilitation Council (MSEFC) in Mumbai, which referred the dispute with Halko Infraprojects to arbitration under the MSMED Act. The MSEFC's location and the origin of the dispute outside Delhi mandate that only Mumbai courts can adjudicate this matter, leading to a lack of territorial jurisdiction for the Delhi High Court.

ARSHDEEP SINGH AND ANR VS GOVT OF NCT OF DELHI [W.P.(C)-11853/2021]

Judges: Justice Subramonium Prasad

The writ petition was allowed, establishing that the forums under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 lack jurisdiction over the eviction petition. The petitioners, as Class-II legal heirs of one original property owner, have no legal obligation to maintain the respondent, who is the other original owner, since his children have that responsibility. The order of the Appellate Authority was set aside, and the parties were directed to reside peacefully in the property until the partition suit's final outcome.

ARUN MALIK VS STATE GOVT OF NCT OF DELHI [BAIL APPLN.-3021/2024]

Judges: Justice Subramonium Prasad

Arun Malik was denied bail in connection with allegations of repeatedly sexually assaulting and raping a 14-year-old girl living in the same building. The severity of the offenses under the Indian Penal Code and the POCSO Act indicated a high risk of evidence tampering and witness influence if released. The emphasis on protecting children from sexual exploitation and prioritizing the victim's well-being contributed to the denial of bail.

ARUNA KASERA VS GOVT NCT OF DELHI AND ORS [W.P.(C)-13930/2023]

Judges: Justice Subramonium Prasad

The respondent must file the sale certificate dated 13.05.2019 for the property in Book No.-I, as required by Section 89(4) of the Registration Act, 1908. The authorized officer under the SARFAESI Act is obligated to provide a validated sale certificate to the auction-purchaser and ensure a copy is sent to the registering authorities for filing. Arguments citing previous High Court judgments were dismissed as they are impliedly overruled by Supreme Court decisions.

ASHA CHHATWAL VS SURENDRA KOHLI AND ORS [CRL.M.C.-137/2022]

Judges: Justice Subramonium Prasad

The petitioner, as a partner in the firm, is liable under Section 138 of the Negotiable Instruments Act. Partners are responsible for the firm's conduct and are jointly and severally liable for its actions, with implied authority to bind the firm. The argument of being a sleeping partner was rejected due to lack of compelling evidence. The complaint against the petitioner remains unresolved regarding the legal notice service.

ASHOK KINRA VS CENTRAL COTTAGE INDUSTRIES CORPORATION AND ORS [W.P.(C)-1732/2023]

Judges: Justice Subramonium Prasad

The petitioner is entitled to a full reimbursement of Rs. 3,57,158 for his wife's cancer treatment, despite the treatment not being at an empanelled hospital. It was deemed inequitable for the respondent public sector undertaking to pay the full amount to another employee while denying the same to the petitioner, who had received the entire amount from the insurance company. The respondent is to pay the petitioner the remaining amount of Rs. 2,54,946 within six weeks.

ASHOK KUMAR SHIVPURI VS ASHOK B CHAJJAR, CMD, ARIHANT ENTERPRISES [W.P.(C)-15378/2023]

Judges: Justice Subramonium Prasad

The enhancement of compensation from Rs. 25,000 to Rs. 3,00,000 by the National Consumer Disputes Redressal Commission (NCDRC) is not open to interference under Article 227. Lower consumer forums identified only minor deficiencies in the flat, and the inspection report confirmed no major issues. The NCDRC increased compensation due to discrepancies between promised amenities and the actual flat delivered. The principles of limited judicial review prevent a detailed re-evaluation of evidence and compensation calculations. The 12-fold increase in compensation is deemed sufficient to serve justice, leading to the dismissal of the writ petition, with no indication of patent perversity or gross failure of justice present.

ASHOK KUMAR VERMA VS ARVIND KUMAR SHARMA [W.P.(C)-2874/2015]

Judges: Justice Subramonium Prasad

The Central Information Commission (CIC) imposed a penalty of Rs. 25,000 on the Central Public Information Officer for failing to provide requested information under the Right to Information (RTI) Act. The respondent sought information about non-compliance with an arbitration award and alleged corruption in a cooperative housing society. The petitioner only provided a copy of the arbitration award, which did not fulfill the information request. The petitioner ignored the direction from the First Appellate Authority to provide the information.

BALRAM GARG VS UNION OF INDIA & ANR. [W.P.(C)-6739/2024]

Judges: Justice Subramonium Prasad

The issuance of a lookout circular against Balram Garg, Managing Director of PC Jewellers Limited, was declared invalid. The legal framework governing lookout circulars was examined, revealing that inability to repay bank loans does not justify restricting a person's fundamental right to travel abroad without exceptional circumstances affecting the country's economic interests. A one-time settlement had been reached, and no criminal proceedings existed against Garg, leading to the quashing of the lookout circular requested by the State Bank of India.

BHARAT PETROLEUM CORPORATION LIMITED VS RELIANCE INDUSTRIES LIMITED & ANR. [W.P.(C)-15976/2023]

Judges: Justice Subramonium Prasad

The decision to allow Reliance Industries Limited (RIL) to be involved in appeals from Bharat Petroleum Corporation Limited (BPCL) and Hindustan Petroleum Corporation Limited (HPCL) regarding the Petroleum and Natural Gas Regulatory Board's classification of the ATF pipeline as a common carrier was upheld. RIL was identified as a necessary party due to its role in initiating the common carrier declaration and its potential grounds for appeal under the PNGRB Act. The involvement of RIL was considered justified in light of the public interest and the objective of promoting competitive markets, leading to the dismissal of BPCL and HPCL's writ petitions.

BHAVREEN KANDHARI VS MANDEEP MITTAL [CONT.CAS(C)-1177/2022]

Judges: Justice Subramonium Prasad

Respondent No. 2 obtained a forged permission letter from the Deputy Conservator of Forests to cut down a tree, violating a previous order. This action constituted willful disobedience of court orders. No determination was made regarding whether the respondent personally forged the documents to avoid impacting the defense in an ongoing criminal case. Consideration of punishment under the Contempt of Courts Act is pending.

BINOD AGARWAL VS THE CPIO AND ORS. [W.P.(C)-2789/2022]

Judges: Justice Subramonium Prasad

The writ petition was improperly filed as it should have been submitted to the Bombay High Court, where the SEEPZ-SEZ office and relevant authorities are located. Attendance records of consultants and officers above a certain pay grade are classified as personal information under Section 8(1)(j) of the RTI Act, requiring proof of larger public interest for disclosure. The CPIO correctly denied access to this information as some consultants objected under Section 11 of the RTI Act. The order of the CIC supporting the CPIO's decision remained unchallenged.

BRIJ BALA KAPUR VS DIRECTORATE OF ENFORCEMENT SURAT SUB ZONAL UNIT [W.P.(C)-14448/2023]

Judges: Justice Subramonium Prasad

The Petitioner cannot bypass the statutory remedies of the Prevention of Money Laundering Act, 2002 (PMLA) by filing a writ petition under Article 226 of the Constitution. The PMLA includes mechanisms for grievance redressal, such as appeals to the Adjudicating Authority and Appellate Tribunal. The Adjudicating Authority can assess whether the properties in question are proceeds of crime. The writ petition was dismissed, requiring the Petitioner to pursue remedies under the PMLA.

CA RAKESH KUMAR GUPTA VS SUPREME COURT OF INDIA THROUGH SECRETARY GENERAL [W.P.(C)-5017/2024]

Judges: Justice Subramonium Prasad

The writ petition by CA Rakesh Kumar Gupta seeking details on the Supreme Court Collegium's process for recommending High Court judges was dismissed. The petition was considered a "Publicity Interest Litigation" lacking valid personal interest. There is no authority to appeal the subjective satisfaction of the Supreme Court Collegium regarding judicial appointments, as the Constitution specifies the necessary qualifications and considerations. A cost of Rs. 25,000 was imposed on the petitioner to be deposited with the Armed Forces Battle Casualties Welfare Fund.

CAPT (RETD) KULDEEP SINGH SOLANKI VS UNION OF INDIA & ANR. [W.P.(C)-9513/2022]

Judges: Justice Subramonium Prasad

The Lookout Circular against the Petitioner by the Bureau of Immigration at the request of the State Bank of India was quashed due to the absence of any pending criminal proceedings. The inability to repay bank loans does not justify restricting a citizen's fundamental right to travel abroad. A similar judgment from the Bombay High Court also influenced this decision, leading to the cancellation of the Lookout Circular.

CENTRAL PUBLIC INFORMATION OFFICER (CPIO) CENTRAL BUREAU OF INVESTIGATION VS SANJEEV CHATURVEDI [W.P.(C)-2833/2020]

Judges: Justice Subramonium Prasad

The Central Information Commission's decision was upheld, allowing access to requested information about corruption allegations at AIIMS. The proviso to Section 24 of the RTI Act permits disclosure of such information for organizations listed in the Second Schedule, including the CBI. The information sought was not deemed sensitive or threatening to investigations, necessitating compliance by the CBI under the RTI Act.

COLOPLAST INDIA PRIVATE LIMITED VS UNION OF INDIA AND ANR [W.P.(C)-6292/2022]

Judges: Justice Subramonium Prasad

Surgical bandages and dressings are classified as 'drugs' under the Drug Price Control Order, 2013, in line with the Drugs and Cosmetics Act, 1940. The Ministry of Health and Family Welfare and the CDSCO have recognized surgical dressings as regulated products. A petition challenging the jurisdiction of the NPPA regarding a notice for alleged violations of the DPCO was dismissed.

COREIP TECHNOLOGY PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-5566/2023]

Judges: Justice Subramonium Prasad

The government's order debarring the Petitioner company from participating in procurement processes for 2 years was upheld due to false declarations of local content in its products. An expert committee confirmed that the local content was below the minimum thresholds set by DPIIT and DoT notifications. The decision-making process was considered just, fair, and reasonable.

CPIO/DY. COMMISSIONER OF INCOME TAX HQ EXEMPTION, NEW DELHI VS GIRISH MITTAL [W.P.(C)-10193/2022]

Judges: Justice Subramonium Prasad

The Income Tax Act, being a special statute, prevails over the Right to Information Act. Information relating to an assessee under the Income Tax Act can only be disclosed with approval from designated authorities under Section 138 of that Act. The Central Information Commission failed to adhere to Section 11 of the Right to Information Act, which requires hearing the third party, specifically the PM CARES Fund, before disclosing related information. The order of the Central Information Commission was set aside, and the writ petition by the Income Tax Department was allowed.

CRPL INFRA PRIVATE LIMITED & ANR. VS MINISTRY OF FOOD PROCESSING INDUSTRIES [W.P.(C)-4879/2021]

Judges: Justice Subramonium Prasad

The rejection of the petitioner's claim for subsidy under the Pradhan Mantri Kisan Sampada Yojana was valid, as the expenditure incurred before submitting the expression of interest did not comply with the scheme guidelines. The decision-making process was rational and reasonable, and principles of legitimate expectation and limited judicial review in administrative decisions supported the respondent's position.

CURRYMIA FOODS LTD. VS UNION OF INDIA & ORS. [W.P.(C)-3290/2024]

Judges: Justice Subramonium Prasad

Currymia Foods Ltd., which took over the business of Ahmednagar District Goat Rearing and Processing Cooperative Federation, is not automatically included in the list of approved contractors for supplying meat to the armed forces due to the predecessor's failure to notify authorities about the change in status. As an independent entity, Currymia Foods must apply afresh for contractor registration and cannot claim to be a continuation of its predecessor. The company's writ petition was dismissed, but it was instructed that its application be considered based on its own merits within three weeks.

DEBARATI NANDEE VS MS. TRIPTI GURHA & ANR. [CONT.CAS(C)-563/2023]

Judges: Justice Subramonium Prasad

The retrospective application of the Adoption Regulations, 2022 to pending applications of registered prospective adoptive parents (PAPs) is upheld. The change in eligibility criteria, which prevents PAPs with two or more children from adopting a normal child, does not infringe on any vested rights. Registration and the process until child referral are not guaranteed rights, allowing for prospective changes in eligibility criteria. The rationale behind the regulations is to facilitate quicker placements for children, particularly those with special needs. Writ petitions challenging this application are dismissed.

DELL INTERNATIONAL SERVICES INDIA PRIVATE LIMITED VS ADEEL FEROZE & ORS. [W.P.(C)-4733/2024]

Judges: Justice Subramonium Prasad

The orders of the District Consumer Dispute Redressal Commission and State Consumer Dispute Redressal Commission refusing to condone the delay in filing the written statement were upheld. The screenshot of WhatsApp conversations submitted as evidence was not considered valid due to lack of proper certification under the Evidence Act.

DEEPAK SINHA VS MINISTRY OF HEALTH AND FAMILY WELFARE & ANR. [W.P.(C)-11217/2021]

Judges: Justice Subramonium Prasad

The writ petition by a qualified electro-homeopath for the analysis of Krauss and Zimpel formulations, part of the German Homeopathic Pharmacopoeia, was dismissed. The recognition of alternative systems of medicine like electro-homeopathy is a matter of policy, and the Homeopathic Pharmacopoeia Laboratory is only mandated to analyze drugs as defined by the Drugs and Cosmetics Act. Since electro-homeopathy is not recognized as a form of medicine, the laboratory is not obligated to analyze its formulations.

DELHI GYMNASTICS ASSOCIATION VS GYMNASTICS FEDERATION OF INDIA & ORS. [W.P.(C)-17756/2022]

Judges: Justice Subramonium Prasad

The expulsion of the Delhi Gymnastics Association (DGA) from the Gymnastics Federation of India (GFI) was deemed valid due to a fair and transparent decision-making process. The appointment of the Disciplinary Committee was valid under both the un-amended and amended constitutions of the GFI, and the amendment did not necessitate reconstitution of the existing committee. The DGA was given opportunities to present its case and the rules allowed for an appellate remedy, which the DGA declined. The writ petition filed by the DGA was dismissed.

DR ARUN KUMAR SONI VS MEDICAL COUNCIL OF INDIA & ANR. [W.P.(C)-6489/2021]

Judges: Justice Subramonium Prasad

The petitioner's request for conditional permanent registration to practice as a doctor was dismissed due to accusations of serious impersonation related to the Foreign Medical Graduate Examination (FMGE). It was established that registration as a medical practitioner cannot occur until the petitioner is acquitted in the criminal case, leaving the legitimacy of the FMGE results in question. The petitioner can retake the examination if he seeks registration as a medical practitioner.

DR. TARUN KOTHARI VS THE STATE OF NCT OF DELHI, THROUGH CHIEF SECRETARY & ANR. [CRL.M.C.-2907/2022]

Judges: Justice Subramonium Prasad

The FIR against Dr. Tarun Kothari for making statements against wearing masks, social distancing, and COVID-19 vaccination during the pandemic is valid. Although Section 195 CrPC requires a written complaint from a public servant for offenses under Sections 172-188 IPC, it does not prevent police from investigating cognizable offenses under the CrPC. The police are directed to file a complaint against him for offenses under Section 269 IPC and Section 3 of the Epidemic Diseases Act, 1897.

EAGLE HUNTER SOLUTIONS LTD VS GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY & ANR [W.P.(C)-1194/2020]

Judges: Justice Subramonium Prasad

The review petition filed by Eagle Hunter Solutions Ltd. was dismissed. The prior judgment had partly allowed the writ petition, directing a refund of the earnest money deposit for the 2018-19 tender, but upheld the forfeiture of the bank guarantee for the 2019-20 tender. The petitioner did not demonstrate any clear error in the previous decision, and the review petition was seen as an attempt to re-argue the case rather than presenting valid grounds for a review.

EHTESHAM QUTUBUDDIN SIDDIQUE VS CPIO, INTELLIGENCE BUREAU [W.P.(C)-930/2021]

Judges: Justice Subramonium Prasad

The writ petition challenging the order of the Central Information Commission was dismissed. The petitioner's claim regarding an Intelligence Bureau report on the false implication of an accused in a bomb blast case relied on a newspaper article, deemed hearsay. The Intelligence Bureau affirmed that no such report was submitted to the Ministry of Home Affairs in 2009. The CIC's decision was upheld, showing no reason to disbelieve the affidavit provided by the Respondent.

EHTESHAM QUTUBUDDIN SIDDIQUE VS CPIO, MINISTRY OF HOME AFFAIRS [W.P.(C)-12933/2021]

Judges: Justice Subramonium Prasad

The Central Information Commission's decision to deny the petitioner's request for information regarding UPSC forms related to IPS and IAS officers was upheld. The information was deemed personal and its disclosure could jeopardize the officers' safety due to the petitioner's serious terror conviction. The right to privacy of the officers was prioritized over the petitioner's interest, leading to the dismissal of the writ petitions and affirmation of the exemption under Section 8(1)(j) of the RTI Act.

ELOCHUKWU COLLINS VS THE STATE (NCT OF DELHI) [BAIL APPLN.-1434/2024]

Judges: Justice Subramonium Prasad

Elochukwu Collins' bail application was dismissed due to charges under the NDPS Act for possession of 270 grams of heroin, classified as a commercial quantity. The police met the requirements of Section 42 of the NDPS Act despite some procedural deviations. The strict bail requirements under Section 37 were applicable, and concerns about Collins being a flight risk and the likelihood of reoffending influenced the decision. No reasonable grounds existed to believe Collins was not guilty of the alleged offenses.

ERROL RAJESH DYSELL VS UNION OF INDIA & ORS. [W.P.(C)-4039/2024]

Judges: Justice Subramonium Prasad

The Respondent University, a deemed private university, is not classified as a "public authority" under Section 2(h) of the RTI Act due to insufficient evidence of government financing or control. Furthermore, the requested information concerning students' personal details is exempt from disclosure under Section 8(1)(j) of the RTI Act, as it would invade their privacy without demonstrating a larger public interest. The writ petition was dismissed, upholding the denial of information by the Central Information Commission.

G L SHARMA VS CPIO, NATIONAL THERMAL POWER CORPORATION LTD, NEW DELHI [W.P.(C)-7380/2020]

Judges: Justice Subramonium Prasad

The petitioner's request for detailed information about executives who received benefits from the Voluntary Retirement Scheme (VRS) at NTPC between 2000-2005 was dismissed due to the vagueness and personal nature of the information sought. The information was deemed to not serve public interest and posed an unwarranted invasion of privacy under Section 8(1)(j) of the Right to Information Act. While NTPC was directed to disclose the names of those who availed VRS, additional details like designations and reasons for eligibility criteria relaxation were ruled as personal information not subject to disclosure.

GA DIGITAL WEB WORD PVT LTD VS THE GROUP GENERAL MANAGER TELECOMMUNICATIONS CONSULTANTS INDIA LTD [W.P.(C)-5295/2023]

Judges: Justice Subramonium Prasad

The banning order against the petitioner for submitting false information in a tender was upheld as valid under tender conditions. However, since a prior banning order by BHEL was quashed and the banning period would end in May 2024, the banning period was reduced to the time already served by the petitioner.

GARIMA SINGH VS NEW INDIA ASSURANCE CO LTD & ORS. [W.P.(C)-11799/2023]

Judges: Justice Subramonium Prasad

The sub-limit of Rs. 2 lakhs for "Immunotherapy - Monoclonal Antibody" in the insurance policy does not apply to Chemo-immunotherapy treatments, which are distinct from Immunotherapy. The policy lacks a sub-limit for Chemo-immunotherapy. In cases of ambiguity, the principle of "contra proferentem" applies, favoring the insured party. The insurance company is directed to settle the full claim, as awarded by the Ombudsman, and must pay Rs. 50,000 in costs for causing undue distress to the petitioner.

GEEP INDUSTRIES (INDIA) PVT. LTD. & ORS. VS COMPETITION COMMISSION OF INDIA [W.P.(C)-10332/2023]

Judges: Justice Subramonium Prasad

The Competition Commission of India (CCI) cannot levy interest on delayed payment of penalties without issuing a demand notice as required by the Competition Commission of India (Manner of Recovery of Monetary Penalty) Regulations, 2011. The failure to follow this procedure invalidates the order directing payment of interest.

GIRISH BHARTI VS NARCOTICS CONTROL BUREAU [BAIL APPLN.-3433/2024]

Judges: Justice Subramonium Prasad

The bail application of Girish Bhati, accused of offences under the NDPS Act, was dismissed due to strong evidence against him, including co-accused statements, recovery of related materials at his premises, and call data records. Concerns about the risk of reoffending or fleeing from justice indicated that the criteria for granting bail under Section 37 of the NDPS Act were not met.

GOVT OF NCT OF DELHI & ANR VS SIDDHARTH HANDA [W.P.(C)-12189/2018]

Judges: Justice Subramonium Prasad

The delay in the respondent's appointment was primarily due to the Delhi Subordinate Services Selection Board correcting the spelling of the respondent's name, not the delay in providing information under the RTI Act. A penalty of Rs. 20,000 was imposed on the Public Information Officer for the delay, but an order for the Delhi government to pay Rs. 3 lakh in compensation to the respondent was set aside, as the information delay did not cause the appointment delay.

GOVT OF NCT OF DELHI AND ANR. VS MR PRABHJOT SINGH DHILLON [W.P.(C)-6034/2024]

Judges: Justice Subramonium Prasad

The Department of Education cannot deny information requested under the RTI Act on the basis that it is not readily available or requires time to collate. Disciplinary proceedings against teachers in government and aided schools regarding private tuition, as well as details of major penalties imposed on teachers in private unaided schools, must be disclosed. Difficulty in collecting the information is not a valid reason for refusal. If deadlines set by the Central Information Commission have passed, the Department may seek an extension.

GUDDU KHAN VS THE STATE NCT OF DELHI [BAIL APPLN.-3045/2024]

Judges: Justice Subramonium Prasad

The bail application of Guddu Khan, arrested for transferring a commercial quantity of heroin, was dismissed. The stringent requirements for bail under Section 37 of the NDPS Act were not satisfied, as evidence indicated his complicity and the potential for reoffending if released. A conviction could result in a minimum ten-year sentence, extending to twenty years.

GULKESH KUMAR VS THE STATE NCT OF DELHI [BAIL APPLN.-1007/2024]

Judges: Justice Subramonium Prasad

Gulkesh Kumar's bail application was dismissed in a case involving the murder of his brother-in-law, Dalbir Singh. The accusation involved a brutal crime, with reasonable grounds for believing Gulkesh's involvement. The severity of the offense, potential punishment, and risk of evasion influenced the decision against granting bail at this stage, as most prosecution witnesses had been examined. Gulkesh was permitted to file a fresh bail application after the prosecution evidence was completed.

GURMEET SINGH MATHAROO VS UNION OF INDIA AND ORS [W.P.(C)-14838/2022]

Judges: Justice Subramonium Prasad

The Lookout Circular (LOC) against the petitioner by the Bank of Baroda was deemed unsustainable, as inability to repay a bank loan without accompanying criminal proceedings cannot justify such an issuance and violates the right to travel under Article 21 of the Constitution. Previous judgments have interpreted "detrimental to the economic interests of India" narrowly, indicating that this exception does not apply to all loan defaults and must exhibit significant economic impact. The amended Office Memorandum of 2021 that allowed heads of public sector banks to request LOCs has been quashed by the Bombay High Court. Consequently, the LOC issued against the petitioner was quashed.

GURPREET SINGH & ORS. VS PROTECTION OFFICER & ANR. [CRL.REV.P.-806/2024]

Judges: Justice Subramonium Prasad

The interim maintenance order of R.S. 8,000 per month in favor of the wife under the Protection of Women from Domestic Violence Act, 2005, was upheld. The husband did not provide evidence of his actual income, while the wife claimed it exceeded R.S. 1,50,000. The obligation of the husband to maintain his wife was affirmed, and the maintenance amount was deemed reasonable based on the wife's needs. The husband's petition was dismissed due to the lack of infirmity in the lower court orders.

GURUJI ELEVATORS VS UNION OF INDIA & ORS. [W.P.(C)-9357/2023]

Judges: Justice Subramonium Prasad

The decision to reject the Petitioner's application for enlistment as a Class-I contractor in the CPWD was upheld due to insufficient work experience. The Petitioner's experience in running and maintaining lifts did not meet the required criteria for Class-I enlistment. The interpretation of eligibility criteria by the Respondents, who established the Rules, is considered valid unless there is evidence of malafide or arbitrariness. Administrative decisions are generally not subject to interference unless they are perverse, illegal, or procedurally irregular.

H VS THE UNION OF INDIA & ANR. [W.P.(C)-5825/2024]

Judges: Justice Subramonium Prasad

A writ petition by an unmarried female student to terminate her 27-week pregnancy was dismissed. The case did not meet the criteria of the Medical Termination of Pregnancy Act, which permits termination beyond 24 weeks only for saving the mother's life or in cases of substantial fetal abnormalities. A medical board found no congenital abnormalities in the fetus and no risk to the mother's health. Termination of a viable fetus was deemed unethical and legally impermissible. The Union of India was directed to facilitate the adoption process if the petitioner chose to give the child up for adoption.

HABIBBUR RAHMAN VS STATE OF NCT OF DELHI [CRL.M.C.-932/2022]

Judges: Justice Subramonium Prasad

The chargesheet filed by the investigating agency was deemed complete despite the absence of sanction under Section 13(3) of the Official Secrets Act, 1923. Compliance with Section 167(2) Cr.P.C. was satisfied by the filing of the chargesheet within the 90-day timeframe, making cognizance unnecessary for this provision. The argument regarding the incompleteness of the chargesheet due to the lack of sanction was rejected, and the petitioner was not entitled to default bail under Section 167(2) Cr.P.C.

HAJJ E BETULLAH HAJ UMRAH TOUR CORPORATION VS UNION OF INDIA [W.P.(C)-6466/2023]

Judges: Justice Subramonium Prasad

The categorization of Haj Group Organizers (HGOs) based on experience and financial strength is a policy decision that is not subject to judicial interference unless it is manifestly arbitrary or unconstitutional. The petitioner lacked a vested right to be classified as a Category-I HGO, and the categorization as a Category-II HGO was valid according to the existing policy. The writ petition was dismissed, affirming the government's policy decision.

HARINDER GUMAN VS PARAMJIT SINGH DHILLON [CS(OS)-373/2012]

Judges: Justice Subramonium Prasad

The defendant is permitted to present evidence in the suit despite a delay in filing the witness list, attributed to a stay on proceedings from 2015-2024. The delay is considered bona fide, and flexibility is applied regarding the procedural rules. The defendant has two weeks to submit the witness list, and efforts are to be made to complete the evidence recording within three months.

HARISH BAJAJ VS DIVISIONAL COMMISSIONER & ORS. [W.P.(C)-5079/2024]

Judges: Justice Subramonium Prasad

The petitioner's writ petition challenging eviction orders was dismissed on the grounds of abuse of process, as it sought to contest a previously dismissed order. The absence of a stay from the Appellate Authority allowed the District Magistrate to implement the eviction. A cost of Rs. 25,000 was imposed on the petitioner, to be paid to the Armed Forces Battle Casualties Welfare Fund.

HARISH KUMAR VS THE STATE OF NCT OF DELHI THROUGH SHO PS MALVIYA NAGAR [BAIL APPLN.-2577/2024]

Judges: Justice Subramonium Prasad

Harish Kumar's application for bail in the event of arrest was dismissed. He entered into multiple agreements to sell parts of a property where he lacked full rights and took a significant amount of money from a complainant without completing the property's construction. His actions were deemed likely to hinder the investigation, leading to the conclusion that he was not entitled to bail.

HARISH RANA VS UNION OF INDIA & ORS. [W.P.(C)-4927/2024]

Judges: Justice Subramonium Prasad

The petition by Harish Rana for the constitution of a Medical Board to assess his health for passive euthanasia was dismissed. The request did not meet the criteria established for passive euthanasia, as Rana was not reliant on mechanical support and could sustain himself without external aid. Active euthanasia remains legally impermissible in India.

HARJEET SINGH MENDIRATTA VS STATE NCT OF DELHI AND ANR [CRL.M.C.-6487/2024]

Judges: Justice Subramonium Prasad

The petition challenging the dismissal of a transfer application for a criminal case was dismissed. A mere perception of bias was deemed insufficient to warrant a transfer under Section 408 of the Code of Criminal Procedure. The petitioner's previous transfer petitions were noted, and allegations of bias were found unsubstantiated. The decision emphasized that withdrawing cases based on unsubstantiated bias claims undermines judicial independence. The well-reasoned decision of the lower authority was upheld.

HITABHILASHINI SHARMA VS OJ KUMAR SHARMA & ORS [CS(OS)-380/2016]

Judges: Justice Subramonium Prasad

The application by Defendants No. 1 and 2 to reject the plaintiff's plaint was dismissed. The plaint must be read as a whole, with acknowledgment of the DDA's allotment of the suit property to the plaintiff's husband. The issue of the gift deed will be addressed during the trial, placing the burden of proof on the defendant. Arguments regarding the DDA as a necessary party and the requirement for a declaration on the validity of the gift deed were not accepted.

I VS STATE (NCT OF DELHI) AND ANR. [CRL.M.C.-7044/2022]

Judges: Justice Subramonium Prasad

The petition challenging the bail of the accused was dismissed. The trial court had considered relevant factors when granting bail. Bail is generally favored over imprisonment, and cancellation requires strong evidence of potential interference with justice or misuse of bail privileges. The petitioner did not provide sufficient reasons for canceling the already granted bail.

IMC LIMITED VS UNION OF INDIA AND ORS. [W.P.(C)-15285/2023]

Judges: Justice Subramonium Prasad

Under Section 16 of the Petroleum and Natural Gas Regulatory Board (PNGRB) Act, 2006, no entity can lay, build, or operate a pipeline as a common or contract carrier without authorization from the PNGRB. IMC Limited received authorization to lay a pipeline between Ennore Port and Manali Industrial Area, while IOCL commenced construction without such authorization. The PNGRB confirmed that only IMC Limited is authorized for this pipeline, and permitting IOCL to continue construction could cause irreparable harm to IMC Limited. An interim stay was granted to prevent IOCL from proceeding with the unauthorized pipeline during ongoing proceedings.

IN-TIME GARMENTS PVT LTD VS HSPS TEXTILE PVT LIMITED [O.M.P. (COMM)-436/2024]

Judges: Justice Subramonium Prasad

The arbitration award in favor of HSPS Textile Pvt Ltd was upheld, as the arbitrator's findings indicated that In-Time Garments Pvt Ltd failed to prove time was of the essence in the contract and that HSPS was aware of the delivery obligations to M/s Trent Limited. The arguments regarding HSPS's eligibility under the MSMED Act were deemed without merit.

INDER PAL SINGH GABA VS NATIONAL INVESTIGATION AGENCY [W.P.(CRL)-1783/2024]

Judges: Justice Subramonium Prasad

The petitioner's arrest and remand orders were valid, with the remand application providing sufficient reasons and grounds for the arrest. The constitutional requirement under Article 22(1) was met, as the petitioner received information about the grounds for arrest within a reasonable time. The argument regarding the non-supply of the FIR was rejected based on established legal precedent, affirming that providing a copy of the FIR is not mandatory in all cases. The writ petition was dismissed.

INDIAN INSTITUTE OF FOREIGN TRADE VS KAMAL JIT CHIBBER [W.P.(C)-2830/2016]

Judges: Justice Subramonium Prasad

The writ petition by the Indian Institute of Foreign Trade against the Central Information Commission's order was dismissed. The information requested by a former employee did not qualify for any exemptions under Section 8 of the RTI Act. The argument that the information was voluminous was insufficient to deny access. The order to provide complete and categorical information according to the RTI Act was upheld.

INDIAN OIL CORPORATION LIMITED VS PETROLEUM AND NATURAL GAS REGULATORY BOARD [W.P.(C)-2896/2024]

Judges: Justice Subramonium Prasad

The Petroleum and Natural Gas Regulatory Board (PNGRB) lacks the authority to regulate pipelines laid for transporting an entity's own petroleum and petroleum products, known as captive pipelines. The PNGRB Act does not prohibit captive pipelines and only addresses common carrier and contract carrier pipelines. Entities are not required to obtain authorization or registration from the PNGRB for laying captive pipelines. A communication directing the Indian Oil Corporation Limited (IOCL) to cease laying its captive pipelines was set aside, confirming that IOCL did not need PNGRB's authorization.

INDO ENGINEERING PROJECT CORPORATION VS NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED INDIA [O.M.P.(I) (COMM.)-422/2024]

Judges: Justice Subramonium Prasad

The petition by Indo Engineering Project Corporation challenging the termination order and notice for fresh bids by National Highways and Infrastructure Development Corporation Limited was dismissed due to delay in filing. The termination order was issued four months prior, and the fresh bid notice appeared two months before the petition was submitted. The petitioner did not establish a prima facie case for interim relief under Section 9 of the Arbitration and Conciliation Act.

INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA VS NARESH SINGLA & ANR. [W.P.(C)-7517/2024]

Judges: Justice Subramonium Prasad

The decision of the Appellate Authority, which set aside the punishment imposed on the chartered accountant for professional misconduct, was upheld. The Appellate Authority concluded that the omission of the provisional nature of the balance sheet in the net worth certificate was a technical omission and did not breach any specific regulations or accounting standards. The opinion of the Appellate Authority, comprising a retired High Court judge and expert members, was not considered perverse and did not require intervention.

J.C. FLOWERS ASSET RECONSTRUCTIONS PVT. LTD. VS UNION OF INDA & ORS. [W.P.(C)-6501/2024]

Judges: Justice Subramonium Prasad

J.C. Flowers Asset Reconstructions Pvt. Ltd. filed a writ petition against the Union of India regarding the laying of electricity transmission lines. The petition was dismissed as the Electricity Act, 2003 and the Telegraph Act, 1885 grant the appropriate government and licensees the authority to undertake such actions in the public interest. The Works of Licensees Rules, 2006 outline the procedures for these activities, including notifying owners/occupiers, and Power Grid Corporation had issued public notices inviting objections, with no objections raised by the petitioner or previous owner. The alignment of transmission lines is decided by technical experts, and interests of private landowners are secondary to public access for transmission.

JAGDEV SINGH ALIAS DEV SINGH ALIAS JASDEV SINGH AND ANR VS COMPETENT AUTHORITY AND ADMINISTRATOR [W.P.(C)-5225/2024]

Judges: Justice Subramonium Prasad

The Appellate Tribunal correctly refused to condone the delay in filing the appeal beyond the 45-day period set by the NDPS Act. Special statutes exclude the provisions of the Limitation Act regarding delay condonation. The 60-day outer limit specified in the NDPS Act had expired, leading to the dismissal of the writ petition challenging the Appellate Tribunal's decision.

JAGRITI VERMA VS STATE OF N.C.T. OF DELHI & ORS. [W.P.(C)-12438/2023]

Judges: Justice Subramonium Prasad

The relinquishment deed executed by Jagriti Verma as the legal guardian of her son Anmol Verma, who has a 100% mental disability, is eligible for registration under the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. If the property is rented out, one-third of the rental income must be deposited in a separate account for Anmol's welfare. If sold, one-third of the proceeds should be similarly allocated. Annual accounts of the property and assets must also be provided to ensure Anmol's interests are protected.

JASDEEP SINGH & ANR. VS STATE & ANR. [CRL.M.C.-5550/2022]

Judges: Justice Subramonium Prasad

The petition to quash the FIR against the accused under Sections 509, 506, 341, and 34 of the Indian Penal Code was dismissed. The allegations in the FIR supported the applicability of Sections 509 and 506 IPC, with the determination of whether the accused's words would outrage the modesty of the complainant, a judicial officer, left for trial. No separate judgment or referral to a larger bench occurred, and this was not part of a batch matter.

JATINDER MEHTA & ANR. VS STATE OF NCT OF DELHI & ORS. [CRL.M.C.-6587/2022]

Judges: Justice Subramonium Prasad

The police was required to register an FIR for the cognizable offence under Section 289 IPC, as the complaint met the necessary criteria. The dismissal of the petitioner's application under Section 156(3) Cr.P.C. by lower courts was incorrect, as only a non-cognizable report had been registered. The orders of the Metropolitan Magistrate and Additional Sessions Judge were set aside, directing authorities to act according to the law.

JAYANT NANDA VS UNION OF INDIA, THROUGH SECRETARY, MINISTRY OF FINANCE, GOI & ORS. [W.P.(C)-4081/2021]

Judges: Justice Subramonium Prasad

The Look Out Circular (LOC) against Jayant Nanda cannot be maintained indefinitely without valid reasons. Nanda has cooperated with the Income Tax Department's investigation and has not been summoned since March 2022. The government's counter-affidavit failed to show any lack of cooperation. The right to travel abroad is a fundamental right under Article 21 of the Constitution. Consequently, the LOC was quashed, contingent on Nanda providing security through unencumbered property or fixed deposit and meeting specific conditions.

JKR TECHNO ENGINEERS PVT LTD VS JMD LIMITED [ARB.P.-1459/2024]

Judges: Justice Subramonium Prasad

The Petitioner's claim is not time-barred due to proceedings initiated under the Commercial Courts Act in 2021, allowing for the exclusion of that duration under Section 14 of the Limitation Act. The Respondent's argument regarding limitation is rejected, given their previous attempt to refer the matter to arbitration under Section 8 of the Arbitration Act. A Sole Arbitrator is appointed to adjudicate the disputes, with the Respondent permitted to raise the limitation issue for consideration.

JSW STEEL LIMITED & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-3663/2021]

Judges: Justice Subramonium Prasad

Merchandise Exports from India Scheme (MEIS) benefits will be considered for the petitioners despite inadvertent errors in marking the reward column, following previous judgments that favored a lenient approach. The Customs Department accepted the petitioners' case, leading to a directive for their MEIS benefits to be evaluated in line with established legal principles.

K R ANAND VS DELHI METRO RAIL CORPORATION & ORS. [W.P.(C)-1680/2024]

Judges: Justice Subramonium Prasad

The writ petition for the release of dues from the Delhi Metro Rail Corporation (DMRC) was dismissed due to the petitioner's status as a sub-contractor lacking privity of contract with DMRC. The contractual dispute resolution clause with the main contractor prohibits claims against DMRC. There was no admission by DMRC regarding the claimed amount, nor evidence that the work met DMRC's satisfaction. A writ petition is not suitable for resolving this monetary dispute, which should follow the established contractual resolution mechanisms.

KAMAL BHASIN VS CENTRAL PUBLIC INFORMATION OFFICER AND ANR [W.P.(C)-2210/2020]

Judges: Justice Subramonium Prasad

The Power Finance Corporation Limited withheld details about the educational institutes of its executives, citing the personal nature of the information and lack of public interest in its disclosure. The Corporation provided the petitioner with the budget for manpower requirements and the educational qualifications of the recruited executives, but did not disclose the specific institutes, which fell under Section 8(1)(j) of the Right to Information Act. The petition challenging this decision was dismissed.

KAREENA KAUSHIK VS UNION OF INDIA & ANR. [W.P.(C)-7874/2023]

Judges: Justice Subramonium Prasad

The petition filed by Kareena Kaushik challenged the selection of Manisha Bhati as Head Constable under the sports quota. Manisha was deemed ineligible for the 56 kg weight category in Wushu, as she applied for the 52 kg category and was overweight. It was emphasized that candidates have a right to be considered based on the original terms of the advertisement, and changing eligibility criteria during the selection process is not permitted. The selection process was ordered to be reconducted.

KARM KUMAR VS SQUASH ASSOCIATION OF DELHI & ORS. [W.P.(C)-12752/2023]

Judges: Justice Subramonium Prasad

The Government of India maintains a policy restricting participation in the National Games to Indian citizens holding Indian passports. This policy is deemed reasonable as it aims to nurture Indian talent and ensures that only citizens represent states, preserving opportunities for them in national competitions. The policy, developed in consultation with the Indian Olympic Association and National Sports Federations, is a matter of executive discretion that should not be interfered with unless completely irrational.

KAUSHALENDRA PRATAP SINGH VS STATE NCT OF DELHI & ANR. [CRL.M.C.-4830/2022]

Judges: Justice Subramonium Prasad

The trial court erred in granting bail to the accused in a case involving Section 376 IPC and Section 6 of the POCSO Act. The victim's testimony established a clear case of penetrative sexual assault under Section 3 of the POCSO Act, invoking the presumption under Section 29. The trial court overlooked essential criteria for bail, leading to the cancellation of the accused's bail.

KAVURU BHASKER RAO VS UNION OF INDIA AND ORS. [W.P.(C)-7245/2023]

Judges: Justice Subramonium Prasad

The Lookout Circular issued against the petitioner by the Bureau of Immigration at the request of the Union Bank of India was deemed unsustainable, as inability to repay bank loans does not constitute circumstances "detrimental to the economic interests of India," which would justify restricting the fundamental right to travel abroad under Article 21 of the Constitution. The term "detrimental to the economic interests of India" requires evidence of higher gravity and a larger impact on the economy, rather than being applicable in all cases of bank defaults. Since no criminal case was pending and the loan amount had been fully paid and settled, the Lookout Circular was quashed.

KTECH ENGINEER BUILDERS CO. PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-7799/2021]

Judges: Justice Subramonium Prasad

Adverse remarks in the workload returns against the petitioner contractor were deemed equivalent to a blacklisting order issued without a required show cause notice. Evidence indicated that defects in the buildings resulted mainly from design deficiencies by the consultant rather than the petitioner's work. The adverse remarks were expunged, allowing the respondents to issue a fresh show cause notice and take further action if necessary.

KULDEEP SINGH SAHANI & ORS. VS P.K. GUPTA, CHAIRMAN AND MANAGING DIRECTOR, NBCC (INDIA) AND ANR. [CONT.CAS(C)-1345/2023]

Judges: Justice Subramonium Prasad

Closure of 16 internal roads within the Sarojini Nagar redevelopment project is valid, as authorities followed due process and obtained necessary approvals. The land was allocated by the L&DO to NBCC, and the roads are not classified as "public streets" under the NDMC Act. Multiple NOCs were acquired, and the NDMC approved the overall redevelopment plan under Section 217 of the NDMC Act. Temporary inconvenience due to redevelopment does not warrant halting the project, which is a government policy decision.

L KUMARI VS STATE OF NCT OF DELHI & ANR. [CRL.REV.P.-498/2022]

Judges: Justice Subramonium Prasad

The order discharging the accused from charges of rape and criminal intimidation was set aside. A slight delay in filing the FIR and minor contradictions in the victim's statements were deemed insufficient to negate the framing of charges. Sufficient material exists to proceed with charges for the offenses. The trial court is instructed to continue with the case.

LAKSHAY MEHRA VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-6820/2022]

Judges: Justice Subramonium Prasad

The lower court's order taking cognizance of an offence under Section 186 IPC against the petitioner was void ab initio for violating Section 195 CrPC, which mandates a written complaint by a concerned public servant for offences under Sections 172-188 IPC. The FIR and subsequent charge sheets were not quashed, as the power to quash should be exercised sparingly and the allegations were not deemed absurd or improbable.

LAS GROUND FORCE PRIVATE LIMITED & ANR. VS GOLDAIR HANDLING SA [O.M.P.(I) (COMM.)-385/2024]

Judges: Justice Subramonium Prasad

The petitions by Las Ground Force Private Limited and another to restrain Goldair Handling SA from participating in the tender process for ground handling services at Ranchi and Vijayawada Airports were dismissed. The Petitioners failed to establish a prima facie case, as their Shareholders' Agreements were limited to Bagdogra and Udaipur Airports, and the related Exclusivity Agreement was terminated. The non-exclusivity clause in the Concession Agreements permitted the Airport Authority of India to engage other parties, which meant restricting the Respondent would undermine competition. The validity of the non-compete clause in the Shareholders' Agreement and any potential violations were deemed suitable for arbitration proceedings rather than court intervention.

LHAKPA TSERING VS JAGDISH LAL [CRL.M.C.-6889/2022]

Judges: Justice Subramonium Prasad

The issue of whether cheques were issued for a legally enforceable debt or other liability under Section 138 of the Negotiable Instruments Act requires determination at the trial stage, not during the summons phase. The term "other liability" must be interpreted distinctly from legally enforceable debt. Precedents indicate that the intent of Section 138 would be compromised if it excluded debts incurred after cheque issuance but before encashment. The complaint will proceed to trial in accordance with the law.

M/S COSLIGHT INFRA COMPANY PVT. LTD. VS M/S CONCEPT ENGINEERS & ORS. [O.M.P.(MISC.)(COMM.)-564/2024]

Judges: Justice Subramonium Prasad

The order rejecting the application to implead Rajesh Kumar Srivastava as a party to the arbitration proceedings is classified as a procedural order, not an interim award, and is not appealable under Section 34 of the Arbitration and Conciliation Act. An issue has been framed by the arbitral tribunal to ascertain if Srivastava is a necessary party, and evidence on this matter has yet to be presented. The tribunal must allow parties to lead evidence on this issue before making a decision, which could significantly impact related matters.

M/S DEORA CABLE NATWORKS VS DEN NETWORK LTD [W.P.(C)-14182/2023]

Judges: Justice Subramonium Prasad

The order of the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) allowing DEN Network Ltd to submit additional documents during the written arguments stage of the recovery petition against M/S Deora Cable Networks was upheld. The TDSAT deemed the documents necessary for resolving the dispute involving the recovery of Rs. 15,55,222/- and the return of 778 Set Top Boxes (STBs). The decision reaffirmed adherence to principles of natural justice, stating that it was not bound by the Code of Civil Procedure.

M/S KANTI PRASHAD MITTAL VS UNION OF INDIA THROUGH MINISTRY OF ROAD TRANSPORT AND HIGHWAYS & ORS. [W.P.(C)-9575/2023]

Judges: Justice Subramonium Prasad

Subcontracting more than 49% of the work by M/s Kanti Prashad Mittal to Respondent No. 7 exceeded contractual limits. Although government authorities initially approved the subcontracting and issued performance certificates to Respondent No. 7, they later withdrew the completion certificate to M/s Kanti Prashad Mittal. Evidence indicated foul play and corruption within the department, prompting an inquiry by the CBI into the subcontracting arrangement and potential legal actions.

M/S PAMPAR OVENFRESH FOODS PVT LTD VS UNION OF INDIA & ORS. [W.P.(C)-1142/2024]

Judges: Justice Subramonium Prasad

The writ petition by M/s Pampar Ovenfresh Foods Pvt Ltd was dismissed regarding the recovery of the first installment of grant-in-aid with interest. The decision was based on a joint inspection report indicating unsatisfactory project progress despite an opportunity to make a representation. The principles of legitimate expectation and the limited scope of judicial review in commercial matters were considered, emphasizing the need for clear arbitrariness, mala fide, or irrationality for interference, which was not present in this case.

M/S STATE ENGINEERS VS PRAGATI POWER CORPORATION LTD [W.P.(C)-5580/2022]

Judges: Justice Subramonium Prasad

The order of debarment issued by Pragati Power Corporation Ltd. against M/S State Engineers is invalid due to the lack of a proper show cause notice indicating that debarment was a potential consequence. The notice only mentioned possible contract termination, making the debarment order unsustainable as it exceeded the notice's scope.

M/S YADAV LABOUR CONTRACTOR VS GAIL (INDIA) LIMITED & ANR. [W.P.(C)-7342/2024]

Judges: Justice Subramonium Prasad

GAIL (India) Limited's six-month ban on M/s Yadav Labour Contractor was upheld due to the discovery of a direct relationship and financial dealings between the petitioner and YLC Infrastructure Private Limited, which violated tender conditions against conflicts of interest. The decision was deemed reasonable and not arbitrary, stemming from the petitioner's misrepresentation of facts.

M/S. ARYAN CARGO EXPRESS PRIVATE LIMITED VS UNION OF INDIA & ANR. [W.P.(C)-3964/2021]

Judges: Justice Subramonium Prasad

M/s. Aryan Cargo Express Private Limited and M/s Aryan Cargo and Express Logistics Private Limited are not entitled to the benefits of the "Companies Fresh Start Scheme, 2020" or the "Scheme for condonation of delay for companies restored on the Register of Companies" under section 252 of the Companies Act, 2013. A previous order did not grant these benefits and only allowed for restoration of their names on the Register of Companies subject to payment of fees. The petitions were dismissed, and the petitioners are required to pay late fees for restoration.

M/S. INDURE PVT. LTD VS ANEJA CONSTRUCTION (INDIA) LTD. [O.M.P. (COMM)-49/2018]

Judges: Justice Subramonium Prasad

The petition filed by M/s. Indure Pvt. Ltd. challenging an arbitral award was deemed time-barred. The initial petition, submitted on 18.11.2017, lacked a copy of the award, which is required for a valid challenge under Section 34 of the Arbitration & Conciliation Act. A re-filing occurred on 05.01.2018, exceeding the allowable 3-month period and an additional 30-day period for condonation. The petitioner did not provide evidence for the date of award receipt, and oral submissions were not accepted. The petition was dismissed.

MAHANAGAR TELEPHONE NIGAM LTD VS DELHI INTERNATIONAL ARBITRATION CENTRE, THROUGH ITS CO-ORDINATOR & ORS. [W.P.(C)-14515/2023]

Judges: Justice Subramonium Prasad

The applicability of the MSME Act to a party that was not registered as an MSME at the time of entering into a contract but subsequently registered during the contract's duration is a mixed question of law and fact, suitable for resolution by the Arbitral Tribunal. The nature of the contract, whether a works contract or for services, also influences the applicability of the MSME Act, which can be addressed by the Arbitral Tribunal.

MAHESH VS THE STATE (NCT OF DELHI) THROUGH SHO OF POLICE STATION CRIME BRANCH (CENTRAL) [BAIL APPLN.-1221/2024]

Judges: Justice Subramonium Prasad

Mahesh was granted bail in an NDPS Act case, as evidence beyond a co-accused's disclosure statement was insufficient to demonstrate his involvement. Call detail records did not definitively link him to the co-accused or their travel to Odisha. Bail was granted under conditions to prevent evidence tampering or witness influence, without commenting on the merits of the case.

MAHESHWARI DEVI VS GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-11401/2021]

Judges: Justice Subramonium Prasad

A senior citizen's petition challenging the rejection of her eviction application under the Senior Citizens Act was accepted. The focus was on the welfare of the senior citizen amid family disputes and police complaints against her son and daughter-in-law. They were ordered to vacate her property, while she and her daughter were restricted from disposing of it until a related suit filed by her husband is restored.

MAHUA MOITRA VS DIRECTORATE OF ENFORCEMENT AND ORS [W.P.(C)-2676/2024]

Judges: Justice Subramonium Prasad

The writ petition filed by Mahua Moitra, a former Member of Parliament, seeking to stop the Directorate of Enforcement from leaking information to the media about an ongoing investigation for alleged Foreign Exchange Management Act violations was dismissed. As a public figure, Moitra is subject to greater public scrutiny, and the media has a right to report on the investigation, which does not interfere with her private life or the integrity of the investigation. Statements from the ED and the Union of India confirmed adherence to the Advisory on Media Policy regarding information sharing during investigations. No grounds for the relief sought were established.

MANINI KAUSHIK VS THE NATIONAL RIFLE ASSOCIATION OF INDIA & ORS. [W.P.(C)-5438/2024]

Judges: Justice Subramonium Prasad

The writ petition filed by Manini Kaushik against the amended selection criteria for the Olympic shooting team for the 2024 Paris Olympics was dismissed. The amended 2023 criteria were deemed reasonable and not arbitrary. The argument for participation in the 2024 ISSF Final Qualification Championship in Rio de Janeiro was rejected, as India had already achieved the maximum permissible quota.

MANJU TOKAS & ANR. VS GNCT OF DELHI THROUGH DIVISIONAL COMMISSIONER & ORS. [W.P.(C)-3927/2024]

Judges: Justice Subramonium Prasad

An application under the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules can be processed even if the property's title is in dispute. The Senior Citizens Act aims to ensure the welfare and maintenance of senior citizens, with title issues outside its purview. The Appellate Authority directed the District Magistrate to follow proper procedures, gather evidence, and resolve the matter regarding alleged ill-treatment of the senior citizen applicant after hearing both parties.

MD SHAKIL VS STATE (GOVT.OF NCT OF DELHI) [BAIL APPLN.-1793/2024]

Judges: Justice Subramonium Prasad

MD Shakil received bail after being accused of murder under Section 302 IPC. The key witness retracted their identification of the accused, and another witness involved in the case was excluded. The lack of strong evidence, combined with Shakil's lengthy custody of over four years and good behavior in jail, led to the decision for bail, which includes conditions such as a personal bond, a verifiable address in Delhi, and regular police reporting.

MD. AYUB PATHAN VS THE STATE OF NCT DELHI [BAIL APPLN.-2258/2024]

Judges: Justice Subramonium Prasad

The bail application of the petitioner was dismissed due to insufficient grounds to believe in his innocence regarding possession of a commercial quantity of heroin under the NDPS Act. The petitioner was found with individuals accused under the Unlawful Activities (Prevention) Act, and incidents involving gunfire by co-accused indicated a risk of absconding and potential for further offenses if released. The stringent conditions of Section 37 of the NDPS Act were not satisfied, reflecting doubts about the petitioner's guilt and likelihood of reoffending while on bail.

MG TOURS AND TRAVELS VS UNION OF INDIA [W.P.(C)-16471/2022]

Judges: Justice Subramonium Prasad

Experience gained by the original sole proprietor of a firm cannot be transferred to new partners after the firm is reconstituted post the proprietor's death. Obligations and skills of a sole proprietor end with their demise and cannot be imposed on legal heirs or representatives. Therefore, the previous experience of the sole proprietor does not impact the eligibility of the new partnership firm under the Haj Group Organiser policy, as it is a separate legal entity. The firm remains eligible to undertake Umrah operations in line with subsequent Haj policies.

MIC HAJJ CELL VS UNION OF INDIA [W.P.(C)-15648/2022]

Judges: Justice Subramonium Prasad

The experience and expertise of a sole proprietor cannot be transferred to a new proprietor upon the original proprietor's death, as a proprietorship firm is not a separate legal entity and lacks perpetual succession. The previous experience of the firm under the deceased proprietor is not applicable to the new proprietor, leading to the declaration of ineligibility for registration as a Haj Group Organizer for Haj 2022-2023.

MISS T VS STATE (GNCTD) & ANR. [CRL.M.C.-4877/2024]

Judges: Justice Subramonium Prasad

The order granting bail to Respondent No. 2, accused of rape under Section 376(2)(n) IPC, was set aside due to the pending previous bail application. Engaging in "forum shopping" by filing successive bail applications was noted as inappropriate. Respondent No. 2 was directed to be taken into custody immediately, with any future bail applications to be reviewed by the Regular Bench expeditiously.

MOHAN KUMAR VS STATE(GOVT. OF NCT OF DELHI) & ANR. [BAIL APPLN.-2415/2024]

Judges: Justice Subramonium Prasad

Mohan Kumar was granted bail after being charged under Sections 328/376(2)(n)/508 IPC. The relationship with the prosecutrix appeared consensual, raising the issue of whether consent was undermined by a false promise of marriage. A distinction was made between a false promise and a breach of promise made in good faith. Evidence included a marriage certificate and an application for annulment, relevant to the false promise allegation. The petitioner demonstrated community ties, with no concerns about witness influence or evasion of justice, leading to the bail decision with specific conditions.

MOHD FAIZAN VS STATE (N.C.T. OF DELHI) [BAIL APPLN.-2908/2023]

Judges: Justice Subramonium Prasad

Mohd Faizan, charged under IPC Sections 498A, 406, 304B, and 34, along with Section 4 of the Dowry Prohibition Act, received bail after considerations of the charges' nature, potential punishment, witness tampering risks, and the petitioner's character. Despite the serious allegations, the petitioner was deemed unlikely to tamper with evidence or pressure witnesses. Factors such as his young age, framed charges, examined witnesses, and a child from the marriage contributed to the bail decision, accompanied by conditions to ensure cooperation and prevent trial interference.

MOHD YAMEEN VS AAS MOHD [CRL.L.P.-341/2024]

Judges: Justice Subramonium Prasad

The presumption under Section 139 of the Negotiable Instruments Act in favor of the cheque holder is rebuttable. The accused successfully raised a probable defense, demonstrating that the complainant did not provide adequate evidence of financial capacity to advance a loan of Rs. 5 lakhs without a written agreement. The trial court's conclusion that the cheque was for a loan of Rs. 50,000 was based on acceptable evidence, leading to the dismissal of the complainant's petition.

MOHD. TAHIR HUSSAIN VS STATE OF NCT DELHI & ANR. [CRL.M.C.-4654/2022]

Judges: Justice Subramonium Prasad

Two separate FIRs (No. 101/2020 and No. 116/2020) for the same incident on 24.02.2020 at the same premises were regarded as contrary to established law, as both incidents formed part of the same transaction. Despite this, since trials had commenced in both cases and quashing the second FIR would result in injustice to its victims, the second FIR was quashed. The chargesheet from the second FIR was permitted to be used as a supplementary chargesheet in the first FIR, allowing the trial to proceed without harming the interests of the victims.

MOHIT ARORA VS BANK OF BARODA & ORS. [W.P.(C)-8073/2021]

Judges: Justice Subramonium Prasad

Lookout Circulars issued against the petitioner by Union Bank of India and Bank of Baroda are unsustainable, as inability to repay loans does not equate to being detrimental to India's economic interests, which is required for such measures. Previous judgments have limited the use of Lookout Circulars by banks to exceptional circumstances, and recent findings have invalidated provisions allowing bank chairpersons to request these. Consequently, the Lookout Circulars against the petitioner were quashed.

MOHIT ARORA VS UNION OF INDIA & ORS. [W.P.(C)-4460/2023]

Judges: Justice Subramonium Prasad

Lookout Circulars against the petitioner issued by Union Bank of India and Bank of Baroda were deemed unsustainable. Inability to repay loans without accompanying criminal proceedings is insufficient to restrict the fundamental right to travel abroad under Article 21. The examination of relevant Office Memorandums highlighted that the exception for economic detriment cannot be applied routinely to loan defaults. Exceptional circumstances demonstrating a larger economic impact are necessary for such restrictions. The Lookout Circulars were quashed as they did not meet this threshold. No observations were made regarding Lookout Circulars issued by other investigating agencies.

MOHIT MASAND VS STATE OF NCT OF DELHI & ANR. & ANR. [CRL.M.C.-4625/2022]

Judges: Justice Subramonium Prasad

The victim had actively participated in the proceedings and opposed bail applications of the accused. The trial court should have allowed the victim to be heard before granting bail. The established precedent emphasizes the victim's right to participate in criminal proceedings. The bail order was set aside, and the matter was remanded for reconsideration of the bail application after hearing the complainant, without comments on the case's merits. The accused was not directed to surrender due to significant trial progress and no violations of bail conditions.

MR VINOD KAPOOR VS UNION OFINDIA [ARB.P.-1410/2024]

Judges: Justice Subramonium Prasad

The petition for the appointment of an arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996 is time-barred. The right to apply for arbitration arose from the first notice sent on 24.03.2017, requiring the petition to be filed within three years as per Article 137 of the Limitation Act, 1963. The second notice on 30.08.2019 did not create a fresh cause of action. Despite considering the impact of the COVID-19 pandemic, the petition filed on 12.08.2024 remains outside the limitation period. The petition was dismissed as time-barred.

MR. AJAY MRIG VS UNION OF INDIA & ORS. [W.P.(C)-11506/2023]

Judges: Justice Subramonium Prasad

The Lookout Circular against the petitioner, a promoter-director of a company that defaulted on bank loans, was deemed unsustainable due to the absence of pending criminal proceedings. The term "detrimental to the economic interests of India" in the guidelines for issuing Lookout Circulars was interpreted narrowly, not encompassing all cases of loan default. The right to travel abroad is protected as a fundamental right under Article 21 of the Constitution and cannot be restricted solely based on loan repayment issues. The Lookout Circular was subsequently quashed.

MR. KAMLESH KUMAR VS SOCIETY FOR AFFORDABLE REDRESSAL OF DISPUTES & ORS. [W.P.(C)-1414/2024]

Judges: Justice Subramonium Prasad

The Society for Affordable Redressal of Disputes is not considered an instrumentality of the state and is therefore not subject to writ jurisdiction under Article 12 of the Constitution. It functions primarily as an arbitral institution without substantial governmental functions. Although the National Highways Authority of India has some involvement, its control is not significant. The matter concerning the cessation of the petitioner's term as an empaneled arbitrator is better suited for alternative legal remedies.

MR. PRAMOD SURI VS UNION OF INDIA [W.P.(C)-5996/2023]

Judges: Justice Subramonium Prasad

The inability to repay bank loans, without an accompanying criminal case, does not justify the issuance of a Lookout Circular. The petitioner, an employee and additional director of the company, was not a guarantor for the loans. Previous judgments indicate that Lookout Circulars require a showing that a person's departure would harm India's economic interests, which was not met in this case. The circumstances did not justify restricting the petitioner's right to travel under Article 21 of the Constitution, leading to the quashing of the Lookout Circular.

MRS NEHA CHAUDHARY VS STATE OF NCT OF DELHI & ORS. [CRL.M.C.-7050/2024]
Judges: Justice Subramonium Prasad
The petitioner's request to quash the FIR under Sections 498A, 406 and 34 IPC was dismissed. The FIR included specific allegations of harassment and cruelty against the petitioner, supported by a prior complaint to the Crime Against Women Cell. The existence of a cognizable offence in the FIR led to the decision not to interfere with the investigation at this stage, with instructions for the trial court to independently assess the case and determine whether to frame charges based on the available material.

MRS VINNU GOEL VS DEPUTY COMMISSIONER STAMP REGISTRATION & ORS. [W.P.(C)-9291/2023]
Judges: Justice Subramonium Prasad
The petitioner can approach the Chief Controlling Revenue Authority to determine the proper stamp duty on the Memorandum of Understanding dated 12.11.2014, as this pertains to the state's revenue. The issue of stamp duty is separate from the pending application under Section 8 of the Arbitration and Conciliation Act. The revenue authority is directed to make its determination without being influenced by prior observations.

MS ASANDAS AND SONS PVT LTD VS UNION OF INDIA & ANR. [W.P.(C)-1173/2022]
Judges: Justice Subramonium Prasad
The respondents' decision to limit the maximum incentive under the Production Linked Incentive Scheme for food processing to 15% CAGR and 8% of the segment outlay complied with the scheme guidelines and served the public interest. The guidelines permitted periodic reviews by the Empowered Group of Secretaries and the Ministry's Committee, making the cap valid for ensuring equitable benefits. The misunderstanding by the petitioner regarding the correlation between higher investment commitments and incentive allocation was incorrect. The petition was dismissed with a requirement for the petitioner to provide a bank guarantee as per approved terms.

MS MADHU @ PRAGATI VS THE STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-2341/2022]
Judges: Justice Subramonium Prasad
The trial court granted bail to Respondent No. 2 based on factors such as the delay in filing the FIR, an ongoing matrimonial dispute, and the respondent's cooperation in the investigation. Cancellation of bail requires cogent and overwhelming circumstances, which were not present in this case. The plea seeking cancellation of the respondent's bail was dismissed.

MS RAPID CONSTRUCTIONS VS SOUTH DELHI MUNICIPAL CORPORATION [ARB.P.-1359/2024]
Judges: Justice Subramonium Prasad
The arbitration clause in the contract between MS Rapid Constructions and South Delhi Municipal Corporation was validly deleted, despite the petitioner's claim that it was only marked as 'deleted'. An affidavit confirmed the clause was expressly removed, and the petitioner accepted the contract terms without objection. The argument for upholding the arbitration clause was rejected due to the lack of ambiguity regarding its deletion. The petition seeking appointment of an arbitrator was dismissed.

MS. SEEMA ASTHANA VS SH. JAIDEEP ARORA [CRL.M.C.-5939/2022]
Judges: Justice Subramonium Prasad
The complaint under Section 138 of the Negotiable Instruments Act against a non-executive director of the accused company was quashed due to the absence of specific allegations regarding the director's involvement in the company's day-to-day affairs and business responsibility. The complaint did not establish the necessary connection for liability under Section 141 of the Act.

MS. SP VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-3732/2022]

Judges: Justice Subramonium Prasad

The trial court's order to dismiss the application for recalling witnesses PW-A and PW-V under Section 311 CrPC was upheld. Their statements, recorded under Section 161 CrPC, established only that the petitioner attended coaching classes, an already admitted fact by the accused. The need to recall these witnesses was deemed unnecessary as their statements would not add further value, and other witnesses had also confirmed the petitioner's attendance.

MS. X VS THE STATE (NCT OF DELHI) AND ORS. [CRL.REV.P.-665/2022]

Judges: Justice Subramonium Prasad

A petitioner's application for further investigation under Section 173(8) of the Criminal Procedure Code was wrongly dismissed on the basis that the case had been committed to the Sessions Court. The police were directed to conduct further investigation due to new evidence and file a supplementary charge-sheet within six weeks to ensure a fair and thorough investigation, without any opinion on the merits of the case.

MUKESH KUMAR VS NEELAM [CRL.REV.P.-581/2022]

Judges: Justice Subramonium Prasad

The husband's revision petition was dismissed, upholding the trial court's order for him to pay Rs. 20,000 monthly as maintenance to his wife and two minor children. The assessment of his monthly income as Rs. 40,000 based on agency commission slips was deemed accurate, with potential additional earnings from tuitions. The maintenance proceedings aim to prevent destitution and ensure basic necessities for the wife and children. The trial court was instructed to expedite the examination of remaining witnesses and resolve the matter within a year.

MULAKH RAJ DUA VS THE STATE, GOVT. OF N.C.T. OF DELHI & ANR. [W.P.(C)-4589/2024]

Judges: Justice Subramonium Prasad

The petitioner's application for refund of stamp duty and registration charges cannot be automatically rejected based on the six-month limitation under Section 54 of the Indian Stamp Act, 1899. The limitation is not mandatory, allowing consideration of refunds based on specific circumstances, such as a lack of awareness regarding the use of stamp papers within the timeframe. The concerned Collector is to evaluate the application considering this principle and make a decision within four weeks.

MUTIVISION COMMUNICATIONS SYSTEM PVT LTD & ORS. VS HARENDER SINGH [CRL.M.C.-4280/2022]

Judges: Justice Subramonium Prasad

The trial court's rejection of a petition to summon two additional witnesses in a Section 138 case of the Negotiable Instruments Act was upheld. The proposed testimony aimed to demonstrate that the complainant habitually files false cases, but this was deemed irrelevant to the elements required to establish a Section 138 offense, which focuses on the existence of a debt and the dishonor of the cheque due to insufficient funds. The complainant's history of filing other cases was considered immaterial to the present charge.

NAZIA HABEEB VS MOHD NAJAM KHAN [CRL.REV.P.-797/2022]

Judges: Justice Subramonium Prasad

The First Appellate Court erred by dismissing Domestic Violence Act proceedings on the basis of the parties' divorce status. The validity of the divorce is in dispute, as the wife contests it. Precedents establish that Domestic Violence Act proceedings can continue post-divorce if acts of domestic violence occurred prior to the divorce. The dismissal has been set aside, and the case is to proceed in accordance with the law.

NANDU KUMAR VS STATE OF NCT OF DELHI & ANR. & ANR. [BAIL APPLN.-1534/2024]

Judges: Justice Subramonium Prasad

Anticipatory bail was granted to the petitioners, who are brothers, in response to an FIR for offences including rape. The FIR was filed eight months after the incident without a clear explanation for the delay. There was an ongoing property dispute between the parties, with both sides claiming ownership. The history of similar complaints by the prosecutrix against a third party suggested a potential pattern. The possibility that the FIR was filed to harm or embarrass the petitioners due to the property dispute was acknowledged. Bail was granted pending the petitioners' provision of personal bonds and cooperation with the investigation.

NATIONAL HIGHWAYS AUTHORITY OF INDIA VS ORIENTAL PATHWAYS(AGRA) PVT. LTD. [O.M.P. (COMM)-269/2018]

Judges: Justice Subramonium Prasad

The arbitration award in favor of the concessionaire was upheld, with the National Highways Authority of India (NHAI) not entitled to recover ₹6.29 crore in damages. The arbitral tribunal, consisting of technical experts, evaluated evidence and found the Independent Consultant's damage estimates to be arbitrary and unjustified. The tribunal's conclusions were based on a reasonable interpretation of the evidence, and the limited grounds for setting aside an award under Section 34 of the Arbitration Act were not met.

NBCC INDIA LTD. VS MICRO SMALL AND MEDIUM ENTERPRISES FACILITATION COUNCIL & ANR. [W.P.(C)-15874/2023]

Judges: Justice Subramonium Prasad

The entitlement of AT&T Engineers Private Limited to benefits under the Micro, Small and Medium Enterprises Development (MSMED) Act, despite its registration as an MSME after the awarding of a sub-contract, is a jurisdictional issue for the arbitral tribunal. Additionally, there is a dispute regarding whether the contract qualifies as a works contract or a service contract, which is a mixed question of fact and law for the arbitrator to decide. The matter will proceed with the arbitrator to establish the necessary factual issues through evidence.

NEERAJ AGARWAL VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-4848/2024]

Judges: Justice Subramonium Prasad

Petitioners are entitled to bail under Section 167(2) of the Cr.P.C. because the charge-sheet was not filed within the mandatory 60-day period following their arrest. The police changed the charge from Section 304 IPC to Section 304(I) IPC three days before the deadline but failed to inform the magistrate in time. This oversight deprived the petitioners of their right to default bail. Consequently, the petitioners are to be released on bail under specific conditions as stipulated in Section 167(2)(a)(ii) of the Cr.P.C.

NEETA DEVI VS STATE NCT OF DELHI ANR [CRL.M.C.-3446/2024]

Judges: Justice Subramonium Prasad

Petitions to quash FIR No. 132/2021 for various IPC offences were dismissed. The petitioners' dissatisfaction with a previous investigation did not justify assaulting the investigating officer. Proper notices were served, and allegations regarding their authenticity would be verified at trial. The decision emphasized caution in quashing proceedings and refrained from assessing the merits of the case or the validity of the submitted documents.

NISHU JAIN VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-6834/2023]

Judges: Justice Subramonium Prasad

The petitioner's husband, who contracted COVID-19 and remained hospitalized until his death about two months later, is to be considered a COVID-19 death. The decision is based on guidelines stating that deaths within 30 days of a positive COVID-19 test or after hospitalization exceeding 30 days should be recognized as COVID-19 deaths. The respondent authority is directed to release the ex-gratia payment under the COVID-19 assistance scheme to the petitioner.

NITIN SAXENA VS GOVERNMENT OF NCT OF DELHI ANR [CRL.M.C.-6982/2022]

Judges: Justice Subramonium Prasad

The allegation of gang rape under Section 376D IPC against the petitioner was deemed inherently improbable and likely introduced maliciously by the prosecutrix for vengeance. Material discrepancies existed between her initial complaint and subsequent statements, particularly regarding the introduction of gang rape claims. The timing of the allegations coincided with ongoing civil proceedings involving the petitioner's brother, suggesting that the gang rape elements were falsely inserted. Consequently, the offense under Section 376D IPC was quashed, while the matter was remanded for further proceedings on other charges.

NITISH ANAND VS GARIMA MAGGO & ANR. [CRL.REV.P.-887/2024]

Judges: Justice Subramonium Prasad

The Family Court directed the petitioner to pay Rs. 13,000 per month as interim maintenance for his daughter from the date of the application in 2020. This decision was based on the principle that maintenance should be awarded to protect the applicant from financial hardship due to delays. The petitioner was obligated to maintain his daughter, despite his wife's earnings. The challenge to the Family Court's order was dismissed.

NJ BIKES INDIA PRIVATE LIMITED VS SUZUKI MOTORCYCLE INDIA PRIVATE LIMITED [O.M.P. (COMM)-509/2024]

Judges: Justice Subramonium Prasad

The award of the sole arbitrator was upheld regarding NJ Bikes India Private Limited's claims against the termination of its dealership agreement by Suzuki Motorcycle India Private Limited. The termination was found to be in accordance with the terms of the voluntarily entered agreement. Commercial contracts are deemed determinable, and the challenge on grounds of mala fide was rejected as the Petitioner did not object to the termination clause upon execution. Although the challenge to the arbitral award might have been filed beyond the prescribed three-month period under the Arbitration Act, the case was examined on merits. The arbitrator's decision, based on evidence, did not require interference.

NRUPALBHAI NARENDRABHAI SHAH VS STATE OF NCT OF DELHI [CRL.M.C.-769/2022]

Judges: Justice Subramonium Prasad

The petition to quash the FIR against the accused for offenses under Sections 376, 506, and 509 of the Indian Penal Code was dismissed. The prosecutrix's statement under Section 164 CrPC and witness statements established a prima facie case. The evidence presented by the accused was deemed insufficient to quash the FIR at this stage, leaving the matters for trial.

NRUPALBHAI NARENDRABHAI SHAH VS STATE OF NCT OF DELHI & ANR. [CRL.REV.P.-990/2023]

Judges: Justice Subramonium Prasad

The application for discharge under Section 227 of the Code of Criminal Procedure was dismissed due to a prima facie case against the accused under Sections 376(2)(n) and 506 of the Indian Penal Code. This conclusion was based on the victim's statement under Section 164 Cr.P.C., statements from witnesses accompanying the accused, and the victim's son's statement. The accused's alibi arguments would be addressed at trial, and no issues were found with the decision to not discharge the accused. The petition was dismissed.

OKHLA INDUSTRIAL AREA TEMPO TRANSPORT UNION (REGD.) THROUGH ITS GEN. SECRETARY VS DELHI STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ANR. [W.P.(C)-919/2021]

Judges: Justice Subramonium Prasad

The Okhla Industrial Area Tempo Transport Union was found to be in lawful possession of premises allotted in 1983 and could not be evicted without due process under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. A notice directing the Union to vacate the premises was set aside, and the Respondents were instructed to restore possession within two weeks, allowing for further action in accordance with the Act if necessary. No observations were made regarding the merits of pending disputes with another respondent, M/s J.K.V.B Properties Pvt. Ltd.

ORIEL FINANCIAL SOLUTIONS PRIVATE LIMITED VS BESTECH ADVISORS PRIVATE LIMITED [W.P.(C)-4209/2024]

Judges: Justice Subramonium Prasad

The writ petition filed by Oriel Financial Solutions Private Limited challenging the arbitrator's rejection of its application under Section 16 of the Arbitration and Conciliation Act, 1996 was dismissed. The arbitrator's order was not considered perverse, and there was no inclination to interfere with the order under writ jurisdiction.

ORRIS INFRASTRUCTURE PVT LTD VS SAANVI INTERIORS INDIA PVT LTD [W.P.(C)-4760/2024]

Judges: Justice Subramonium Prasad

The writ petition filed by Orris Infrastructure Pvt Ltd challenging the arbitral award in favor of Saanvi Interiors India Pvt Ltd was dismissed. A writ petition under Article 226 of the Constitution is not maintainable when an arbitral award is challenged under Section 34 of the Arbitration Act. The proper recourse against proceedings under the MSMED Act is to file an application under Section 18(3) of the MSMED Act or Section 16 of the Arbitration Act, followed by filing objections under Section 34 if an award is passed. No observations were made on the merits of the case or the arbitral award due to pending proceedings elsewhere.

OSCAR TOURS AND TRAVELS VS UNION OF INDIA [W.P.(C)-15737/2022]

Judges: Justice Subramonium Prasad

Oscar Tours and Travels' writ petition challenging its ineligibility for registration as a Haj Group Organizer for Haj 2022-2023 was dismissed. The experience of the previous sole proprietor does not transfer to the new proprietor, as a sole proprietorship ceases to exist upon the death of the proprietor. The previous experience cannot be considered for eligibility under the new ownership. The firm can apply afresh and undertake necessary Umrah operations for future consideration as an HGO.

OVINGTON FINANCE PVT. LTD. VS BINDIYA NAGAR [O.M.P.(MISC.)(COMM.)-695/2024]

Judges: Justice Subramonium Prasad

Jurisdiction to extend the mandate of the arbitral tribunal under Section 29A(5) of the Arbitration and Conciliation Act exists even if the amount in dispute is less than Rs. 2 crore. The definition of "Court" in Section 2(1)(e) requires contextual interpretation for applications under Section 29A. Allowing a subordinate court to replace an arbitrator appointed by the High Court conflicts with the Act's scheme, which restricts arbitrator appointments to the High Court or Supreme Court. The mandate of the arbitral tribunal was extended for one year.

PADI SAI CHANDU REDDY & ANR. VS STATE (NCT OF DELHI) [CRL.M.C.-2853/2022]

Judges: Justice Subramonium Prasad

The ingredients for offenses under Sections 420, 468, 471, and 120B of the Indian Penal Code were satisfied against petitioners Padi Sai Chandu Reddy and Deva Maneesh. They obtained fraudulent certificates and documents for their visa applications, negating any claims of innocence. A petition to quash the FIR against them was dismissed.

PANKAJ KUMAR MODI VS STATE NCT OF DELHI & ANR. [CRL.M.C.-241/2022]

Judges: Justice Subramonium Prasad

The complaint filed under Section 138 of the Negotiable Instruments Act is maintainable despite the underlying debt being time-barred. A time-barred debt can form the basis of a valid promise to pay if reflected in a cheque. Thus, the presumption under Section 139 of the Negotiable Instruments Act applies, making the complaint sustainable. The trial court's order dismissing the complaint is set aside, and the complaint is restored for further proceedings.

PANKAJ KUMAR SHARMA VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-3851/2023]

Judges: Justice Subramonium Prasad

The police unlawfully detained the petitioner, violating his personal liberty under Article 21 of the Constitution. A punishment of censure was deemed inadequate as a deterrent. The petitioner was awarded compensation of R.S. 50,000, to be recovered from the salaries of the responsible police officers. It was emphasized that police officers must adhere to the law, and actions that violate personal liberty will not be tolerated.

PAWAN KUMAR AHLUWALIA & ORS. VS STATE OF NCT DELHI & ANR. [CRL.M.C.-5717/2024]

Judges: Justice Subramonium Prasad

The petition to quash the second FIR (FIR No. 47/2024) was dismissed. The second FIR, while overlapping with an earlier one, involved distinct facts and allegations regarding misappropriation of funds and illegal cement manufacturing and supply, which are not covered by the GST Act. The decision emphasized the importance of allowing the investigation to continue at this early stage.

PETITIONER/AGGRIEVED WOMAN VS STATE OF DELHI & ANR. [W.P.(C)-4063/2023]

Judges: Justice Subramonium Prasad

Enlive Solutions India Pvt. Ltd. did not establish an Internal Complaints Committee as required by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Mr. Rajat Bansal, a director of the company, was made part of the proceedings to facilitate the Local Complaints Committee's investigation into the sexual harassment complaint. The winding up of the company does not exempt it from obligations under the POSH Act, and meaningful implementation of the Supreme Court's guidelines and the POSH Act must be ensured.

POOJA AGARWAL VS STATE (NCT OF DELHI) [BAIL APPLN.-1111/2024]

Judges: Justice Subramonium Prasad

The petitioner's bail application is deemed unnecessary as she has already been granted statutory bail in a related matter concerning the same FIR No. 210/2022, which involves multiple IPC offences. The present bail application is therefore disposed of as it lacks purpose given the prior bail.

PRABHJOT SINGH ANAND ALIAS HAPPY VS STATE OF NCT OF DELHI [BAIL APPLN.-2306/2024]

Judges: Justice Subramonium Prasad

Prabhjot Singh Anand was granted bail pending arrest for alleged offenses under Sections 376 and 323 of the Indian Penal Code. The allegations by the prosecutrix indicated a pattern of harassment and repeated acts of rape since January 2024. However, a potential landlord-tenant dispute was highlighted due to the legal notice sent by the petitioner demanding rent. The petitioner had cooperated with the investigation, which was at an advanced stage, and stringent conditions were imposed to prevent any threats to the prosecutrix or tampering with evidence.

PRADEEP KUMAR VS X [CRL.REV.P.-712/2024]

Judges: Justice Subramonium Prasad

The petitioner's challenge to the lower courts' orders granting the respondent interim maintenance of R.S. 3,000 per month and prohibiting dispossession from the matrimonial home was dismissed. There was prima facie material indicating a relationship in the nature of marriage between the petitioner and respondent, despite the petitioner's claim that the respondent was not his legally wedded wife. The interim orders were not interfered with, as the final determination of the respondent's status will be addressed in the proceedings under the Domestic Violence Act.

PRADEEP SINGH SANGWAN VS STATE & ANR. [CRL.M.C.-2601/2022]

Judges: Justice Subramonium Prasad

The FIR against the petitioner for cheating and misappropriation will not be quashed under Section 482 of the Code of Criminal Procedure. Allegations indicate the petitioner misrepresented himself as the sole property owner while being a co-owner with two others. The power to quash an FIR should be used sparingly and typically not for assessing the reliability of allegations unless they are clearly absurd. The petitioner retains the right to present arguments during the charge framing or if the offense is compounded.

PRASHANT VS UNION OF INDIA AND ORS. [W.P.(C)-13668/2023]

Judges: Justice Subramonium Prasad

The petitioner's application was dismissed due to failure to obtain the minimum qualifying scores required by the National Rifle Association of India's Match Book for participation in the desired shooting competitions. Without meeting the eligibility criteria, the petitioner could not have his requests granted.

PRASHANT VS UNION OF INDIA AND ORS. [W.P.(C)-4298/2023]

Judges: Justice Subramonium Prasad

The petitioner, having participated only in 10M air pistol competitions, is ineligible to import 0.22 and 0.32 sports pistols. The criteria for being a "renowned shooter" under the Import Policy requires participation in 25M standard pistol or 25M center fire pistol events. Therefore, the request to import the specified firearms was dismissed.

PREET KAUR AND ANR VS BUREAU OF IMMIGRATION AND OTHERS [W.P.(C)-11139/2022]

Judges: Justice Subramonium Prasad

Lookout circulars (LOCs) issued against the petitioners by the Union Bank of India were deemed unsustainable, as inability to repay loans does not meet the threshold of being "detrimental to the economic interests of India." The right to travel abroad under Article 21 cannot be restricted solely due to loan defaults or business failures without exceptional circumstances affecting the economy. A recent judgment by the Bombay High Court quashed provisions allowing public sector bank heads to request LOCs. Consequently, the LOCs against the petitioners were quashed, with no observations made regarding separate LOCs from the CBI.

PREETI CHAWLA VS THE STATE NCT OF DELHI [BAIL APPLN.-2432/2024]

Judges: Justice Subramonium Prasad

Preeti Chawla was granted regular bail in a case under the NDPS Act. Co-accused were found at her residence, but no direct evidence tied her to drug trafficking. The recovered quantity of 4,074 grams of marijuana was below the commercial threshold. Bail conditions included security, movement restrictions, and regular police reporting.

PRIYANKA DHAWAN VS NAVDEEP DHAWAN [CRL.M.C.-3079/2022]

Judges: Justice Subramonium Prasad

The husband, earning a net monthly income of approximately Rs. 2,40,000, is obligated to provide adequate maintenance for his wife and minor child. The interim maintenance amount was increased from Rs. 50,000 to Rs. 75,000 per month, starting November 1, 2024. This adjustment considered inflation, the cost of living, and the need to prevent destitution for the dependent family members while reflecting the standard of living during the marriage.

PSK ENGINEERING CONSTRUCTION AND CO VS NATIONAL PROJECTS CONSTRUCTION CORPORATION LIMITED & ANR. [W.P.(C)-15370/2023]

Judges: Justice Subramonium Prasad

The writ petition was dismissed due to the nature of the dispute being a commercial contract issue, which cannot be challenged through this writ. It was stated that the appropriate remedy for such disputes is a civil suit, not a writ petition. The argument regarding unequal bargaining power was also rejected, emphasizing that this doctrine does not apply to commercial contracts.

R VS THE UNION OF INDIA THROUGH SECRETARY MINISTRY OF HEALTH AND FAMILY WELFARE & ORS. [W.P.(C)-16751/2023]

Judges: Justice Subramonium Prasad

Feticide was deemed unjustified and unethical since the fetus had no abnormalities. A previous judgment allowed a petitioner, experiencing severe depression and suicidal ideation after her husband's death, to undergo a medical termination of her 32-week pregnancy. The petitioner was directed to deliver at a government hospital, with costs covered by the central or state government. If the petitioner chooses adoption for the child, the government will facilitate the process.

R VS THE UNION OF INDIA THROUGH SECRETARY MINISTRY OF HEALTH AND FAMILY WELFARE & ORS. [W.P.(C)-16751/2023]

Judges: Justice Subramonium Prasad

A widow was granted permission for a medical termination of her pregnancy, which exceeded the 24-week legal limit, due to extreme trauma and suicidal tendencies following her husband's death. It was recognized that her changed circumstances justified the decision, and the termination procedure was to be performed at AIIMS, with the understanding that this decision was specific to her case.

R. KRISHNAMURTHY AND CO. VS MUNICIPAL CORPORATION OF DELHI & ANR. [W.P.(C)-4180/2023]

Judges: Justice Subramonium Prasad

The order of the Municipal Corporation of Delhi to debar R. Krishnamurthy and Co. from participating in tenders for five years was upheld. Reasons for the debarment were recorded, though not communicated to the petitioner, which supported the order. Disputed questions of fact regarding delays in work completion were identified as contractual disputes unsuitable for adjudication under Article 226. The debarment was deemed proportionate to the alleged misconduct of failing to complete work despite significant delays, which caused public inconvenience. The writ petition and all pending applications were dismissed.

RAHUL DILIP SHAH VS UNION OF INDIA AND ANR [W.P.(C)-13790/2023]

Judges: Justice Subramonium Prasad

The Look Out Circular (LOC) against petitioner Rahul Dilip Shah is valid, issued by the Economic Offences Wing (EOW), Mumbai, as per guidelines from the Ministry of Home Affairs. The Bureau of Immigration lacks the jurisdiction to challenge this request. A cognizable offense under Sections 420, 406, and 34 of the Indian Penal Code was registered against Shah, who did not cooperate with the investigation. As a US citizen without substantial ties to India, he poses a flight risk that justifies the LOC. However, the LOC should not be indefinite and should be reviewed periodically to respect the right to travel under Article 21 of the Constitution. The writ petition is dismissed, with the option for Shah to seek to quash the LOC after the investigation concludes or following the resolution of a related petition in Bombay.

RAHUL SINGH VS BANK OF BARODA [CRL.M.C.-5808/2022]

Judges: Justice Subramonium Prasad

The petitioner's request to quash a criminal complaint under Section 138 of the Negotiable Instruments Act was denied. There was no evidence of a settlement between the petitioner and the Bank, as the one-time settlement offer made by the builder was not accepted. The petitioner may present evidence during the trial to demonstrate that agreements were made and liabilities discharged. The petition was dismissed, emphasizing that quashing a criminal complaint should be an exception.

RAJESH KUMAR MEHTA VS UNION OF INDIA & ORS. [W.P.(C)-11707/2022]

Judges: Justice Subramonium Prasad

The Lookout Circular (LOC) against the petitioner was issued solely for failure to repay a loan where he was a guarantor, without any accompanying criminal proceedings. This was deemed arbitrary and unjustly restricted his right to travel abroad. LOCs cannot be issued merely for financial recovery without criminal charges. The LOC against the petitioner was subsequently quashed.

RAJIV AGGARWAL VS UNION OF INDIA & ORS. [W.P.(C)-7093/2022]

Judges: Justice Subramonium Prasad

The Look Out Circular (LOC) against the petitioner, requested by Bank of Baroda, cannot be upheld due to the absence of a criminal case or FIR. The interpretation of "detrimental to the economic interests of India" requires a significant economic impact, which is not established in this case. The petitioner's inability to repay a bank loan, as a nominee director, is insufficient for issuing an LOC and infringes on the fundamental right to travel abroad. The LOC against the petitioner is quashed.

RAJIV JAIN VS UNION OF INDIA & ORS. [W.P.(C)-6110/2022]

Judges: Justice Subramonium Prasad

Lookout Circulars (LOCs) issued against the petitioners by Punjab National Bank, Bank of Baroda, and Indian Bank are invalid, as inability to repay loans does not meet the requirement of being "detrimental to the economic interests of India" for issuing such LOCs. LOCs cannot be issued solely at the request of banks; the issuing authority must assess whether the person's departure would harm India's interests. Previous judgments emphasize that bank heads lack the authority to request LOCs. Although the petitioners are accused in CBI FIRs, the discussion was limited to LOCs initiated by banks.

RAJPAL SINGH VS ISHPREET KAUR, [CRL.L.P.-250/2024]

Judges: Justice Subramonium Prasad

The decision to acquit the accused in a complaint under Section 138 of the Negotiable Instruments Act was upheld. While Section 139 creates a presumption that the cheque was issued to settle a debt or liability, the accused successfully rebutted this presumption by presenting a probable defense. The trial court's evaluation of evidence, including multiple similar complaints filed by the complainant and family members against the accused, was deemed plausible and reasonable. The complainant's petition for special leave to appeal was dismissed.

RAKESH KUMAR VS M/S NIVEDAN FIN INVEST LEASE LTD. [CRL.M.C.-1899/2022]

Judges: Justice Subramonium Prasad

The magistrate should have conducted an inquiry under Section 202 of the Criminal Procedure Code before issuing summons to an accused residing outside the court's jurisdiction. The issuance of summons was set aside and the matters were remanded to the concerned magistrates for further action in accordance with established legal principles.

RASHIDA KHATOON VS STATE NCT OF DELHI & ANR. [BAIL APPLN.-2610/2024]

Judges: Justice Subramonium Prasad

Rashida Khatoon was granted regular bail in a case involving serious charges under the Indian Penal Code. The assessment included the nature of the accusations and the possibility of flight or evidence tampering. Khatoon's involvement was limited to restraining the complainant's sister rather than participating in the stabbing. Personal circumstances and trial progress influenced the decision to grant bail with specific conditions.

RASHMI CHHABRA & ANR. VS STATE [CRL.REV.P.-1062/2018]

Judges: Justice Subramonium Prasad

The petition by Rashmi Chhabra and another challenging the framing of charges resulted in their discharge from charges under the Child Labour (Prohibition & Regulation) Act, 1986, and the Bonded Labour System (Abolition) Act, 1976, as the child involved was over 14 years old and there was no evidence of a debt-bonded relationship. However, charges under Section 370(4) IPC for trafficking of a minor will proceed to trial, as the facts suggest that the necessary elements of the offence may be present.

RAVI RAJ @ RAV I KUMAR VS GOVT. OF N.C.T. OF DELHI, THROUGH ITS SECRETARY, DELHI [CRL.M.C.-380/2022]

Judges: Justice Subramonium Prasad

The ingredients of offenses under Sections 415, 416, 420, and 468 of the Indian Penal Code are present against the petitioner. The petitioner impersonated Raushan Chaturvedi to take an exam, which constitutes cheating and cheating by personation under Sections 417 and 419. Charges under Section 420 for cheating and Section 468 for forgery are valid, with no limitation period for these offenses. The petitioner's challenge to the charges is dismissed.

REEBOK INDIA COMPANY VS UNION OF INDIA THROUGH THE SECRETARY, MINISTRY OF CORPORATE AFFAIRS & ANR. [W.P.(C)-1546/2021]

Judges: Justice Subramonium Prasad

The Registrar of Companies justified the rejection of Reebok India Company's application to convert from an unlimited liability company to a limited liability company, citing reasons such as negative net worth, pending investigations, and non-compliance with the 2016 rules. These reasons were deemed valid for protecting the interests of creditors and stakeholders. The writ petition challenging the rejection was dismissed.

RENU CAPRIHAN & ANR. VS SANGEETA GROVER [CS(OS)-709/2023]

Judges: Justice Subramonium Prasad

The terrace is designated as a common area accessible to both parties, with the defendant prohibited from disturbing the plaintiffs' terrace garden. The previous order was modified to permit the defendant to lease her basement portion, provided it does not interfere with the plaintiffs' ultrasound clinic. These arrangements are interim and do not affect the final determination of the parties' rights in the main suit.

RIDDHI SIDDHI ASSOCIATES VS NATIONAL HIGHWAYS AUTHORITY OF INDIA & ORS. [W.P.(C)-6928/2024]

Judges: Justice Subramonium Prasad

The National Highways Authority of India (NHAI) debarred contractor Riddhi Siddhi Associates from participating in future tenders for three months due to misconduct involving a violent incident at a toll plaza. The NHAI's debarment authority was recognized despite it not being explicitly stated in the contract. Proper procedure was followed, including issuing a show-cause notice and allowing a response. The debarment was deemed reasonable and proportionate to the misconduct. Arguments claiming the debarment was arbitrary were rejected, as NHAI's actions regarding the toll plaza's operation were considered separate. The decision was upheld as compliant with principles of natural justice.

RITU BHARADWAJ & ANR. VS GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-2254/2024]

Judges: Justice Subramonium Prasad

Orders under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 were upheld, directing the respondents to provide alternate accommodation or pay Rs. 60,000 per month in rent. The situation included family acrimony, complaints, and a pending civil suit for partition. While findings on property title were not conclusive, the order prioritized the interests of the senior citizen involved. The monthly rent was increased from Rs. 25,000 to Rs. 60,000 due to the needs of a wheelchair-bound petitioner, with the amount to be adjusted upon resolution of the civil suit.

RIYAZ VS STATE (GOVT. OF NCT OF DELHI) & ANR. [BAIL APPLN.-1710/2024]

Judges: Justice Subramonium Prasad

Bail was granted to Riyaz, accused of offenses under Sections 363/376 IPC and Section 6 of the POCSO Act. The case is viewed as stemming from a "love affair" with the 16-year-old prosecutrix, who is close in age to the petitioner. There are indications that the prosecution may have been initiated by the prosecutrix's family. The situation is noted as a "legal grey area" concerning consensual relations between minors and young adults, and further custody could lead to the petitioner becoming a "hardened criminal." Bail was issued with specific conditions, with no comments made on the case's merits.

RK INDUSTRIES UNIT II LLP THROUGH ITS AUTHORISED SIGNATORY SHRI JINAY BATUKBHAI PATEL VS UNION OF INDIA THROUGH MINISTRY OF CORPORATE AFFAIRS & ORS. [W.P.(C)-16612/2023]

Judges: Justice Subramonium Prasad

The writ petition challenging the actions of liquidator Mr. Sundaresh Bhat in the liquidation of ABG Shipyard Limited was dismissed. The liquidator was exonerated of charging non-refundable participation fees but found guilty of overpaying a support service. The suspension order against the liquidator was modified to cover the period already undergone.

ROADWINGS INTERNATIONAL PRIVATE LIMITED VS CONTAINER CORPORATION OF INDIA LIMITED & ORS. [W.P.(C)-13824/2023]

Judges: Justice Subramonium Prasad

The petitioner's claim under an arbitral award for R.S. 109.03 crore is covered by the Vivad Se Vishwas-II (Contractual Disputes) Scheme. The respondent's arguments against the claim, including the challenge to the award, ongoing insolvency proceedings, and opting out of the scheme after the deadline, were rejected. The respondent's actions were deemed arbitrary and in violation of the principle of legitimate expectation. The respondent must present an offer to the petitioner within two weeks.

S VS THE UNION OF INDIA & ORS. [W.P.(C)-1444/2024]

Judges: Justice Subramonium Prasad

The writ petition filed by an unmarried 20-year-old female student for permission to terminate her 28-week pregnancy was dismissed. Under the Medical Termination of Pregnancy (MTP) Act, termination beyond 24 weeks is allowed only to save the woman's life or in cases of substantial fetal abnormalities with medical board approval. The medical report indicated no congenital abnormalities in the fetus and no danger to the mother's health, failing to meet the criteria for termination. Therefore, the request for termination was deemed legally impermissible.

SA INFRASTRUCTURE CONSULTANTS PVT LTD VS NATIONAL HIGHWAY AUTHORITY OF INDIA [W.P.(C)-4181/2024]

Judges: Justice Subramonium Prasad

The National Highway Authority of India (NHAI) debarred SA Infrastructure Consultants Pvt Ltd for 3 months and imposed a penalty of Rs. 20 lakhs due to serious deficiencies in the Detailed Project Report (DPR), including terminology discrepancies and missing details that caused changes in scope and claims. The NHAI's process was deemed fair and transparent, with the punishment aligned with the consultancy agreement. No violation of natural justice principles occurred, as a committee member involved signed the final debarment order. The writ petition challenging the NHAI's order was dismissed.

SABIB VS THE STATE GOVT OF NCT OF DELHI [BAIL APPLN.-2/2024]

Judges: Justice Subramonium Prasad

The petitioner's application for bail was dismissed due to accusations of aggravated penetrative sexual assault against his 8-year-old daughter, a crime under the POCSO Act that carries severe penalties, including life imprisonment or death. The victim provided consistent statements to authorities, supporting the presumption of the accused's guilt under the POCSO Act. The focus on protecting children's best interests and the consideration of the victim's potential long-term mental trauma were critical factors in the decision to deny bail.

SACHIN KUMAR AGGARWAL VS STATE NCT OF DELHI & ORS. [CRL.M.C.-6489/2022]

Judges: Justice Subramonium Prasad

The victim has a right to participate in criminal proceedings, including during arguments on charge, although this participation is subordinate to the Public Prosecutor. The victim's counsel cannot contradict the Prosecutor's arguments but may assist by addressing gaps. A complete denial of the victim's right to make arguments is an error; the victim is entitled to be heard, with the extent of participation at the court's discretion.

SAHADEO BAHADUR VS UNION OF INDIA & ANR. [W.P.(C)-13584/2022]

Judges: Justice Subramonium Prasad

The petitioner could not be considered a citizen of India by birth due to insufficient proof of being born in India in 1962. Evidence presented, including father's employment records, did not establish this. Under the Citizenship Act, without clear evidence of birth in India, citizenship by birth was denied. The petitioner, married to an Indian citizen since 1993, may apply for citizenship by registration. The application for citizenship by registration should be considered expeditiously. The writ petition was dismissed, but the petitioner was given the opportunity to pursue registration.

SAHIL VS THE STATE NCT OF DELHI [BAIL APPLN.-2419/2023]

Judges: Justice Subramonium Prasad

The case involves a love affair between a 21-year-old petitioner and a 17-year-old prosecutrix, raising issues around consensual sex among minors and young adults. Due to the prosecutrix's inconsistent statements, previous instances of going missing, and the young ages of both parties, bail was granted to the petitioner with specific conditions. No observations were made on the merits of the case, focusing instead on the unique facts and circumstances.

SAJJAD ALAM VS STATE OF NCT OF DELHI & ANR. [BAIL APPLN.-2013/2024]

Judges: Justice Subramonium Prasad

Bail was denied to the petitioner accused of aggravated penetrative sexual assault of a 9-year-old under the POCSO Act. Factors included the serious nature of the offense, the severity of potential punishment, and the risk of the petitioner tampering with witnesses or absconding. A prima facie case was established based on the victim's consistent statements, and concerns about pressure on the victim's father, an employee at the accused's hotel, were noted. Thus, bail was not granted at this stage.

SAMIDA KHATOON VS STATE (NCT) OF DELHI& ORS [CRL.REV.P.-694/2018]

Judges: Justice Subramonium Prasad

The Child Welfare Committee (CWC) lacked jurisdiction to order wage payments to a child assisting in a private household, as the situation differed significantly from a previous case regarding child trafficking. The child was not employed but was brought to the petitioners' home by her mother for safety, providing some assistance in looking after their child. Although the petitioners were noted to have a responsibility for the child's education and development, an order to pay the child R.S. 4,000 monthly from October 2013 to October 2017, plus R.S. 25,000 in compensation for the loss of her childhood, totaling R.S. 2,21,000, was upheld.

SANAULLA ZULFIQAR AHMED KHAN VS STATE OF DELHI & ANR. [CRL.M.C.-1785/2022]

Judges: Justice Subramonium Prasad

The petition seeking to quash an FIR for cheating under the Indian Penal Code was dismissed. The complainant in the current case was found to be different from a previous one in Bangalore with similar facts, establishing that the two FIRs were not related to the same incident. The accused had allegations of defrauding multiple individuals of a significant amount of money. Careful consideration is required when exercising the power to quash an FIR under the Criminal Procedure Code.

SANDEEP KUMAR BHATT VS INSOLVENCY AND BANKRUPTCY BOARD OF INDIA & ORS. [W.P.(C)-15588/2023]

Judges: Justice Subramonium Prasad

The registration of Sandeep Kumar Bhatt as an Insolvency Professional was suspended for two years due to his failure to protect the assets of the Corporate Debtor, incomplete record handover to the Liquidator, and allowing suspended ex-directors to transfer funds from the Corporate Debtor's account. These actions violated multiple provisions of the Insolvency and Bankruptcy Code and Regulations. The investigation and disciplinary proceedings followed proper procedures, and the argument regarding the composition of the Disciplinary Committee being inadequate was dismissed, as no legal requirement exists for more than one member.

SANGEETA CHADHA VS NEW INDIA COLOR COMPANY LIMITED [CRL.M.C.-6552/2022]

Judges: Justice Subramonium Prasad

Sangeeta Chadha and Nidhi Beri Chadha, wives of the directors of M/s RBT Pvt Ltd, had the criminal complaint against them quashed. Describing the petitioners as "managers" of the company, without specific details about their roles and daily involvement in the business, is insufficient to establish vicarious liability under Section 141 of the Negotiable Instruments Act. The lack of necessary allegations against them resulted in the inability to sustain the complaint.

SANJAY KUMAR & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-3307/2024]

Judges: Justice Subramonium Prasad

The Petitioners are unauthorized occupants and trespassers on government land, not entitled to rehabilitation under the DUSIB Act and policy, as their cluster was not recognized by DUSIB. The argument for eviction solely through the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, was rejected due to their unlawful status. A detailed survey and rehabilitation plan are only required for JJ clusters identified by DUSIB, not for all encroachments on government land.

SANJAY RAGHUNATH PIPLANI AND ANR VS NATIONAL BUILDINGS CONSTRUCTION CORPORATION DELHI AND ANR [W.P.(C)-824/2023]

Judges: Justice Subramonium Prasad

Petitioners paid Rs. 76.85 lakhs for a flat in the NBCC Green View Apartments project but were not given possession. Their approach to multiple forums for redressal stemmed from desperation rather than forum shopping. The NBCC, as a state instrumentality, failed to act reasonably and fairly towards home buyers, lacking bona fides. The NBCC is required to refund the full amount with 12% interest from the possession certificate date and to pay Rs. 5 lakhs in compensation for mental agony.

SANJAY SHARMA VS ZUBAIR RIAZ COMMISSIONER OF CUSTOMS [CONT.CAS(C)-889/2023]

Judges: Justice Subramonium Prasad

The Internal Complaints Committee (ICC) exceeded its jurisdiction under the Sexual Harassment of Women at Workplace Act, 2013 by recommending disciplinary proceedings against the petitioner, as there was no finding of guilt of sexual harassment. The petitioner should have approached appellate authorities under the Act instead of filing a writ petition, as an alternate remedy was available. No observations were made on the merits of the case, and the writ petition was disposed of.

SARVODAYA TEXSTYLE PVT. LTD. VS THE STATE(GOVT. OF NCT, DELHI) & ORS. [CRL.M.C.-2782/2022]

Judges: Justice Subramonium Prasad

The application under Section 311 of the Criminal Procedure Code to recall and re-examine the complainant was rejected. The petitioner aimed to address deficiencies in their case, not to serve the purpose of Section 311. The additional evidence requested was deemed non-essential for a just decision, and the rejection of the application in the lower court did not require interference. Multiple criminal petitions were related to this same order.

SARWAN SINGH BHARAJ VS UNION OF INDIA [W.P.(C)-2/2024]

Judges: Justice Subramonium Prasad

The petitioner's writ petition against a directive from the Land & Development Office (L&DO) was dismissed. Discrepancies in the original lessee's signatures, compared to the lease deed, were noted, and the petitioner's argument regarding the acceptability of signature changes was rejected. The L&DO's request for the original lessee to appear was deemed justified, with no grounds for interference under Article 227 of the Constitution.

SEEMA DEVI VS SURESH KUMAR [CRL.L.P.-395/2024]

Judges: Justice Subramonium Prasad

The acquittal of the respondent in a Section 138 case under the Negotiable Instruments Act was upheld. The trial court's assessment of the evidence and the conclusion that the respondent raised a probable defense against the presumption under Section 139 were not considered perverse. The standard of proof required to rebut the presumption is a preponderance of probabilities, and the accused can utilize the complainant's materials to establish a probable defense. There were no grounds to challenge the trial court's reasona
ble perspective.

SEEMA LAL VS PAWAN KUMAR LAL & ANR. [CRL.A.-218/2022]

Judges: Justice Subramonium Prasad

Proceedings initiated under Section 340 of the CrPC against Seema Lal for perjury were deemed unjustified. It was established that she did not fabricate evidence in the previous proceedings, and her stammering while discussing a loan was insufficient to constitute perjury under Section 195 IPC. The earlier order from April 7, 2021, had already been set aside, and further proceedings would not serve any useful purpose, particularly since the matter originated from matrimonial issues. The appeal was therefore disposed of.

SEEMA LAL VS PAWAN KUMAR LAL & ANR. [CRL.M.C.-2732/2022]

Judges: Justice Subramonium Prasad

The decision of the Additional Sessions Judge to set aside the Metropolitan Magistrate's order granting interim maintenance was upheld. The Metropolitan Magistrate erred by recording the respondent's undertaking to pay maintenance after adjourning the case, as the court becomes functus officio post-adjournment. The Magistrate is directed to reconsider the interim maintenance application without unnecessary adjournments.

SETHI DEVI & ORS. VS CENTRAL PUBLIC WORKS DEPARTMENT & ORS. [W.P.(C)-16427/2023]

Judges: Justice Subramonium Prasad

The writ petition by residents of servant quarters attached to the National Defence College was dismissed on the basis that they do not qualify as jhuggi jhopri dwellers under the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015. The policy targets illegal encroachers on government land, and occupants of servant quarters cannot claim entitlement to rehabilitation benefits. Only those in notified jhuggi jhopri bastis under the DUSIB Act are eligible for such benefits, while unauthorized encroachments on government land are ineligible. The petitioners' claims were rejected without any disagreement.

SH UTKARSH GOYEL VS UNION OF INDIA & ORS. [W.P.(C)-10136/2022]

Judges: Justice Subramonium Prasad

The Lookout Circular (LOC) prohibiting the petitioners from traveling abroad, issued at the request of the respondent bank, is unsustainable. There were no criminal proceedings against the petitioners in India, and the bank's recovery efforts were focused outside the country. A mere loan default overseas does not constitute an "exceptional circumstance" to restrict the right to travel, which is protected under Article 21 of the Constitution. The guidelines for issuing LOCs necessitate the presence of a cognizable offence or a threat to the nation's economic interests, none of which were present. The LOCs against the petitioners are therefore invalid.

SH. GAUTAM KANT NIMAAN VS MASTER N & ANR. [CRL.REV.P.-238/2022]

Judges: Justice Subramonium Prasad

The Family Court's interim maintenance order of ₹25,000 per month to be paid by the petitioner-father to his two minor children was upheld. The maintenance amount was deemed reasonable based on the petitioner's reported monthly income of approximately ₹51,666. The petitioner's challenges to the order and a request to stay recovery of maintenance arrears were dismissed. The petitioner may approach the Family Court to submit his written statement and request staggered payment of the arrears.

SH. GIAN CHAND & ORS. VS THE STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-1805/2024]

Judges: Justice Subramonium Prasad

The sale of property by M/s J.V. Mercantile Pvt. Ltd. to petitioner no. 1 appears to violate a Debt Recovery Tribunal order that required the bank to deliver the sale deed to the respondent upon payment of Rs. 3.6 crores. The awareness of the petitioners regarding the DRT order is not subject to determination at this stage and will be addressed during the trial. Ongoing investigations suggest that the DRT's orders were disregarded, impacting the respondent's rights. The FIR remains in place, allowing petitioners to present their arguments during charge framing after the investigation concludes and a chargesheet is filed.

SH. LALLAN SAH VS SH. RAVI KUMAR PASI [CRL.REV.P.-988/2018]

Judges: Justice Subramonium Prasad

The revision petition challenging the conviction under Section 138 of the Negotiable Instruments Act was dismissed. The courts below relied on the presumption under Section 139 that the cheque was issued to discharge a debt, as the petitioner did not dispute his signature. Claims that the cheque was taken forcibly and the complaint was motivated were rejected due to lack of supporting evidence and failure to issue a stop payment notice to the bank. The trial court and appellate court's findings were based on sound reasoning.

SH. RAJESH KUMAR GUPTA VS SH. RAJENDER & ORS. [ARB.P.-1261/2024]

Judges: Justice Subramonium Prasad

A sole arbitrator has been appointed to resolve disputes regarding the sale of a plot of land between the petitioner and respondents. The arbitration clause in their agreement is deemed valid, allowing the arbitrator to address both the limitation and arbitrability of the dispute. The appointment of Mr. Shobhit Chaudhary as the sole arbitrator is made, with arbitration proceedings to occur under the Delhi International Arbitration Centre.

SH. SAHIL CHUGH VS UNION OF INDIA & ORS. [W.P.(C)-6623/2024]

Judges: Justice Subramonium Prasad

Lookout Circulars (LOCs) issued against petitioners, directors of a company and partners in a partnership firm that defaulted on bank loans, cannot be sustained due to the absence of any pending criminal cases. LOCs cannot be issued solely based on bank requests; there must be a justified concern that the person's departure would harm India's economic interests. Consequently, the issuance of LOCs against the petitioners is deemed unjustified and has been quashed.

SHALINI KHANNA VS UNION OF INDIA & ANR. [W.P.(C)-10951/2022]

Judges: Justice Subramonium Prasad

The Lookout Circular (LOC) against Shalini Khanna, issued at the request of the Bank of Baroda, is quashed. The term "detrimental to the economic interests of India" must pertain to significant economic impact, which was not established with a loan amount of around Rs. 7 crore related to Khanna as a guarantor. She is not an accused in any criminal case, and the CBI noted her lack of prior knowledge of fraudulent acts. If Khanna is later charged, the bank may request a new LOC against her.

SHANKAR HIRACHAND KADAM VS THE STATE OF NCT DELHI (THROUGH SHO HAUZ KHASH) & ANR. [BAIL APPLN.-3160/2024]

Judges: Justice Subramonium Prasad

The bail application of a petitioner accused of repeatedly raping his minor step-daughter was dismissed due to a prima facie case supported by the consistent statements of the prosecutrix. The heinous nature of the crime, potential severe punishment, and the risk of the petitioner threatening or harassing the child were key factors. Granting bail was viewed as likely to defeat the objectives of the POCSO Act and cause further trauma to the vulnerable child. The well-being of the child under the POCSO Act was emphasized as a paramount consideration.

SHEKH ANSAR ALI AND ORS VS DELHI URBBAN SHELTER IMPROVEMENT BOARD [W.P.(C)-1733/2024]

Judges: Justice Subramonium Prasad

The petitioners' hutments were located outside the slum clusters designated by the Delhi Urban Shelter Improvement Board for rehabilitation under the DUSIB Policy. Evidence indicated that the hutments were not part of the 657 JJ bastis identified by DUSIB. Consequently, the petitioners did not qualify for the benefits under the DUSIB Policy. The option to file a suit to prove inclusion in the identified clusters or existence before the January 1, 2015 cut-off date was noted. The writ petition was dismissed.

SHELLY NARANG VS THE STATE (GOVT. OF NCT OF DELHI) AND ANR. [CRL.M.C.-4575/2022]

Judges: Justice Subramonium Prasad

The petitioner, a director of the accused company, cannot evade vicarious liability under Section 141 of the Negotiable Instruments Act by claiming lack of involvement in daily operations. With only three directors in the company, the petitioner holds responsibility for its business conduct. The requirement for quashing proceedings under Section 482 of the Criminal Procedure Code involves presenting strong evidence of non-involvement, which the petitioner failed to provide. Consequently, the petition was dismissed, and the summoning order against her was upheld.

SHIBU SOREN VS LOKPAL OF INDIA & ANR. [W.P.(C)-13213/2022]

Judges: Justice Subramonium Prasad

The complaint against a member of parliament cannot be dismissed based on limitation under Section 53 of the Lokpal and Lokayuktas Act, 2013. The Lokpal must independently assess the material from the CBI to decide on further investigation. Proceedings by the Lokpal should not be interfered with at this stage, and it is responsible for determining the matter after hearing the petitioner. Compliance with timelines under the Act is viewed as directory, emphasizing the goal of addressing corruption in high offices.

SHRI BALAJI ENTERPRISES & ORS VS RESERVE BANK OF INDIA & ANR. [W.P.(C)-15601/2023]

Judges: Justice Subramonium Prasad

The writ petition by Shri Balaji Enterprises and e-rickshaw purchasers was dismissed due to the availability of an alternative remedy through an appeal under Section 37 of the Arbitration Act. The petitioners did not demonstrate exceptional circumstances that would justify bypassing this statutory remedy. They were granted the opportunity to file appropriate appeals, with the dismissal based solely on the existence of the alternative remedy.

SHRI INDERJEET SINGH BINDRA VS SMT RAMESH KUMARI AND OTHERS [CS(OS)-63/2017]

Judges: Justice Subramonium Prasad

The plaintiff's application to amend the plaint to declare a power of attorney dated 24.07.1987 as forged was dismissed. The suit was deficient for not initially challenging the power of attorney, and allowing the amendment would prejudice the defendants, making the claim time-barred under the Limitation Act. The amendment was viewed as reviving a dead claim, which was not permitted.

SHRI PRABHAT KAMAL GUPTA VS SHRI ASHOK KAMAL GUPTA [CS(OS)-109/2016]

Judges: Justice Subramonium Prasad

The Memorandum of Family Settlement dated 25.11.2018 is not exempt from stamp duty as it constitutes an agreement to partition property according to shares previously demarcated by court orders, rather than a true family settlement. The plaintiff's application was dismissed, and a stamp duty of Rs. 1,81,49,571.86 is to be paid for the decree.

SHRI PRAKASH DARYANI VS STATE (GOVT.OF NCT OF DELHI) & ANR. [CRL.M.C.-5759/2022]

Judges: Justice Subramonium Prasad

The petitioner's plea to quash a criminal complaint under Section 138 of the Negotiable Instruments Act was dismissed. Sufficient averments were established for the petitioner's vicarious liability as a director of the accused company under Section 141. The complaint met the necessary requirements, and the petitioner, being one of three directors, could not claim non-involvement in the company's affairs.

SHUBHAM VS STATE OF NCT OF DELHI [BAIL APPLN.-3137/2024]

Judges: Justice Subramonium Prasad

Shubham was granted regular bail after being charged under multiple IPC sections and the POCSO Act. The case involved a 17-year-old girl who initially went with him voluntarily but later claimed confinement and coercion to marry. There were contradictions in her statements, highlighting the complexities of teenage relationships. Considering Shubham's age (22) and his time in custody since April 2022, bail was granted with conditions, including no contact with the victim or witnesses.

SHUKLA RANI VS UNION OF INDIA & ORS. [W.P.(C)-2048/2023]

Judges: Justice Subramonium Prasad

The Lookout Circular issued against the petitioner by the Punjab National Bank is unsustainable, as inability to repay loans cannot restrict the fundamental right to travel abroad. The term "detrimental to the economic interests of India" cannot be routinely applied in cases of bank loan defaults. The petitioner is not named as an accused in any CBI FIR, and the CBI has not initiated a Lookout Circular against her. Consequently, the Lookout Circular at the bank's request is quashed, though a future investigation may lead to a new Lookout Circular if involvement is established.

SHYAM GARG AND ANR VS UNION OF INDIA AND ANRS [W.P.(C)-14904/2023]

Judges: Justice Subramonium Prasad

Lookout Circulars issued against the petitioners by the Bureau of Immigration at the request of Bank of Baroda cannot be sustained due to the absence of pending criminal cases in India. The inability to repay bank dues does not justify the issuance of Lookout Circulars, as the right to travel abroad is protected under Article 21 of the Constitution. The term "detrimental to the economic interests of India" should be applied in exceptional circumstances, rather than routinely. Consequently, the Lookout Circulars were quashed.

SHYAM PRAKASH VS DIRECTORATE OF VIGILANCE & ANR. [W.P.(C)-904/2024]

Judges: Justice Subramonium Prasad

The writ petition seeking a 30-day deadline for the disposal of a complaint against officers of the Delhi Urban Shelter and Improvement Board was dismissed. Authorities need to investigate the complaint and decide based on the facts, without interference unless there is a gross dereliction of duty. The complaint will be addressed in accordance with the law, with no comments made on its merits.

SIYA OMAR THROUGH HER MOTHER AND NATURAL GUARDIAN PRIYANKA GUPTA & ANR. VS UNION OF INDIA THROUGH ITS SECRETARY MINISTRY OF HEALTH AND FAMILY WELFARE & ORS. [W.P.(C)-11320/2023]

Judges: Justice Subramonium Prasad

The Transplantation of Human Organs Act, 1994 and Rules, 2014 permit live organ donation by minors only under "exceptional medical grounds," though specific guidelines for determining these grounds are lacking, which may lead to arbitrariness. A medical report confirmed a minor's fitness to donate part of her liver to her critically ill father in urgent need of a transplant. Given the circumstances, the minor was permitted to proceed with the donation, and directives were issued for the Union of India to establish guidelines for exceptional medical grounds within 2 months.

SMT. JEETESHWARI JU DEVI VS UNION OF INDIA MINISTRY OF HOME AFFAIRS & ORS. [W.P.(C)-14864/2023]

Judges: Justice Subramonium Prasad

Territorial jurisdiction was lacking to entertain the writ petition since no part of the cause of action arose within the relevant jurisdiction. The land in question is located in Madhya Pradesh, and the managing office is in Lucknow, Uttar Pradesh. The applicability of Article 363 was discussed but not decided. The question of the petitioner's locus standi remains open due to the land being gifted to the Union of India.

SRI SAI SAMPATH AVIATION SERVICES & ANR. VS UNION OF INDIA AND ORS. [W.P.(C)-10678/2023]

Judges: Justice Subramonium Prasad

The Airport Authority of India (AAI) debarred the petitioners for three years under Clause 4 of the RFP due to "fraud and corrupt practices." The AAI's decision was based on evidence of close links and common ownership interests between the petitioners' consortium members and a non-scheduled air carrier. Show cause notices issued to the petitioners indicated potential debarment under Clause 4, adhering to established principles. Judicial review of such administrative decisions is limited, and interference occurs only in cases of perverse, irrational, or arbitrary outcomes.

STATE GOVT OF NCT OF DELHI VS KRISHAN KUMAR [CRL.M.C.-5052/2022]

Judges: Justice Subramonium Prasad

The petition challenging the trial court's orders granting anticipatory bail to Krishan Kumar, accused of sexual assault, was dismissed. Sufficient reasons for granting bail were identified, including the existence of cross-FIRs, delay in filing the FIR, the COVID-19 pandemic situation, and the filing of the chargesheet, indicating that the trial court's orders were appropriate.

STATE OF KERALA VS NATIONAL HIGHWAY AUTHORITY OF INDIA & ANR. [W.P.(C)-7404/2023]

Judges: Justice Subramonium Prasad

The writ petition filed by the State of Kerala successfully challenged the Arbitral Tribunal's decision to include the Petitioner in the arbitration proceedings related to the Concession Agreement between NHAI and Guruvayoor Infrastructure Pvt. Ltd. The Petitioner's obligations arise from a separate State Support Agreement, which includes its own arbitration clause. The right to appoint an arbitrator under this agreement cannot be overridden by involving the Petitioner in the Concession Agreement arbitration, to which it is not a party. The Concession Agreement and the State Support Agreement are independent, with the Petitioner limited to providing ancillary support for the National Highway's functioning.

STATE VS NAVEEN KUMAR DHOULPURIA [CRL.M.C.-183/2022]

Judges: Justice Subramonium Prasad

Charges were framed against the respondent under Sections 419, 420, 468, 471, and 120B of the Indian Penal Code based on evidence that someone impersonated him during an exam, making him the ultimate beneficiary. The evaluation process at the discharge application stage requires only the identification of suspicious circumstances, not a consideration of the merits of conviction. The prior discharge order was set aside, and framing of charges was directed.

SUBLIME SOFTWARE LTD VS UNION OF INDIA [W.P.(C)-7789/2023]

Judges: Justice Subramonium Prasad

The writ petition by Sublime Software Ltd. regarding the blocking of its open-source messaging application "Briar" in Jammu and Kashmir was dismissed. The blocking was justified under Section 69A of the Information Technology Act, 2000, as the application was associated with terrorist activities threatening national security. The procedure for blocking followed the Information Technology (Procedure and Safeguards for Blocking of Access of Information by Public) Rules, 2009. The blocking was specific to Jammu and Kashmir, allowing continued use of the application in other regions of the country.

SUDESH CHHIKARA VS DISTRICT MAGISTRATE WEST DELHI AND ANR [W.P.(C)-1700/2024]

Judges: Justice Subramonium Prasad

The writ petition by the daughter-in-law was dismissed. Authorities under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 had jurisdiction over the dispute regarding alleged harassment of the senior citizen. The Appellate Court appropriately remanded the matter to the District Magistrate for fresh consideration, necessitating a new independent report from the SDM and ensuring a proper hearing for both parties, as the previous SDM report was inadequate and lacked sufficient evidence for the eviction order.

SUKHBIR @ BHOLA VS NCT OF DELHI [BAIL APPLN.-1400/2024]

Judges: Justice Subramonium Prasad

The bail application of Sukhbir @ Bhola was dismissed due to charges under Section 376 IPC and Section 6 of the POCSO Act for sexually assaulting a 6-year-old girl. Factors considered included the nature and gravity of the offense, the potential for the accused to flee or reoffend, and the character of the accused. Despite some public witnesses turning hostile, both the victim and her mother supported the prosecution's case, establishing reasonable grounds for believing the petitioner committed the offense. The severity of the crime, the victim's young age, and the risk of the petitioner fleeing or reoffending led to the denial of bail.

SUMAN KALA VS GOVT OF NCT OF DELHI AND ORS [W.P.(C)-15551/2022]

Judges: Justice Subramonium Prasad

The respondents have implemented the order from 22.05.2018 and are disbursing the revised salary and arrears to the petitioner, an Assistant Teacher in a government-aided school in Delhi. The bank has been directed to release the remaining amounts due, and the petitioner may approach the bank for any further disbursal. No additional directions are necessary, and the petition is disposed of.

SUNDARESH BHAT VS INSOLVENCY AND BANKRUPTCY BOARD OF INDIA [W.P.(C)-14389/2022]

Judges: Justice Subramonium Prasad

The Insolvency and Bankruptcy Board of India found the Petitioner, as Liquidator of ABG Shipyard Limited, guilty of misconduct for appointing BDO Restructuring Advisory LLP, a firm in which he was a partner, and paying it higher fees than his own. This was deemed contrary to the objectives of the insolvency process. However, the suspension of the Petitioner's registration was adjusted from two years to the 20 months already served. Other charges against him, such as influencing valuers and appointing unregistered valuers, were categorized as irregularities rather than gross misconduct, warranting no suspension, with the IBBI also showing leniency on the influence charge.

SUNITA & ANR VS YOGESH KUMAR [CRL.REV.P.-102/2018]

Judges: Justice Subramonium Prasad

The lower court's dismissal of the wife's maintenance petitions was set aside. Evidence showed the wife was forced to leave the matrimonial home due to harassment and cruelty related to dowry demands. The wife and her son are entitled to maintenance, with the husband ordered to pay Rs. 5,000 per month from the date of the maintenance application and to clear all arrears within six months.

SUNNY SACHDEVA VS ACP (NORTH), RTI CELL AND ANR. [W.P.(C)-10436/2022]

Judges: Justice Subramonium Prasad

Public authorities initially provided incorrect information to the petitioner's RTI applications due to an inadvertent error in diary numbers. They later corrected the information and initiated departmental action against the responsible officials. It was determined that the error was not made with malice, and no penalty under Section 20 of the RTI Act was imposed due to the appropriate remedial action taken. The petitioner is allowed to pursue further remedies under the RTI Act if dissatisfied with the responses.

SURINDER MOHAN & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-2011/2022]

Judges: Justice Subramonium Prasad

The orders of the Family Court and the CMM were set aside due to improper cognizance under Section 195 of the CrPC. The Family Court did not file a proper complaint, and the CMM took cognizance without it. The matter was remanded to the Family Court for reconsideration and adherence to the procedure outlined in Section 195 CrPC, if deemed necessary for justice.

SURYA PRAKASH PAL VS STATE GOVT. OF NCT DELHI [BAIL APPLN.-3396/2024]

Judges: Justice Subramonium Prasad

The bail application of Surya Prakash Pal, accused of sexual offenses against a child under the POCSO Act, was dismissed. Evidence suggested his involvement in the offense, and there were concerns about the potential for him to threaten witnesses or harm the victim if released. Additionally, the possibility of a minimum 10-year sentence raised concerns about him fleeing from justice.

SYED JAMSHED ABBAS VS EASY TRIP PLANNERS LTD. & ORS. [CRL.M.C.-4578/2024]

Judges: Justice Subramonium Prasad

The summons issued against Syed Jamshed Abbas in a complaint under Section 138 of the Negotiable Instruments Act cannot be set aside. The complaint adequately establishes his involvement in the daily affairs of M/s Eco Sky Tours and Travels Private Limited, despite discrepancies in company names in master data. A hypertechnical approach to quashing the complaint is not warranted, and Abbas is allowed to present evidence during trial to demonstrate he is not responsible for the company's conduct.

TALIM @ TALIB VS THE STATE NCT OF DELHI [BAIL APPLN.-1907/2024]

Judges: Justice Subramonium Prasad

Bail was denied to Talim @ Talib, who was arrested with 51 kg of ganja and is linked to a national-level drug syndicate. Under Section 37 of the NDPS Act, bail requires reasonable grounds to believe the accused is not guilty and unlikely to reoffend. Evidence suggested Talib's involvement in the offense, and the risk of reoffending upon release was considered significant. The duration of custody, being one-and-a-half years, did not warrant bail at this stage.

THE EXECUTIVE ENGINEER & ORS. VS M/S BHOLASINGH JAIPRAKASH CONSTRUCTION LTD & ANR. [W.P.(C)-14378/2023]

Judges: Justice Subramonium Prasad

The provisions of the Micro, Small and Medium Enterprises Development Act, 2006 (MSMED Act) apply to works contracts in addition to contracts for goods and services. A company registered under the MSMED Act can invoke its provisions even after contract execution. A state authority should challenge an arbitral award under the Arbitration Act rather than directly approach the High Court under Article 226. The state authority, aware of arbitration proceedings but failing to participate or challenge the award appropriately, cannot seek the extraordinary remedy under Article 226. Dismissing the writ petition, it was noted that allowing state authorities to bypass the MSMED Act's dispute resolution mechanism would undermine its objectives.

UBABUEZE CHIJIOKE EMMAUNLE @ JOJO VS STATE (NCT OF DELHI) [CRL.A.-507/2024]

Judges: Justice Subramonium Prasad

The appellant's conviction under Section 14 of the Foreigners Act was upheld for illegally entering and staying in India without a valid passport and visa. A conflict was noted between a previous decision regarding Section 174A IPC and a Supreme Court ruling on the applicability of Section 195 CrPC. The issue will be referred to a larger bench for clarification.

UMESH KUMAR VS GOVERNMENT OF NCT OF DELHI AND ANR [W.P.(C)-6397/2021]

Judges: Justice Subramonium Prasad

The writ petition seeking to declare members of the Town Vending Committee as frontline COVID-19 warriors and provide Rs. 25 lakhs compensation was dismissed. The petitioner's father was not deployed for COVID-19 duties, disqualifying the family from the government's ex-gratia benefit of Rs. 1 crore for families of those who died on duty. The petitioner's mother received a one-time ex-gratia of Rs. 50,000 under the "Mukhyamantri Covid-19 Parivar Aarthik Sahayta Yojana Scheme." Matters regarding the grant of benefits under such schemes are considered policy decisions not subject to interference.

UNION OF INDIA & ANR. VS M/S AHLUWALIA CONTRACTS (INDIA) LTD [O.M.P. (COMM)-485/2024]

Judges: Justice Subramonium Prasad

The Arbitral Tribunal awarded Ahluwalia Contracts (India) Ltd. Rs. 84,01,417 for the cost of water used for curing concrete, instead of the specified pigmented wet curing compound. The Tribunal concluded that the use of water was outside the contract's scope since the rates were based on the specified compound. The decision was based on careful consideration of evidence and contract terms. The claim was appropriately analyzed under the contract provisions, rejecting the argument that it should have been made under Clause 12 relating to extra items.

UNION OF INDIA VS DISTRIBUTION LOGISTICS INFRASTURCTURE PVT. LTD. [O.M.P. (COMM)-205/2023]

Judges: Justice Subramonium Prasad

The petition by the Union of India challenging the arbitral award in favor of Distribution Logistics Infrastructure Pvt. Ltd. was dismissed. The Union of India failed to establish grounds for setting aside the award under Section 34 of the Arbitration and Conciliation Act. The arbitral tribunal thoroughly examined the concession agreement and evidence, rejecting the claim for stabling charges based on incorrect facts. The arguments presented were factual and did not indicate a conflict with public policy or patent illegality. Reappraisal of evidence was not permitted, and the award was deemed to stand without interference.

UOI AND ANR VS RAKESH K GUPTA [W.P.(C)-7294/2010]

Judges: Justice Subramonium Prasad

The respondent is entitled to information sought in points 1, 2, and 4 of the request, aligning with the RTI Act's goal of transparency. However, information in points 5, 6, and 7, which pertains to third-party personal information, remains exempt under Section 8(1)(j) of the RTI Act unless a larger public interest is demonstrated. The respondent may inspect the relevant part of the vigilance register concerning his own complaints, with other information redacted.

UP STATE BRIDGE CORPORATION LIMITED & ANR. VS NATIONAL HIGHWAYS AND INFRASTRUCTURE [W.P.(C)-3256/2024]

Judges: Justice Subramonium Prasad

The writ petition by UP State Bridge Corporation Limited, challenging its designation as a "Non-Performer" and subsequent debarment from bids, was dismissed due to unresolved factual disputes about work progress and contractual obligations. The existence of an arbitration clause in the contract necessitated referral to arbitration for dispute resolution. No interim relief was granted, with the matter to be decided by the appropriate tribunal under the Arbitration and Conciliation Act.

USHA SINDHU VS UNION OF INDIA & ORS. [W.P.(C)-11502/2023]

Judges: Justice Subramonium Prasad

The Lookout Circular against a non-executive director of a company that defaulted on bank loans was quashed. Inability to repay bank loans, without any pending criminal case, does not justify such a circular and violates the fundamental right to travel under Article 21 of the Constitution. The term "detrimental to the economic interests of India" cannot be broadly interpreted to include all bank defaults. The petitioner was neither a signatory to the restructuring agreement nor a personal guarantor, making the Lookout Circular unjustified.

UTTAM TAGARAY VS CENTRAL BUREAU OF INVESTIGATION [CRL.M.C.-5662/2024]

Judges: Justice Subramonium Prasad

Sufficient material exists against the Petitioner to justify the filing of the charge-sheet and taking cognizance. The charge-sheet indicates the Petitioner, along with co-accused, approved fraudulent PF claims while abusing their official positions. The FIR, charge-sheet, and summoning order cannot be quashed at this stage, as the power to quash should be exercised sparingly and a detailed inquiry into the allegations' reliability is not appropriate at this time. Observations are limited to the issue of quashing and do not address the case's merits.

V VS STATE & ANR. [CRL.M.C.-4686/2022]

Judges: Justice Subramonium Prasad

The order granting bail to Respondent No. 2 in a rape, criminal intimidation, and outraging modesty case was upheld. The trial court's decision was based on the absence of rape allegations in the initial complaint and the filing of the chargesheet. Strong circumstances are required for cancelling bail, which were lacking in this case. The petition was dismissed due to insufficient grounds to challenge the trial court's bail decision.

VANITHA DHANUK VS THE STATE NCT OF DELHI AND ANR [CRL.M.C.-5969/2024]

Judges: Justice Subramonium Prasad

The petition challenging the bail granted to the respondent was dismissed, as there was no justification to interfere with the lower court's order. The respondent faced charges under sections 451/506/509/149 IPC and was discharged from the SC/ST Act charges. The parties involved are neighbors with cross-complaints, and it was concluded that the cancellation petition aimed to exert pressure on the respondent.

VASISHTA MANTENA NH04 JV & ORS. VS BLACKLEAD INFRATECH PVT LTD [O.M.P. (COMM)-419/2023]
Judges: Justice Subramonium Prasad
The petitioners' challenge to the arbitral award was filed beyond the 3-month limitation period stipulated by the Arbitration and Conciliation Act. The initial filing without the arbitral award was deemed invalid, and the final filing on 25.09.2023 occurred after the allowed 3-month plus 30-day period. The applicability of the General Clauses Act or the Limitation Act to extend the filing period was not recognized, resulting in the dismissal of the petition as time-barred.

VEMPARALA SRIKANT AND ANR. VS GENERAL SECRETARY, INDIA BULLS CENTRUM FLAT OWNERS WELFARE CO-OPERATIVE SOCIETY, HYDERABAD [W.P.(C)-11375/2022]
Judges: Justice Subramonium Prasad
The High Court of Delhi lacked territorial jurisdiction to entertain a writ petition challenging orders from consumer forums in Hyderabad regarding maintenance charges. The case's entire cause of action arose in Hyderabad, and the only link to Delhi was the location of the National Consumer Disputes Redressal Commission. The High Court of Telangana was deemed the more suitable forum for this matter. The writ petition was dismissed, directing the petitioners to approach the High Court of Telangana.

VESUVIUS INDIA LIMITED VS STEEL AUTHORITY OF INDIA LIMITED & ANR. [W.P.(C)-2250/2024]
Judges: Justice Subramonium Prasad
The order issued by SAIL on 10.02.2024 effectively blacklisted the petitioner without following due process as per SAIL's guidelines and Supreme Court principles. The Standing Committee initially recommended against banning the petitioner, but a Higher Level Committee later restricted business dealings. The petitioner was also marked as "disqualified" in other SAIL tenders due to these restrictions. The process used by SAIL for the potential blacklist was not legally compliant, leading to the setting aside of the order while allowing SAIL to take further action in accordance with the law.

VI EXPORTS INDIA PRIVATE LIMITED VS UNION OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY, DEPARTMENT OF COMMERCE THROUGH DIRECTOR GENERAL, DIRECTORATE GENERAL OF FOREIGN TRADE [W.P.(C)-11649/2023]
Judges: Justice Subramonium Prasad
The writ petition by VI Exports India Private Limited for the export of 11,000 MT of non-basmati white rice was dismissed due to non-fulfillment of conditions in the government's export prohibition notification. The ship had not arrived before the notification took effect, the rice had not entered the customs station for export before the deadline, and export duties were unpaid by that time. The doctrines of substantial compliance and intended use were not applicable, as the notification aimed to address the country's internal needs. Thus, compelling the government to breach its notification was not permissible.

VIJAY KESHAO KAMBE VS TECHNOLOGY DEVELOPMENT BOARD & ORS. [CRL.M.C.-6769/2024]
Judges: Justice Subramonium Prasad
The petitioner, a director of the accused company, can be held vicariously liable under Section 141 of the Negotiable Instruments Act, 1881, for the dishonor of the cheque issued by the company. The principles established in prior judgments indicate that directors responsible for the company's business can incur such liability. As there were no indications that the petitioner was an independent or non-executive director, the requirements of Section 141 were met. The petitioner must present evidence during the trial to argue against vicarious liability.

VIKAS GOEL VS UNION OF INDIA [W.P.(C)-14837/2022]

Judges: Justice Subramonium Prasad

The Lookout Circular against the petitioner, a director and guarantor of a company that defaulted on bank loans, cannot be sustained due to the absence of criminal proceedings. The right to travel abroad, as protected under Article 21 of the Constitution, cannot be restricted solely based on inability to repay loans. The term "detrimental to the economic interests of India" cannot be applied in all cases of loan defaults. Therefore, the Lookout Circular against the petitioner was quashed.

VIKASH KUMAR VS STATE NCT OF DELHI [CRL.M.C.-4891/2024]

Judges: Justice Subramonium Prasad

The FIR against the petitioner under the Delhi Prevention of Defacement of Public Property Act, 2007 was quashed due to concerns about the fairness of the investigation, as the complainant and the investigating officer were the same person. This situation raised doubts about the integrity of the investigation, highlighting the need for separation between the informant and the investigator to uphold constitutional guarantees.

VINEET KUMAR GUPTA VS INTEC CAPITAL PVT. LTD [CRL.M.C.-6744/2022]

Judges: Justice Subramonium Prasad

A complaint under Section 138 of the Negotiable Instruments Act against a director of an accused company is maintainable when it includes sufficient allegations of the director's involvement in the company's conduct and business. The director's attempt to quash the complaint was rejected due to a lack of evidence proving he was not responsible for the company's affairs. The necessary elements to proceed against the director were present in the complaint, allowing for the possibility to present defense evidence during the trial.

VINOD KUMAR MALIK VS NATIONAL HIGHWAY AUTHORITY OF INDIA & ORS. [W.P.(C)-3170/2024]

Judges: Justice Subramonium Prasad

The writ petition by Vinod Kumar Malik challenging the unilateral extension of his toll collection contract by the National Highway Authority of India (NHAI) was dismissed. The contract's terms permitted a one-month extension beyond the initial three-month period, binding the petitioner to these conditions. Claims of NHAI's arbitrary failure to initiate a fresh bidding process were rejected, emphasizing the need to adhere to mutually agreed contract terms. The extension of the contract remains valid until 22/04/2024.

VIPHIL JAIN VS STATE NCT OF DELHI [BAIL APPLN.-3093/2024]

Judges: Justice Subramonium Prasad

The bail application of Viphil Jain, the leader of a racket producing and selling fake cancer injections, was dismissed. Despite co-accused receiving bail, Jain's role as the main orchestrator and the likelihood of evidence tampering and reoffending were significant factors. His qualifications and connections further influenced the decision against granting bail.

VISHAL KHULLAR VS THE STATE (GOVERMENT OF NCT DELHI) [W.P.(CRL)-226/2024]

Judges: Justice Subramonium Prasad

The FIR against the petitioner was not quashed due to ongoing investigation and the presence of a well-established cartel. Delay in the investigation alone was insufficient for quashing. The allegations under Sections 420, 468, 471 IPC and Section 12 of the Passports Act were found to be satisfied, as the petitioner possessed a counterfeit Schengen visa. The writ petition seeking to quash the FIR was dismissed based on these findings.

XX VS STATE OF GNCT OF DELHI THROUGH SHO PS NEW ASHOK NAGAR DELHI & ORS. [CRL.REV.P.-1135/2024]

Judges: Justice Subramonium Prasad

Respondent No.2 (Rajeev Rathi) and Respondent No.3 (Preeti Rathi) were discharged from offences under Sections 506 and 509 IPC due to insufficient evidence and allegations failing to meet the crucial elements of the charges. Mere expressions lacking the intention to cause alarm do not constitute criminal intimidation or insult to a woman's modesty. The evaluation of the case facts and applicable laws supported the decision to discharge the accused.

XXX VS STATE NCT OF DELHI AND ANR [CRL.A.-739/2024]

Judges: Justice Subramonium Prasad

The appeal by the complainant against the acquittal order was dismissed due to improper filing, as it should have been presented to the Sessions Court. The available remedy for appeal precluded the use of suo motu powers. The appellant is permitted to file the appeal before the Sessions Court, with no consideration of the time taken for the current appeal's disposal.

XXXX VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-979/2022]

Judges: Justice Subramonium Prasad

The petitioner's application for cancellation of the respondent's bail was dismissed. The trial court's reasoning for granting bail was deemed reasonable, with no new circumstances presented to justify cancellation. The respondent's mobile phone, which contained the alleged video, had been seized, and both parties resided in the same locality, reducing the likelihood of threats or evidence tampering. The respondent's legal actions against the petitioner were not viewed as attempts to intimidate witnesses or the complainant.

YAMIN ALI VS GOVERNMENT OF NCT OF DELHI AND ORS. [W.P.(C)-3589/2024]

Judges: Justice Subramonium Prasad

The writ petition challenging the appointment of Respondent No.2 as Administrator of the Delhi Waqf Board was dismissed due to the petitioner's failure to provide valid reasons regarding qualifications under Section 99 of the Waqf Act, 1995. The challenge was deemed an abuse of the process of law as the petitioner had previously been advised to approach the Tribunal for specific actions of the Administrator. A cost of Rs.10,000 was imposed on the petitioner to be deposited with the Armed Forces Battle Casualties Welfare Fund.

YOGESH @ SONU VS STATE (NCT OF DELHI) [BAIL APPLN.-3588/2023]

Judges: Justice Subramonium Prasad

The bail application of petitioner Yogesh @ Sonu, charged with murder under Sections 302, 120B, and 34 IPC, was dismissed. Testimony from eyewitness Vijay identified the petitioner as one of the assailants. Given the serious nature of the offense, concerns about the petitioner potentially absconding or intimidating witnesses, and other relevant factors, bail was deemed inappropriate at this stage.

ZENITH LEISURE HOLIDAYS LTD VS UNION OF INDIA & ANR. [W.P.(C)-638/2023]

Judges: Justice Subramonium Prasad

The empanelment of Zenith Leisure Holidays Ltd. was kept in abeyance for six months, and a penalty of Rs. 2 lakhs was imposed due to the company's use of LPG cylinders in a train's pantry car, violating a prohibition on flame-based cooking. This action was deemed appropriate given the risk posed to passenger safety. The argument that the petitioner was unfairly targeted was rejected, as another provider's empanelment was also suspended, and three other providers faced termination for similar violations.

A TO Z PRODUCTIONS VS PRASAR BHARTI AND ANR. [W.P.(C)-5505/2013]

Judges: Justice Sudhir Kumar Jain

The approval letter dated 24.04.2009 from Prasar Bharti to the petitioner did not create a binding contract, as there was no clear acceptance to convert the proposal into a promise. Prasar Bharti justifiably halted the proposal processing due to the petitioner's failure to submit the required audited balance sheets despite multiple requests. The petition was dismissed due to disputed questions of fact and issues of delay and laches.

AKASH VS STATE OF NCT OF DELHI & ANR. [BAIL APPLN.-3102/2022]

Judges: Justice Sudhir Kumar Jain

Akash was granted bail following his arrest under Section 363 IPC for the alleged kidnapping and sexual assault of a minor girl. He was not named in the victim's statements or identified during the Test Identification Parade. His implication relied solely on disclosure statements from co-accused. Two co-accused had already received bail, and Akash's alibi, supported by call detail records and tower location, indicated he was outside Delhi during the incident. The lack of direct evidence against him led to the decision to grant regular bail with certain conditions.

ALI HUSSAIN S/O MOHD. ALI VS THE STATE NCT OF DELHI [CRL.A.-708/2023]

Judges: Justice Sudhir Kumar Jain

Ali Hussain was convicted for offences under Sections 394/397/411/34 IPC. The complainant's testimony was reliable and consistent, supported by evidence such as the medical report, recovery of stolen items, and the ransacked state of the house. The knife used by Ali Hussain was deemed a deadly weapon, fulfilling the criteria for Section 397 IPC. The appeal was dismissed, upholding the conviction and sentence from the trial court.

AMBUJA CEMENT LTD. VS COLLECTOR OF STAMPS, DELHI [W.P.(C)-5638/2014]

Judges: Justice Sudhir Kumar Jain

The show-cause notice and impugned order issued by the Collector of Stamps were quashed due to the scheme of amalgamation between the petitioner and its wholly owned subsidiary ACIPL being exempt from stamp duty under the 1937 Notification, as both companies were subsidiaries of a common parent. The Collector acted beyond its jurisdiction, as the orders were not made under Sections 31 or 33 of the Indian Stamp Act, and the argument regarding suo motu power under Section 47A(3) was rejected due to the notice being issued beyond the two-year limitation period.

AMIT AGGARWAL VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-2073/2023]

Judges: Justice Sudhir Kumar Jain

Amit Aggarwal received anticipatory bail in a money laundering case under the Prevention of Money Laundering Act (PMLA). Key evidence against him involved statements from co-accused, which require testing at trial. No "proceeds of crime" were identified from the alleged fabrication of Form 15CB certificates. His medical condition, including multiple kidney surgeries, was also a factor in granting bail. Conditions include cooperation with the investigation, surrendering his passport, and regular check-ins with the investigating officer.

AZAD SINGH VS STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-4643/2019]

Judges: Justice Sudhir Kumar Jain

The second FIR filed by the complainant is valid, as the allegations differ significantly despite some overlapping facts, involving different accused persons and properties. Charges were framed against the petitioners under Sections 420, 467, 468, 471, and 120-B IPC, supported by sufficient prima facie material. The dismissal of revision petitions by the revisional court was legally correct.

ARUN KUMAR GURJAR VS CENTRAL BURAEU OF INVESTIGATION [CRL.A.-630/2015]

Judges: Justice Sudhir Kumar Jain

Arun Kumar Gurjar and Baljeet Singh's appeals regarding their conviction under Section 120B IPC and Section 7 of the Prevention of Corruption Act were accepted, resulting in their acquittal. The prosecution could not establish the demand and acceptance of a bribe, and the complainant's testimony was deemed unreliable due to contradictions. The recovery of tainted money from Baljeet Singh alone was insufficient for a conviction without reliable evidence of bribery. Additionally, the existence of a criminal conspiracy was not proven, as conclusions were based on assumptions rather than solid evidence.

BALAJI MEDICAL AND DIAGNOSTIC RESEARCH CENTRE VS DELHI MINORITIES COMMISSION GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI AND ANR. [W.P.(C)-12394/2019]

Judges: Justice Sudhir Kumar Jain

The complaint against the petitioner hospital was quashed due to the excess of statutory powers by the Delhi Minorities Commission in issuing an ex-parte mandatory injunction for continued treatment. It was established that there was no deprivation of minority community rights, as the respondent was treated for injuries from a road accident. Additionally, the respondent's family requested withdrawal of the complaint and a waiver of the remaining medical bill. The matter was addressed in a single judgment.

BHARAT BHUSHAN & ORS. VS ATUL GUPTA [RC.REV.-196/2023]

Judges: Justice Sudhir Kumar Jain

The landlord's requirement for the tenanted shop was deemed not bona fide under Section 14(1)(e) of the Delhi Rent Control Act. Evidence showed that the landlord had previously filed eviction petitions for other shops, which were sold within a year, casting doubt on the claims of a genuine need. Consequently, the order dismissing the tenant's application for leave to defend was set aside, and the case was remanded for further proceedings.

BRAJ BHAN RAHUL & ORS. VS AGRICULTURAL PRODUCE MARKET COMMITTEE & OTHERS [W.P.(C)-8460/2005]

Judges: Justice Sudhir Kumar Jain

The cancellation of the petitioners' 'A' Category licenses for selling fruits and vegetables at the Subzi Mandi, Shakarpur Pushta was upheld. The respondents issued show cause notices citing irregularities in the submitted documents and provided the petitioners a reasonable opportunity to respond before the licenses were cancelled. Appeals by the petitioners were dismissed after their arguments were considered. The cancellation orders were found to be justified, with no issues identified in the decision-making process.

CAPT. KARAN MEHTA VS DIRECTORATE GENERAL OF CIVIL AVIATION AND ORS [W.P.(C)-8826/2020]

Judges: Justice Sudhir Kumar Jain

The suspension of the petitioner's airline pilot license for three years was upheld based on two instances of testing positive for alcohol in pre-flight tests in 2011 and 2020, which constituted a repeat violation under the Civil Aviation Requirements. The procedures followed by the Directorate General of Civil Aviation were deemed proper, and the petitioner was given a fair opportunity to present his case. Claims of violated principles of natural justice were rejected, as relevant facts and submissions were adequately considered. Emphasis was placed on passenger safety, indicating that leniency towards erring pilots is unacceptable due to the serious threats posed by such conduct.

CAPTAIN AMIT TYAGI VS UNION OF INDIA AND ORS. [W.P.(C)-6427/2019]

Judges: Justice Sudhir Kumar Jain

The Directorate General of Civil Aviation (DGCA) suspended the petitioner's airline pilot license for three years due to a positive pre-flight breath analyzer test, violating the zero-tolerance policy for blood alcohol content in the Civil Aviation Requirements (CAR). Calibration issues of the breath analyzer were deemed unfounded, as the equipment met CAR standards, and blood/urine tests were not mandated. The petitioner also breached CAR by not disclosing an alcohol-containing hair treatment to the company doctor. The suspension was justified due to safety concerns for passengers and past violations, leading to the dismissal of the petition as lacking merit.

CHET RAM SHARMA (DECEASED) THROUGH LR AND ORS VS UNION OF INDIA AND ANR [LA.APP.-78/2022]

Judges: Justice Sudhir Kumar Jain

The acquired land was classified for commercial use within the Nehru Place District Centre, supported by a DDA letter. The appellants were entitled to higher compensation due to the land's location and potential, receiving Rs. 1,12,500 per square yard after a 10% deduction for development costs, along with additional statutory benefits. The appeal was partially successful.

DHEERAJ WADHAWAN VS CBI [BAIL APPLN.-2040/2024]

Judges: Justice Sudhir Kumar Jain

Dheeraj Wadhawan, facing charges in a CBI case related to DHFL fraud, is granted bail on medical grounds due to serious health issues, including ischemic heart disease, chronic kidney disease, and hypertension. Multiple surgeries have resulted in his classification as a "sick person," despite not requiring immediate hospitalization. The bail application considers his medical condition and the lengthy trial delay, and it includes certain conditions for his release.

VINEET MALU VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-6100/2023]

Judges: Justice Sudhir Kumar Jain

The FIR, chargesheet, and related proceedings against Dr. Harshita Malu, Vineet Malu, and Vikas Malu were quashed based on findings that the allegations lacked credible evidence and were improbable. The allegations were deemed to have been maliciously instituted due to matrimonial discord with Vikas Malu, justifying the prevention of abuse of court process.

DR.JEEVAN KUMAR VS PRABHAKANT [CRL.REV.P.-504/2012]

Judges: Justice Sudhir Kumar Jain

The prosecution initiated by the Enforcement Directorate under the Prevention of Money Laundering Act cannot continue against the petitioner because the co-accused Dr. Jeevan Kumar was acquitted by the trial court, a judgment that remains unchallenged. Acquittal or discharge of the scheduled offense negates any money laundering offense against the individual or related claimants. The impugned order against the petitioner is set aside, and the ECIR and consequential proceedings are quashed, allowing for the possibility of future proceedings if circumstances change or the Supreme Court reaches a final decision in an ongoing matter.

HARISH KUMAR & ANR VS VIJAY KUMAR AGGARWAL & ANR [RC.REV.-69/2018]

Judges: Justice Sudhir Kumar Jain

The eviction order favoring the landlords was upheld due to proper service of summons to the tenants, which included publication in a local newspaper. The tenants did not file an application for leave to defend the eviction petition nor submit an affidavit stating their grounds for defense. Thus, the landlords' statements in the eviction petition were considered admitted, allowing for the eviction. No issues were found in the trial court's decisions.

HINDON MERCANTILE LIMITED VS THE GOVERNMENT OF INDIA AND ANOTHER [W.P.(C)-1804/2021]

Judges: Justice Sudhir Kumar Jain

The cancellation of the Certificate of Registration (CoR) for Hindon Mercantile Limited by the Reserve Bank of India was set aside, and the matter was remanded for fresh consideration. The petitioner met the minimum Net-Owned Fund (NOF) requirement of Rs.200 lakhs prior to the cancellation. The Reserve Bank of India must decide on the restoration of the CoR based on existing guidelines and communicate the outcome to the petitioner in a timely manner.

M/S BIOSHIELD LIFESCIENCES PRIVATE LIMITED & ORS. VS GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-1871/2024]

Judges: Justice Sudhir Kumar Jain

The order dated 31.01.2024 from the Directorate General of Health Services (DGHS) is invalid as it constituted an improper blacklisting of the petitioner distributors, given that tender terms specified blacklisting provisions only for manufacturers/suppliers. The DGHS failed to adhere to principles of natural justice by not issuing a show-cause notice or allowing a hearing before stopping payments to the petitioners. The order was quashed, permitting DGHS to take proper action in the future after following due process.

HXXX VS GOVT. OF NCT OF DELHI & ORS [W.P.(C)-786/2019]

Judges: Justice Sudhir Kumar Jain

The petitioner is entitled to reimbursement of Rs. 1,41,969 for medical treatment at a private hospital, attributed to the negligence of doctors at BJRM and LNJP government hospitals. Additionally, the petitioner receives Rs. 1,50,000 for trauma and pain resulting from the negligence. The total payment of Rs. 2,91,969 must be made by the Government of NCT of Delhi within 4 weeks, with a 9% simple interest per annum applicable for delays.

JAYASWAL NECOM INDSUTRIES LTD. & ANR. VS UOI & ORS. [W.P.(C)-78/2009]

Judges: Justice Sudhir Kumar Jain

The denial of iron ore supply by Steel Authority of India Limited (SAIL) to Jayaswal Necom Industries Ltd. was deemed invalid due to a failure to honor prior commitments. The reservation of the Rowghat 'F' block deposits for SAIL was based on the understanding that it would supply iron ore to the petitioner. SAIL's refusal violated principles of promissory estoppel. Arguments that the communications regarding supply commitments were non-binding and that public interest did not favor relief were rejected. SAIL was ordered to supply 1.6 million tonnes of iron ore per year for 30 years at cost plus 5%, with a requirement for the Ministry of Mines and the State of Chhattisgarh to impose appropriate conditions in SAIL's mining lease.

JEEVAN KUMAR VS DY. DIRECTOR DIRECTORATE OF ENFORCEMENT [CRL.M.C.-5229/2013]

Judges: Justice Sudhir Kumar Jain

The complaint by the Directorate of Enforcement against the petitioner under the Prevention of Money Laundering Act cannot be sustained due to the acquittal of the main accused in the predicate offense. If a person is acquitted of the scheduled offense, there can be no money laundering charge against them or those claiming related property. The Enforcement Case Information Report filed by the ED and all consequential proceedings have been quashed, but the ED has the option to initiate new proceedings if circumstances change or based on future Supreme Court decisions on the matter.

K.C. FIBERS LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-7886/2013]

Judges: Justice Sudhir Kumar Jain

K.C. Fibers Limited is ineligible for the interest reimbursement subsidy under the Technology Upgradation Fund Scheme (TUFS) for imported second-hand projectile shuttleless looms. The TUFS guidelines at the time of the loan sanction required a maximum vintage life of 5 years and a minimum residual life of 10 years. Although the IMSC later increased the vintage life eligibility to 10 years, this change applied only from the date of the IMSC meeting and not retroactively to the loan disbursement date. The rejection of the subsidy claim was justified.

KISHAN KUMAR & ANR VS VIJAY KUMAR AGGARWAL & ANR [RC.REV.-70/2018]

Judges: Justice Sudhir Kumar Jain

Service of summons on the petitioners/tenants through publication in "Veer Arjun" was deemed valid under Section 25B of the Delhi Rent Control Act, 1958, as it followed the mandatory service methods. The petitioners were properly served but did not file an application for leave to defend within the required timeframe, leading to the landlords' statements in the eviction petition being accepted as admitted. This resulted in the trial court's decision to pass the eviction order in favor of the landlords. The revision petition by the petitioners was dismissed due to the absence of any identified flaws in the trial court's orders.

M/S ANANT RAJ PROJECTS LTD VS UNION OF INDIA & ANR [LA.APP.-255/2016]

Judges: Justice Sudhir Kumar Jain

The Land Acquisition Collector (LAC) and the reference court undervalued the market value of the appellant's land acquired for a Mass Rapid Transit System project. The fair market value was set at Rs. 65,000 per sq. meter, with a multiplier of 2 according to circle rates. The appellants received additional statutory benefits and proportionate costs. The assessment considered the land's location, nature, potential uses, and sale transactions of comparable properties, leading to enhanced compensation.

M/S G D SEIGELL & CO PVT LTD VS SWARN NIJHAWAN & ORS [RC.REV.-491/2019]

Judges: Justice Sudhir Kumar Jain

The respondents demonstrated ownership and a landlord-tenant relationship with the petitioner concerning the tenanted premises. A bona fide need for the premises was established due to the medical condition of respondent no. 1 and the requirements of the other respondents. The petitioner's application for leave to defend the eviction petition was dismissed, as no triable issues were raised, resulting in an order for the petitioner's eviction.

M/S NEW HORIZONS ASPHALT PRIVATE LIMITED VS THE CHIEF COMMISSIONER OF CUSTOM AND ANR. [W.P.(C)-10336/2019]

Judges: Justice Sudhir Kumar Jain

M/s New Horizons Asphalt Private Limited's imported rubber process oil was detained due to non-compliance with relevant testing rules and inadequate communication of test results. The petitioner was not given the chance to request re-testing. The detained goods must be released within four weeks upon payment of applicable customs duties and charges. The detention did not conform to established regulations.

MAHAVEER PRASAD VS STATE NCT OF DELHI [CRL.REV.P.-585/2007]

Judges: Justice Sudhir Kumar Jain

The petitioner was convicted under Sections 279/304A IPC and Sections 3/181/185 of the Motor Vehicles Act for causing the death of the deceased due to rash and negligent driving of his motorcycle. Testimony from the complainant, the son-in-law of the deceased, was deemed credible against defense claims that a police gypsy caused the accident. Medical evidence and other circumstances corroborated the prosecution's argument. The sentence was modified to the period already served, taking into account the petitioner's status as a first-time offender and sole breadwinner for his family.

MS. G VS UNION OF INDIA THROUGH ITS SECRETARY & ORS. [W.P.(CRL)-3320/2023]

Judges: Justice Sudhir Kumar Jain

The non-consensual explicit video of a 19-year-old social media influencer, recorded without her knowledge, violated her rights and dignity. The video was used for blackmail and leaked online. A comprehensive legal framework exists for addressing non-consensual intimate imagery (NCII), including provisions under the IT Act and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. The state police and intermediary platforms like Google, Meta, and Microsoft are directed to work together to swiftly remove the content and prevent its further dissemination. A multi-layered approach is encouraged for effectively tackling such issues, and the petitioner can notify authorities of additional URLs for action. Intermediaries must act promptly to take down the content.

OM PRAKASH ASHOK KUMAR & SONS VS SHRI AJAY KHURANA [RC.REV.-284/2023]

Judges: Justice Sudhir Kumar Jain

The revision petition filed by the tenant challenging the eviction order is not maintainable, as the landlord has regained possession of the tenanted premises during the petition's pendency. Previous decisions indicate that once possession is taken by the landlord, the petition becomes infructuous and must be dismissed. The tenant's reliance on a separate Supreme Court judgment related to a money decree is considered inapplicable to the rent control issue. The revision petition is dismissed as infructuous.

OM PRAKASH VS SMT. MEENU GUPTA & ORS. [RC.REV.-285/2022]

Judges: Justice Sudhir Kumar Jain

The relationship of landlord and tenant exists between the petitioner and respondents, with the respondents having a bona fide requirement for the tenanted premises. The respondents became the absolute owners of the property through an oral family partition after Anil Kumar Gupta's death. The petitioner's claims regarding ownership and the landlord-tenant relationship were rejected. The respondents' need to accommodate their unemployed son was deemed genuine, and the petitioner could not dictate the use of the property. Consequently, the petitioner was directed to vacate the tenanted premises.

PANKAJ GOEL VS STATE (THROUGH CBI) [CRL.A.-1202/2015]

Judges: Justice Sudhir Kumar Jain

The conviction of Pankaj Goel for criminal conspiracy, cheating, and corruption was set aside due to insufficient evidence establishing a conspiracy with co-convict C.B. Singh and contractor Arun Kumar Bansal. As a junior engineer, Goel was not responsible for verifying the invoices submitted by the contractor, which was the contractor's sole responsibility. The appeal was allowed, and the judgment and sentence against Goel were annulled, without addressing the merits of the case against C.B. Singh.

PARMOD GUPTA VS STATE & ANR [CRL.M.C.-1278/2019]

Judges: Justice Sudhir Kumar Jain

Puran Mal Gupta and Pramod Gupta were not liable for criminal trespass and theft concerning a specific premise. Usha Rani Sethi, the licensee, had permitted them to occupy the premise, highlighting the difference between unauthorized occupancy and criminal trespass. Consequently, charges against them were dismissed.

PMI ELECTRO MOBILITY SOLUTIONS PVT.LTD VS CONVERGENCE ENERGY SERVICES LIMITED & ANR. [W.P.(C)-9061/2024]

Judges: Justice Sudhir Kumar Jain

The respondent's communication canceling the bids and invoking the petitioner's EMDs lacked reasons and violated the principles of natural justice. The impugned communication was set aside, and the respondent was directed to issue a reasoned order after allowing the petitioner an opportunity to be heard.

PRAKASH KAUR & ANR VS STATE (GOVERNMENT OF NCT DELHI) & ANR) & ANR [W.P.(C)-6380/2018]

Judges: Justice Sudhir Kumar Jain

Ex-gratia compensation of Rs. 8.5 lakhs for the death of Manjeet Kaur is to be distributed equally between the two petitioners, despite a previous settlement agreement that allocated the compensation in a 1:3 ratio to the petitioners' deceased brother and his two children. The respondents are instructed to release the compensation to the petitioners in equal amounts within one month, pending completion of necessary formalities.

PUTZMEISTER INDIA PRIVATE LIMITED & ORS VS UNION OF INDIA & ORS [W.P.(C)-8148/2010]

Judges: Justice Sudhir Kumar Jain

The grant of ex-post facto approval for respondent no. 5's investment in respondent no. 6 violated principles of natural justice due to a change in the committee's composition between the hearing and the final decision, without offering a fresh hearing to the parties. A reconstitution of the committee with the original members is required to hear the parties again and make a decision on the proposal, free from previous recommendations.

RAGHUVINDER SINGH VS PRABHAKANT [CRL.REV.P.-505/2012]

Judges: Justice Sudhir Kumar Jain

Prosecution under the Prevention of Money Laundering Act (PMLA) against the petitioner cannot continue because the co-accused in the predicate offense was acquitted, a judgment that remains unchallenged. If an individual is acquitted of the scheduled offense, no money laundering offense exists against them or anyone claiming property linked to that offense. The order framing charges against the petitioner has been set aside, and the Enforcement Directorate may initiate proceedings if circumstances change or based on a final decision in a related pending Special Leave Petition.

RAJ KUMAR SINGH VS VEENA GUPTA ALIAS BEENA GUPTA [RC.REV.-106/2024]

Judges: Justice Sudhir Kumar Jain

The petitioner's challenge to the trial court's dismissal of his application for leave to defend an eviction petition was successful. It was identified that the petitioner was not properly served with the summons because the eviction petition was not published along with it. The petitioner raised issues that warranted consideration, leading to the acceptance of the delay in filing the leave to defend application. The trial court was directed to decide on the application independently within 3 months.

RAJHANS REALTORS PVT LTD VS RAJINDER KUMAR GOYAL & ANR [RC.REV.-557/2018]

Judges: Justice Sudhir Kumar Jain

The eviction petition was reinstated due to the landlord's genuine and bona fide need for the larger tenanted premises for a growing jewelry business. The suitability of the premises, located on the main market road, was determined to be preferable to the current smaller space. The previous judgment was criticized for being unreasoned and overly influenced by prior orders. An eviction order was issued in favor of the landlord.

RAJIV CHANNA VS DY.DIRECTOR, DIRECTORATE OF ENFORCEMENT [CRL.M.C.-1622/2013]

Judges: Justice Sudhir Kumar Jain

If an accused in a predicate offence is acquitted or the case is quashed, there can be no money laundering offence under Section 3 of the Prevention of Money Laundering Act, 2002. Consequently, the Enforcement Case Information Report and related proceedings against the petitioner were quashed.

RAJIV CHANNA VS PRABHAKANT , DIRECTORATE OF ENFORCEMENT [CRL.REV.P.-438/2012]

Judges: Justice Sudhir Kumar Jain

The complaint by the Enforcement Directorate (ED) and related proceedings were invalidated because co-accused Dr. Jeevan Kumar was acquitted in the predicate offence, and this judgment remains unchallenged. Following precedent, if a person is acquitted of the scheduled offence, there can be no money laundering charge against them or associated claims. The order was set aside, and the ECIR proceedings against the petitioner were quashed, although the ED may revive the complaint if circumstances change or in light of a related Supreme Court decision.

RANDHIR SINGH AND ORS VS UNION OF INDIA & ANR. [LA.APP.-265/2024]

Judges: Justice Sudhir Kumar Jain

The acquired land was classified as semi-urban due to its proximity to developed residential and commercial areas, rather than purely agricultural. Reliance on nearby sale deeds and allotment rates by landowners was rejected. The compensation based on the government's Indicative Price Policy was deemed inadequate. The market value was assessed at Rs. 35,00,000 per acre, leading to enhanced compensation for the landowners along with other statutory benefits.

SACHIN SOLANKI VS UNION OF INDIA [W.P.(C)-7952/2014]

Judges: Justice Sudhir Kumar Jain

The Director General of Civil Aviation (DGCA) justified the rejection of the petitioner's request for exemptions to obtain a Commercial Pilot License (CPL) on the grounds that only the Central Government can grant such exemptions under Rule 160 of the Aircraft Rules, 1937. The petitioner was permanently unfit for flying in 2007 due to an abnormal EEG and was only declared medically fit in 2012; however, he still did not meet the other CPL requirements under the Aircraft Rules. The DGCA reviewed the petitioner's representations and issued a reasoned order that was neither arbitrary nor illegal, leading to the dismissal of the writ petition.

STATE VS NARESH YADAV [CRL.REV.P.-94/2017]

Judges: Justice Sudhir Kumar Jain

The trial court discharged Naresh Yadav from an offense under Section 376 IPC (rape) due to contradictions and gaps in the complainant's statements, along with a lack of corroborative evidence. The investigation record did not provide sufficient grounds to presume Yadav committed the offense, making the discharge order justified.

SANJAY GUPTA VS PRABHAKANT DIRECTORATE OF ENFORCEMENT GOVT. OF INDIA [CRL.REV.P.-429/2012]

Judges: Justice Sudhir Kumar Jain

The prosecution initiated by the Enforcement Directorate against the petitioner under the Prevention of Money Laundering Act, 2002, is not sustainable due to the acquittal of co-accused Dr. Jeevan Kumar in the predicate offence. According to established legal precedent, if a person is acquitted of the scheduled offence, no money laundering offence can be pursued against them or anyone claiming such property. The order framing charges against the petitioner has been set aside, and the proceedings have been quashed, although the Enforcement Directorate may initiate appropriate proceedings if circumstances change or pending decisions arise on the matter.

SH. GIRDHARI LAL TIWARI VS GOVT. OF NCT OF DELHI [W.P.(C)-5471/2018]

Judges: Justice Sudhir Kumar Jain

The respondent government followed due process in declaring the petitioner's property as heritage property, which included publishing public notices and allowing for objections. The petitioner is to receive a personal hearing regarding the delisting of the property from the heritage notification, with a decision to be made within two months. No opinion on the merits of the parties' rights and contentions was expressed.

SHRI BISHAN SINGH (SINCE DECEASED) THROUGH HIS LR SURENDER KUMAR VS PT KANHAIYA LAL BRAHAMCHARI SHIV MANDIR TRUST [RC.REV.-232/2023]

Judges: Justice Sudhir Kumar Jain

The delay in filing an application for leave to defend the eviction petition was condoned due to the tenant's mistaken belief that the eviction petition was an ordinary suit and the previous counsel's health issues. A precedent indicated that eviction orders can be set aside if the tenant demonstrates reasons beyond their control for the delay and presents a substantial case. Consequently, the eviction order was set aside, and the trial court was instructed to decide the tenant's application for leave to defend within two months.

SHRISTI INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED VS AIRPORT AUTHORITY OF INDIA & ORS [W.P.(C)-11422/2019]

Judges: Justice Sudhir Kumar Jain

The order from the Airport Authority of India (AAI) that restricted the maximum height of Tower-II to 105.58 meters AMSL was set aside due to a lack of valid reasons and proper consideration, violating principles of natural justice. The matter was remanded to the AAI for appropriate action, requiring the recording of valid reasons for its decision.

STATE VS RAJESH KUMAR @ RAKESH [CRL.A.-882/2023]

Judges: Justice Sudhir Kumar Jain

The trial court erred by acquitting the respondent due to minor discrepancies in the testimony of the sole eyewitness, the complainant. The testimony, along with documentary evidence, proved that the respondent drove the offending vehicle rashly and negligently, resulting in the death of the deceased and injuries to the complainant. The trial court's judgment was set aside, leading to the respondent's conviction under Sections 279/337/304A IPC.

SUBHASH KUMAR JAIN AND ANR. VS UNION OF INDIA AND ANR. [W.P.(C)-13812/2023]

Judges: Justice Sudhir Kumar Jain

The writ petitions by Vinay Kumar Aggarwal and Subhash Kumar Jain/Urmila Jain were dismissed. The property at nos. 1/12, 1/13, and 1/14 is officially recognized as a single unit by the Land and Development Office (L&DO). The petitioners must apply jointly for conversion from leasehold to freehold in accordance with the Master Plan and regulations. Arguments that the perpetual lease deed from 1931 allowed for individual transfers or compelled the L&DO to convert properties separately were deemed unpersuasive.

SUDERSHAN KUMAR VS SURESH KUMAR GUPTA [RC.REV.-230/2018]

Judges: Justice Sudhir Kumar Jain

The landlord's revision petition was allowed, and the trial court's dismissal of the eviction petition was set aside. The landlord, a qualified dentist, demonstrated a bona fide requirement for the tenanted premises to establish a modern dental clinic with critical care facilities. The need was deemed genuine, as the existing clinic was insufficient and the tenanted premises represented the most suitable option. The trial court's findings lacked proper evidence assessment and were based on conjecture, leading to the approval of the eviction petition.

SUNFLAG IRON & STEEL CO. LTD. VS UOI & ORS. [W.P.(C)-4424/2007]

Judges: Justice Sudhir Kumar Jain

The petitioner's writ petition is maintainable due to the respondents' failure to provide the promised supply of iron ore, constituting an unconscionable departure from assurances, thereby triggering promissory estoppel. A continuous and uninterrupted supply of 2,50,000 metric tons of iron ore per annum is mandated, with SAIL required to make these supplies until appropriate linkage is established by the Union of India. Additionally, an order rejecting the petitioner's application for a prospecting license is set aside, as a prior notification reserving the Rowghat 'F' deposit for SAIL cannot be applied retrospectively to negate the petitioner's rights.

SUNIL KUMAR JAIN VS DINESH BHATIA [RC.REV.-521/2017]

Judges: Justice Sudhir Kumar Jain

The tenant was granted leave to defend against an eviction petition filed by the landlord under Section 14(1)(e) of the Delhi Rent Control Act, 1958 concerning a tenanted shop. The landlord's requirement for the premises appeared to be for business expansion rather than personal use. The tenant raised valid concerns about the landlord's genuine need and alternative accommodations. Previous eviction notices issued by the landlord to other tenants on similar grounds, which were not pursued, were factored into the assessment of the landlord's current claim. The previous dismissal of the tenant's application was overturned, allowing the tenant to contest the eviction petition.

VIJAY KUMAR AND ANR VS UNION OF INDIA & ORS. [W.P.(C)-6461/2018]

Judges: Justice Sudhir Kumar Jain

The trial court erred in partially decreeing the suit of Vijay Kumar and Chaman Lal based on internal departmental communications, which were not deemed specific admissions under Order XII Rule 6 of the Code of Civil Procedure. The factual and legal issues raised by the Union of India and CEPI require deeper judicial consideration, particularly regarding properties claimed as "enemy properties" vested in CEPI. Amendments to the Enemy Property Act, 2017, have retrospective effect and bar civil court jurisdiction over suits related to enemy properties. The trial court's order and decree were set aside, and proceedings in the civil suit are to continue without influence from this decision, while the notice issued by CEPI is stayed until the civil suit's resolution.

YOGENDRA MITTAL VS CENTRAL BUREAU OF INVESTIGATION [CRL.M.C.-6183/2019]

Judges: Justice Sudhir Kumar Jain

The order framing charges against the petitioner under sections 120B IPC and sections 7 and 13(1)(d) of the Prevention of Corruption Act, 1988 was set aside due to insufficient evidence. The material from the investigation, including the accused's disclosure statement, audio/video recordings, and section 164 CrPC statement, did not establish a prima facie case. The statement under section 164 CrPC was deemed weak as the accused withdrew the application to become an approver, leading to the discharge of the petitioner from the charged offences.

YOGESH CHANDER BHARDWAJ VS GOVERNMENT OF NCT OF DELHI & ORS [W.P.(C)-7931/2014]

Judges: Justice Sudhir Kumar Jain

The petitioner, as the successor-in-interest of Harpiari, is not entitled to execute a lease deed for an alternative plot. The recommendation letter dated 05.02.1979 for the allotment of the plot was deemed not credible, as the Land & Building Department denied issuing it and the document showed irregularities. There was insufficient evidence to confirm the authenticity of the recommendation letter, despite its presence in the DDA's records. The writ petition was dismissed.

ZEEL FINCAP SERVICES PRIVATE LIMITED VS THE SECRETARY TO GOVERNMENT OF INDIA MINISTRY OF FINANCE APPELLATE AUTHORITY FOR REGISTRATION & ANR. [W.P.(C)-6391/2020]

Judges: Justice Sudhir Kumar Jain

The orders cancelling the Certificate of Registration (CoR) of Zeel Fincap Services Private Limited were set aside, with a directive to reconsider the restoration of the CoR. The petitioner met the minimum Net Owned Fund (NOF) requirement of Rs. 200 lakhs before the show-cause notice was issued. The matter was remanded for fresh consideration according to existing guidelines and amendments, with a decision on the restoration of the CoR required within 2-3 months.

ADHITHIYA SAIRAM VS UNION OF INDIA AND ORS [W.P.(C)-9029/2024]

Judges: Justice Swarana Kanta Sharma

The Association of Indian Universities (AIU) denied an Equivalence Certificate to the petitioner based on established guidelines, which require foreign qualifications to be obtained through full-time regular study on a university campus. The petitioner completed his 12th grade education through distance learning in the USA, leading to the AIU's valid refusal. AIU's policy decisions on educational equivalence are not subject to interference unless they are arbitrary or unlawful, which was not demonstrated in this case. The writ petition was dismissed.

AFAAQ KHAN VS THE STATE NCT OF DELHI [BAIL APPLN.-774/2024]

Judges: Justice Swarana Kanta Sharma

The bail application of Afaaq Khan was rejected due to the recovery of 300 grams of heroin, classified as a commercial quantity, meeting the stringent conditions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act. Arguments regarding non-compliance with Section 50 and delays in forensic analysis were deemed relevant for trial consideration. Overall circumstances indicated that the conditions for granting bail were not met, leading to the dismissal of the application.

AIMS SANYA DEVELOPERS PVT. LTD. & ORS. VS BRAHAMA INTERNATIONAL LLP [CRL.M.C.-3197/2024]

Judges: Justice Swarana Kanta Sharma

The petition by AIMS Sanya Developers Pvt. Ltd. & Ors. to quash the trial court's order, which rejected their application to recall the complainant for cross-examination, was dismissed. The trial court had provided multiple opportunities for cross-examination, which the accused did not utilize for valid reasons. The engagement of new counsel was deemed an insufficient reason to recall the witness. Overall facts and circumstances indicated that the discretionary power under Section 311 must be exercised judiciously, and the trial court had already been lenient in granting opportunities to the accused.

AJINDRA KUMAR PURI & ORS. VS STATE & ANR. [CRL.M.C.-1710/2004]

Judges: Justice Swarana Kanta Sharma

Petitions by the accused to quash the FIR under Sections 406, 409, 420, 424, and 120B of the Indian Penal Code were dismissed. The allegations in the complaint established a prima facie case for cognizable offences, justifying the FIR registration. The dispute originated from a single MoU, and the determination of its civil or criminal nature requires thorough police investigation. The FIR was not quashed at this stage, aligning with established principles for exercising powers under Section 482 Cr.P.C. The accused are allowed to present their arguments before the trial court during the charge hearing.

AJIT @ PRAVEEN KUMAR MISHRA VS STATE (GNCT OF DELHI) [BAIL APPLN.-387/2024]

Judges: Justice Swarana Kanta Sharma

The bail application of Ajit @ Praveen Kumar Mishra was dismissed due to substantial evidence of his involvement in cyber fraud, including the creation of fake documents, opening bank accounts with forged documents, and withdrawing defrauded money. His prior history of involvement in six similar cheating cases indicated a habitual tendency toward such offenses. The seriousness of the crimes contributed to the decision to deny bail.

AKASH PANDEY VS THE STATE GOVT OF NCT OF DELHI [BAIL APPLN.-217/2024]

Judges: Justice Swarana Kanta Sharma

Akash Pandey, accused of offenses under Sections 302/307/34 IPC and Sections 25/27/54/59 of the Arms Act, was refused regular bail. The investigation is complete, charges have been filed, and the trial court has framed charges. Evidence including CCTV footage and witness statements indicate his involvement in the death of Shubham Srivastava and injuries to others. As the trial progresses to the prosecution evidence stage, the risk of the petitioner influencing witnesses is present, making regular bail inappropriate.

AKHILESH MISHRA VS STATE (THE NCT OF DELHI) [BAIL APPLN.-323/2024]

Judges: Justice Swarana Kanta Sharma

The bail application of Akhilesh Mishra, arrested for impersonating Enforcement Directorate officials and attempting to extort money, was rejected due to strong evidence against him, including phone conversations and CCTV footage. Previous bail was denied in December 2023, and no new circumstances warranted reconsideration. There is concern over the delay in the trial as the FSL report on the evidence is pending. Immediate steps were directed for expediting the FSL report and obtaining voice samples of the accused.

AKSHAY CHAUHAN VS STATE [BAIL APPLN.-3932/2023]

Judges: Justice Swarana Kanta Sharma

The bail application of Akshay Chauhan, charged under Sections 307/201/120-B/34 IPC and Sections 25/27 of the Arms Act for an alleged attempt to murder, was dismissed. Evidence, including CCTV footage, call records, and the recovery of the weapon and vehicle used in the crime, connected him to the incident. The seriousness of the offense and the ongoing trial stage indicated no grounds for granting regular bail at this time.

AMANATULLAH KHAN VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-795/2024]

Judges: Justice Swarana Kanta Sharma

The mandatory twin conditions under Section 45 of the Prevention of Money Laundering Act (PMLA) apply to anticipatory bail applications. Prima facie evidence indicates that the applicant, an MLA, is involved in money laundering by using illegal proceeds from activities related to the Delhi Waqf Board to purchase properties. The applicant failed to comply with multiple summonses from the Directorate of Enforcement, which hinders the investigation and raises suspicions about intentions. Given the severity of the allegations, the incriminating evidence, and the applicant's refusal to participate in the investigation, the anticipatory bail application was dismissed. The observations made were specific to the bail application and do not address the case's merits.

AMANDEEP SINGH DHALL VS CENTRAL BUREAU OF INVESTIGATION [BAIL APPLN.-2229/2023]

Judges: Justice Swarana Kanta Sharma

Amandeep Singh Dhall's bail application was dismissed due to his close association with main conspirator Vijay Nair in an economic offense involving irregularities in the Delhi Excise Policy 2021-22. Evidence indicated Dhall arranged meetings between Nair and liquor manufacturers, issued unauthorized credit notes worth Rs. 4.97 crores to generate illicit cash, and attempted to bribe an investigation officer. These actions raised concerns about potential witness tampering and evidence interference. The severity of the offense and its public impact contributed to the dismissal of the bail application.

AMANDEEP SINGH DHALL VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN. 2093/2023]

Judges: Justice Swarana Kanta Sharma

Mr. Amandeep Singh Dhall is to be transferred to the Indian Spinal Injuries Centre in Vasant Kunj, Delhi, for three weeks to receive specialized treatment. Previous treatment at Safdarjung Hospital was deemed inadequate, and the petitioner's condition, including worsening numbness and loss of sensation in his right hand, requires specialized post-epidural care and cardiovascular examination. The Indian Spinal Injuries Centre must provide a report on the petitioner's medical condition and future treatment plan three days before the end of the three-week period.

AMIT @NITU VS STATE OF NCT OF DELHI [W.P.(CRL)-3634/2023]

Judges: Justice Swarana Kanta Sharma

Amit @ Nitu was granted three weeks of furlough based on satisfactory prison conduct and the absence of habitual offending. The prior rejection of his furlough application due to an adverse police report, without adequate justification, was deemed unjustified. The decision underscores the importance of parole and furlough in helping convicts reconnect with their families and support their mental and physical well-being.

AMIT ARORA VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-2727/2023]

Judges: Justice Swarana Kanta Sharma

The petitioner's application to transfer from RML Hospital to a private hospital for medical treatment was dismissed. Medical reports indicated the petitioner's condition is stable and manageable in Tihar Jail. Claims of inadequate treatment were rejected. A medical board at AIIMS will evaluate the petitioner's health needs to confirm if hospitalization is necessary. The petitioner will return to Tihar Jail with directives for required medical support from jail authorities.

AMIT CHAKRABORTY VS STATE NCT OF DELHI [CRL.M.C.-988/2024]

Judges: Justice Swarana Kanta Sharma

Amit Chakraborty, granted pardon under Section 306 of the Code of Criminal Procedure and recognized as an approver, can be released from judicial custody. The bar under Section 306(4)(b) applies only to Trial Courts, allowing for the exercise of inherent power to release an approver in certain cases. Factors considered include the prosecution's no objection, Chakraborty's medical condition, and provisions of Section 308. His release is contingent on furnishing a personal bond and adhering to specified conditions.

AMIT GULIA @ ANDAL VS STATE OF NCT OF DELHI [W.P.(CRL)-1896/2023]

Judges: Justice Swarana Kanta Sharma

Amit Gulia is entitled to parole to file a Special Leave Petition against his conviction, meeting the eligibility criteria under the Delhi Prison Rules. The right to file an SLP is essential and cannot be denied. However, since co-convict Bharat Bhardwaj has already been granted parole, Gulia will be released on parole for 4 weeks after Bharadwaj surrenders, subject to specific conditions.

ANAVADYA. V VS UNION OF INDIA & ORS. [W.P.(C)-8605/2024]

Judges: Justice Swarana Kanta Sharma

The petitioner's challenges to the answer key for question numbers 33 and 125 in the NEET (UG)-2024 exam were not accepted. Judicial precedents establish a limited scope of review for answer keys in competitive exams, emphasizing reliance on subject expert opinions provided by the National Testing Agency (NTA). The NTA confirmed the correctness of the disputed questions and answers. Without evidence of a clear error, re-evaluation was not warranted. Additionally, the finalized results and counseling schedule made it inappropriate to disturb the process without sufficient grounds. The writ petition was dismissed.

ANIL KUMAR SHARMA VS STATE [CRL.A.-584/2009]

Judges: Justice Swarana Kanta Sharma

Anil Kumar Sharma's conviction under Sections 308/34 of the IPC was upheld, but his sentence was reduced to the 23 days already served due to the incident occurring 17 years prior and his subsequent law-abiding behavior. An additional fine of Rs. 10,000 was imposed, to be deposited in the Delhi High Court Lawyers' Library Fund.

ANUJ VS STATE OF NCT OF DELHI [BAIL APPLN.-1390/2024]

Judges: Justice Swarana Kanta Sharma

Anuj was denied bail after being arrested and charged with possession of a commercial quantity of ganja under the NDPS Act. Evidence, including vehicle registration, WhatsApp chats, and location data, connected him to the seized drugs. The prosecution met the procedural requirements for the recovery and handling of the drugs. The assessment concluded that there were not reasonable grounds to believe Anuj was not guilty, as required for bail under Section 37 of the NDPS Act.

ANUKRITI ARYA VS UNIVERSITY OF DELHI (THROUGH VICE CHANCELLOR & ORS. [W.P.(C)-11616/2024]

Judges: Justice Swarana Kanta Sharma

The petition challenging the inclusion of widows and wards of para-military and police personnel in the "Children/Widows of Personnel of the Armed Forces (CW)" reservation category for MBBS/BDS admissions was dismissed. The reservation policy is based on directives from the Ministry of Defence and the Ministry of Home Affairs, and any conflicts between these policies are not subject to adjudication. No specific communication from the Ministry of Home Affairs was challenged. The absence of prima facie illegality in the policy and the risk of disrupting the admission process due to the delayed challenge supported this decision, particularly since the policies have been consistently upheld over multiple academic sessions.

ANUP BHENGRA @CHOTU VS THE STATE GOVT OF NCT OF DELHI [BAIL APPLN.-2216/2023]

Judges: Justice Swarana Kanta Sharma

Bail was denied to the accused due to serious allegations of sexual assault and human trafficking involving a minor victim. The victim experienced profound psychological trauma and could not testify. Delays in testimony were not considered valid grounds for bail, as releasing the accused would undermine the importance of protecting the victim and pursuing justice in such cases.

ARADHANA VS THE STATE (GOVT. OF NCT OF DELHI) [CRL.REV.P.-596/2024]

Judges: Justice Swarana Kanta Sharma

The trial court's order framing charges against Aradhana under Sections 328/34 IPC and Sections 21/12 POCSO Act lacked sufficient reasoning. It was emphasized that the trial court must apply judicial scrutiny to the material and provide brief reasons for its prima facie view on the charges. The matter has been remanded for fresh arguments and a reasoned order on the charges to be issued within one month, as the initial order did not discuss the basis for framing the charges.

ARIF KHAN VS THE STATE AND ANR [W.P.(CRL)-1064/2023]

Judges: Justice Swarana Kanta Sharma

The FIR against Mr. Arif Khan was quashed due to the severe impact on the couple and their two children. There were discrepancies regarding the age of the complainant, Ms. 'A', and a lack of authentic evidence of her minority. Ms. 'A' confirmed her consensual relationship with Mr. Khan and stated she was 18 at the time of the incident. The existence of the couple's long-standing marriage and the well-being of their children contributed to the decision to quash the FIR.

ARUN KUMAR JAIN VS PADAM CHAND JAIN [TR.P.(C.)-52/2024]

Judges: Justice Swarana Kanta Sharma

The transfer petition by Arun Kumar Jain to consolidate civil suit CS No. 872/2023 with CS (OS) No. 635/2019 was dismissed. The two suits involve different subject matters and parties, with the prior suit concerning multiple properties and at the pleadings stage, while the subsequent suit focuses on a specific portion of one property and is at the evidence recording stage. Consolidating the suits was deemed inappropriate due to potential complications and prejudicing the parties' rights. The outcome of the subsequent suit would not impact the rights in the prior suit.

ARUN RAMCHANDRAN PILLAI VS CENTRAL BUREAU OF INVESTIGATION [CRL.M.C.-3192/2024]

Judges: Justice Swarana Kanta Sharma

Arun Ramchandran Pillai will have access to materials related to the supplementary chargesheet against co-accused Smt. K. Kavitha before facing charge arguments, as his allegations are linked to her alleged conspiracy. The CBI must file the supplementary chargesheet by June 10, 2024, and provide copies to all accused, including Pillai, to facilitate arguments based on complete materials. A timeline for expedited trial proceedings has been established, aiming for completion within 6-8 months.

ARVIND KEJRIWAL VS DIRECTORATE OF ENFORCEMENT [W.P.(CRL)-985/2024]

Judges: Justice Swarana Kanta Sharma

Arvind Kejriwal's arrest by the Directorate of Enforcement under the Prevention of Money Laundering Act was upheld, with compliance to the mandatory provisions of Section 19 confirmed. The remand order issued on 22.03.2024 was deemed valid and reasoned. Arguments regarding witness statements and the timing and necessity of the arrest were dismissed as matters for the trial court. The writ petition was dismissed, clarifying that no opinion on the trial's merits was expressed.

ARVIND KEJRIWAL VS STATE & ANR [CRL.M.C.-6347/2019]

Judges: Justice Swarana Kanta Sharma

Retweeting defamatory content constitutes publication and attracts liability under Section 499 of the Indian Penal Code. The reach and influence of the person retweeting play a significant role in assessing the harm to the complainant's reputation. A balance between freedom of speech and protection of individual reputation is necessary, particularly when a public figure with a large following is involved. A challenge to a summoning order was dismissed due to sufficient evidence for the offence of defamation.

ARVIND VS STATE NCT OF DELHI [BAIL APPLN.-1664/2024]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application of accused Arvind was dismissed in a case involving Sections 302/323/34 of the Indian Penal Code. Witness statements and CCTV footage implicated Arvind in a murder offense, necessitating custodial interrogation as the investigation remains in its early stages. The seriousness of the offense, resulting in a death, influenced the decision against granting bail.

ASHOK KUMAR VS STATE OF NCT OF DELHI [W.P.(CRL)-3063/2023]

Judges: Justice Swarana Kanta Sharma

Ashok Kumar was granted a 3-week furlough despite convictions under Section 376(2) of IPC and Section 6 of POCSO Act. He met the eligibility criteria under the Delhi Prison Rules 2018 by serving over 3 years, maintaining an unblemished jail record, and not misusing emergency parole. The furlough aims to support his family and social ties, aiding in rehabilitation and reintegration into society. The previous rejection of his furlough application was set aside, and his release was directed under specific conditions.

ASHOK KUMAR VS THE STATE N.C.T OF DELHI [BAIL APPLN.-1023/2024]

Judges: Justice Swarana Kanta Sharma

The bail application of Ashok Kumar, charged under Sections 326A/392 of the Indian Penal Code for an alleged acid attack, was dismissed due to the serious nature of the allegations. While the required medical facility is available at DDU Hospital, Ashok was directed to be admitted to GB Pant Hospital for two weeks under judicial custody, with all medical expenses to be borne by him.

ASHUTOSH SHARMA VS STATE THR. CBI [CRL.A.-607/2011]

Judges: Justice Swarana Kanta Sharma

The appellant is eligible for passport renewal despite a pending criminal appeal, having received permission for past renewals and remaining on bail for over 13 years without any adverse reports. Given these circumstances, there are no grounds to deny the requested relief, and the passport office is directed to renew the passport according to applicable rules.

ATS INFRASTRUCTURE LIMITED & ORS. VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-3729/2023]
Judges: Justice Swarana Kanta Sharma
The FIR against the petitioners for criminal breach of trust and cheating remains valid as the investigation is in its early stages. A preliminary inquiry indicated prima facie evidence, and the existing material, including agreements and a status report, supports the continuation of the investigation. No opinion on the merits of the case has been provided, and the petitions to quash the FIR have been dismissed.

ATS REAL ESTATE BUILDERS PRIVATE LIMITED VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-3728/2023]
Judges: Justice Swarana Kanta Sharma
Petitions by accused companies and individuals to quash an FIR for offences under Sections 406, 409, 420, and 120B of the Indian Penal Code were dismissed. The investigation is at an early stage, and the allegations indicate prima facie cognizable offences. The power to quash should be exercised sparingly, and criminal proceedings should proceed without interruption at this initial stage. The police are permitted to continue their investigation without any comment on the case's merits.

AZIM KHAN VS STATE NCT OF DELHI [W.P.(CRL)-858/2024]
Judges: Justice Swarana Kanta Sharma
Azim Khan, convicted and sentenced to life imprisonment for murder, was granted a 3-week parole after more than 9 years of incarceration. Considerations included his need to arrange his daughter's college admission following his wife's passing, as his elder brother refused to care for her. Despite concerns regarding his previous conduct, the decision recognized the significance of parole for the rehabilitation and reintegration of long-term inmates.

BABBAN GIRI VS STATE OF NCT OF DELHI & ORS. [CRL.M.C.-2564/2021]
Judges: Justice Swarana Kanta Sharma
Bail granted to the accused persons in 2020 cannot be cancelled without evidence of supervening events or overwhelming circumstances that could impede a fair trial. Allegations made by the complainant were found unsubstantiated, and there was no proof of abuse of bail. The complainant may approach the Witness Protection Committee if threatened, and the police are directed to act promptly on such complaints.

BABY AAYAT (MINOR) THROUGH MOTHER MS. TANZEEM KHAN VS GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI AND ANR [W.P.(C)-10649/2024]
Judges: Justice Swarana Kanta Sharma
The petition by a 6-year-old child for admission under the EWS/DG category was dismissed due to the requirement that the income certificate must be from the child's parents, not grandparents. Allowing grandparents' income certificates would contradict the policy's intent to assist children from economically weaker families. The petitioner was advised to apply again using the father's income certificate, which was obtained after the initial petition.

BABY GITIKA RAWAT VS THE SOVEREIGN SCHOOL & ANR. [W.P.(C)-2033/2024]
Judges: Justice Swarana Kanta Sharma
Baby Gitika Rawat was not granted admission to the respondent school for the 2023-2024 academic session due to a waiver from the Directorate of Education, allowing the school to forgo filling backlog EWS seats after fulfilling its admission obligations. With the academic year concluded and no interim order securing her a seat, she could not be admitted. The Directorate of Education was directed to facilitate her admission in a nearby government school for the current year, and she was advised to

apply for the draw of lots for the next academic session.

BABY ISHITA RAWAT VS ADARSH PUBLIC SCHOOL & ANR. [W.P.(C)-11191/2024]

Judges: Justice Swarana Kanta Sharma

Denying admission to Baby Ishita Rawat at Adarsh Public School due to a clerical error in her application form would result in a grave miscarriage of justice. She was otherwise eligible for admission under the EWS category, having been allotted the school through a computerized draw of lots. The Directorate of Education, GNCTD, is required to correct the clerical mistake in her admission form within 15 days of her application, and the school must grant her admission immediately upon correction. Additionally, the Director of Education is encouraged to consider framing guidelines to address clerical errors in admission forms.

BABY KRUTIKA SHARMA THROUGH HER FATHER VASUDEV SHARMA VS GOVT OF NCT OF DELHI & ORS. [CM APPL.-37909/2024]

Judges: Justice Swarana Kanta Sharma

The petitioner, a student under the EWS/DG category, faced wrongful ousting from Class II due to a dispute between the respondent school and the Directorate of Education over grants for EWS students. The dispute did not involve the petitioner. Interim relief was granted for her continuation in studies, with direction for the Directorate of Education to ensure her enrollment. Notice was issued to the respondents for their response.

BABY RISHIKA (MINOR) THROUGH HER MOTHER MS. MANJU VIMAL GOHERA VS GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI AND ANR [W.P.(C)-12066/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition filed by a minor child for school admission for the 2023-24 academic year was dismissed as the child approached after the year had ended, and no interim orders were issued. The petitioner's right to admission for that year expired. The Directorate of Education was directed to ensure admission in a nearby government school and advised to apply for the next academic session's draw of lots.

BAL KISHAN & ORS. VS STATE [CRL.A.-658/2009]

Judges: Justice Swarana Kanta Sharma

The conviction of the appellants under Sections 323/34 of the Indian Penal Code was upheld, affirming the trial court's decision. The trial court had ordered probation for one year and a collective compensation of Rs. 25,000 to the victim without imposing a fine. With the probation period expired and one appellant deceased, the remaining appellants were directed to deposit the compensation amount with the trial court within two weeks for disbursement to the victim. The appeal was resolved accordingly.

BANWARI CHATURVEDI VS STATE OF NCT OF DELHI [CRL.M.C.-911/2024]

Judges: Justice Swarana Kanta Sharma

The condition of depositing Rs. 17.60 lakhs for bail imposed on Banwari Chaturvedi was deemed inappropriate. The petitioner had expressed willingness to deposit a lesser amount previously. The bail order was modified to grant interim bail for 2 months without the higher deposit requirement. Instead, the petitioner was instructed to deposit Rs. 6.10 lakhs within that period to secure regular bail.

BHARAT BHARDWAJ @ NIKKU VS STATE [W.P.(CRL)-1736/2023]

Judges: Justice Swarana Kanta Sharma

Bharat Bhardwaj was granted 4 weeks of parole to file a Special Leave Petition (SLP) before the Supreme Court following the dismissal of his criminal appeal. He met the criteria for parole under the Delhi Prison Rules due to satisfactory conduct over the past year. Although convicted of multiple murders, which typically warrants denial of parole, the opportunity to file an SLP was deemed a crucial legal remedy. The decision also considered his long period of incarceration and satisfactory conduct in the last two years, with parole granted under certain conditions.

BHARAT JAINA VS STATE NCT OF DELHI [CRL.A.-1/2024]

Judges: Justice Swarana Kanta Sharma

The appellant's conviction for kidnapping under Sections 363 and 366 of the Indian Penal Code was upheld, while the convictions for rape under Section 376 IPC and aggravated penetrative sexual assault under Section 6 of the POCSO Act were modified to attempt offenses. The prosecution proved the elements of kidnapping through consistent testimonies, but medical evidence did not establish actual penetration. The case was classified as an attempt for the other offenses, and the matter was sent back for sentencing and adjustment of compensation for the victim child.

BHAWNA GROVER VS STATE GOVT OF NCT OF DELHI & ORS. [CRL.M.C.-2437/2023]

Judges: Justice Swarana Kanta Sharma

The orders regarding charge and witness examination in a domestic violence case were partially set aside. The trial court improperly discharged two prosecution witnesses without valid reasons and did not allow the examination of the initial investigating officer despite a request from the prosecution. The trial court was directed to recall these witnesses for examination. However, the discharge of two accused persons was upheld, with no issues identified.

BHEEMSEN VS STATE (GOVT. NCT OF DELHI) & ANR. [BAIL APPLN.-727/2024]

Judges: Justice Swarana Kanta Sharma

Bheemsen was granted bail in a case involving Sections 376/506/174A of the Indian Penal Code and Sections 4/5/6 of the POCSO Act. The victim's daughter turned hostile during cross-examination and did not support the prosecution's case. Given the circumstances, bail was granted on the condition of furnishing a personal bond and other requirements.

BHUMIKA AGGARWAL VS I.C.P.S. (THE INSTITUTE OF CONSTITUTIONAL & PARLIAMENTARY STUDIES) & ORS. [W.P.(C)-7523/2017]

Judges: Justice Swarana Kanta Sharma

The Institute of Constitutional & Parliamentary Studies (I.C.P.S.) did not declare the petitioner's result for the PG Diploma in Constitutional Law due to zero attendance and failure to submit a required medical certificate, despite a written undertaking to do so. This decision aligned with the institute's policies, which prohibited other students with low attendance from taking the exam. The writ petition was dismissed as there was no violation of fundamental rights justifying extraordinary jurisdiction under Article 226 of the Constitution.

BIBEK SINGH MEHTA VS STATE OF NCT DELHI & ANR. [CRL.M.C.-2116/2024]

Judges: Justice Swarana Kanta Sharma

The FIR against Bibek Singh Mehta for offenses under Sections 406/420/120B of the Indian Penal Code was partially quashed, as all victims amicably settled the dispute and received 30% from the partnership firm. The settlement was voluntary, and continuing the proceedings would cause further conflict. The FIR was quashed only for Mehta, while the trial against other accused continues. The concerned authority was directed to release Mehta's passport immediately.

BIBHAV KUMAR VS STATE OF NCT OF DELHI [W.P.(CRL)-1827/2024]

Judges: Justice Swarana Kanta Sharma

The petition challenging the petitioner's arrest is maintainable due to the enforcement of fundamental rights under Articles 21 and 22 of the Constitution, despite the existence of an alternative remedy. The petitioner raised issues of non-compliance with Section 41A of the Code of Criminal Procedure, along with challenges to the manner of arrest and allegations of malafide actions by the police. The earlier rejection of these issues by the Magistrate was not contested in the Sessions Court. The matter has been flagged for further hearing, and the State has been directed to file a response.

BIJENDER@VISHNU VS STATE OF NCT OF DELHI [W.P.(CRL)-3015/2023]

Judges: Justice Swarana Kanta Sharma

The petitioner's right to file a Special Leave Petition (SLP) challenging his conviction and incarceration is recognized as valuable and cannot be denied due to the availability of free legal aid or the ability to file from jail. The Delhi Prison Rules list filing an SLP as a valid ground for seeking parole. The petitioner, a first-time offender with satisfactory conduct in jail, meets the criteria for parole. Parole is granted for 4 weeks, subject to certain conditions, to allow the petitioner to engage a counsel of his choice for the SLP.

BLOOM INTERNATIONAL SCHOOL VS CENTRAL BOARD OF SECONDARY EDUCATION [W.P.(C)-9459/2024]

Judges: Justice Swarana Kanta Sharma

CBSE's online portal will not be reopened for the petitioner-school's students to appear in the upcoming compartment and improvement examinations, due to potential disruption of examination logistics. However, CBSE is directed to accommodate these students similarly to those in a related case from the Rajasthan High Court, pending the outcome of CBSE's appeal. The negligence of the petitioner-school in missing the deadline jeopardized the students' futures, leading to a cost of Rs. 50,000 imposed on the school.

C.P. ARYA PUBLIC JR. HIGH SCHOOL VS CENTRAL BOARD OF SECONDARY EDUCATION [W.P.(C)-9505/2024]

Judges: Justice Swarana Kanta Sharma

The petitioner school failed to upload details of 16 students for the CBSE's Class 10th and 12th compartment examinations by the deadline. Despite recognizing this negligence and the logistical challenges of accommodating over 3.5 lakh students with issued admit cards for July 15, 2024, it was decided that these students should not lose an academic year. If the CBSE allows similar students from another case to appear in the examinations, the 16 students must also be included accordingly. A cost of Rs. 50,000 was imposed on the petitioner school for its negligence, emphasizing the school's responsibility to prioritize student interests.

CHHANIYARA DHARMENDRA PRAFULBHAI VS UNION OF INDIA & ORS. [W.P.(C)-9412/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition by Dr. Chhaniyara Dharmendra Prafulbhai challenging his debarment from the National Eligibility-cum-Entrance Test (Postgraduate) - 2024 was dismissed. The National Board of Examinations for Medical Sciences concluded that he had provided false information while applying for NEET (PG)-2023, leading to a two-year debarment. An error in communication regarding the cancellation of his candidature for 2023 was acknowledged, but the findings regarding his unfair means remained unchallenged. Consequently, the decision to debar him from appearing in NEET (PG)-2024 was upheld.

CIGMA EVENTS PRIVATE LIMITED VS MR. DEEPAK GUPTA & ORS. [I.A.-48682/2024]

Judges: Justice Swarana Kanta Sharma

The plaintiff did not establish a prima facie case for an ad-interim ex-parte injunction against the defendants. The existence of a client list alone does not confer proprietary rights or confidentiality unless it can be shown to have economic value and that its use would lead to irreparable harm. The defendants, as former employees, are entitled to use general industry knowledge and contacts gained during their employment, provided they do not misuse genuine trade secrets. Imposing restrictions on the defendants' right to seek employment based on readily available information would be an improper restraint on trade. The application for an ad-interim ex-parte injunction was dismissed due to the lack of a prima facie case, absence of irreparable harm, and the balance of convenience not favoring the injunction.

DALIP JINDAL VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-1549/2023]

Judges: Justice Swarana Kanta Sharma

Dalip Jindal's bail application was dismissed in a money laundering case related to the Bankey Behari Group of Companies. Evidence indicated his involvement in acquiring, possessing, and concealing proceeds of crime, constituting money laundering under the Prevention of Money Laundering Act (PMLA). Allegations included participation in bogus sales and purchases without actual goods movement. The twin conditions under Section 45 of PMLA for granting bail were not met, given the severity of the economic offense. Additionally, the agency is not required to file a single complaint for multiple Enforcement Case Information Reports (ECIRs).

DASHMESH EDUCATION SOCIETY REGD VS GOVERNMENT OF NCT OF DELHI & ANR. [CM APPL.-44845/2024]

Judges: Justice Swarana Kanta Sharma

The order of the Directorate of Education (DoE) to close Dashmesh Public School has been stayed. The DoE should have awaited the outcome of ongoing land allotment matters with the Delhi Development Authority (DDA) and allowed the petitioner to address complaints about the school. A fresh inspection is required, along with a hearing for the petitioner, to ensure safety measures are implemented within a week. It was noted that the petitioner should have approached the court earlier regarding the school's recognition issues, withdrawn in 2015.

DATTATREYA MUKHOPADHYAY VS UNION OF INDIA MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT. DEPARTMENT OF EMPOWERMENT OF PERSONS WITH DISABILITIES DIVYANGJAN AND ANR [W.P.(C)-9995/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition is not maintainable because the Swami Vivekanand National Institute of Rehabilitation Training and Research (SVNIRTAR) is located in Odisha. The relevance of the doctrine of "forum conveniens" indicates that even a small part of the cause of action arising in Delhi does not justify jurisdiction when another High Court, specifically the Odisha High Court, is more appropriate. The petition is dismissed, allowing the petitioner to seek redressal in the suitable jurisdiction.

DAUD NASIR VS DIRECTORATE OF ENFORCEMENT [CRL.M.(BAIL)-619/2024]

Judges: Justice Swarana Kanta Sharma

Daud Nasir, facing charges, has a one-year-old child and a wife requiring surgery. Despite the presence of other family members, his emotional and financial support is deemed significant. Interim bail is granted on humanitarian grounds for 15 days, contingent upon certain conditions to prevent interference with the investigation. He must submit fresh documentation regarding the surgery date, and the trial court will process the bail two days prior to the surgery.

DAYA NAND CHANDELA VS STATE [CRL.M.(BAIL)-746/2024]

Judges: Justice Swarana Kanta Sharma

Daya Nand Chandela's application to suspend his conviction for offenses under Sections 452/307/34 of the Indian Penal Code was dismissed. Previous similar applications filed in 2015 and 2020 were also rejected. No extraordinary circumstances were identified to justify the suspension, particularly given the serious nature of the offenses. The application was dismissed due to the applicant's failure to disclose prior rejected applications.

DEEN DAYAL@DEEPAK VS THE STATE THE STATE GOVT. OF NCT OF DELHI [BAIL APPLN.-4093/2023]

Judges: Justice Swarana Kanta Sharma

The bail application of Deen Dayal@Deepak was rejected in a case of alleged rape under false pretext of marriage due to the investigation being at an initial stage, with no chargesheet filed. Concerns about the accused potentially threatening or influencing the prosecutrix were noted. Given the serious nature of the allegations, there were no grounds for granting regular bail at this stage. The decision does not express any opinion on the case's merits.

DEEPAK AHIRWAR DEEPAK VS STATE GOVT OF NCT OF DELHI & ANR. [CRL.M.C.-681/2024]

Judges: Justice Swarana Kanta Sharma

The petition to quash an FIR for offenses under Section 376 IPC and Section 6 POCSO Act was dismissed due to the serious nature of the allegations involving a minor. Although the victim's court statement did not fully support the prosecution, discrepancies alone were insufficient to quash the proceedings. The importance of witness testimonies would be determined during trial, and the case was deemed to involve a cognizable offense warranting continuation of investigation and trial. Observations made were preliminary, intended solely for this particular petition.

DEEPAK VS STATE OF N.C.T. OF DELHI [BAIL APPLN.-3733/2023]

Judges: Justice Swarana Kanta Sharma

The bail application of accused Deepak, charged with murder under Sections 302/34 of the Indian Penal Code, was dismissed. Evidence indicated his involvement alongside co-accused, acting with a common intention. Eyewitnesses, including the victim's sister, supported the prosecution, with one witness reporting threats from a co-accused. The seriousness of the offense, potential punishment, and pending testimonies of other witnesses contributed to the denial of bail at this stage.

DEEPAK VS STATE OF NCT OF DELHI [W.P.(CRL)-3253/2023]

Judges: Justice Swarana Kanta Sharma

The petitioner, convicted under Section 376(2)(i) IPC and Section 6 of POCSO Act, is eligible for the first furlough under the Delhi Prison Rules, 2018, due to an unblemished jail record and three annual good conduct reports. Despite the rejection of the furlough application by prison authorities, citing the crime's nature and the victim's residence proximity, the petitioner was granted a three-week furlough, conditioned on residing at a verified location, his maternal uncle's house in Bihar.

DELHI PUBLIC SCHOOL SOCIETY AND ANR VS VIJAY JYOTI BAKSHI [TR.P.(C.)-84/2024]

Judges: Justice Swarana Kanta Sharma

No reasonable and justifiable grounds exist to transfer the proceedings of CS No. 491/2019 from Patiala House Courts to Saket Courts, where CS No. 154/2024 is pending. The claims in the two suits, although related to the same property, arise from different causes of action and are substantially different. CS No. 491/2019 has been pending for over five years and is at an advanced stage, while CS No. 154/2024 was filed recently. The respondent has been diligently pursuing her case for the last five years and cannot be compelled to move to another court. The transfer petition was dismissed.

DESH RAJ @ DESU VS STATE OF NCT OF DELHI [W.P.(CRL)-1902/2023]

Judges: Justice Swarana Kanta Sharma

The petitioner, convicted and sentenced to life imprisonment, is entitled to three weeks of parole to file a Special Leave Petition (SLP) challenging the conviction. The right to file an SLP is considered a valuable legal remedy that should not be denied based on past conduct or the availability of free legal aid. Parole is granted with strict conditions to mitigate concerns about potential misuse and ensure compliance and timely surrender.

DEV SORA VS STATE [BAIL APPLN.-2857/2019]

Judges: Justice Swarana Kanta Sharma

The complainant's application to cancel the bail of Dev Sora for alleged false promises of marriage and threats was dismissed. No substantial evidence indicated that the accused misused bail or that circumstances changed to justify cancellation. The police were directed to act promptly on any threats to the complainant, and she was advised to approach the Witness Protection Committee if necessary.

DHANESH IESHDHAN VS STATE (GOVT. OF NCT OF DELHI) ANR ANR. [CRL.M.C.-3310/2023]

Judges: Justice Swarana Kanta Sharma

The petition to quash the FIR for offenses under Sections 354/354D/506/509 of the Indian Penal Code was dismissed. The allegations and supporting evidence were deemed sufficient to establish a prima facie offense. The existence of a cross-FIR by the petitioner did not warrant quashing the current FIR. The petitioner may raise contentions before the trial court.

DHARAM PAL & ANR. VS STATE [CRL.A.-335/2009]

Judges: Justice Swarana Kanta Sharma

The appellants were convicted under Sections 308 and 506 of the Indian Penal Code. The sentence of the surviving appellant, Badal, was reduced to the 22 days already served due to his young age of 19 at the time of the 2007 incident and his subsequent positive contributions to society. Proceedings against the deceased appellant, Dharam Pal, were abated.

DHARMENDER @ MOTA VS STATE GOVT. OF NOT OF DELHI [BAIL APPLN.-995/2024]

Judges: Justice Swarana Kanta Sharma

Dharmender @ Mota was granted regular bail after being charged with multiple offenses, including the alleged rape of a minor. The prosecutrix provided inconsistent statements regarding the incident. Co-accused individuals had received bail earlier. DNA evidence supported allegations against some co-accused but not against Dharmender. Bail was granted on the condition of furnishing a personal bond and meeting specific requirements.

DHARMENDRA SINGH MAURYA VS STATE (GOVT. OF NCT OF DELHI) [W.P.(CRL)-3733/2023]

Judges: Justice Swarana Kanta Sharma

The petition to quash the FIR under Sections 419/34/120B IPC was dismissed. The Magistrate's detailed order for FIR registration was based on CCTV footage and other materials. At the FIR registration stage, it is sufficient to determine if the allegations indicate a cognizable offence without deep examination. Investigation must proceed without interference. The petitioner can present arguments at the trial court regarding charges if a chargesheet is filed.

DHRUV JAIN AND ORS VS GOVT. NCT OF DELHI AND ORS [W.P.(C)-12285/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition challenging the University's notification for a special round of offline counseling was dismissed. The University's "no rank violation" policy, which mandated seat allotment based on merit rankings from previous online counseling rounds, was upheld as a means to maintain merit-based admissions. This policy was within the University's authority and had been previously validated by another judgment. The decision emphasized that interference with the University's admissions policies was unwarranted unless they were clearly arbitrary or illegal, which was not the case.

DILIP RAY VS CENTRAL BUREAU OF INVESTIGATION [CRL.M.A.-7631/2024]

Judges: Justice Swarana Kanta Sharma

Dilip Ray, convicted of various offenses, had his conviction suspended pending appeal. The decision was based on the potential irreversible damage to his political aspirations, particularly concerning the upcoming Odisha Assembly elections in 2024, given his age of 71 and extensive political career. This situation was distinguished from a previous case where damage could be rectified if acquitted. The suspension is not an acquittal and does not indicate any opinion on the case's merits.

DILSHER NEPALI & ANR. VS STATE [CRL.A.-516/2009]

Judges: Justice Swarana Kanta Sharma

Dilsher Nepali and Hiralal @ Hira were convicted under Sections 323/34 of the Indian Penal Code, but their sentence was reduced to the time already served, which exceeded 3 months of a 9-month sentence. The incident occurred 22 years ago when the appellants were 22-23 years old, and this was their first conviction. The appeal had been pending for 15 years since 2009, justifying the reduction of the sentence to align with the ends of justice.

DIRECTORATE OF ENFOCEMENT VS AJAY S. MITTAL [CRL.M.C.-4014/2024]

Judges: Justice Swarana Kanta Sharma

The transfer of a criminal case to another court based solely on an alleged remark by the presiding judge, without obtaining comments from the judge or properly assessing the circumstances, was unjustified. Allegations of bias were unsubstantiated, lacking supporting affidavits, and the accused had requested numerous adjournments. Principles of natural justice require that the judge have an opportunity to respond to any allegations before a transfer order is made.

DIRECTORATE OF ENFORCEMENT VS AMIT KATYAL [CRL.M.C.-1727/2024]

Judges: Justice Swarana Kanta Sharma

The trial court granted the respondent interim bail for four weeks on medical grounds. A subsequent medical opinion from RML Hospital indicated that the respondent's condition could be managed with proper treatment in custody. Despite this, the interim bail was not canceled as it was nearing expiration. If the respondent seeks an extension of interim bail, the Directorate of Enforcement can present the RML Hospital opinion to the trial court for consideration.

DR SUDARSHAN KUMAR ARYA VS UNION OF INDIA & ORS. [W.P.(C)-8616/2024]

Judges: Justice Swarana Kanta Sharma

The Diploma qualifications of the petitioner doctors, awarded by the College of Physicians and Surgeons in Mumbai, have been recognized but not declared equivalent to other recognized Diploma qualifications. Recognition does not imply equivalence, which must be specifically declared by the competent authority. As a result, the petitioners were excluded from applying for the DNB-PDCET Examination 2024 due to their qualifications not being equivalent to recognized Diploma qualifications.

DR SUPREETI CHAHAL VS UNION OF INDIA & ORS. [W.P.(C)-11620/2024]

Judges: Justice Swarana Kanta Sharma

The petitions filed by MDS degree holders were dismissed due to lack of territorial jurisdiction, as the college that awarded the degrees is in Haryana and related legal proceedings are ongoing in Haryana courts. Petitioners were granted the option to approach the appropriate court in Haryana for resolution. This involved multiple similar petitions addressed together.

DR. CHINMAY ANKLESHWARIA VS UNION OF INDIA THROUGH MINISTRY OF HEALTH AND FAMILY WELFARE & ORS. [W.P.(C)-8707/2024]

Judges: Justice Swarana Kanta Sharma

The petitioner, ranked 6 in the AIIMS Merit List for the INI-SS Entrance Test for the July 2024 session, should be admitted to the DM Cardiology course at PGIMER, Chandigarh. A vacancy arose from the resignation of a resident doctor on 16.03.2024, but PGIMER did not timely inform AIIMS, leading to the petitioner's denied seat. According to the prospectus, vacant seats must be carried forward to the next session, and denying the petitioner admission due to administrative inefficiency is unjust. AIIMS should add the additional seat and grant admission for the July 2024 session.

DR. PRABHAT KUMAR SINGH VS EMPLOYEES STATE INSURANCE CORPORATION & ORS. [W.P.(C)-9240/2024]

Judges: Justice Swarana Kanta Sharma

The bond signed by the petitioner with ESIC Hospital, requiring payment of Rs. 15 lakhs for discontinuing the DM (Cardiology) program or failing to serve ESIC for 2 years post-completion, is valid. ESIC's interest in retaining the petitioner's services after investing in his education is recognized. If the petitioner chooses to discontinue the course for other studies, he must pay the bond amount, and upon receipt, ESIC must return the petitioner's original documents.

EX. SGT MANOJ KUMAR & ANR. VS GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY (THROUGH VICE CHANCELLOR) & ORS. [W.P.(C)-11942/2024]

Judges: Justice Swarana Kanta Sharma

The University's reservation policy for the 'Defence Category', which includes widows/wards of paramilitary and police personnel with gallantry awards, is based on instructions from the Ministry of Defence and the Ministry of Home Affairs, and is not deemed arbitrary or illegal. The challenge to the policy at a delayed stage risks disrupting the ongoing admission process, and in the absence of demonstrable illegality, interference with the University's long-standing reservation practice is not warranted.

EZIEFULA SAMUEL UCHEGBU VS STATE OF NCT OF DELHI [W.P.(CRL)-3408/2023]

Judges: Justice Swarana Kanta Sharma

Parole for two months was granted to Eziefula Samuel Uchegbu, a life sentence inmate, due to serious medical conditions including an umbilical hernia, recurring infections, and hypertension. The need for immediate surgery and a lack of improvement in his health were emphasized. Conditions for parole included a personal bond, surety, a contact number, and a requirement to surrender after the parole period.

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY VS GOVT. OF NCT OF DELHI & ANR. [W.P.(C)-9749/2024]

Judges: Justice Swarana Kanta Sharma

The decision to reduce the sanctioned intake of the BBA-LLB (Hons) program from 240 to 120 seats at Guru Gobind Singh Indraprastha University was deemed legally valid due to the institute admitting less than 50% of the sanctioned seats for three consecutive academic years. Clause 4.1 of the Policy Guidelines justified this reduction. It was noted that the university should have communicated this change earlier, rather than during the admission process. The petition from the institute was dismissed.

FEROZ AHMED BHATT VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-3535/2023]

Judges: Justice Swarana Kanta Sharma

The petition for a six-week parole to reconnect with family and get married was dismissed due to the petitioner's conviction for terrorist activities and waging war against the country. Under Delhi Prison Rules, parole is only granted in special circumstances at the discretion of the competent authority. Concerns arose regarding the petitioner's potential conduct, especially in light of a co-accused who absconded after a previous parole. While acknowledging the petitioner's wish to meet his elderly parents, the balance was struck against state security interests. The jail authorities were directed to facilitate a one-time video call for the petitioner to virtually interact with his parents.

GAYUR VS STATE [CRL.A.-760/2009]

Judges: Justice Swarana Kanta Sharma

In a case involving a pending criminal appeal since 2010 and a suspended sentence, it was determined that the pendency of the appeal does not prevent the issuance of a fresh passport. The applicable provisions of the Passports Act, 1967 allow for exceptions in such situations. Therefore, authorities were directed to issue a fresh passport to the appellant in accordance with the rules.

GUDDU VS STATE OF NCT OF DELHI [W.P.(CRL)-2231/2023]

Judges: Justice Swarana Kanta Sharma

Guddu was granted a 3-week furlough. His overall jail conduct was deemed unsatisfactory due to past punishments; however, he had not faced any since 2019. The incident of jumping bail occurred in 2009, and he had not been granted bail, parole, or furlough since then. Considering his 19 years of continuous incarceration, granting furlough was viewed as beneficial for his rehabilitation and reintegration into society. Conditions imposed include furnishing a personal bond and surety, reporting to the local police station, and remaining within the NCT of Delhi during the furlough.

GULFISHA VS STATE [BAIL APPLN.-1267/2024]

Judges: Justice Swarana Kanta Sharma

Gulfisha was granted anticipatory bail in a case involving allegations of physical, mental, and sexual abuse against her and other family members. The allegations against Gulfisha focused on preventing the complainant from seeing her children and physical assault, which did not necessitate custodial interrogation. Bail was granted under specific conditions, with no opinion expressed on the case's merits.

GULSHAN @ SANDEEP @ MONU VS STATE (NCT OF DELHI) [W.P.(CRL)-2723/2023]

Judges: Justice Swarana Kanta Sharma

The punishment ticket issued on 09.03.2022 and the judicial appraisal order violated the Delhi Prison Rules, 2018, as the petitioner was not provided a show cause notice or an opportunity to defend himself before the punishments were imposed. The punishment ticket and subsequent orders were set aside, requiring the jail authorities to reconsider the punishment following proper procedures, including issuing a show cause notice and conducting an inquiry. The request for furlough was deferred until the new hearing is completed, after which the authorities must assess the furlough request anew.

GURMAIL SINGH @ GELA VS NARCOTICS CONTROL BUREAU (NCB) [BAIL APPLN.-2178/2023]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application of Gurmail Singh was dismissed due to accusations of involvement in a Narcotics Control Bureau case. Evidence showed that he had not cooperated with the investigation and had destroyed crucial evidence, including formatting his mobile phone. Given these circumstances, custodial interrogation was deemed necessary, and no grounds for granting anticipatory bail were established.

HANIFA QURESHI VS STATE (NCT OF DELHI) [BAIL APPLN.-1250/2024]

Judges: Justice Swarana Kanta Sharma

Anticipatory bail was granted to Hanifa Qureshi, the mother-in-law of the complainant, in connection with allegations under Sections 376/498A/506/34 of the Indian Penal Code. The allegations against her primarily involved subjecting the complainant to cruelty and restricting access to her children, which did not necessitate custodial interrogation. Bail was conditioned on the submission of a personal bond and adherence to specific requirements.

HARDESH KUMAR VS STATE [BAIL APPLN.-43/2024]

Judges: Justice Swarana Kanta Sharma

The bail application of Hardesh Kumar, accused of subjecting his deceased wife to mental and physical torture due to dowry demands leading to her suicide, was dismissed. The allegations were deemed grave and serious, and with the trial yet to begin and material witnesses unexamined, bail was not granted. The judgment highlighted societal issues regarding dowry and gender equality, underscoring the objectification of women and material expectations. It clarified that the judgment does not express an opinion on the case's merits.

HARGUN SINGH AHLUWALIA & ORS. VS DELHI UNIVERSITY & ORS. [CM APPL.-48626/2024]

Judges: Justice Swarana Kanta Sharma

The petitioners received seat allocations for St. Stephen's College through the University of Delhi's Common Seat Allocation System but were unable to confirm their admission due to the college not processing their applications. Provisional admission was ordered for the petitioners, along with directions for the University to reopen the portal for fee payment, ensuring they retain the opportunity to pursue admission to other colleges if necessary.

HARGUN SINGH AHLUWALIA & ORS. VS DELHI UNIVERSITY & ORS. [W.P.(C)-11695/2024]

Judges: Justice Swarana Kanta Sharma

The thirteen B.A. programs at St. Stephen's College are classified as distinct for seat allocation and admissions under the Christian Minority and Unreserved categories. The allocation of 5% extra seats in initial admission rounds is valid, with any fractions below 0.5 rounded up to benefit students. The validity of the 'Single Girl Child Quota' will not be addressed, as the college agreed to and implemented it without challenge. St. Stephen's College is directed to admit meritorious students who were allocated seats according to University policies previously followed.

HARI OM RAI VS DIRECTORATE OF ENFORCEMENT [CRL.M.A.-4223/2024]

Judges: Justice Swarana Kanta Sharma

The applicant's chronic heart-related issues, requiring specialized treatment such as coronary angiography, and the delay in receiving necessary medical care in jail qualify him for interim bail under Section 45 of the Prevention of Money Laundering Act. His health condition is categorized as "sick" under the law, resulting in the granting of interim bail for 3 months with certain conditions.

HARI RAM VS STATE (NCT) OF DELHI [BAIL APPLN.-4016/2023]

Judges: Justice Swarana Kanta Sharma

The bail application of Hari Ram was dismissed after he and co-accused Raveena were arrested for possessing 27.471 kg of ganja. Section 29 of the NDPS Act, related to abetment and criminal conspiracy, applied because they were traveling together to supply the drugs. The argument that Section 29 was inapplicable and that Section 37's bail restrictions did not apply was rejected. No grounds for granting bail were established.

HARSH CONSUL VS STATE & ANR [CRL.M.C.-6084/2005]

Judges: Justice Swarana Kanta Sharma

The allegations in the complaint established a prima facie case for cognizable offences, warranting the continuation of the FIR registration. Discretion to quash an FIR at an early stage requires caution and should only occur if the allegations are clearly absurd or abusive. Detailed arguments and documents from the petitioners are suitable for trial, with police investigation needed to clarify if a case exists against the accused.

HDFC BANK LTD THROUGH ITS BRANCH MANAGER & ORS. VS STATE NCT OF DELHI & ORS. [W.P.(CRL)-30/2024]

Judges: Justice Swarana Kanta Sharma

The petition by HDFC Bank officials to stay an ongoing investigation related to FIR charges under Sections 420 and 34 of the Indian Penal Code was dismissed. The investigation does not qualify as one of the "rarest of rare" cases warranting such relief. The order clarifies that it does not address the merits of the case, as the investigation is ongoing and no chargesheet has been filed.

HIMANSHU CHOPRA VS M/S EQUITAS SMALL FINANCE BANK LTD. [CRL.M.C.-938/2020]

Judges: Justice Swarana Kanta Sharma

The complaint case against Himanshu Chopra under Section 138 of the Negotiable Instruments Act was quashed, as he had resigned as director of the accused company before the issuance of the cheque. The respondent bank acknowledged his resignation and did not object to his removal from the proceedings.

HIRA KHATOON VS UNION OF INDIA AND ORS [W.P.(C)-8198/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition filed by a Ph.D. student at Aligarh Muslim University challenging the University's actions regarding supervision and alleged sexual harassment was dismissed. The cause of action arose in Uttar Pradesh, where AMU is located, which is outside the Delhi High Court's territorial jurisdiction. The grievances are primarily against AMU and related legal proceedings occurred in Uttar Pradesh. The petitioner can seek redressal in the appropriate court in Uttar Pradesh.

INSTITUTE OF PROFESSIONAL STUDIES SCHOOL OF PHARMACY VS PHARMACY COUNCIL OF INDIA [W.P.(C)-9379/2024]

Judges: Justice Swarana Kanta Sharma

Approval granted by the Pharmacy Council of India (PCI) under Section 12(1) of the Pharmacy Act applies to the entire course of study rather than individual academic years. Existing approved institutions are not required to reapply for annual continuation of approval or pay Pharmacy Education Regulatory Charges (PERC), with the exception of the M. Pharm course. Clauses of the PCI's notice and handbook mandating these requirements have been quashed, and any deposited PERC amounts from the petitioners must be refunded.

IQ CITY MEDICAL COLLEGE VS NATIONAL MEDICAL COMMISSION & ORS. [W.P.(C)-12906/2024]

Judges: Justice Swarana Kanta Sharma

The criteria of average daily deliveries is not relevant for increasing MBBS seats under the UG-MSR 2023 regulations. Faculty deficiencies were within the permissible 5% relaxation. The Letter of Disapproval from the NMC/MARB was quashed, allowing the medical college to increase MBBS seats from 200 to 250 for the academic year 2024-25.

IRSHAD @ BHURU VS THE STATE GOVT. OF NCT OF DELHI [BAIL APPLN.-1147/2024]

Judges: Justice Swarana Kanta Sharma

Bail for the accused Irshad was denied due to involvement in a conspiracy to supply counterfeit Indian currency notes. Evidence included the recovery of Rs. 3 lakhs in counterfeit notes from his residence and tools for manufacturing fake currency from his shop. The serious nature of the offense and the risks associated with counterfeit currency justified the denial of bail, emphasizing the need for a firm response to such cases. The decision was limited to the bail application without expressing any opinion on the merits of the case.

ITI SAXENA MINOR VS MBA INTERNATIONAL SCHOOL AND ANR [CM APPL.-49273/2024]

Judges: Justice Swarana Kanta Sharma

The application by MBA International School to vacate or stay the order granting provisional admission to Iti Saxena Minor was denied. The directive for provisional admission, based on the Directorate of Education's shortlisting process, must be complied with. Additionally, the Directorate of Education had previously rejected the school's request to reduce the number of EWS/DG seats, making the school's further representation inappropriate.

JAGAN NATH VS STATE GOVT OF NCT OFDELHI & ANR. [W.P.(CRL)-3434/2023]

Judges: Justice Swarana Kanta Sharma

A writ petition by a petitioner convicted under Section 302 IPC and serving life imprisonment was allowed, noting his satisfactory conduct during over 13 years of incarceration. The decision considered the objectives of granting parole and furlough under Delhi Prison Rules. The petitioner is to be released on a personal bond and cash surety of ₹10,000 each, with the other conditions of the previous furlough order remaining unchanged.

JAGBIR SINGH @ TONY VS STATE (GNCT OF DELHI) [W.P.(CRL)-2556/2023]
Judges: Justice Swarana Kanta Sharma
The petitioner was granted a three-week furlough despite previous absconding during parole in 2013, due to demonstrated good conduct in prison, supported by appreciation certificates from jail authorities. Denying furlough based solely on past conduct would contradict the rehabilitative goals of criminal law. The furlough was subject to specific conditions for compliance.

JAGDEEP SINGH VS STATE GOVT OF NCT OF DELHI & ANR. [BAIL APPLN.-340/2024]
Judges: Justice Swarana Kanta Sharma
The bail application of Jagdeep Singh was dismissed due to sufficient prima facie evidence linking him to the recovery of a commercial quantity of opium from a co-accused. Corroborative evidence including call detail records, mobile location data, intercepted calls, and financial transactions indicated his involvement in the offence under the Narcotic Drugs and Psychotropic Substances Act. The bar under Section 37 of the Act was applicable due to the nature and quantity of the contraband. With charges not yet framed and material witnesses unexamined, no grounds existed to grant bail at this stage.

JAHANGIR@ EKKA@ IBRAHIM VS THE ST A TE (GOVT OF NCT, DELHI) [W.P.(CRL)-2455/2023]
Judges: Justice Swarana Kanta Sharma
Jahangir, in judicial custody for over 17 years with satisfactory prison conduct, is granted four weeks of parole. He has a family member in Delhi for accommodation during this period. Conditions include a personal bond, reporting to local police, and restrictions on leaving the Delhi NCR region.

JAI PAL SINGH VS STATE, NCT OF DELHI [BAIL APPLN.-902/2024]
Judges: Justice Swarana Kanta Sharma
Anticipatory bail was denied to Jai Pal Singh in a case under Sections 406, 420, and 34 of the Indian Penal Code. Serious allegations were made against him for failing to fulfill an agreement to sell property, taking advance payments without completing construction or providing possession. The property was listed for demolition by the MCD. Additionally, the accused did not cooperate with the investigation, and there were other pending criminal cases against him.

JAIDEEP SINGH SENGER@ATUL SINGH VS CBI [CRL.A.-451/2020]
Judges: Justice Swarana Kanta Sharma
The application for suspension of sentence was dismissed. The appellant's medical condition was assessed, with a medical board concluding that he did not require assistance in daily activities. The appellant had served only 30% of his 10-year sentence, which was less than co-accused individuals whose sentences were suspended. His role as a mastermind in the brutal assault on the father of a minor rape victim, which resulted in the victim's death, was considered serious. The gravity of the offence, time served, and the effect on public confidence influenced the decision to decline the suspension. The hearing for the main appeal, along with related appeals of co-accused, is scheduled for May 3, 2024.

JAMIL VS THE STATE (GOVT OF NCT) DELHI [W.P.(CRL)-3374/2023]
Judges: Justice Swarana Kanta Sharma
The petitioner's writ petition resulted in the grant of a three-week furlough, with conditions attached. The rejection of the furlough application due to a 2021 punishment ticket was deemed inconsistent with the Delhi Prison Rules 2018, which require a demonstration of good conduct over the last two years. Guidelines for competent authorities were established to ensure reasoned decisions on furlough or parole applications, addressing concerns about the vague nature of rejection orders and inadequate consideration of an inmate's behavior.

KABIR PAHARIA VS NATIONAL MEDICAL COMMISSION AND ORS [W.P.(C)-12165/2024]

Judges: Justice Swarana Kanta Sharma

The petition by Kabir, a student with locomotor disability, for eligibility to pursue an MBBS course was dismissed based on a medical assessment from a board of experts at AIIMS. The assessment indicated that Kabir's condition, specifically the significant impairment of both hands, would hinder his ability to acquire and perform essential skills required for the course. Despite recognizing Kabir's determination and academic success, the conclusion of the expert assessment was prioritized. There is hope for Kabir to explore opportunities in other medical disciplines that align with his talents and dedication.

KALIM SHEIKH VS THE STATE GOVT OF NCT OF DELHI [W.P.(CRL)-3722/2023]

Judges: Justice Swarana Kanta Sharma

Kalim Shiekh, serving a life sentence, was granted 4 weeks of parole despite an initial rejection due to a previous parole violation and unsatisfactory jail conduct. The decision considered his good behavior in prison over the last two years. Conditions for parole included a personal bond, reporting to the local police station, and immediate surrender after the parole period.

KALVAKUNTLA KAVITHA VS CENTRAL BUREAU OF INVESTIGATION [BAIL APPLN.-1739/2024]

Judges: Justice Swarana Kanta Sharma

A prima facie case of money laundering and conspiracy exists against Ms. K. Kavitha based on evidence from the CBI and Enforcement Directorate. The statements of approvers and witnesses recorded under Sections 164 and 50 are admissible for bail consideration. The applicant did not meet the conditions for bail under Section 45 of the Prevention of Money Laundering Act, as she posed a risk of tampering with evidence and influencing witnesses. Despite being well-educated, she was not considered a vulnerable woman under the relevant provisions. Bail applications in both cases were dismissed.

KAMAL VS STATE NCT OF DELHI & ANR. & ORS. [W.P.(CRL)-1192/2023]

Judges: Justice Swarana Kanta Sharma

The writ petition seeking to quash the FIR for offences under Sections 376, 506 IPC and Section 67A of the IT Act was dismissed. Allegations in the FIR, alongside statements from the complainant and witnesses, support the claims made. Arguments by the petitioner are to be addressed during the trial, specifically at the charge framing stage. The case's merits have not been evaluated, and the investigation is ongoing, pending the FSL report.

KAMLESH DEVI VS STATE OF DELHI NCT & ANR. [BAIL APPLN.-216/2024]

Judges: Justice Swarana Kanta Sharma

Bail was denied to Kamlesh Devi due to serious allegations involving the abetment of kidnapping, sexual assault, and forced marriage of a 16-year-old victim, whose statement directly implicates the accused. Key witnesses remain to be examined, and the severity of the offenses played a role in the decision. There is also an emphasis on educating minors about the risks of "virtual touch" in the digital age, prompting a call for its inclusion in educational curricula alongside traditional "good touch" and "bad touch" teachings.

KAUSHAL VS THE STATE (GOVT. OF NCT) DELHI [W.P.(CRL)-3149/2023]

Judges: Justice Swarana Kanta Sharma

Parole for 4 weeks has been granted to a petitioner serving a life sentence, who has been in judicial custody for over 15 years with good conduct in the last year, barring two instances of misconduct. Despite a prior failure to surrender after a furlough in 2020, conditions for parole include furnishing a personal bond, weekly reporting to the local police, and immediate surrender after the parole period. The objective is to aid the petitioner in re-establishing social and family ties while managing the stresses of incarceration.

KESHAVAMURTHY RAMAIAH VS UROLOGICAL SOCIETY OF INDIA & ORS. [I.A. 45947/2024 (UNDER ORDER XXXIX RULE 1 AND 2)]

Judges: Justice Swarana Kanta Sharma

The plaintiff established a prima facie case for interim relief, leading to a stay on the disqualification order dated November 18, 2024. Insufficient evidence was presented by the defendants to support allegations of election code violations related to a WhatsApp video. A new accusation concerning a Facebook post was included in the final disqualification order without allowing the plaintiff a chance to respond, breaching principles of natural justice. The plaintiff would face irreparable harm if barred from contesting the upcoming USI elections, and the balance of convenience favored the plaintiff. The disqualification order was stayed, mandating the inclusion of the plaintiff's name on the ballot for the USI Elections 2025, while findings on the merits of the amendment to the bye-laws regarding social media campaigns were not addressed.

KHEVNA PURI THROUGH HER NEXT FRIEND MR SANDEEP PURI AND ANR VS DELHI PUBLIC SCHOOL AND ORS. [W.P.(C)-12232/2024]

Judges: Justice Swarana Kanta Sharma

An interim order allows the petitioners' children to continue studying at Delhi Public School (DPS) Dwarka, contingent on the petitioners depositing 50% of the increased school fee for the 2024-25 academic year. This measure aims to safeguard the children's academic year while further proceedings are awaited. DPS Dwarka and the Directorate of Education are required to submit counter-affidavits within two weeks, with the petitioners permitted to file rejoinders within one week thereafter. A further hearing is scheduled for 03.12.2024.

KRISHNA VS STATE OF NCT OF DELHI [BAIL APPLN.-1869/2024]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application of accused Krishna was dismissed due to ongoing investigation under the NDPS Act. Despite receiving notices, Krishna did not join the investigation. Evidence from WhatsApp conversations and call detail records suggested prima facie involvement in a drug trafficking syndicate, indicating a need for custodial interrogation to uncover more information.

KULDEEP SINGH SENGER VS CENTRAL BUREAU OF INVESTIGATION [CRL.A.-539/2020]

Judges: Justice Swarana Kanta Sharma

The appellant's application for suspension of sentence was dismissed due to his key role in offenses, including the death of a witness in a rape case for which he was convicted. The conviction erased the presumption of innocence, requiring a review of the appellant's role and the severity of the crimes. Consideration of the appellant's criminal history, including a prior rape conviction, and measures for victim protection influenced the decision against suspension. The appeal is expected to be heard on merits promptly.

KUNDAN KUMAR VS CENTRAL BUREAU OF INVESTIGATION [BAIL APPLN.-1496/2024]

Judges: Justice Swarana Kanta Sharma

Kundan Kumar's anticipatory bail application was denied due to charges under Sections 120B/420 IPC and Sections 66C/66D of the IT Act related to a fraud case. The ongoing investigation was deemed in its early stages, with allegations that Kumar supplied ATM cards and PINs to facilitate unauthorized withdrawals from the complainant's bank account. The complexity of the fraudulent activities and the potential for a larger network necessitated custodial interrogation, leading to the rejection of bail.

KUSHAL KUDESIA VS STATE OF NCT OF DELHI & ANR. [BAIL APPLN.-264/2024]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application of Kushal Kudesia, accused under Section 376 IPC (rape), was rejected. Previous bail applications had been denied, and the accused did not join the investigation. The marriage to the complainant occurred ten days before the bail hearing, raising suspicions regarding its genuineness and the voluntary consent of the complainant. Consequently, no grounds were established for granting anticipatory bail.

LAL BAHADUR VS STATE (GNCT OF DELHI) [W.P.(CRL)-1943/2023]

Judges: Justice Swarana Kanta Sharma

A 78-year-old convict sentenced to life for dacoity with murder will be granted 4 weeks of parole due to his advanced age, satisfactory conduct in jail, and prior instances of parole and furlough. His previous inability to surrender on time was due to an accident. Provisions of the Delhi Prison Rules, 2018 regarding parole eligibility were applied, leading to the decision to grant parole under specific conditions.

LAL MOHAMMED VS STATE (GOVT. OF NCT) DELHI [W.P.(CRL)-2917/2023]

Judges: Justice Swarana Kanta Sharma

Lal Mohammed, convicted and sentenced to life imprisonment for offenses under the Indian Penal Code and the POCSO Act, was granted a 15-day furlough due to good conduct in prison with no punishments. The previous rejection of his furlough application was deemed inappropriate as it relied solely on the nature of the crime without considering his satisfactory behavior. As he met the eligibility criteria under the Delhi Prison Rules, 2018, he was entitled to furlough, subject to conditions including the submission of a personal bond and reporting to the local police station during the furlough period.

LEENA PAULOSE VS DIRECTORATE OF ENFORCEMENT & ANR. [W.P.(CRL)-521/2023]

Judges: Justice Swarana Kanta Sharma

The proceedings by the Directorate of Enforcement (ED) to seize and sell 26 luxury cars belonging to Ms. Leena Paulose complied with the Prevention of Money Laundering Act (PMLA) and its Rules. The ED followed proper procedures under the relevant sections of the PMLA, and the Adjudicating Authority confirmed the retention of the seized vehicles. The inherent decay and depreciation of vehicles justified their disposal. Ms. Paulose's arguments were undermined by contradictions in her statements and a lack of supporting documentary evidence regarding her status as an independent businesswoman. The ED was instructed to place the sale proceeds in an interest-bearing fixed deposit.

LEISHANGTHEM I LOYANGAMBA VS STATE [BAIL APPLN.-70/2024]

Judges: Justice Swarana Kanta Sharma

Bail application by Leishangthem I Loyangamba for default bail under Section 167(2) of the Code of Criminal Procedure was dismissed. Non-filing of the FSL report with the chargesheet does not render the chargesheet incomplete under Section 173(2). The quantity of drugs involved, 50 kgs of opium, is classified as a commercial quantity.

LT COL RAMANDEEP SINGH VS UNION OF INDIA & ORS. [W.P.(C)-11488/2024]

Judges: Justice Swarana Kanta Sharma

A Lieutenant Colonel in the Indian Army filed a writ petition challenging a 75% fee concession granted to his daughter by Flame University. The petition was deemed not maintainable, as it arose from marital discord and primarily affected his wife and daughter. The appropriate forums for addressing the petitioner's grievances are the Family Court for custody and maintenance matters or the Armed Forces Tribunal for any alleged violations by Army authorities.

M/S ATS INFRASTRUCTURE LIMITED & ORS. VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-325/2024]

Judges: Justice Swarana Kanta Sharma

Petitions seeking to quash the FIR against M/s ATS Infrastructure Limited and its directors were dismissed. The investigation is in the initial stages, with allegations that may qualify as cognizable offenses under Sections 406 and 420 of the Indian Penal Code. Similar allegations exist in related matters, and preliminary investigation has indicated suspicious activities, including the alienation of properties assigned to the complainants. The decision refrains from interfering with the police investigation at this point and emphasizes that current observations do not reflect any view on the merits of the case.

MAHESH & ORS. VS STATE & ANR. [CRL.M.C.-3244/2005]

Judges: Justice Swarana Kanta Sharma

An order directing the registration of an FIR against the petitioners under Section 156(3) of the Code of Criminal Procedure was not quashed. The Magistrate appropriately considered the complaint and related case law, concluding that the allegations indicated cognizable offences. At the quashing petition stage, a detailed examination of evidence and documents is not possible, as that is for the investigating agency and trial court. Arguments regarding the civil nature of the dispute and the Magistrate's application of mind are to be addressed at the trial court level. The petitions were dismissed, allowing the petitioners to present their arguments during the charge consideration stage, with no stay on the investigation or chargesheet filing.

MAKSOOD AHMAD VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-336/2023]

Judges: Justice Swarana Kanta Sharma

The FIR against the accused under Section 376 IPC remains valid despite the subsequent marriage to the prosecutrix. Misleading information was presented by both parties; the prosecutrix did not disclose her marriage for nearly a month, and the accused withheld a 2012 compromise deed. Additionally, the prosecutrix's marriage was potentially invalid due to the absence of divorce documents from her previous marriage. Detailed guidelines were established for recording statements of sexual assault victims and for procedures regarding religious conversions for inter-faith marriages. Quashing the FIR would allow for an abuse of legal processes by both parties.

MALKHAN SINGH & ORS. VS STATE [CRL.A.-422/2009]

Judges: Justice Swarana Kanta Sharma

The conviction of the appellants under Sections 308, 341, 353, 506(I) and 34 of the Indian Penal Code was upheld, while the sentence for Ravinder @ Guddu and Nitu Singh was modified to the period of imprisonment already served. Leniency was granted due to their status as first-time offenders, the prolonged trial since 2001, and the health condition of one appellant, who suffered from paralysis and partial disability.

MANAS PYASI VS NATIONAL TESTING AGENCY & ORS. [W.P.(C)-8682/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition challenging a question in the NEET (UG)-2024 examination was dismissed. The validity of the question cannot be substituted with personal interpretations, as the decision rests with subject experts responsible for the question paper. The opinion of these experts deemed the question not out of syllabus, solidifying the dismissal of the petition.

MANISH MAINI VS STATE OF NCT OF DELHI [CRL.REV.P.-96/2024]

Judges: Justice Swarana Kanta Sharma

Additional charges were framed against the accused under Section 354 IPC and Section 10 of the POCSO Act based on victim statements about inappropriate touching. The order denying the accused the right to recall victims for cross-examination on these charges was set aside, establishing that the accused have a right to recall relevant witnesses when charges are altered, unless there is evidence of an intention to delay proceedings or obstruct justice, which was not present in this case. This involved two connected revision petitions from the accused.

MANISH NAYAK VS STATE GOVT. OF NCT OF DELHI & ANR. [BAIL APPLN.-9/2024]

Judges: Justice Swarana Kanta Sharma

Manish Nayak's bail application was denied due to serious allegations under Sections 376, 328, 313, and 506 of the Indian Penal Code, including multiple instances of rape, unauthorized recording and blackmail, forced abortion, and extortion of money from the complainant. The circumstances of the case did not warrant the granting of regular bail at that stage.

MANISH SISODIA VS CENTRAL BUERAEU OF INVESTIGATION [BAIL APPLN.-1559/2024]

Judges: Justice Swarana Kanta Sharma

Manish Sisodia failed to meet the requirements for bail under the relevant laws. There was prima facie evidence of his involvement in a conspiracy to manipulate the Delhi Excise Policy 2021-22 for illegal gains, constituting money laundering. Allegations of him destroying electronic evidence raised concerns about potential tampering and witness influence if released. Consequently, his bail applications were dismissed, although he is allowed weekly visits to his ailing wife in custody.

MANJINDER SINGH SIRSA VS STATE NCT OF DELHI AND ANR. [CRL.M.C.-316/2024]

Judges: Justice Swarana Kanta Sharma

The petitioner's application for a stay of proceedings in a private criminal defamation complaint was dismissed. The lower court's finding that the complaint was not time-barred was upheld, as the defamation allegations continued through 2023 via social media posts. The argument for staying the proceedings due to a related FIR on forgery was rejected, as the two matters involved different offences and the defamation complaint required a private complaint for cognizance.

MANJINDER SINGH SIRSA VS STATE OF NCT OF DELHI AND ANR. [CRL.M.C.-9128/2023]

Judges: Justice Swarana Kanta Sharma

Special Courts established to try cases against MPs and MLAs can hear cases involving both current and former legislators. The absence of differentiation between sitting and former MPs/MLAs in the Supreme Court's directions supports the view that these courts aim for timely resolution of such cases, regardless of the status of the accused at the time of the alleged offense. A petition challenging the Special Court's jurisdiction was dismissed as the accused was a former MLA.

MANJU BALA VS STATE (N.C.T. OF DELHI) [BAIL APPLN.-1097/2024]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application of Manju Bala was dismissed due to prima facie evidence of her and her husband Naresh Yadav cheating the complainant, Dharambir Singh, by selling the same plot of land to two different buyers and failing to repay a loan. Custodial interrogation is deemed necessary to verify the authenticity of documents and investigate if others have been similarly duped. Despite previous leniency, Bala did not comply with investigation notices issued under Section 41A of the Code of Criminal Procedure.

MANJU DEVI VS STATE OF NCT OF DELHI [CRL.M.C.-1612/2020]

Judges: Justice Swarana Kanta Sharma

The petition filed by Manju Devi for the cancellation of bail for Santosh Kumar and Jameel Akhtar was dismissed. Bail cannot be canceled without a supervening event affecting the fairness of the trial. A status report from the police found no evidence supporting the allegations of threats by the accused. The petitioner did not contest the legality of the bail but claimed misuse of liberty by the accused. It was noted that grounds for cancellation of bail were not met. The petitioner was advised to contact the Witness Protection Committee if threatened, and the police were instructed to act on any such complaints.

MANOJ KUMAR VS ALL INDIAN COUNCIL FOR TECHNICAL EDUCATION [W.P.(C)-8910/2023]

Judges: Justice Swarana Kanta Sharma

Manoj Kumar filed a writ petition regarding the AICTE validation examination results from December 2018. His score of 39.76% was rounded up to 40%, allowing him to be treated as qualified. The validation examination aimed to assess candidates' basic abilities, and Kumar had over 16 years of engineering experience. Similar relief had been granted to other candidates in comparable situations.

MANOJ SIROHI VS STATE OF NCT OF DELHII [W.P.(CRL)-3669/2023]

Judges: Justice Swarana Kanta Sharma

Manoj Sirohi received a three-week furlough despite not surrendering on time after emergency parole during the COVID-19 pandemic. The objectives of furlough under the Delhi Prison Rules, 2018, aim to help inmates maintain family connections, build self-confidence, and cope with the effects of incarceration. Consideration of the petitioner's circumstances and family needs influenced the decision, balancing the interests of both the convict and society, with certain conditions applied.

MANOJ VS STATE NCT OF DELHI [W.P.(CRL)-523/2024]

Judges: Justice Swarana Kanta Sharma

Manoj is entitled to a three-week furlough despite previous application rejection. His satisfactory conduct in jail over the past year, with no punishments, supports this decision. Previous violations of parole were acknowledged, but the current record and objectives of furlough under the Delhi Prison Rules, 2018 warranted the grant, subject to conditions for compliance.

MASTER HARMANPREET SINGH THROUGH MR. PARAMJEET SINGH VS DIRECTORATE OF EDUCATION, GOVT. OF NCT OF DELHI & ANR. [W.P.(C)-12093/2024]

Judges: Justice Swarana Kanta Sharma

The non-filing of a valid income certificate at the time of applying for admission under the EWS category justified the respondent school's denial of admission to the petitioner's child. The income certificate needed to be valid on the application date, which the petitioner's certificate was not. Acknowledgment of the petitioner's parents' lack of awareness regarding the certificate's expiry, due to their background, was noted. To improve awareness, directions were issued for future circulars and notifications about admissions to be provided in both English and Hindi, along with additional measures to assist parents.

MD SADIQ @ CHOTA CHIKNA VS THE STATE GOVT OF N CT OF DELHI [BAIL APPLN.-3996/2023]

Judges: Justice Swarana Kanta Sharma

MD Sadiq @ Chota Chikna's bail application was rejected due to serious allegations, including snatching a mobile phone from a constable on a moving train, threatening the constable, aiding a co-accused in escaping custody, and possessing a knife at the scene. A key witness's statement was only partially recorded, and additional material witnesses had yet to be examined. Overall circumstances did not justify granting bail.

MASTER VINAYAK (MINOR) THROUGH HIS FATHER SH. RAHUL SINGH TOMAR VS GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI AND ANR [W.P.(C)-12065/2024]

Judges: Justice Swarana Kanta Sharma

The relief sought regarding the allotment by the Directorate of Education for the 2023-24 academic year cannot be granted as that year has concluded. A prior decision indicates that a student's right to admission expires with the end of the relevant academic year if no interim order was in place for provisional admission. The Directorate of Education is urged to assist the petitioner in securing admission to a nearby government school for the current year, and the petitioner is advised to apply for the draw of lots for the next academic session.

MEDHATITHI JHA & ANR. VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-3664/2023]

Judges: Justice Swarana Kanta Sharma

The petitions seeking stay of investigation and arrest of the accused in an FIR under various sections of the Indian Penal Code were dismissed. The FIR was initiated based on a complaint alleging a conspiracy to defraud and extort money. The allegations warranted an investigation into claims of extortion, cheating, and forgery. It was concluded that this case did not merit an extraordinary stay on the investigation or arrest. Petitioners were advised to seek anticipatory bail if they feared arrest.

MEENA VS THE STATE [BAIL APPLN.-252/2024]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application of Meena was dismissed in a case under the Narcotics Drugs and Psychotropic Substances Act. Evidence, including call detail records and receipts from a co-accused's house, suggested her involvement in the drug trade. Custodial investigation was deemed necessary to uncover the conspiracy among the accused, resulting in no grounds for anticipatory bail.

MEHTAB VS STATE (GOVT.) NCT OF DELHI [W.P.(CRL)-693/2023]

Judges: Justice Swarana Kanta Sharma

Parole was granted to the petitioner for four weeks despite unsatisfactory jail conduct and involvement in another criminal case. The parole facilitates the petitioner's ability to maintain social and family ties and to pursue legal remedies, including filing a Special Leave Petition before the Supreme Court. The decision balanced the interests of the petitioner and society.

MICHAEL BUILDERS AND DEVELOPERS PVT. LTD. VS THE INDIAN NURSING COUNCIL AND ORS. [W.P.(C)-12029/2024]

Judges: Justice Swarana Kanta Sharma

The dispute involves Michael Builders and Developers Pvt. Ltd. and the St. Alphonsa Trust, both based in Tamil Nadu, regarding property located in Tamil Nadu. The application of the doctrine of 'forum conveniens' indicated that Tamil Nadu courts are the appropriate venue for the matter, as the cause of action and related orders originate from that state. The petitioner previously approached the Madras High Court on similar issues and was accused of 'forum shopping' by seeking relief in Delhi. Costs were imposed on the petitioner for this conduct.

MOHD QASIM MANSOORI VS THE STATE OF DELHI [BAIL APPLN.-2771/2023]

Judges: Justice Swarana Kanta Sharma

Bail was denied to Mohd Qasim Mansoori, charged with murder under Section 302 of the Indian Penal Code. Substantial evidence included a post-mortem report, the recovery of a knife as the murder weapon based on the accused's disclosure, and DNA evidence linking the deceased's blood to the accused's clothes and shoes. Given the seriousness of the brutal murder, bail was deemed inappropriate at this stage.

MOHD. ISLAM VS STATE OF NCT OF DELHI [W.P.(CRL)-3213/2023]

Judges: Justice Swarana Kanta Sharma

Mohd. Islam is granted a 2-week furlough with conditions, including the requirement to furnish a personal bond, report weekly to the local police station, and maintain contact with authorities. The prior rejection of his furlough application was noted due to a re-arrest in 2019 under Section 308 IPC; however, he has since been granted bail in that case and demonstrated satisfactory conduct for the past year. Any misconduct during the furlough period will result in its cancellation.

MOHD. SALEEM JAFAR VS THE STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-970/2024]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application by Mohd. Saleem Jafar was dismissed. He is accused of cheating a complainant by taking Rs. 42 lakhs for a non-existent real estate investment. Investigation showed the property is not recorded, and Jafar has evaded joining the investigation despite several notices. This resulted in non-bailable warrants and the initiation of proceedings under Section 82 of the Cr.P.C. Given these circumstances and his conduct, no grounds for anticipatory bail were established.

MOHIT JITENDRA KUKADIA VS UNION OF INDIA [W.P.(C)-11041/2024]

Judges: Justice Swarana Kanta Sharma

The rejection of the petitioner's National Overseas Scholarship application due to the absence of the ITR acceptance document was deemed unjustified, as the submitted documents established eligibility. The petitioner's family income was consistent across the provided documents, highlighting the need to avoid a hyper-technical approach. Given the petitioner's background as a traditional artisan from a financially disadvantaged family, the application must be processed and the scholarship granted within two weeks, along with any additional benefits. The emphasis is on recognizing inequalities and ensuring substantive justice to support deserving students from marginalized communities.

MOHIT PILANIA VS THE STATE GOVT. OF NCT OF DELHI AND ANR. [BAIL APPLN.-4252/2023]

Judges: Justice Swarana Kanta Sharma

The bail application of Mohit Pilania was dismissed due to prima facie evidence of his involvement in a conspiracy with Aarav Chaudhary to deceive multiple women through sham marriages. Pilania misled the complainant's family regarding the main accused's marital status and received money under false pretenses. The allegations were deemed serious, with concerns that granting bail could lead to further criminal activity and witness tampering. The accused's counsel faced criticism for revealing the identities of the complainant and her brother, violating legal protections.

MOHIT YADAV VS STATE GOVT OF NCT OF DELHI [CRL.M.C.-722/2024]

Judges: Justice Swarana Kanta Sharma

The trial court's dismissal of the petitioner's application for a duplicate copy of DVDs was upheld. The trial court noted that the petitioner had received the DVDs multiple times and that the issue had been addressed extensively during cross-examination lasting around seven years. The petitioner's claim of losing the evidence was seen as an attempt to misuse the legal process, given previous access to the DVRs. A cost of Rs. 25,000 was imposed on the petitioner for unnecessary adjournments to discourage obstruction of justice. The order was found to have no infirmities, and the petition was dismissed.

MOHSIN IBRAHIM SAYYED VS NATIONAL INVESTIGATION AGENCY [W.P.(CRL)-463/2023]

Judges: Justice Swarana Kanta Sharma

The petitioner's sentences in two separate cases, one in Greater Bombay and another in Delhi, will not run concurrently. The offences were determined to be distinct and serious under the Unlawful Activities (Prevention) Act, 1967, posing threats to national security and communal harmony. The sentences were deemed appropriate as the petitioner had not received the maximum penalties, and previous trials had already shown leniency. Consequently, the discretion to order concurrent sentences was not exercised.

MONU @ JIJI VS STATE OF NCT OF DELHI [W.P.(CRL)-2752/2023]

Judges: Justice Swarana Kanta Sharma

Monu @ Jiji received a three-week furlough while serving a life sentence for murder under Section 302 of the Indian Penal Code. The petitioner's conduct in prison was satisfactory, with no disciplinary issues. Conditions for the furlough include providing a personal bond, reporting to the local police station, and surrendering immediately after the furlough period ends.

MR VINAY MAHESHWARI VS MR. MANOJ MANCHU & ORS. [I.A.-48601/2024]

Judges: Justice Swarana Kanta Sharma

An ex parte ad interim injunction was granted in favor of Mr. Vinay Maheshwari against certain defendants due to a prima facie case of defamation. The defendants' tweets, articles, and videos were found to contain baseless allegations that harmed the plaintiff's reputation. Specific defendants were ordered to remove the defamatory content within a set timeframe, while Google/YouTube and other defendants were not subject to the injunction due to insufficient evidence or proper translations. The observations regarding the defamation are preliminary, and the case will continue with defendants submitting their replies.

MR. AMANDEEP SINGH DHALL VS DIRECTORATE OF ENFORCEMENT [CRL.M.A.-35750/2023]

Judges: Justice Swarana Kanta Sharma

The petitioner's request to modify the transfer order to Safdarjung Hospital for physiotherapy treatment was not accepted. Safdarjung Hospital was determined to have the necessary equipment and facilities for the petitioner's medical needs. Arguments regarding overcrowding, lack of privacy, and poor security were rejected, as the hospital offered private wards and sufficient security measures. The petitioner was directed to be admitted to a private ward, with provisions for the treating doctors to consult with the Indian Spinal Injuries Centre.

MS L R SHARMA AND CO VS UNION OF INDIA & ORS. [W.P.(C)-13689/2024]

Judges: Justice Swarana Kanta Sharma

The adjudicating proceedings initiated by the Revenue against the petitioner through the show cause notice dated 21.04.2015 are time-barred under Section 73(4B) of the Finance Act, as the Revenue did not complete the proceedings within the required 6 months or 1 year. The Revenue's claim that the time limit was suggestive was rejected. The issuance of the hearing notice dated 18.09.2024, nearly 9 years after the original notice, was deemed unjustified and unreasonable. The hearing notice was quashed on the grounds of being time-barred, making further examination of the issuing officer's jurisdiction unnecessary.

MS. S VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-4591/2023]

Judges: Justice Swarana Kanta Sharma

The application to cancel the regular bail granted to the accused was dismissed. The complainant was informed about the bail hearing, and both she and her mother had been examined prior to the bail being granted. There had been no new complaints against the accused since then. No supervening circumstances justified the cancellation of bail, as there was insufficient material to support such action.

MS. TANNU VS THE STATE GOVT.OF NCT DELHI AND ANR. [BAIL APPLN.-19/2024]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application of Ms. Tannu was dismissed due to specific allegations against her, including approaching the complainant, obtaining blank cheques, and withdrawing funds from the complainant's account, which necessitate custodial interrogation to gather further evidence and assess her role in the alleged conspiracy. The ongoing investigation, her failure to join it, her absconding status, and a pending civil case between the parties were also noted as reasons for the decision.

MUDASSIR AHMAD VS STATE OF NCT OF DELHI & ANR. [BAIL APPLN.-3886/2023]

Judges: Justice Swarana Kanta Sharma

Anticipatory bail was granted to Mudassir Ahmad in a case involving serious allegations under Sections 376/377/506/34 of the Indian Penal Code. Despite the seriousness of the accusations, he had cooperated with the investigation and received prior interim protection. Conditions for the bail included not leaving the country without permission, providing contact details, and refraining from contacting or threatening the complainant and witnesses. The decision did not indicate any opinion on the merits of the case.

MUKESH VS STATE (GOVT OF NCT OF DELHI [W.P.(CRL)-1912/2023]

Judges: Justice Swarana Kanta Sharma

The punishment ticket issued to Mukesh by the prison authorities was quashed due to non-compliance with mandatory procedures under the Delhi Prison Rules. The authorities did not provide a show cause notice or conduct a quasi-judicial inquiry before imposing a 15-day stoppage of canteen facilities. The matter is to be reconsidered by the jail authorities following due process as per the Delhi Prisons Act and Rules.

MUZAMMIL AHMAD VS STATE OF NCT OF DELHI & ANR. [BAIL APPLN.-3816/2023]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application of Muzammil Ahmad was dismissed due to accusations of sexual assault, including offenses under Sections 376, 377, 506, and 34 of the Indian Penal Code. The allegations involve multiple sexual assaults, creation of video evidence, and threats of defamation. Additional claims include coercion into signing blank documents and a marriage contract. Evidence such as hotel stay records was analyzed, and the existence of non-bailable warrants against the petitioner, who is absconding, was noted. The seriousness of the allegations necessitated custodial interrogation, and the complainant denied consenting to the marriage. The decision does not comment on the merits of the case.

NAVED @ PATHAN VS STATE OF NCT OF DELHI [BAIL APPLN.-4085/2023]

Judges: Justice Swarana Kanta Sharma

The bail application of Naved @ Pathan, arrested in an NDPS case, was dismissed. Although claims of violations under Section 50 of the NDPS Act were made, the recovery of contraband from his house rather than his person negated bail grounds. Evidence of call detail records and financial transactions with co-accused Ranjan Biswas suggested a conspiracy. Considering the stage of charges and the need for witness examination, bail was not granted.

NAGEENA ARORA VS STATE & ANR. [CRL.M.C.-1109/2020]

Judges: Justice Swarana Kanta Sharma

Nageena Arora's petition to quash a trial court's order dismissing her application under Section 311 of the Cr.P.C. was partially granted. She is permitted to present a receipt for Rs. 37 lakhs, as this amount was previously mentioned by defense witnesses. However, her request to examine her son as a defense witness was denied due to insufficient justification for his earlier omission from the witness list. A cost of Rs. 10,000 is to be paid to the complainant before she can introduce the receipt. The observations made do not reflect an opinion on the case's merits.

NANDINI RAI VS STATE OF NCT OF DELHI [CRL.M.C.-2085/2024]

Judges: Justice Swarana Kanta Sharma

The petition by Nandini Rai to quash the FIR and subsequent criminal proceedings was dismissed. Allegations of creating fake Instagram accounts to troll, bully, and defame the complainant were deemed cognizable offences under relevant sections of the Indian Penal Code and the Information Technology Act. Despite the petitioner's claims of insufficient evidence, the case was not suitable for quashing the FIR at this stage, with charges yet to be framed and pending FSL results. The petitioner may present arguments regarding the charges in the trial court. This matter also involves a co-accused, Ms. 'Y', who assisted the petitioner with mobile devices and internet access.

NANDITA VS NATIONAL TESTING AGENCY AND ORS [W.P.(C)-8637/2024]

Judges: Justice Swarana Kanta Sharma

Jurisdiction in challenging the answer key of the NEET (UG)-2024 examination is limited. The examination body's answers can only be contested if errors are self-evident. Allegations regarding question numbers 104 and 149 were not found to be self-evident. Expert opinions from the National Testing Agency (NTA) had already addressed the petitioner's objections. Re-assessment of answers is not permissible at this stage, particularly with the results and counseling schedule announced. The writ petition was dismissed.

NARESH KUMAR @ KALU VS STATE OF NCT DELHI [W.P.(CRL)-853/2024]

Judges: Justice Swarana Kanta Sharma

Naresh Kumar's writ petition for a two-month parole was dismissed. The Delhi Prison Rules state that parole is granted to those showing positive rehabilitation efforts. Evidence indicated Kumar's conduct after a previous parole was contrary to this principle, having received six major punishments and a total of 15 punishment tickets for rule violations, demonstrating unsatisfactory behavior. He failed to show necessary progress towards rehabilitation, making his parole request untenable.

NARESH KUMAR SOLANKI VS STATE [CRL.A.-223/2009]

Judges: Justice Swarana Kanta Sharma

Naresh Kumar Solanki was convicted under Section 325 of the Indian Penal Code for causing grievous hurt. His sentence was reduced to the time already served, exceeding four months, due to the 22-year gap since the incident, his age of over 60, and good conduct without further legal issues during that time. The overall circumstances justified the reduction of his sentence.

NARESH MAHATO VS STATE OF NCT OF DELHI [BAIL APPLN.-3061/2023]

Judges: Justice Swarana Kanta Sharma

Naresh Mahato's bail application was denied due to serious allegations involving a criminal conspiracy to impersonate Enforcement Directorate officers and extort money from a complainant. Evidence, including CCTV footage and call detail records, indicated Mahato's active involvement and ongoing communication with co-accused individuals. The severity of the charges and the pending trial contributed to the decision to deny bail.

NAVEEN CHANDER SINGH & ORS. VS STATE & ANR. [CRL.M.C.-177/2020]

Judges: Justice Swarana Kanta Sharma

The petition by Naveen Chander Singh and others to quash an FIR for offences under Sections 420, 468, 471, and 120B of the Indian Penal Code was dismissed. Despite a compromise between the petitioners and the complainant, with repayment of the cheated amount, allegations indicated a systemic fraud scheme operated through a call center, exploiting vulnerable individuals with false promises of low-interest loans. This undermined the integrity of the financial system and trust in legitimate lending practices, warranting dismissal of the petition while noting that no opinion on the merits of the case was expressed.

NEERAJ BHATT VS STATE NCT OF DELHI [W.P.(CRL)-1190/2023]

Judges: Justice Swarana Kanta Sharma

Neeraj Bhatt received a four-week parole despite a conviction under the POCSO Act due to his medical conditions, including varicose veins, gallstone disorder, and Hepatitis-C. His long incarceration and satisfactory conduct over the last two years were also considered. The parole is subject to conditions such as providing a personal bond and reporting to the local police station.

NEERUPAMA THAPA VS NATIONAL BOARD OF EXAMINATIONS IN MEDICAL SCIENCES & ANR. [W.P.(C)-8678/2024]

Judges: Justice Swarana Kanta Sharma

Neerupama Thapa was debarred from the NEET (PG)-2024 examination by the National Board of Examinations in Medical Sciences due to her submission of false information regarding her FMGE qualification and medical council registration during her application for NEET (PG)-2023. This misrepresentation was classified as using "unfair means." Although there was an initial miscommunication about the debarment decision, it did not affect the findings of the Examination Ethics Committee. The writ petition submitted by Thapa was dismissed.

NEW METAL VISION PRIVATE LIMITED VS JITENDER KUMAR KHARBANDA & ANR. [I.A.-44238/2024]

Judges: Justice Swarana Kanta Sharma

The plaintiff entered into two agreements with defendant no. 1 for property purchase and paid a significant portion of the sale price, but defendant no. 1 failed to provide original title deeds or execute the sale deed. The plaintiff's readiness to fulfill its obligations is established due to these payments, and defendant no. 1 did not notify the plaintiff about redeeming the property's mortgage. The balance of convenience favors the plaintiff, who could suffer harm if defendants transfer the property. An ad-interim ex-parte injunction has been granted, pending further hearings.

NIKHIL JAIN VS STATE OF NCT OF DELHI [BAIL APPLN.-449/2024]

Judges: Justice Swarana Kanta Sharma

Nikhil Jain's anticipatory bail application was rejected due to serious allegations of cheating and forgery. He was accused of conspiring with Sushil Singla and Manjeet Singh to fraudulently obtain a forged conveyance deed from the DDA and sell the property to the complainant. Custodial interrogation was deemed necessary to investigate the conspiracy further, especially since non-bailable warrants had been issued against Jain and he had not joined the investigation. The gravity of the allegations contributed to the decision not to grant bail.

NIKHIL JAIN VS STATE OF NCT OF DELHI [BAIL APPLN.-1391/2024]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application filed by Nikhil Jain, accused of cheating, forgery, and criminal conspiracy, was dismissed. His previous application had also been rejected due to the potential necessity of custodial interrogation to investigate the full conspiracy and alleged forged documents. The consideration of monetary offers as a basis for granting bail was deemed inappropriate, reinforcing the need for further investigation through custodial interrogation.

NIKITA KASHYAP VS DELHI UNIVERSITY & ANR. [W.P.(C)-11137/2024]

Judges: Justice Swarana Kanta Sharma

Nikita Kashyap's writ petition challenging her denial of admission to the LL.M. program at Aligarh Muslim University was dismissed. The university's prospectus required all necessary documents for eligibility by the admission date. Kashyap did not obtain her LL.B. final semester mark sheet on time, despite being allowed to participate in counseling. Her eligibility for the LL.M. program remained unclear, as her final LL.B. examinations were completed after the last counseling session. No merit was found in the petition.

NILESH SHARMA VS KAMAL GARG [CRL.M.C.-413/2023]

Judges: Justice Swarana Kanta Sharma

The petition by the accused to call a defense witness was allowed, overturning the trial court's dismissal of the application. The key issue was whether the cheque was issued from the accused's personal account or from the account of a proprietorship firm owned by his brother. Due to the destruction of bank records in a fire, the accused needed to examine his brother as a witness to show the cheque was not from his personal account. The accused was granted one opportunity to do so and ordered to pay a cost of Rs. 15,000 for delays, with instructions for the trial court to conclude the case within two months after the witness examination.

NITIN KUMAR TOMAR VS THE STATE GOVT OF NCT OF DELHI [BAIL APPLN.-2833/2023]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application of the accused husband was rejected due to serious allegations of physical, sexual, and economic abuse against his wife. Factors considered included the prima facie case, the nature of the offense, and the severity of punishment. Evidence indicated a blatant disregard for the wife's well-being and autonomy, along with instances of forcibly taking money from her. The seriousness of the alleged offenses warranted the denial of anticipatory bail.

NIVRITI BATHLA VS NATIONAL TESTING AGENCY & ANR. [W.P.(C)-10585/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition challenging the National Testing Agency's answer key for the Accountancy paper in the Common University Entrance Test (Undergraduate) 2024 was dismissed. The petitioner, who did not attempt Question no. 22, lacked standing to contest the declaration of two correct answers for that question. The validity of the final answer key, including for Question no. 7, was supported by subject experts reviewed by the National Testing Agency, and their opinion was not to be overridden. No grounds were established to interfere with the National Testing Agency's decision.

P.T.M. TEACHER TRAINING INSTITUTE VS NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR. [CM APPL.-2358/2024]

Judges: Justice Swarana Kanta Sharma

The withdrawal of recognition of the P.T.M. Teacher Training Institute by the Southern Regional Committee of the National Council for Teacher Education was upheld due to the institute's failure to submit the mandatory Performance Appraisal Report within the required timeframe. The Supreme Court's stay on a previous judgment regarding the PAR requirement rendered the recognition withdrawal valid for non-compliance. The application for interim relief was dismissed based on this Supreme Court stay order.

PANKAJ GUPTA VS STATE(GOVT. OF NCT OF DELHI) [BAIL APPLN.-1004/2024]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application of Pankaj Gupta was dismissed in connection with an FIR under Section 420 of the Indian Penal Code. The offense involved multiple accused, and custodial interrogation is deemed necessary to investigate the recovery of 90 activated SIM cards sent to Dubai through questionable means. The nature of the allegations and the lack of participation in the investigation warranted the decision against granting bail.

PARTH GUPTA VS NATIONAL TESTING AGENCY & ANR. [W.P.(C)-10650/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition challenging the final answer key for Question 16 of the Economics paper in the CUET (UG) 2024 exam was dismissed. The National Testing Agency (NTA) declared option 4 as the correct answer, supported by the 2020 NCERT textbook and expert opinion. The reasoning emphasized the need for restraint in academic matters and the importance of respecting expert assessments, with no evidence of error in the NTA's decision.

PARVEEN VS STATE (GNCT) OF DELHI [W.P.(CRL)-7/2024]

Judges: Justice Swarana Kanta Sharma

The petitioner was granted a 4-week parole to file a Special Leave Petition (SLP) challenging his conviction. His initial application for parole was rejected due to past major punishment, unsatisfactory conduct, and habitual offending. However, good conduct for nearly two years since the last punishment and the importance of the right to file an SLP were considered sufficient grounds for granting parole, subject to specific conditions.

PAWAN KUMAR @ MONU VS STATE GOVT. OF NCT OF DELHI [BAIL APPLN.-682/2024]

Judges: Justice Swarana Kanta Sharma

Bail was denied to Pawan Kumar @ Monu, accused of offenses under the Indian Penal Code and the Protection of Children from Sexual Offences Act. The allegations involved sexual exploitation of minors, with Pawan allegedly having a sexual relationship with the minor victim 'N' and his co-accused mother, Suman, accused of forcing the victim and another minor, 'G', into prostitution. A compromise between the applicant's brother and the victim's mother did not influence the decision, given the serious nature of the allegations.

PAWAN KUMAR VS STATE OF NCT OF DELHI [W.P.(CRL)-3677/2023]

Judges: Justice Swarana Kanta Sharma

The petitioner, convicted under Section 302 IPC and sentenced to life imprisonment, received a 3-week parole. Factors considered included the objectives of parole under the Delhi Prison Rules, 2018, which aim to help convicts maintain social ties and cope with incarceration stress. Although the petitioner had a prior instance of jumping bail, satisfactory jail conduct and timely surrender during interim bail influenced the decision. Parole was granted with conditions to prevent the risk of absconding.

PAWAN VS STATE GNCT OF DELHI [BAIL APPLN.-316/2024]

Judges: Justice Swarana Kanta Sharma

Pawan was granted regular bail in a case under Sections 326/308/34 of the Indian Penal Code. Co-accused Manoj @ Bhaddi and Karan @ Dolly had previously been granted bail, and the complainant/eye witness had become hostile. Pawan surrendered before the trial court on 11.10.2023 and had been in custody for over 4 months.

PINTU DAS VS STATE GOVT OF NCT OF DELHI [CRL.A.-192/2024]

Judges: Justice Swarana Kanta Sharma

The appellant's conviction for voyeurism, insult to the modesty of a woman, and sexual harassment under relevant laws was upheld. Arguments regarding discrepancies in testimonies and mobile phone ownership were rejected. Emphasis was placed on the importance of protecting children from such crimes and avoiding victim-shaming. No grounds were found to impose a lenient sentence, given the crime's severe impact on the victim.

POOJA SHARMA BAJAJ VS KUNAL BAJAJ & ORS [CRL.M.C.-1082/2019]

Judges: Justice Swarana Kanta Sharma

The sessions court erred in setting aside the magistrate's summoning order for the accused's alleged bigamy under Section 494 IPC and abetment under Section 109 IPC. At the summoning stage, a prima facie assessment of the complaint and evidence is required, rather than a comprehensive evaluation. Sufficient evidence, including photographs and a birth certificate, indicated the existence of a second marriage. The inability to conclusively prove essential marriage ceremonies at this stage should not prevent the victim from presenting her case during trial. Emphasis was placed on addressing the practical realities faced by the victim in cases of bigamy. The sessions court's order was set aside, and the magistrate's summoning order was upheld, with no conclusions regarding the merits of the case.

PRABHAT KRISHNA VS STATE NCT OF DELHI AND ORS [W.P.(CRL)-316/2023]

Judges: Justice Swarana Kanta Sharma

The FIR against Prabhat Krishna for offenses under Sections 354, 509 of the IPC and Section 3(1)(x) of the SC & ST Act was partially quashed after a settlement agreement. The complainants agreed to leave their jobs at Cheshire Home and withdraw their complaints in exchange for compensation. The FIR was quashed for those who complied with the settlement, while the matter remains open for non-compliant respondents. A separate contempt petition was filed against the latter.

PRADEEPKUMAR YADAV VS THE STATE NCT OF DELHI [BAIL APPLN.-1944/2023]

Judges: Justice Swarana Kanta Sharma

The bail application of Pradeep Kumar Yadav was dismissed due to charges under the Narcotic Drugs and Psychotropic Substances Act, following the recovery of 14 kg of Heroin, which qualifies as a commercial quantity considering both the substance and any neutral substances. Evidence, including call detail records, hotel stay records, and the co-accused's absconding, indicated that the accused may not be innocent or that further offenses could occur if released on bail.

PRAJWAL ELROY RAJ VS GOVT OF NCT OF DELHI [BAIL APPLN.-3542/2023]

Judges: Justice Swarana Kanta Sharma

The bail application of accused Prajwal Elroy Raj was dismissed due to sufficient evidence of his involvement in a conspiracy related to narcotics. Direct cryptocurrency transactions were established between Raj and co-accused Anurag Thakur, with contraband linked to Raj. He allegedly ordered narcotics via the dark web and imported them into India, while co-accused Faizan Ali distributed them. The involvement met the criteria of Section 37 of the Narcotic Drugs and Psychotropic Substances Act. Previous bail in another NDPS case did not influence the decision.

PRANSH SINGH VS NATIONAL TESTING AGENCY & ORS. [W.P.(C)-9089/2024]

Judges: Justice Swarana Kanta Sharma

Question number 188 was marked as attempted based on the petitioner's OMR sheet, which indicated the circle was more than half filled. The rule to consider only the first 10 attempted questions in Section B for evaluation was valid according to pre-declared norms. Claims regarding the exclusion of question number 197 and loss of marks were deemed meritless, leading to dismissal of the petition.

PRATEEK PURI VS STATE & ANR [CRL.M.C.-64/2006]

Judges: Justice Swarana Kanta Sharma

The petition filed by Prateek Puri to quash an order transferring a case was dismissed due to non-prosecution, as the petitioner and his counsel had not appeared for two years and no arguments or written submissions were provided.

PRAVEEN @ NAVEEN @ VICKY VS STATE NCT OF DELHI [W.P.(CRL)-739/2023]

Judges: Justice Swarana Kanta Sharma

The petition filed by Praveen@Naveen@Vicky for 8 weeks of parole to file an SLP against the dismissal of his criminal appeal was dismissed. The petitioner's unsatisfactory conduct in prison, including two major punishments for misconduct and fighting with other inmates, violated Rule 1210(II) of the Delhi Prison Rules 2018. Parole eligibility is contingent upon good conduct, and the petitioner's behavior contradicted the rehabilitative goals of imprisonment. Legal aid facilities were mandated to assist the petitioner in filing the SLP.

PRINCE MATHURAM JAYACHANDRAN VS STATE OF NCT OF DELHI [BAIL APPLN.-946/2024]

Judges: Justice Swarana Kanta Sharma

Anticipatory bail was denied for Prince Mathuram Jayachandra, implicated in a conspiracy to create fake Schengen visas. Evidence, including co-accused disclosures and financial transactions, indicated his role as the mastermind. His flight to the UK and evasion of investigation resulted in a Look Out Circular. The serious charges under Sections 420, 468, 471, and 120B of the Indian Penal Code, along with Section 12 of the Passport Act, were considered insufficient for granting bail.

PRIYA VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-600/2023]

Judges: Justice Swarana Kanta Sharma

The investigation was deemed deficient due to the failure to record the petitioner's statement under Section 164 of the Code of Criminal Procedure, the absence of a site plan, and neglecting the allegations of the petitioner's younger sister under Sections 354 and 354D of the Indian Penal Code. A directive was issued for further investigation on these matters, with a supplementary report required within one month, highlighting that constitutional powers allow for additional investigation even after charges have been framed if significant deficiencies exist.

PRIYANSHU RAJ VS UNION OF INDIA & ORS. [W.P.(C)-9404/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition filed by Dr. Priyanshu Raj was dismissed, challenging the decision of the NBEMS Examination Ethics Committee to debar him from the National Eligibility-cum-Entrance Test (Postgraduate) 2024 (NEET PG-2024). The Examination Ethics Committee concluded that he had used unfair means by providing false information in his NEET PG-2023 application, leading to the cancellation of his candidature for that exam and his debarment from NEET PG-2024. Although the initial communication regarding the penalty omitted the debarment detail due to an error, the Committee's minutes explicitly recorded the decision to debar him from both exams. Dr. Raj did not contest the Committee's finding of unfair means, resulting in the dismissal of his writ petition.

PUNEET SALUJA VS STATE & ANR. [CRL.M.C.-766/2020]

Judges: Justice Swarana Kanta Sharma

The case is remanded to the trial/appellate court to reevaluate whether the pendency of an insolvency petition, the petitioner's medical condition, and ongoing consumer complaints against the insurance company justify waiving the requirement for the petitioner to deposit 20% of the compensation amount during the appeal under Section 138 of the Negotiable Instruments Act. The lower court previously considered only the first two circumstances and is instructed to make a fresh decision within two months, free from external influence.

PURUSHOTTAM SAHU VS THE STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-580/2023]

Judges: Justice Swarana Kanta Sharma

An FIR registered under Sections 498A, 406, and 304B of the Indian Penal Code, concerning dowry-related torture and a victim's suicide, cannot be quashed based on a compromise between the parties. The serious allegations involve heinous offenses that must be prosecuted in the interest of society, regardless of individual settlements. The ongoing investigation has not yet produced a chargesheet, making it premature to halt proceedings. No observations made preclude the merits of the case during trial.

RAGHAV @ RAGHI VS STATE OF DELHI & ANR. [BAIL APPLN.-3804/2023]

Judges: Justice Swarana Kanta Sharma

Bail was denied to Raghav, accused in the murder of Sarvind, based on eyewitness testimony from Sarvind's wife and son, and CCTV footage showing Raghav and co-accused Rakesh firing at the victim. The defense's claim of accidental shooting was rejected due to clear identification of Raghav as one of the shooters. Additional concerns arose from the fact that material witnesses have yet to be examined and allegations of witness intimidation. Given the seriousness of the offense and ongoing threats, bail was not granted.

RAJEEV DAGAR VS STATE & ORS. [W.P.(CRL)-3080/2023]

Judges: Justice Swarana Kanta Sharma

A complaint under the POCSO Act against the petitioner's brother-in-law could not be referred to mediation, as serious sexual offences against minors are not suitable for settlement through mediation. Judicial errors occurred when the Special Court referred the case to mediation and allowed the complaint to be withdrawn based on a settlement between the petitioner and his wife, undermining the gravity of the offences and the rights of the minor victims. The petitioner delayed approaching the High Court for over 8 years, and the case was not reopened, with an observation made regarding the misuse of children's suffering for personal disputes. Cases under the POCSO Act cannot be resolved through mediation.

RAJEEV JHAWAR VS CENTRAL BUREAU OF INVESTIGATION [BAIL APPLN.-1683/2022]

Judges: Justice Swarana Kanta Sharma

The applicant Rajeev Jhawar's request for clarification of a prior order was dismissed. The order clearly mandated that he join the CBI investigation within 10 days and provided a 7-day notice before any arrest. The applicant had previously missed the opportunity to seek clarification and the lower court had addressed the issue of non-bailable warrants against him. There were no grounds to extend the time for him to join the investigation.

RAJEEV JHAWAR VS DIRECTORATE OF ENFORCEMENT [CRL.M.C.-1018/2024]

Judges: Justice Swarana Kanta Sharma

The issuance of non-bailable warrants against Rajeev Jhawar was justified due to his repeated failures to appear in court despite multiple opportunities and warnings. The trial court had previously taken a lenient approach, rejecting exemption applications without coercive measures. Jhawar's continued absence necessitated the NBWs to ensure his presence. The balance between the accused's personal liberty and societal interest was appropriately maintained, and the NBWs were deemed legal. Jhawar's petition challenging the NBWs was dismissed.

RAJEEV JHAWAR VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-481/2024]

Judges: Justice Swarana Kanta Sharma

Rajeev Jhawar, Managing Director of Usha Martin Ltd., had his anticipatory bail application dismissed due to accusations of agreeing to pay a bribe of Rs. 50 lakhs to former CBI officer N.M.P. Sinha, with Rs. 30 lakhs already delivered and recovered by the CBI. The Directorate of Enforcement's case under the Prevention of Money Laundering Act (PMLA) claims the Rs. 30 lakhs constitutes "proceeds of crime." Jhawar did not cooperate with the investigation and failed to appear despite summons, which contributed to the rejection of the bail application. He also faces related proceedings in a CBI case.

RAJENDRA KISHORI PHARMACY COLLEGE VS PHARMACY COUNCIL OF INDIA [W.P.(C)-6438/2024]

Judges: Justice Swarana Kanta Sharma

The approval granted by the Pharmacy Council of India (PCI) for D.Pharma courses under Section 12 of the Pharmacy Act, 1948 is permanent unless withdrawn under Section 13. The conditions requiring institutions to seek "Continuation of Approval" annually and pay Pharmacy Education Regulatory Charges (PERC) were quashed. The PCI lacks the authority to mandate yearly continuation of approval or PERC payments. The matter was resolved based on previous similar judgments.

RAJESH MARWAH VS STATE & ANR. [CRL.M.C.-5428/2023]

Judges: Justice Swarana Kanta Sharma

The petition by Rajesh Marwah under Section 482 of the Cr.P.C. was dismissed. The petitioner, as the accused, had previously cross-examined the complainant, Ankur Rastogi, and did not provide adequate reasons for further cross-examination under Section 311 Cr.P.C. Key admissions were made by the petitioner regarding the loan agreement and the cheque's presentation. The use of Section 391 Cr.P.C. was deemed inappropriate to delay proceedings or misuse the legal process, given the detailed prior cross-examination of the complainant and the absence of valid grounds for recalling the witness.

RAJNISH @ BANTU VS STATE OF NCT OF DELHI [BAIL APPLN.-4129/2023]

Judges: Justice Swarana Kanta Sharma

Rajnish @ Bantu received 3 weeks of interim bail due to his medical condition, including being HIV positive and having gallbladder stones. His release is conditional on not traveling outside Delhi and surrendering after the bail period.

RAKESH VS STATE (NCT. OF DELHI) [W.P.(CRL)-1162/2023]

Judges: Justice Swarana Kanta Sharma

The petitioner received a 3-week furlough despite previous absconding incidents. Monitoring of the petitioner's overall satisfactory conduct and prison records indicated eligibility under the Delhi Prison Rules. The furlough was granted with conditions to ensure compliance and mitigate the risk of absconding.

RAKESH VS THE STATE GOVT. OF NCT OF DELHI [CRL.M.C.-8782/2023]

Judges: Justice Swarana Kanta Sharma

The petition by accused Rakesh under Section 482 of the Code of Criminal Procedure was dismissed, affirming the trial court's rejection of his request to recall prosecution witnesses PW-1 and PW-2 for further cross-examination. It was noted that PW-1 and PW-2 had already been thoroughly cross-examined by the previous counsel, and a change of counsel or claims of incompetence do not justify recalling the witnesses. The recall of witnesses requires judicious discretion to prevent failure of justice, and no grounds for interference with the trial court's order were established.

RAKESH YADAV & ORS. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-4677/2024]

Judges: Justice Swarana Kanta Sharma

An FIR against the petitioners for offenses under Sections 376, 377, 323, 509, 34, and 380 of the Indian Penal Code cannot be quashed based on a monetary settlement of Rs. 1.5 lakhs. Serious allegations of sexual violence, threats, and misrepresentation necessitate a trial to establish the truthfulness of the claims. Quashing the FIR on the basis of payment would trivialize the victim's suffering and undermine the judicial process, leading to the dismissal of the petition.

RAM NATH VS STATE NCT OF DELHI [W.P.(CRL)-511/2023]

Judges: Justice Swarana Kanta Sharma

Ram Nath was granted furlough for three weeks despite a previous punishment for jumping parole in 2014. His satisfactory conduct in prison over the last five years and family circumstances were taken into account. The decision considered the objectives of the Delhi Prison Rules, allowing for the balancing of the convict's interests with societal concerns. Conditions for the furlough include a personal bond, reporting to the local police station, and immediate surrender after the furlough period ends.

RAMBIR RATHI@ RAMVEER SINGH VS THE STATE AND ANR [BAIL APPLN.-3830/2023]

Judges: Justice Swarana Kanta Sharma

The bail application of Rambir Rathi, accused under Sections 376, 377, 328, and 506 of the Indian Penal Code, was dismissed due to serious allegations, including threats to the prosecutrix and sexual assault exploiting his position of authority. The prosecutrix had not yet been cross-examined, and the case was repeatedly adjourned at the request of the defense counsel. Given the gravity of the charges and the petitioner's conduct, no grounds for bail were established at this stage.

RAMESH @ DUDHIYA VS STATE NCT OF DELHI [W.P.(CRL)-1322/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition filed by Ramesh @ Dudhiya for a 3-week parole to care for his ailing brother was dismissed. The application was considered premature since it was submitted only 5 days prior, and the authorities had not yet made a decision. The authorities were directed to expedite the consideration of the parole application per the Prison Rules, but the request for parole was not granted through the writ petition.

RAMINDER SINGH @ HAPPY VS STATE NCT OF DELHI [W.P.(CRL)-2820/2023]

Judges: Justice Swarana Kanta Sharma

A convict cannot be denied parole or furlough for lacking a permanent residential address in Delhi, as the Delhi Prison Rules do not require one for such relief. The Sentence Review Board (SRB) does not mandate that a convict must have been previously released on parole or furlough to be eligible for premature release. The SRB is directed to evaluate the petitioner's case considering their social context and socio-economic conditions, providing guidance on the interpretation of the relevant rules regarding parole, furlough, and premature release.

RANBIR SINGH VS STATE [BAIL APPLN.-113/2024]

Judges: Justice Swarana Kanta Sharma

The bail application of Ranbir Singh was dismissed, with the basis being that the chargesheet filed without the Forensic Science Laboratory (FSL) report does not constitute an "incomplete" chargesheet for default bail purposes under Section 167(2) of the Cr.P.C. Previous judgments indicated that the absence of the FSL report does not warrant default bail, and interim bail granted in another case did not stay these judgments or establish a general rule for default bail when the FSL report is missing. Consequently, there were no grounds to grant default bail in this case.

RAVI KAPOOR VS STATE-NCT OF DELHI [W.P.(CRL)-2998/2023]

Judges: Justice Swarana Kanta Sharma

Ravi Kapoor, serving life sentences for two murders, requested four weeks of parole after 14 years in prison for family ties and knee surgery. Despite a satisfactory jail record since 2017, he had previously faced 41 major punishments and is linked to about 20 criminal cases, including murder and robbery. His most recent conviction in October 2023 was for the murder of a journalist. Parole was denied due to his habitual offender status, the severity of his crimes, and concerns for public safety, despite acknowledging the right to maintain social ties.

RESHMA VS THE COMMISSIONER OF POLICE [W.P.(CRL)-3502/2023]

Judges: Justice Swarana Kanta Sharma

The concept of 'pardanashin woman' is recognized as a legal definition independent of religious practices, with no religious mandate in Hinduism, Sikhism, or other faiths for women to wear veils or observe pardah. The request for police sensitization regarding pardanashin women was rejected due to potential practical difficulties and its impact on effective crime investigation. Law enforcement must adhere to principles of impartiality, fairness, and respect individual rights, with the existing legal framework deemed adequate to protect the dignity and rights of all women, irrespective of their religious beliefs.

RINKU ACTING AS GUARDIAN OF MANYA VS GOVT OF NCT OF DELHI & ANR. [W.P.(C)-9597/2024]

Judges: Justice Swarana Kanta Sharma

The Directorate of Education's assignment of different school IDs to the Junior and Senior Wings of the same school caused disruption in the education of EWS/DG students. A merger of these school IDs is necessary to ensure a seamless transition and continuity of education for these students. Guidelines were established to create a respectful and accessible admission process, including appointing a dedicated Nodal Officer in each school and addressing language barriers. Provisional admissions granted to the petitioners' children were regularized during the case.

RISHAB DWAR VS STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-136/2023]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application of Rishab Dwar in a POCSO case was dismissed due to deliberate attempts to mislead regarding the loss of a crucial mobile phone. The applicant had a history of being declared a proclaimed offender, and the significance of the mobile phone evidence contributed to the decision to deny bail.

SAMEER MAHANDRU VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-621/2024]

Judges: Justice Swarana Kanta Sharma

Sameer Mahandru must undergo 'Arthroscopic Medial Meniscal Repair Surgery' at VNA Hospital in Delhi while in judicial custody. The right to life and health is acknowledged as fundamental for an accused. Jail authorities are instructed to transfer him to the hospital for four weeks with appropriate security and allow limited family visits. All medical treatment and hospitalization costs will be borne by the petitioner.

ROHIT KUMAR VS THE STATE (NCT OF DELHI) THROUGH SHO OF PS MANGOL PURI & ANR. [BAIL APPLN.-1493/2024]

Judges: Justice Swarana Kanta Sharma

The application for anticipatory bail was dismissed due to serious allegations of blackmail, threats, and sexual assault against the complainant, despite an initial consensual relationship. A prima facie case against the accused, the nature of the offense, and the severity of potential punishment were key factors. The need for custodial interrogation was also considered significant.

RUKHSAR VS STATE OF NCT OF DELHI [BAIL APPLN.-1941/2024]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application of petitioner Rukhsar was dismissed due to serious allegations of physical abuse related to dowry demands against her and her mother-in-law, as well as involvement in the improper handling of the deceased victim's body. The decision reflected the gravity of the allegations and existing evidence while remaining neutral on the case's merits.

SAMAN KHANAM VS CENTRAL BOARD OF SECONDARY EDUCATION [W.P.(C)-1340/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition by Saman Khanam for correcting her father's name in her educational certificates was dismissed due to lack of territorial jurisdiction, as the relevant school and regional CBSE office are located in Bihar. The presence of CBSE's head office in Delhi does not establish jurisdiction. The petition was dismissed without examination of merits, allowing the petitioner to seek redress in the appropriate court.

SAMEER @ YOGESH VS THE STATE OF NCT OF DELHI [BAIL APPLN.-1457/2024]

Judges: Justice Swarana Kanta Sharma

Sameer @ Yogesh was granted regular bail under Section 439 of the Code of Criminal Procedure. The FIR was registered in 2009, and he had previously been granted bail but failed to appear in court since 2018, resulting in non-bailable warrants and his declaration as a proclaimed offender. Given his time in custody since re-arrest in September 2023, he must provide a personal bond of Rs. 25,000 and two sureties of the same amount, along with compliance with certain conditions.

SAMEER MAHANDRU VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-621/2024]

Judges: Justice Swarana Kanta Sharma

Sameer Mahandru was not entitled to interim bail on medical grounds, as his serious medical conditions did not meet the threshold of being "life-threatening" required under the Prevention of Money Laundering Act. He was permitted to undergo necessary knee surgery while in custody since the scheduled date had already passed.

SAMPURAN SINGH VS STATE OF NCT OF DELHI [CRL.A.-588/2009]

Judges: Justice Swarana Kanta Sharma

The conviction of the appellant under Section 308 of the Indian Penal Code was upheld, but the sentence was reduced to 2 months and 3 days already served. The case was 23 years old, the co-accused was acquitted, and the appellant had maintained law-abiding behavior since the incident. An additional fine of Rs. 10,000 was imposed to be deposited in the Delhi High Court Lawyers' Library Fund.

SANDEEP PAWAR VS STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-483/2024]

Judges: Justice Swarana Kanta Sharma

Sandeep Pawar received interim bail to be admitted to AIIMS hospital for two weeks while remaining in judicial custody. He suffers from a heart ailment and has been treated both in jail and at outside hospitals. The admission for specialized treatment was granted due to his health condition and the right to adequate healthcare, with the condition that he covers the expenses. This order does not address the merits of the case.

SANDEEP VS STATE OF NCT OF DELHI [W.P.(CRL)-2520/2023]

Judges: Justice Swarana Kanta Sharma

The punishment ticket issued to the petitioner on 05.07.2022 violated the Delhi Prison Rules, 2018, due to a lack of mandatory judicial appraisal. The ticket was quashed, and the Jail Superintendent is instructed to reconsider the petitioner's furlough application without the invalid ticket, with a decision required within three weeks.

SANGHMITRA VS STATE [CRL.M.C.-1227/2009]

Judges: Justice Swarana Kanta Sharma

Cognizance taken by the Magistrate was valid as the complaint was filed within three years from the alleged offence, not barred by limitation. The offence under Section 498A of the Indian Penal Code is a continuing offence, with mental cruelty potentially persisting after separation from the matrimonial home. The Sessions Court's discharge of the accused based on the petitioner being a police officer reflected unjustified bias. Charges under Sections 498A/34 were upheld as valid, highlighting the necessity for judicial education and impartiality free from gender biases.

SANJAY SINGH VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-76/2024]

Judges: Justice Swarana Kanta Sharma

Sanjay Singh is not entitled to bail in a money laundering case related to the Delhi Excise Policy scam. Evidence, including statements from approver Dinesh Arora, indicates Singh's involvement and receipt of Rs. 2 crores in proceeds of crime. Claims that Singh is not an accused in the scheduled offence and that the approver's statement is unreliable were rejected. The conditions for bail under Section 45 of the Prevention of Money Laundering Act are not satisfied. The trial court has been directed to expedite proceedings for a fair trial.

SANTRA DEVI @ SAVITA KASANA & ORS. VS STATE & ANR. [CRL.M.C.-1189/2020]

Judges: Justice Swarana Kanta Sharma

The FIR against petitioners 1, 2, 4, and 5 is quashed due to vague and unclear allegations. The FIR against petitioners 3 and 6 remains, as there are specific allegations of their involvement in the sexual exploitation, rape, and abduction of a child. Further arguments regarding the merits of the case against the other accused can be made during the framing of charges.

SATYANARAYAN SHARMA VS GOVT. OF NCT OF DELHI [BAIL APPLN.-197/2024]

Judges: Justice Swarana Kanta Sharma

The bail application of Satyanarayan Sharma was dismissed due to serious economic offenses involving cheating multiple victims. As a major shareholder and authorized signatory of the accused company's bank account, Sharma was implicated in a fraudulent scheme that deceived victims into investing in a housing project without necessary permissions or actual development. His previous misuse of interim bail and the presence of witnesses yet to be examined contributed to the decision against granting regular bail.

SAVALIA RAJAN ARUNBHAI VS UNION OF INDIA & ORS. [W.P.(C)-9402/2024]

Judges: Justice Swarana Kanta Sharma

The Examination Ethics Committee's decision to debar the petitioner from the NEET (PG) examination for 2023 and 2024 was upheld due to the use of unfair means, specifically the submission of false information in the application for NEET (PG)-2023. Although there was a miscommunication regarding the penalty, the Committee's findings on the unfair means remained unchallenged, leading to non-interference with the decision.

SAYAN SASMAL MINOR THROUGH NATURAL GUARDIAN MS SAMPA SASMAL MOTHER VS DIRECTOR OF EDUCATION & ANR. [W.P.(C)-12078/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition filed by a student was dismissed regarding the school's handling of his answer sheets, which were misplaced, leading to a requirement to re-take exams and subsequent failure, necessitating repetition of the 8th standard. An investigation by the Department of Education confirmed no irregularities in the re-evaluation of the answer sheets. The student's prior academic performance was deemed insufficient to challenge the failure, as the evaluated answer sheets were confirmed to belong to him. Claims of arbitrary and unjust actions by the school authorities lacked merit and were rejected.

SGS INFRATECH LTD VS PUNJAB AND SIND BANK [CS(OS)-2541/2014]

Judges: Justice Swarana Kanta Sharma

The plaintiff company is entitled to recover Rs. 1,73,14,127 from the defendant bank, along with interest at 9% per annum from the date of the suit until realization. The defendant bank changed the interest rate from the agreed BPLR system to the Base Rate system without the plaintiff's consent, violating the terms of the sanction letter. The plaintiff consistently objected to these actions, and their calculations of excess interest charged were accepted. The defendant's argument that the plaintiff accepted the revised terms by closing the loan account was rejected, given the plaintiff's ongoing objections.

SH. RAJESH GOGNA VS THE STATE (GOVT. OF NCT, DELHI) [BAIL APPLN.-1312/2024]

Judges: Justice Swarana Kanta Sharma

The pre-arrest bail application of Rajesh Gogna was dismissed in a case involving threats and firearms offenses. Gogna was identified as the main conspirator who hired others to threaten a complainant over a financial dispute. Evidence indicated suspicious activities, including meetings and communication with co-accused individuals, who had criminal backgrounds. Custodial interrogation was deemed necessary to investigate the conspiracy further, with non-bailable warrants issued against Gogna for avoiding arrest.

SH. RITESH KUMAR VS JAWAHARLAL NEHRU UNIVERSITY [W.P.(C)-9065/2018]

Judges: Justice Swarana Kanta Sharma

The decision of Jawaharlal Nehru University's Academic Council to reject the petitioner's request for de-registration from the PhD program was upheld. The petitioner violated mandatory clauses of the PhD Ordinance concerning the minimum residency period and external employment. The Academic Council, with discretion under Clause 24 of the Ordinance, found no valid exceptional circumstances to relax the rules. Maintaining academic discipline and standards is crucial, and allowing exceptions without justification would compromise the credibility of the University's regulations. Thus, the decision of the Academic Council was not interfered with.

SH. ROHIT GAUTAM & ANR. VS STATE OF NCT OF DELHI & ANR. [CRL.M.C.-4031/2024]

Judges: Justice Swarana Kanta Sharma

The FIR against the petitioners under Sections 354(A)(1)/509/34 of the Indian Penal Code can be quashed, as the parties have amicably settled their disputes through a Settlement Deed dated 07.12.2023, with the complainant expressing no objection to quashing the FIR. Continuing the proceedings would lead to further conflict, and it is deemed in the interest of justice to quash the FIR and related proceedings. The petitioners are required to deposit a cost of Rs. 15,000 each with the District & Sessions Courts Employees Welfare Association Delhi within three weeks.

SH. SAURABH SETHI VS THE STATE (NCT OF DELHI) & ANR. [CRL.M.C.-7208/2023]

Judges: Justice Swarana Kanta Sharma

Petitions by Dheeraj Pahwa and Saurabh Sethi were allowed, resulting in the quashing of criminal proceedings under Section 138 of the Negotiable Instruments Act. The petitioners had resigned as directors of the accused company before the issuance of the dishonored cheque, leading to no liability under Sections 138 and 141 of the NI Act. Additionally, the complaint lacked specific details regarding the petitioners' involvement in the company's operations at the relevant time, necessitating the quashing of the proceedings.

SHABBIR VS STATE NCT OF DELHI [CRL.A.-424/2009]

Judges: Justice Swarana Kanta Sharma

The appellant's conviction under Sections 304(II)/34 IPC and Sections 323/34 IPC was upheld, but the sentence was modified to the 5.5 years already served, with a fine of Rs. 2,000 to be paid within one month. Consideration was given to the 20-year-old incident, the absence of subsequent criminal involvement, and the appellant's reform into a constructive member of society.

SHAKUNTLA DEVI & ANR. VS STATE THROUGH COMMISSIONER OF DELHI POLICE & ORS. [W.P.(CRL)-2788/2023]

Judges: Justice Swarana Kanta Sharma

Senior citizens can seek eviction of their son and daughter-in-law from their self-acquired property under Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2016. Timely resolution of such applications is crucial to uphold the rights and well-being of senior citizens as intended by the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The District Magistrate must resolve the eviction application filed in 2021 within one month.

SHALLY GUPTA VS THE CHAIRMAN ALL INDIA TECHNICAL EDUCATION COUNSEL [W.P.(C)-11043/2019]

Judges: Justice Swarana Kanta Sharma

Shally Gupta, a petitioner who scored 39.29% in the AICTE validation examination, is entitled to relief similar to that granted to other candidates in similar situations. The AICTE must treat her as qualified by rounding her scores to 40%. The validation examination aims to assess candidates' basic abilities, and Gupta has over 17 years of experience as an engineer, supporting her request. The AICTE has previously complied with similar directions from other High Courts.

SMT. MANJIRA DEVI AYURVEDA MEDICAL COLLEGE AND HOSPITAL VS UTTRAKHAND UNIVERSITY OF AYURVEDA & ORS. [W.P.(C)-12041/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition from Smt. Manjira Devi Ayurveda Medical College and Hospital was dismissed due to lack of territorial jurisdiction, as the institute is located in Uttarakhand and issues are primarily against Uttarakhand Ayurveda University. The appropriate forum for addressing the grievance is the High Court of Uttarakhand, not the Delhi High Court, despite the presence of the Ministry of AYUSH in Delhi.

SHAROOKH KHAN VS INDIRA GANDHI NATIONAL OPEN UNIVERSITY [W.P.(C)-9554/2023]

Judges: Justice Swarana Kanta Sharma

Sharookh Khan's petition to Indira Gandhi National Open University (IGNOU) for a result declaration on a changed subject was dismissed. He had completed his B.A. program, making him ineligible for a retroactive subject change under university regulations. It was noted that IGNOU's online portal did not prevent subject change requests after degree completion. As a preventive measure, IGNOU was directed to add a disclosure requirement to its portal for candidates regarding their enrollment status. Although Khan chose to withdraw his petition, the directions regarding the portal were issued.

SHASHI SEKHAR ALIAS NEERAJ VS STATE GOVT OF NCT OF DELHI [W.P.(CRL)-3207/2023]

Judges: Justice Swarana Kanta Sharma

The Delhi Prison Rules 2018 require a 1-month gap between parole and furlough, but the petitioner's wife's stage 4 cancer created exigent circumstances justifying a 4-week parole. Sensitivity and compassion in such cases led to the approval of parole for the petitioner, subject to conditions such as providing a personal bond, weekly reporting to the local police station, and immediate surrender after the parole period.

SHIV KANT CHOUDHARY VS THE STATE GOVT OF NCT OF DELHI [BAIL APPLN.-1328/2024]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application of Shiv Kant Choudhary was dismissed due to the necessity for custodial interrogation to investigate the source and trail of money involved in the case. Choudhary is accused of being the main conspirator who pressured co-accused Sanjeev Kumar Miglani to forge documents related to disputed property and failed to produce the original indemnity bond and other relevant documents. Given the seriousness of the allegations and Choudhary's conduct, no grounds for granting anticipatory bail were established.

SHRI ANAND KUMAR KAPUR VS UNION OF INDIA & ORS. [CRL.M.A.-3708/2020]

Judges: Justice Swarana Kanta Sharma

Proceedings under the Prevention of Money Laundering Act (PMLA) against the petitioner will continue. The petitioner's conviction under the Prevention of Corruption Act remains valid, and establishing the predicate offense is necessary for PMLA cases. Possession, use, or concealment of proceeds of crime qualifies as an offense under the PMLA, regardless of when the predicate offense occurred. Arguments regarding the retrospective application of PMLA and claims of double jeopardy lack merit.

SHRI B.SAMBI REDDY VS CBI [CRL.M.C.-101/2020]

Judges: Justice Swarana Kanta Sharma

The petition filed by the accused under Section 482 for summoning certain documents related to another case against the complainant was dismissed. The requested documents were not relevant to the current case, and the accused did not establish their necessity at the prosecution evidence stage. However, the accused retains the right to file a proper application to summon the documents during the defense evidence stage.

SHWETA VS CENTRAL BOARD OF SECONDARY EDUCATION & ANR. [W.P.(C)-9430/2023]

Judges: Justice Swarana Kanta Sharma

Shweta has a legitimate right to have her identity linked with her biological mother, Smt. Santosh Kumari. The CBSE is directed to correct Shweta's name to 'Shweta' and her mother's name to 'Smt. Santosh Kumari' on her 10th-grade certificate. The request to change her father's name was denied, as he is entitled to his complete and proper name.

SIDDHARTH KASANA VS THE STATE AND ANR [CRL.M.C.-2790/2022]

Judges: Justice Swarana Kanta Sharma

Allegations against Siddharth Kasana were found to be specific and serious, with the complainant's statement under Section 164 Cr.P.C. supporting the case. The allegations indicated the commission of cognizable offences, leading to the dismissal of the plea to quash the FIR. The petitioner can present arguments during the charge framing stage before the trial court.

SOMENDER YADAV AND ORS VS GOVT OF NCT OF DELHI AND ORS [CM APPL.-37870/2024]

Judges: Justice Swarana Kanta Sharma

Somender Yadav and others challenged the removal of their children's names from Delhi Public School Dwarka due to non-payment of increased fees, which they argued was implemented without Directorate of Education approval. The school was instructed to reinstate the children's names, provided the petitioners paid 50% of the hiked fee for the 2024-25 academic year, pending the resolution of the matter. Counter-affidavits were requested from the respondents, with further proceedings scheduled for 30.07.2024.

SOMESH & ORS. VS STATE & ANR [CRL.M.C.-3229/2005]

Judges: Justice Swarana Kanta Sharma

The order by the Metropolitan Magistrate directing the registration of an FIR against the petitioners was made without reasoning or adequate consideration of the complaint's merits. The Magistrate's brief remarks did not address whether a cognizable offence was established. Material evidence contradicted the complainant's presence at the alleged incident. Due to the absence of a response from the complainant, the order was deemed legally unsustainable, leading to the quashing of the FIR and the dismissal of all related proceedings.

SONU SONKAR VS THE LT GOVERNOR, DELHI & ORS. & ORS. [W.P.(CRL)-889/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition filed by Mr. Sonkar was dismissed due to his concealment of material facts and lack of good faith. Ms. T, referred to as the petitioner's "second wife/live-in partner," does not qualify as a "family member" under the Delhi Prison Rules for parole eligibility. A convict does not have the right to parole for maintaining conjugal rights or procreation with a live-in partner when a legally wedded spouse is present. The totality of circumstances led to the dismissal of both the writ petition and the parole application.

ST STEPHENS COLLEGE VS UNIVERSITY OF DELHI [W.P.(C)-12933/2024]

Judges: Justice Swarana Kanta Sharma

The 13 B.A. Programs at St. Stephen's College are classified as separate programs for seat allocation and admissions. The 5% excess allocation policy applies to Christian minority seats as well. The college cannot unilaterally deviate from the seat matrix or selectively allocate seats to Christian students, as it is an aided minority institution. Admission must be granted to 18 of the 19 Christian minority students who sought legal intervention under the excess allocation policy. Guidance was provided to students who were unable to secure admission, emphasizing that their worth is not determined by the institution they attend.

STEPHEN VS NCB AND ANR [W.P.(CRL)-3422/2023]

Judges: Justice Swarana Kanta Sharma

The petition by Nigerian national Stephen for a writ of mandamus to obtain a No Objection Certificate for repatriation to Nigeria was dismissed. He had previously been convicted under the NDPS Act and served a 10-year sentence, later acquitted by the High Court; however, the prosecution filed a Special Leave Petition against this acquittal. The maximum punishment for his offense is 20 years, and the pending appeal creates uncertainty about the acquittal's finality. Additionally, legal provisions regarding the repatriation of foreign nationals without valid documents were noted. No grounds for repatriation were established, resulting in the dismissal of the petition.

SUMIT CHAKRABARTI VS THE STATE [CRL.M.A.-25845/2023]

Judges: Justice Swarana Kanta Sharma

The bail conditions for petitioner Sumit Chakrabarti, granted anticipatory bail in 2016, were upheld. The right to travel abroad is recognized as part of personal liberty, but obtaining prior permission from the trial court is required due to serious allegations under Section 376 IPC. The requirement to deposit the passport with the investigating officer was modified, but prior approval for international travel remains necessary. The judgment does not address the merits of the case.

SUNIL NAYAK @ FUNDI VS STATE (NCT OF DELHI) [W.P.(CRL)-963/2024]

Judges: Justice Swarana Kanta Sharma

Sunil Nayak was granted one month of parole due to ongoing challenges to his punishment tickets from 2022 and his wife's serious accident, which left their minor children without care. Conditions for parole include a personal bond, weekly reporting to the local police, providing a contact number, and residing within the NCT of Delhi.

SURESH GAUTAM VS STATE GOVT. OF NCT OF DELHI AND ANR. [BAIL APPLN.-1021/2024]

Judges: Justice Swarana Kanta Sharma

Suresh Gautam's bail application was rejected due to serious allegations of sexual harassment against a deceased civil defense service employee, which were linked to her suicide. The prosecution presented statements from the deceased's mother, detailing that the accused attempted to forcibly kiss her and threatened to disclose the incident, causing the deceased distress. Given the gravity of the charges and the expectation that the trial will conclude within two months, regular bail was denied. The trial court was instructed to expedite the process, with caution against unnecessary delays. Observations made do not reflect an opinion on the case's merits.

SURESH KUMAR VS STATE & ANR. [CRL.M.C.-493/2024]

Judges: Justice Swarana Kanta Sharma

The petition filed by Suresh Kumar was dismissed, affirming the Metropolitan Magistrate's order that closed his right to cross-examine the 80-year-old complainant. The petitioner had previously been granted a final opportunity to cross-examine but failed to do so, despite a directive to conclude the trial within six months. Given the case's 8-year duration, the complainant's advanced age, and the petitioner's delaying tactics, no further opportunity was deemed appropriate.

SWATI PATEL VS THE STATE & ANR. [CRL.M.C.-2630/2021]

Judges: Justice Swarana Kanta Sharma

Anticipatory bail was upheld for a sitting Member of Parliament accused of rape, criminal intimidation, and destruction of evidence. The decision considered the principles for cancelling bail, identifying no supervening circumstances or illegality in the original order. Justifications for bail included audio recordings and a previous FIR against the prosecutrix for extortion. The petition was dismissed, but the prosecutrix was allowed to seek protection from the Witness Protection Committee if threatened.

SWATI SAISTA VS UNION OF INDIA & ORS. [W.P.(CRL)-104/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition was dismissed on the grounds of res judicata, as a similar petition had previously been dismissed. The electricity connection was disconnected by the housing society due to the petitioner's non-payment of bills, and police officials found no cognizable offense. Requests for directing the petitioner's husband to pay electricity bills or interim maintenance were rejected, given that those matters were pending in a domestic violence case. No breach of fundamental rights or basis for compensation was established, leading to the dismissal of the petition.

SYED ABU ALA VS NCB [CRL.M.A.-443/2024]

Judges: Justice Swarana Kanta Sharma

Syed Abu Ala, a 73-year-old appellant, received approval to renew his passport and travel to Saudi Arabia for one month to perform the Hajj pilgrimage, acknowledging the religious significance of the event. Despite a pending criminal appeal under the NDPS Act since 2010, provisions were made for his travel under certain conditions, including submitting a personal bond and notifying the trial court of his plans.

THE PR. COMMISSIONER OF INCOME TAX -CENTRAL -1 VS CAPITAL POWER SYSTEMS LTD. [ITA-501/2024]

Judges: Justice Swarana Kanta Sharma

The Income Tax Appellate Tribunal and the Coordinate Bench of the High Court did not establish that the undisclosed income of R.S. 7 crores belonged to Capital Power Systems Ltd. Statements by the CEO, Pawan Kumar Bansal, were found to be contradictory and unreliable. Therefore, conditions under Section 150 of the Income Tax Act were not met, and the Assessing Officer lacked valid grounds to reopen the assessment for AY 2007-08. The decisions of the CIT(A) and the ITAT, which set aside the Assessing Officer's reassessment order, were upheld.

TILAK VS STATE (NCT OF DELHI) [BAIL APPLN.-707/2024]

Judges: Justice Swarana Kanta Sharma

The bail application of Tilak was dismissed due to serious allegations against him. The victim experienced continuous physical and mental torture by Tilak and his family for failing to meet dowry demands, including during her pregnancy. Tilak's extramarital affair and secret marriage to another woman further traumatized the victim. The gravity of these allegations and the victim's subsequent death from the alleged torture influenced the decision, emphasizing concerns about societal implications.

UTKIRBEK KHALILOV ALIAS ALI VS THE STATE NCT OF DELHI [BAIL APPLN.-4355/2023]

Judges: Justice Swarana Kanta Sharma

Utkirbek Khalilov's bail application was dismissed due to serious allegations of trafficking seven girls from Uzbekistan to India for prostitution and sexual slavery. The trial is in its early stages, with charges not yet framed and 34 prosecution witnesses pending examination. The potential for witness influence and evidence tampering contributed to the denial of bail. No opinion on the merits of the case was provided.

VARIJA BAJAJ & ANR. VS M/S ASSOTECH LTD. & ORS. [CM APPL.-2259/2024]

Judges: Justice Swarana Kanta Sharma

A further extension until March 31, 2024, was granted for respondents to comply with a settlement agreement, noting that partial payments had been made and efforts were ongoing to sell flats for remaining funds. This extension, subject to a cost of Rs. 2 lakhs payable to the petitioners within three weeks, aims to facilitate the timely fulfillment of outstanding dues without addressing the case's merits.

VARUN CHAUHAN VS STATE NCT OF DELHI [BAIL APPLN.-786/2024]

Judges: Justice Swarana Kanta Sharma

The anticipatory bail application of Varun Chauhan was denied following allegations of impersonating the Personal Secretary to the Union Home Minister and participating in a conspiracy to defraud a complainant of Rs. 17 lakhs. The severity of the impersonation offense was recognized for its potential to undermine public trust in government institutions. Custodial interrogation was deemed necessary to uncover the conspiracy, recover evidence, and retrieve the embezzled funds. Granting bail was viewed as potentially obstructing the investigation.

VARUN WISHWAS VS THE STATE OF NCT OF DELHI AND ANR [BAIL APPLN.-79/2024]

Judges: Justice Swarana Kanta Sharma

The interim bail application of Varun Wishwas, charged under Sections 376/506 of the IPC and Section 6 of the POCSO Act, was dismissed. Adequate medical treatment was confirmed to be provided by government hospitals and jail authorities. Despite acknowledging Wishwas's deteriorating health, the need to protect the rights of the minor victim, whose testimony remains pending, was emphasized. Jail authorities were instructed to ensure continued medical care, and Wishwas was permitted to submit a new bail application should his condition decline further. No opinions on the merits of the case were expressed.

VEDPAL VS THE STATE OF N.C.T. OF DELHI [BAIL APPLN.-586/2024]

Judges: Justice Swarana Kanta Sharma

The bail application of Vedpal was dismissed due to serious allegations of involvement in a network leaking government examination question papers for the Haryana Group-D exam. The recovery of admit cards, mobile phones, blank signed cheques, and other documents supported victim statements. Cheating in government exams was highlighted as a threat to the merit-based selection process, warranting the denial of bail at this stage.

VIDUSHI KASNIYA VS UNIVERSITY OF DELHI & ORS. [W.P.(C)-11640/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition by Vidushi Kasniya was dismissed due to the exclusion of Karate from the list of sports eligible for the sports quota in postgraduate programs at the University of Delhi. The University's Bulletin of Information for Postgraduate Admissions 2024-25 specified the eligible sports, which did not include Karate. The eligibility criteria established by the University are binding on all candidates, and participation in the admission process precludes challenging the Bulletin's terms.

VIJAY DAHIYA VS STATE OF NCT OF DELHI [CRL.M.A.-4474/2024]

Judges: Justice Swarana Kanta Sharma

Vijay Dahiya, serving a life sentence, was granted one month of parole to accompany his son for board examinations. The decision considered the child's welfare and the mother's inability to transport the child to the exam center. Factors included the petitioner's prior good conduct on interim bail and furlough, with parole granted under specific conditions.

VIJAY DARDA VS CENTRAL BUREAU OF INVESTIGATION [CRL.M.A.-5786/2024]

Judges: Justice Swarana Kanta Sharma

Vijay Darda, sentenced for offenses under Sections 120B/420 of the Indian Penal Code and the Prevention of Corruption Act, is permitted to renew his passport for three years. Consideration of the relevant notification on passport renewals for individuals with pending criminal cases revealed that Darda has previously traveled abroad without misuse of this liberty. His need for travel for professional and personal reasons is balanced with passport regulations.

VIKAS DATTATRAYA BHOSALE (IN JC) VS STATE (N.C.T. OF DELHI) [BAIL APPLN.-702/2024]

Judges: Justice Swarana Kanta Sharma

Vikas Dattatraya Bhosale's bail application has been rejected in an economic offenses case involving allegations of defrauding over 71 victims of approximately Rs. 67 lakhs through his firm, M/s N.D. Enterprises. The charges include Sections 406/420/120B of the Indian Penal Code for inducing investments with false promises before absconding. As the manager of the firm, Bhosale did not cooperate with the investigation and was arrested in Ahmedabad. Evidence links him to the firm and the fraudulent activities, leading to the rejection of his bail application due to the serious nature of the accusations.

VIKASH @ AALU VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-3347/2023]

Judges: Justice Swarana Kanta Sharma

The Jail Superintendent incorrectly rejected the petitioner's parole application by applying a rule meant for undertrial prisoners, while the petitioner was actually a convicted prisoner. The Jail Superintendent is required to forward the parole application to the competent authority for a decision within two weeks.

VINEETA AND ORS VS CENTRAL BOARD OF SECONDARY EXAMINATION AND. ANR [W.P.(C)-3181/2024]

Judges: Justice Swarana Kanta Sharma

Clause P-2 of the CBSE's notice dated 05.09.2023, requiring a domicile certificate for Children with Special Needs (CwSN) to be eligible for Class X and XII examinations under the private category, is not arbitrary or discriminatory. This decision aligns with a prior judgment regarding a similar requirement for female private candidates. The necessity for judicial restraint in academic policy matters was emphasized, noting that allowing the petitioners to participate at this stage would disrupt ongoing examinations and unfairly impact other candidates. The writ petitions were dismissed without providing relief to the petitioners.

VINOD @ VINODA VS THE STATE (GOVT OF NCT, DELHI) [W.P.(CRL)-396/2024]

Judges: Justice Swarana Kanta Sharma

The petitioner was granted one month of parole after serving over 15 years of incarceration with generally satisfactory conduct, aside from one re-arrest during a prior parole. The decision considered the objectives of parole under prison rules and included specific conditions for the granted period.

VINOD VS STATE (GNCT OF DELHI) [W.P.(CRL)-2646/2023]

Judges: Justice Swarana Kanta Sharma

Vinod was granted a three-week furlough despite his application being previously rejected. The decision considered the principles under the Delhi Prison Rules, his satisfactory conduct in jail, and his obligation to care for his elderly father and re-establish family ties. Conditions for the furlough included a personal bond, reporting to the local police, and immediate surrender at the end of the furlough period.

VIRENDER CHAHAL @ VIRENDER VS STATE AND ANR [CRL.M.C.-753/2024]

Judges: Justice Swarana Kanta Sharma

The FIR for rape under Section 376 of the Indian Penal Code cannot be quashed solely based on a settlement between the accused and the victim. Concerns were raised about the trial court judge's suggestion of a settlement, prompting the case to be assigned to another judge for a fair trial. Serious offenses like rape have broader societal implications and cannot be resolved through private compromise, as established in previous legal principles.

VISHAL VS STATE OF NCT OF DELHI [W.P.(CRL)-3420/2023]

Judges: Justice Swarana Kanta Sharma

Vishal's parole application was rejected based on the Delhi Prison Rules, 2018, due to his history of jumping parole/furlough twice, absconding co-accused individuals, and unsatisfactory jail conduct. Additionally, the deceased person, considered by Vishal as his son, does not meet the legal definition of "family" under the prison rules.

VISHNU VS STATE GNCT OF DELHI & ANR. [BAIL APPLN.-464/2024]

Judges: Justice Swarana Kanta Sharma

Vishnu received regular bail after being charged under Sections 326/308/34 of the Indian Penal Code for an alleged attack on the complainant's relatives. Co-accused Manoj and Karan had already been granted bail due to a settlement with the complainant. Vishnu surrendered after absconding, and a supplementary chargesheet was filed against him. The complainant later turned hostile during the prosecution evidence. Bail was granted to Vishnu under specific conditions.

VIVEKANANDA INSTITUTE OF PROFESSIONAL STUDIES & ANR. VS GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-9196/2024]

Judges: Justice Swarana Kanta Sharma

The petitioner institute cannot claim non-adherence to the 2016 Policy Guidelines issued by the Government of NCT of Delhi, having consistently complied with and benefited from them. The state's policy, which requires a minimum 75% intake for two consecutive years prior to approving increased intake, is not in conflict with the AICTE Act, 1987, as it establishes an additional minimum standard where the AICTE does not have specific norms. The writ petition filed by the institute is dismissed, while recognizing that the state's policy may require review to adapt to the evolving needs of technical education.

WHITE MEDICAL COLLEGE AND HOSPITAL VS UNION OF INDIA & ORS. [W.P.(C)-9139/2024]

Judges: Justice Swarana Kanta Sharma

The writ petition by White Medical College and Hospital for the renewal of 150 MBBS seats for the academic year 2024-25 was dismissed due to lack of jurisdiction, as the college is located in Punjab, making the Punjab and Haryana High Court the appropriate venue. The presence of the National Medical Commission's office in Delhi does not grant jurisdiction to the Delhi High Court. The petitioner had previously withdrawn a similar writ petition with permission to approach the appropriate court.

X VS STATE (NCT OF DELHI) AND ANR [CRL.REV.P.-1161/2023]

Judges: Justice Swarana Kanta Sharma

Charges were framed against the accused under Sections 376 (rape) and 506 (criminal intimidation) of the Indian Penal Code due to sufficient evidence, including the complainant's claims of entering a sexual relationship based on a promise of marriage, which the accused later denied. Evidence such as conversations, divorce proceedings, and a purchased Mangalsutra indicated strong suspicion against the accused. The previous discharge order was set aside, and charges were directed to be framed under the relevant sections without commenting on the case's merits.

YOGESH @ RINKU VS STATE OF NCT OF DELHI [W.P.(CRL)-2777/2023]

Judges: Justice Swarana Kanta Sharma

The petitioner's writ petition challenging the rejection of his furlough application was allowed. The petitioner, convicted under Sections 302/392/34 of the Indian Penal Code and sentenced to life imprisonment, met the eligibility criteria for furlough according to the Delhi Prison Rules, 2018. His residential address was verified and he demonstrated satisfactory jail conduct. Furlough was granted for three weeks, subject to specific conditions, to support social relations and alleviate incarceration stress.

YASH DEV SINGH SEJWAL VS THE STATE (GOVT. OF NCT FO DELHI) AND ANR. [CRL.M.C.-5815/2022]

Judges: Justice Swarana Kanta Sharma

The petitioner was declared a 'Proclaimed Offender' and non-bailable warrants issued in a case involving his estranged wife under Sections 498A, 420, and 406 of the Indian Penal Code. The petitioner had been aware of the proceedings and had evaded legal processes for over 20 years. He failed to comply with a settlement and court orders regarding maintenance arrears. Although the designation should have been 'Proclaimed person', the orders against him were upheld, dismissing his plea to set aside the proceedings.

YASH SHARMA VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-9902/2024]

Judges: Justice Swarana Kanta Sharma

The university has discretion to set rules regarding student migration but must consider exceptional circumstances rather than act in a rigid manner. The Vice Chancellor of Guru Gobind Singh Indraprastha University is instructed to evaluate a petitioner's application for a transfer certificate, conduct certificate, and migration certificate/NOC for admission to another university. The decision should not be influenced by an earlier notification prohibiting migration and must be made within a specified time, subject to ratification by the competent authority. This applies specifically to the individual case without addressing the broader migration policy.

ZEESHAN HAIDER VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-1606/2024]

Judges: Justice Swarana Kanta Sharma

Material evidence indicates that Zeeshan Haider and Daud Nasir were involved in money laundering related to Amanatullah Khan, a Delhi MLA. Evidence includes statements under Section 50 of PMLA, a seized diary, sale agreements, bank account details, and financial profiles showing assistance in the acquisition and concealment of crime proceeds. Daud Nasir obtained interim bail by misrepresenting his wife's medical condition, raising concerns about his conduct. Given the severity of the offence and the evidence presented, the bail applications for both accused were dismissed.

ABDUL SALAM & ANR. VS UNION OF INDIA [W.P.(C)-8896/2011]

Judges: Justice Tara Vitasta Ganju

The earlier order cancelling the petitioners' birth certificate was set aside, requiring a fresh investigation by the respondent with an opportunity for the petitioners to be heard and submit documents. The deportation order based on the cancellation did not remain valid, and there was an instruction to investigate the issuance of a passport for the first petitioner. The respondent was instructed to refrain from any coercive actions against the petitioners during the investigation and for four weeks thereafter, and the petitioners were permitted to challenge any future orders issued by the respondent.

ABDUL SALAM VS GNCT OF DELHI & ANR. [W.P.(C)-3512/2011]

Judges: Justice Tara Vitasta Ganju

The petitioner's writ petition was treated as a representation, granting him the opportunity to present additional documents to support his claim of Indian citizenship. The cancellation of his birth certificate was based on a prior inquiry, which did not consider his valid identity documents, including a passport and voter ID card. Respondent authorities were instructed to issue a reasoned order within six months, with the rights and contentions of both parties remaining open for further examination.

AJAY BHATIA VS JITENDER [RC.REV.-281/2018]

Judges: Justice Tara Vitasta Ganju

The revision petition by the landlord was allowed, leading to the overturning of the lower court's dismissal of the eviction petition. The landlord demonstrated a bona fide need for the premises for his son's restaurant business, with prior business constraints due to inadequate space. It was established that alternative accommodations were either unavailable or unsuitable for a restaurant, as they were located on upper floors. The tenant's claims regarding alternate accommodation were unsubstantiated due to their absence as a witness. The tenant is required to vacate the premises within six months.

AJENDER SINGH VS S. KULVINDER SINGH & ORS. [CM APPL.-51628/2024]

Judges: Justice Tara Vitasta Ganju

The ex-parte decree from the trial court was set aside due to failure to consider documents presented by the appellant, which indicated prior rental payments to the respondents' mother. The appellant is allowed to re-agitate the application under Order IX Rule 13, contingent on a deposit of Rs. 5,00,000 with the court registry within 6 weeks. Both parties must appear before the trial court on the specified date, with no unnecessary adjournments permitted. All rights and contentions of the parties remain open for discussion in the trial court.

ANIL KHATTAR VS CAPT PREETINDER SINGH THAPAR & ORS [RC.REV.-345/2016]

Judges: Justice Tara Vitasta Ganju

The order dismissing the petitioner's application under Order VI Rule 17 of the Civil Procedure Code is appealable under Section 38 of the Delhi Rent Control Act, 1958, as it affects the rights and liabilities of the parties. The petitioner may approach the appropriate forum under Section 38 of the DRC Act to challenge the impugned order.

ARUN KUMAR AND ANR VS GOVT. OF NCT OF DELHI AND ORS. [W.P.(C)-10967/2024]

Judges: Justice Tara Vitasta Ganju

The services of petitioners Arun Kumar and another cannot be disturbed by respondents during the pending industrial dispute with the Assistant Labour Commissioner. Section 33(1)(a) of the Industrial Disputes Act, 1947 prohibits employers from altering workmen's conditions of service to their prejudice during such proceedings. The merits of the dispute remain unexamined, with all rights and contentions of the parties left open.

ARVIND SHAH VS UNION OF INDIA & ANR [W.P.(C)-11732/2018]

Judges: Justice Tara Vitasta Ganju

Petitions were allowed based on the Examination Report classifying seized objects as "Antiquity" or "Non-Antiquity" without reasons being deemed unacceptable. Respondent No. 2 must provide reasons for these classifications within 8 weeks and is permitted to conduct a fresh examination of the seized articles with a new report due within the same timeframe. No coercive actions against the petitioners are permitted until these directions are followed, and the petitioners may challenge the provided reasons or new report if dissatisfied.

ARVINDER SINGH VS URMILA BALI [RC.REV.-530/2015]

Judges: Justice Tara Vitasta Ganju

The landlord's bona fide requirement for the premises was upheld, with the crucial date for assessing the need being the date the eviction petition was filed. Subsequent events are only considered if they completely undermine the landlord's genuineness, which did not occur in this case. Revisionary jurisdiction is limited to identifying apparent errors on record and cannot replace trial court findings, leading to the dismissal of the tenant's revision petition.

ASHOK GUPTA & ANR VS DEEPAK RAO [RC.REV.-419/2018]

Judges: Justice Tara Vitasta Ganju

The revision petition challenging the eviction order has become infructuous because the landlord has already regained possession of the premises. With possession restored to the landlord as per legal procedures, there is no need for further consideration of the tenant's petition. The tenant did not pursue civil proceedings for possession recovery under relevant legislation, which also limits the grounds for examining the case. Consequently, the revision petition was dismissed.

AUROBINDO REALTY AND INFRASTRUCTURE PRIVATE LIMITED KMC CONSTRUCTIONS LIMITED CONSORTIUM VS NATIONAL HIGHWAYS AUTHORITY OF INDIA [CM APPL.-63019/2024]

Judges: Justice Tara Vitasta Ganju

The debarment of the petitioner company for two years from participating in tenders by the National Highways Authority of India appears disproportionate and inconsistent with natural justice principles. The show cause notice did not clearly specify the proposed penalty of debarment and violated established requirements. While the contract awarded to the petitioner had been withdrawn, the additional penalty of debarment needed separate justification, which was not provided. An interim stay on the debarment order has been granted pending further examination.

AVINESH KUMAR VS DELHI DEVELOPMENT AUTHORITY AND ANR. [RFA-403/2023]

Judges: Justice Tara Vitasta Ganju

The appellant's suit was dismissed as barred under Section 91 of the Code of Civil Procedure due to lack of proper filing. The appellant, a temple devotee, lacked the necessary personal interest to seek an injunction under Section 41(j) of the Specific Relief Act. The temple was classified as an unauthorized construction on government land acquired by the Delhi Development Authority, and the appellant held no rights in the land. The decision included vacating previous interim protections, allowing the DDA to proceed with demolition.

BOSCH LTD. VS DIRECTOR GENERAL OF FOREIGN TRADE & ANR. [W.P.(C)-11013/2020]

Judges: Justice Tara Vitasta Ganju

Bosch Ltd. is entitled to re-examine its claim for benefits under the Merchandise Exports from India Scheme (MEIS) despite an error in not marking the shipping bills as 'Yes' for the claim. The relevant authorities must re-examine 185 shipping bills, treat the submissions as affirmatively marked, provide a personal hearing, and issue a decision on the entitlement to MEIS rewards within 12 weeks.

BOSCH CHASSIS SYSTEM INDIA PVT. LTD. VS DIRECTOR GENERAL OF FOREIGN TRADE & ORS. [W.P.(C)-11039/2020]

Judges: Justice Tara Vitasta Ganju

An inadvertent error in marking shipping bills necessitates that the respondents reassess the petitioner's case, treating the unmarked bills as 'Yes' under the MEIS Scheme. The respondents must offer the petitioner a personal hearing, review relevant documents, and issue a detailed order on the petitioner's MEIS rewards entitlement within 12 weeks, ensuring adherence to the law. All rights and contentions of the parties remain open.

CHAJJU RAM & ANR VS SUNIL YADAV & ORS [RC.REV.-301/2018]

Judges: Justice Tara Vitasta Ganju

The revision petition filed by the tenant against an eviction order has become infructuous due to the landlord already taking possession of the tenanted premises through execution proceedings. Once possession is legally restored to the landlord, the tenant's petition lacks merit, and the tenant did not pursue civil proceedings for recovery of possession under the relevant Act. The revision petition was dismissed, with similar outcomes noted in related cases.

COCOA HOSPITALITY PVT. LTD VS GOVT OF NCT OF DLEHI & ANR [W.P.(C)-5743/2012]

Judges: Justice Tara Vitasta Ganju

The agreement between Cocoa Hospitality Pvt. Ltd. and Pacific Development Corporation Limited is classified as a license rather than a lease. The terms of the agreement included restrictions on the licensee's ability to alter the nature of the business and granted the licensor the right to access the premises at any time. These conditions indicated an intention to establish a license. The argument regarding an alternate remedy under the Indian Stamp Act was found inapplicable. The impugned notices and penalty orders were set aside.

D. D. JOSHI VS AKASH BHARATI CGHSL AND ORS. [W.P.(C)-12176/2019]

Judges: Justice Tara Vitasta Ganju

The residential building owned by the respondents, being under 15 meters in height, is not classified as a fire risk according to the Delhi Fire Services Rules, 2010. The petitioner's request for an inspection of fire safety arrangements in the building was rejected, as the Rules do not require inspections for low-rise residential buildings. Additionally, other disputes between the parties have been settled, leaving no further matters to adjudicate.

DAE (SY 22) 13 IRELAND DESIGNATED ACTIVITY COMPANY VS GO AIRLINES (INDIA) LTD. [CONT.CAS(C)-1767/2023]

Judges: Justice Tara Vitasta Ganju

The respondent Resolution Professional of Go Airlines has willfully disobeyed previous orders regarding aircraft maintenance, monthly inspections, and access to aircraft records. Prima facie evidence of civil contempt exists, prompting a show cause notice for possible contempt proceedings. The plea regarding difficulties in implementing these orders is not acceptable, as the orders result from prior directions.

DALJEET AUTO CENTRE VS JAGMOHAN SINGH BAKSHI [RC.REV.-375/2024]

Judges: Justice Tara Vitasta Ganju

Daljeet Auto Centre received an extension until June 30, 2025, to vacate the premises, contingent on filing an undertaking. The execution of the prior eviction order is stayed as long as the petitioner complies with the undertaking's terms. Any default will lead to the termination of interim protection, allowing the landlord to pursue recovery of possession and occupation charges.

DALJEET AUTO CENTRE VS JAGMOHAN SINGH BAKSHI [CM APPL.-72669/2024]

Judges: Justice Tara Vitasta Ganju

The eviction order against the tenant was upheld based on the landlord's bona fide requirement for family use under Section 14(1)(e) of the Delhi Rent Control Act, 1958. The landlord is not obligated to provide alternative accommodation that meets all needs, emphasizing the right to live comfortably in their own property. The revisionary jurisdiction is limited to identifying errors on the record or lack of adjudication by the trial court, without substituting its own view.

DARSHAN SINGH VS SALEHA KHATOON & ORS [CM APPL.-10935/2023]

Judges: Justice Tara Vitasta Ganju

A decree of possession against a tenant necessitates the establishment of reasonable mesne profit or user and occupation charges equivalent to market rent. In this instance, the landlord requested payment from the tenant, leading to the determination of charges at rates between Rs. 75,000 and Rs. 85,000 per month for different periods. The tenant was instructed to pay these charges within specified timelines, pending the resolution of the main petition.

DELHI GYMKHANA CLUB LTD. VS DELHI POLLUTION CONTROL COMMITTEE & ORS. [W.P.(C)-7633/2014]

Judges: Justice Tara Vitasta Ganju

Delhi Gymkhana Club Ltd. must file a new application for the regularization of its bore-wells, which were previously allowed to operate under specific conditions regarding their placement distance. The NDMC is to decide on this application within a specified timeframe, allowing the club to be heard and submit additional documents. The matter has not been examined on merits, leaving all rights and contentions of the parties open. Interim protection for the club will continue for four weeks following the communication of the speaking order.

DELHI HINDUSTANI MERCANTILE ASSOCIATION VS DHARAMVIR JAIN & ANR. [RC.REV.-174/2024]

Judges: Justice Tara Vitasta Ganju

The appropriate use and occupation charges for the premises occupied by the Delhi Hindustani Mercantile Association are fixed at Rs. 85,000 per month for the period from October 6, 2018, to November 30, 2024. This amount is based on evidence from registered lease deeds for similar premises in the Chandni Chowk area and an assessment of the size, location, and condition of the premises. The petitioner is directed to pay these charges in a specified manner, which remain subject to the final outcome of the petition.

DELHI HINDUSTANI MERCANTILE ASSOCIATION VS DHARAMVIR JAIN & ANR. [CM APPL.-63704/2024]

Judges: Justice Tara Vitasta Ganju

The appropriate use and occupation charges for the commercial hall on the second floor in Chandni Chowk, New Delhi, are set at Rs. 1,00,000 per month from October 6, 2018, to March 31, 2020; Rs. 85,000 per month from April 1, 2020, to March 31, 2022; and Rs. 1,00,000 per month from April 1, 2022, onwards. These amounts were determined based on rental values of similar premises, the size and condition of the property, and its location. The tenant is required to pay the arrears in three equal installments and continue with the monthly payments to the landlord's account.

DHARAMVEER (THROUGH SPA) VS RITU JAIN [RC.REV.-353/2024]

Judges: Justice Tara Vitasta Ganju

The tenant, Dharamveer, received an extension until October 31, 2025, to vacate the premises, contingent on monthly payments of Rs. 15,000 for user and occupation charges. An undertaking was required from the tenant to adhere to these terms, including vacating by the specified date and maintaining the property. Execution of a prior eviction order was stayed, but if the tenant defaults on the agreement, the interim protection will end automatically.

DHEERAJ BHARDWAJ VS MEENAKSHI PANDEY [RFA-174/2024]

Judges: Justice Tara Vitasta Ganju

The appeal against a trial court's judgment was dismissed, as the foreign court's judgment did not align with the grounds under the Hindu Marriage Act, 1955. The appellant was allowed to initiate appropriate proceedings for a decree of dissolution of marriage.

DINESH VS SUNIL YADAV & ORS [RC.REV.-302/2018]

Judges: Justice Tara Vitasta Ganju

The Revision Petition filed by the tenant challenging the eviction order is considered infructuous due to the landlord already regaining possession of the premises through execution. Previous judgments establish that once possession is legally restored to the landlord, the tenant's petition loses relevance. The examination by the High Court is limited to identifying apparent errors or lack of adjudication by the Trial Court, without substituting its view. The tenant failed to initiate appropriate civil proceedings for possession recovery under Section 19 of the Delhi Rent Control Act. Similar orders have been issued in associated Revision Petitions.

DR BERND AUGUSTIN VS UNION OF INDIA & ANR [W.P.(C)-11757/2018]

Judges: Justice Tara Vitasta Ganju

The examination report dated 07.12.2016 issued by Respondent No. 2 was deemed deficient for classifying items as "Antiquity" or "Non-Antiquity" without reasoning. Respondent No. 2 must provide the reasons for the classifications to petitioners Arvind Shah and Dr. Bernd Augustin within 8 weeks and conduct a fresh examination of the articles during this period. No coercive actions against the petitioners are permitted until these requirements are fulfilled. The emphasis is on the necessity for adequate reasoning from the statutory authority in its findings.

GAMMON ENGINEERS & CONTRACTORS PVT LTD VS DELHI TOURISM & TRANSPORTATION DEVELOPMENT CORPORATION & ANR [W.P.(C)-3043/2020]

Judges: Justice Tara Vitasta Ganju

Modification of a prior order from 05.05.2020 allows for payments to the Petitioner by Respondent No. 1 once funds are provided by Respondent No. 2. Due to the need to address disputed facts, which is not suitable for writ proceedings, the previous statement made by Respondent No. 1's counsel is deemed non-binding to preserve the integrity of ongoing arbitration. The Petitioner may amend claims before the Arbitral Tribunal, with Respondents agreeing not to object on limitation grounds. The directions are issued with the consent of the parties and do not affect their rights in the arbitration.

GOPAL SHARMA VS MALLO MAL MALHOTRA [CM APPL.-6160/2024]

Judges: Justice Tara Vitasta Ganju

The appropriate rental rate for the premises occupied by the petitioner-tenant is set at Rs. 55,000 per month from January 29, 2024, to October 31, 2024, and Rs. 62,500 per month from November 1, 2024, onwards. This rate accounts for the slightly poorer condition of the subject premises compared to an adjacent property. The petitioner-tenant must make payments according to the specified timelines, with earlier interim protection remaining in effect subject to compliance. The respondent-landlord may consider waiving the use and occupation charges if the tenant needs reasonable time to vacate.

GOPAL SINGH VS KALAWATI DEVI [CM APPL.-54445/2023]

Judges: Justice Tara Vitasta Ganju

Use and occupation charges for the tenanted premises are set at Rs. 10,000 per month from August 2019 to March 2023, Rs. 12,500 per month from April 2023 to December 2024, and Rs. 13,000 per month from January 2025 onwards. These charges were based on rental details from lease deeds of similar properties in the area and the property's 30-year tenancy. The tenant must clear all arrears in three equal installments.

HARI RAM VS DELHI BUILDING AND OTHER CONSTRUCTION WORKERS BOARD [W.P.(C)-11853/2024]

Judges: Justice Tara Vitasta Ganju

The BOCW Act, aimed at the welfare of building and construction workers, should be interpreted liberally. The eligibility criterion for pension under the BOCW Act requires one year of work as a building worker, which the petitioner meeting. The petitioner faced administrative hurdles preventing registration renewal, qualifying as "reasonable grounds" under the BOCW Act. The respondent Board must restore the petitioner's registration and disburse pension dues within six weeks.

HARI RAM VS DELHI BUILDING AND OTHER CONSTRUCTION WORKERS BOARD [W.P.(C)-11532/2024]

Judges: Justice Tara Vitasta Ganju

The DBOCW Rules do not prohibit online filing of pension applications. The respondent is obligated to process the petitioner's application within 30 days, based on their counsel's statement. The petition is disposed of accordingly.

HARIJINDER KAUR AND ARN. VS GOVERNMENT OF NCT OF DELHI AND ANR. [W.P.(C)-11572/2018]

Judges: Justice Tara Vitasta Ganju

The application for compensation under the Delhi Victim Compensation Scheme, 2015 was filed on August 1, 2017, within the 3-year limitation period from the trial court's declaration of the case as "untraced" on August 25, 2014. The prior rejection of the application as time-barred is set aside, and the respondent is directed to reassess the application for compensation, with rights and contentions of the parties remaining open.

HARSHARAN KAUR & ORS. VS AMARJEET KAUR [RC.REV.-328/2024]

Judges: Justice Tara Vitasta Ganju

Additional time until 01.12.2025 was granted for the petitioners/tenants to vacate the premises, contingent upon the payment of Rs. 7,000 per month for user and occupation charges. Petitioners/tenants must file an undertaking within 3 weeks agreeing to terms that include vacating by the specified date, paying user charges, and not creating third-party rights or damaging the property. Execution of the previous eviction order is stayed until the deadline, provided the undertaking is complied with. If there is a default in compliance, interim protection dissolves, allowing the landlord to pursue recovery of possession and charges.

HUA SENG CHEW VS REGISTRAR OF SOCIETIES AND FIRMS NEW DELHI DISTRICT [W.P.(C)-8604/2020]

Judges: Justice Tara Vitasta Ganju

The letter dated 01.12.2016 issued by the Registrar of Societies was set aside due to a lack of authority under the Societies Registration Act, 1860 to resolve disputes between members and management of a registered society. The Registrar's role is limited to registration and does not include addressing internal issues. Additionally, the Registrar did not provide a hearing to the petitioner, violating principles of natural justice. Ongoing litigation between the parties and the pursuit of legal remedies by the intervenor were noted, leading to the decision to set aside the letter without addressing the merits of the disputes.

INDER MINOCHA VS AJIT TONDON [CM APPL.-64829/2024]

Judges: Justice Tara Vitasta Ganju

The petitioner (tenant) will vacate the tenanted premises by 31.12.2025 and pay use and occupation charges of Rs. 10,000 per month to the respondent (landlord) starting 01.10.2024. An undertaking from the petitioner is required, which includes conditions such as vacating the premises, making timely payments, not creating third-party rights, and not damaging the property. Execution of the previous order from 19.10.2023 is stayed, contingent on the undertaking being filed. Any default by the petitioner will lead to the dissolution of interim protection, allowing the respondent to pursue recovery of possession and charges.

INDER MOHAN NAGPAL VS THE GOVT. OF NCT OF DELHI & ORS [W.P.(C)-5109/2017]

Judges: Justice Tara Vitasta Ganju

Inder Mohan Nagpal, claiming life membership in the Delhi Society for Prevention of Cruelty to Animals (DSPCA), could not prove his authorization to represent the society. The respondents stated that only one registered DSPCA exists, operating under the Government of NCT of Delhi, and cited delays in the petition due to the DSPCA being managed by an administrator since 1990. The merits of the case were not examined, and Nagpal was permitted to seek remedy in a civil court.

INDIRA GANDHI NATIONAL CENTRE FOR ARTS VS THE P.O.,LABOUR COURT-VII & ANR [W.P.(C)-5513/2003]

Judges: Justice Tara Vitasta Ganju

The Respondent worker was employed by the Petitioner employer on a casual/temporary basis and had no right to regularization or permanent employment. Temporary or casual workers cannot claim a legitimate expectation of becoming permanent, as established in precedent. The employer is to pay the worker compensation of R.S. 10,000 per year for his employment from 1993 to 1996, in lieu of reinstatement, and is to offer any future work to the worker in order of seniority.

JAGDISH VS UNION OF INDIA & ANR [LA.APP.-233/2018]

Judges: Justice Tara Vitasta Ganju

The judgment of the trial court, which dismissed the appellant's petition under Section 18 of the Land Acquisition Act as barred by limitation, was set aside. It was established that the right to receive compensation arises only after apportionment under Section 30. The appellant filed the Section 18 petition within six weeks of the Appropriation Judgment under Sections 30 and 31, making it timely. The trial court is directed to adjudicate the reference petition afresh, with rights and contentions of both parties reserved on merits.

JAGJEET KAUR VS ANJU GUPTA [CM APPL.-7808/2024]

Judges: Justice Tara Vitasta Ganju

The application to recall the order fixing interim user charges for a tenant's continued use of the premises was dismissed. The principles from previous cases regarding reasonable compensation or mesne profits during eviction appeals were upheld. There was no error apparent in the initial order, which considered factors like locality and commercial use in determining the interim charges. A difference in measurements of the covered area versus the total area used by the tenant was insufficient to justify recalling the order.

JAGMOHAN MEHRA SINCE DECEASED THRU LR AJAY MEHRA VS TRILOCHAN SINGH BAWA & ANR. [RC.REV.-222/2024]

Judges: Justice Tara Vitasta Ganju

The tenant is granted additional time until January 15, 2025, to vacate the premises, conditional upon filing an undertaking within one week. This undertaking mandates the tenant to surrender vacant possession by the deadline, settle all utility bills, and refrain from damaging the property or creating third-party rights. The execution of the previous eviction order is stayed pending compliance with the undertaking. The landlord may pursue recovery of outstanding rent and occupation charges.

JAGTAR SINGH VS SURINDER SINGH & ANR. [RC.REV.-173/2020]

Judges: Justice Tara Vitasta Ganju

The petitioner's challenge to the Additional Rent Control Tribunal's order dated 01.10.2015 in Execution No. 109/2009 was not maintainable under the Delhi Rent Control Act, 1958, as it was not filed under Section 25B(8), which allows limited challenges to eviction orders based on bona fide requirements. The petition was dismissed, with the petitioner permitted to seek relief in an appropriate forum.

JOSH MEDIA VISION PVT LTD & ANR. VS UNION OF INDIA THROUGH THE SECRETARY, MINISTRY OF INFORMATION BROADCASTING & ANR. [W.P.(C)-4405/2020]

Judges: Justice Tara Vitasta Ganju

The Ministry of Information and Broadcasting must treat the petitioners' new application as a representation and decide it with a speaking order, allowing the petitioners the opportunity to be heard. The merits of the case remain undiscussed, and the operation of the impugned orders will be stayed for two weeks following the final decision.

KAMALJIT SINGH @ KAMAL (SINCE DECEASED) THROUGH HIS LRS VS PROTIVA PANDEY [RC.REV.-355/2024]

Judges: Justice Tara Vitasta Ganju

The tenants' revision petition was dismissed, affirming the lower court's eviction order. The claim of adverse possession was not established due to failure to meet legal requirements. The landlord's assessment of their needs was deemed valid, with the examination of the site plan showing that the alternative space offered was inadequate. No issues were found in the lower court's order.

KARAN MADHOK AND ANR VS RAKESH YADAV [CM APPL.-69810/2024]

Judges: Justice Tara Vitasta Ganju

The landlord is entitled to user and occupation charges of Rs. 25,000 per month for the commercial premises occupied by the tenants. Evidence including a registered lease deed for a nearby property indicated that the ground floor location in a commercial hub warranted a higher rent. Tenants are to pay the charges starting from September 11, 2024, with December 2024 payment due by December 20, 2024, and arrears from September 11 to November 30, 2024 to be settled by January 31, 2025. This determination is subject to the final outcome of the revision petition.

LALIT KUMAR GUPTA VS MAHESH BANSAL [RC.REV.-225/2019]

Judges: Justice Tara Vitasta Ganju

The petitioner and respondent have mutually settled, with the petitioner required to vacate the property by April 30, 2026. The landlord will not charge monthly market rent, but the tenant must pay use and occupation charges of Rs. 35,000 per month from December 1, 2024, until vacating, along with all utility bills. The tenant cannot create third-party rights or damage the property. In case of non-payment of charges, the landlord can pursue recovery proceedings.

LAXMI NARAIN & ORS VS VISHAL MOONDHRA & ORS [RC.REV.-333/2019]

Judges: Justice Tara Vitasta Ganju

Landlords demonstrated a bona fide requirement for the demised premises under Section 14(1)(e) of the Delhi Rent Control Act. Subsequent events raised by the tenants, such as the landlords acquiring two additional shops and the death of their father, did not negate the landlords' need for the premises. The tenants' revision petition was dismissed, and the order allowing the landlords' eviction petition was upheld.

LEGION ENTERTAINMENT PVT. LTD VS GOVT OF NCT OF DELHI & ANR [W.P.(C)-5744/2012]

Judges: Justice Tara Vitasta Ganju

The agreement between the petitioner and Pacific Development Corporation Limited (PDCL) was classified as a license agreement rather than a lease agreement. Key factors included restrictions on the use of the premises, the licensor's right of entry, and control over the premises, indicating the parties' intention to establish a license. The remedy under Section 47-A of the Indian Stamp Act was deemed inapplicable as it pertains to the registration of an instrument of transfer, which was not relevant in this case. The petition was allowed, resulting in the cancellation of the notices, penalty orders, and related proceedings.

M/S ADAM PAPER PRODUCTS PVT LTD & ANR VS VISHAN DASS NARANG [RC.REV.-197/2018]

Judges: Justice Tara Vitasta Ganju

The revision petition by tenants M/s Adam Paper Products Pvt Ltd against an eviction order in favor of landlord Vishan Dass Narang was dismissed. Proper service of summons to the tenants was confirmed, and the tenants did not satisfy the criteria for seeking an extension to file a leave to defend. The landlord's bona fide need for the premises was established, and the tenants were ordered to pay use and occupation charges for their continued occupancy despite the eviction order.

M/S ADAMS INTERNATIONAL EXPORTS (P) LTD & ANR VS VISHAN DASS NARANG [RC.REV.-198/2018]

Judges: Justice Tara Vitasta Ganju

The eviction order against the tenants was upheld due to their failure to meet the required criteria for obtaining leave to defend. The tenants were properly served summons and aware of the proceedings but did not present a substantial defense against the landlord's claim of bona fide requirement for the premises. The landlord is entitled to recover use and occupation charges for the time the tenants remained after the eviction order.

M/S MEGA OVERSEAS PVT LTD VS RAHUL GOEL [CM APPL.-18031/2024]

Judges: Justice Tara Vitasta Ganju

The appropriate interim user and occupation charges for the ground floor and mezzanine of the subject premises are set at Rs. 1,20,000 per month. This amount was determined using a registered lease deed for a nearby property, adjusted proportionally based on the size of the subject premises. The tenant is required to pay these charges, pending the final outcome of the eviction petition.

M/S SHUSHILA HOSPITAL THROUGH ITS PROPRIETOR AJIT SINGH VS THE DISTRICT MAGISTRATE / DC (NORTH), DISTRICT APPROPRIATE AUTHORITY [W.P.(C)-5120/2017]

Judges: Justice Tara Vitasta Ganju

The orders suspending and cancelling the registration of the petitioner's hospital under the PCPNDT Act were set aside due to insufficient evidence supporting the allegations. The absence of a forensic report on the ultrasound machine and discrepancies between the allegations and the FIR were noted. The hospital owner provided an undertaking not to violate the PCPNDT Act. The authorities were directed to de-seal the hospital's ultrasound machines, with the decision made without prejudice to any other pending proceedings.

M/S SUPER CIRCLE AUTO LTD. VS GOVERNMENT OF INDIA, DELHI AND ORS. [W.P.(C)-7015/2019]

Judges: Justice Tara Vitasta Ganju

M/s Super Circle Auto Ltd. is entitled to Merchandise Exports from India Scheme (MEIS) rewards despite a technical error in marking 'N' instead of 'Y' in the reward item box for 28 shipping bills. The intent to claim the benefit was evident despite the mistake. The respondents must release the reward amounts due for the 28 shipping bills within six weeks.

M/S TREND SETTERS BOOKS LTD VS LOKESH SHARMA [W.P.(C)-8012/2024]

Judges: Justice Tara Vitasta Ganju

The order of the Labor Court denying M/s Trend Setters Books Ltd. the opportunity to cross-examine Lokesh Sharma has been set aside. M/s Trend Setters Books Ltd. is granted one opportunity to cross-examine the respondent/workman, with a stipulation against unnecessary adjournments. Additionally, M/s Trend Setters Books Ltd. must pay litigation expenses of Rs. 10,000 to the respondent on the next hearing date.

M/S TREND SETTERS BOOKS LTD. VS PRAMOD KUMAR SHARMA [W.P.(C)-7965/2024]

Judges: Justice Tara Vitasta Ganju

The order by the Labor Court denying the petitioner the opportunity to cross-examine the respondent/workman was set aside. The petitioner was granted one chance to conduct the cross-examination after obtaining the necessary original documents. The petitioner was also ordered to pay litigation expenses of Rs. 10,000 to the respondent/workman.

M/S VICTOR BROTHERS ALIAS VICTOR BROS & ANR VS SH YOGESH CHANDRA [RC.REV.-160/2023]

Judges: Justice Tara Vitasta Ganju

Service of summons on one partner of the petitioner firm was deemed valid under the Delhi Rent Control Act. The petitioners did not meet the dual test requiring demonstration of inability to apply for leave to defend within the stipulated time and the presentation of a substantial defense case. The revision petition became infructuous, as possession of the tenanted premises had been restored to the landlord through execution proceedings. The scope of revisionary jurisdiction under the Delhi Rent Control Act is notably limited.

MAHESH KUMAR VS ANAND PRAKASH GOYAL [RC.REV.-155/2024]

Judges: Justice Tara Vitasta Ganju

The landlord and tenant reached a settlement requiring the tenant to vacate the premises by June 30, 2025, while paying user and occupation charges of Rs. 15,000 per month. The tenant must provide an undertaking to not create third-party rights, avoid damaging the property, and make timely payments. In case of default, the landlord can take legal action for recovery of possession and charges.

MAHINDER KAUR (SINCE DECEASED) THR HER LEGAL REPRESENTATIVES & ORS VS O P VERMA (SINCE DECEASED) THR HIS LEGAL REPRESENTATIVE [RC.REV.-350/2016]

Judges: Justice Tara Vitasta Ganju

Petitioners/tenants are required to pay user and occupation charges of Rs. 70,000 per month for the premises starting January 1, 2025, pending the outcome of a revision petition. An application under Section 340 of the Code of Criminal Procedure was dismissed due to the invalidity of the invoked acts. The petitioner must file an amended memo of parties to include details of the legal representatives of the deceased respondent/landlord.

MAN KUNWAR VS DELHI BUILDING AND OTHER CONSTRUCTION WORKERS BOARD [W.P.(C)-16525/2023]

Judges: Justice Tara Vitasta Ganju

Man Kunwar sought the restoration of her deceased husband's registration under the Building and Other Construction Workers Act. Chhakodi, initially registered in 2016, could not renew his registration from 2018 to 2020 due to administrative issues, including staff shortages that significantly reduced active registrations. His renewal application filed in August 2020 was rejected because he had surpassed the retirement age, and he passed away in September 2021 while the application was pending. The BOCW Act is intended to benefit unorganized construction workers, and administrative difficulties outside of their control are considered reasonable grounds for delayed renewal. The registration was directed to be restored, contingent on the payment of contribution arrears within two weeks, allowing the widow to access benefits.

MANMOHAN AND OTHER VS RAJINDER PAL AND ANOTHER [RC.REV.-323/2024]

Judges: Justice Tara Vitasta Ganju

The petitioner-tenants' application for condonation of delay in re-filing the revision petition was granted, allowing them until June 6, 2025, to vacate the premises. They must pay a monthly user and occupation charge of Rs. 10,000 starting November 15, 2024, and file an undertaking agreeing to these terms within one week. Execution of the earlier eviction order is stayed until June 6, 2025, contingent on compliance with the undertaking. Default will result in the dissolution of interim protection, enabling landlords to pursue possession and user charges.

MANMOHAN SINGH THROUGH LEGAL HEIR MRS.GURVINDER KAUR & ORS. VS ANJU GUPTA THROUGH LEGAL HEIR NITING GUPTA & ANR. [CM APPL.-11111/2024]

Judges: Justice Tara Vitasta Ganju

The application to recall the order from 14.12.2023, which set interim user charges for tenants to pay landlords during a stayed eviction, was dismissed. The order considered various factors, including the premises' usage and documentation from both parties. The petitioners argued the area was 408.36 sq ft instead of 700 sq ft, but area was only one factor given the commercial use and high footfall of the premises. Established legal principles allow for interim compensation to landlords to mitigate litigation impacts, and a recall of the order requires an evident error, which was not established.

MANOHAR LAL BHATIA VS HARPAL SINGH LAMBA [RC.REV.-415/2019]

Judges: Justice Tara Vitasta Ganju

The petitioner-tenant must hand over physical possession of the property to the respondent-landlord by 31/12/2024. The petitioner-tenant has a history of non-compliance and attempts to delay proceedings. The respondent-landlord has waived outstanding use and occupation charges. The petitioner-tenant is required to file an undertaking to this effect within two weeks. In case of default, the respondent-landlord may take appropriate actions for recovery of possession and charges. The revision petition and all pending applications have been disposed of.

MANOJ KATARIA VS GOVT. OF NCT OF DELHI AND ANR [W.P.(C)-5741/2012]

Judges: Justice Tara Vitasta Ganju

The agreement between the petitioner and PDCL was characterized as a license rather than a lease, as it provided the petitioner with only a right to use the premises for a specific purpose while PDCL retained control and possession. Reliance on provisions related to stamp duty for sale or transfer of property was incorrect; those applicable to lease agreements should have been used. The notices, penalty orders, and related proceedings were set aside.

MAYA & ORS VS SUNIL YADAV & ORS [RC.REV.-303/2018]

Judges: Justice Tara Vitasta Ganju

The tenant's revision petition challenging the eviction order became unnecessary as the landlords had already regained possession of the premises. The revisionary jurisdiction under the Delhi Rent Control Act is limited, and substitution of the trial court's view is not permitted without evident errors. The trial court had appropriately considered the landlords' genuine need for the premises for their family of 21 members, and the eviction order stood without the need for interference. The tenant did not pursue civil proceedings for recovery of possession under Section 19 of the Act, making the revision petition an inadequate response.

MOHAN SINGH VS VISHAN DASS NARANG [RC.REV.-196/2018]

Judges: Justice Tara Vitasta Ganju

The revision petition by the tenant against the eviction order was dismissed. The tenant was properly served with summons, which were not defective, and failed to present a substantial defense for leave to defend the eviction petition. The tenant is liable to pay use and occupation charges at market rate during the revision petition period. The tenant did not meet the criteria for extending the time to file for leave to defend, leading to the dismissal of the petition and the landlord's entitlement to recover charges.

MR SHARAD MEHRA VS SANJAY MEHRA [CONT.CAS(C)-1880/2024]

Judges: Justice Tara Vitasta Ganju

A prima facie violation of the settlement agreement exists due to the respondent's use of "Stanvac-Superon Group" on promotional materials at an international trade fair, which appears to contravene terms prohibiting interlinking group companies. The offending banners and promotional materials must be removed. The respondent can use the "Superon" trademark within India as per the settlement, but the combined use of "Stanvac-Superon" raises customer confusion concerns that require further examination. Notice has been issued to the parties for additional hearings.

MUNNA VS OM WATI [RC.REV.-692/2015]

Judges: Justice Tara Vitasta Ganju

The tenant's Revision Petition challenging the eviction order became infructuous after the possession of the tenanted premises was handed over to the landlord. Established precedent indicates that once the landlord regains possession, the tenant's petition is merely academic. The examination under the Delhi Rent Control Act is limited to errors in the trial court's record or lack of adjudication. The trial court adequately addressed the issues of landlord-tenant relationship, bonafide need, and availability of alternate accommodation, leaving no grounds for interference with the eviction order.

MUNNI DEVI & ANR VS MADAN LAL & ORS [RC.REV.-449/2013]

Judges: Justice Tara Vitasta Ganju

The trial court's order for the eviction of the Petitioners/tenants from the Respondents/landlords' premises was upheld. The petition against Petitioner No. 2, who had passed away, was deemed abated due to the Petitioners' failure to implead legal representatives in a timely manner. A co-owner can file an eviction petition without the consent of other co-owners, which is assumed unless disproven. The issue of ownership had been resolved in previous civil court proceedings, and the current petition does not address title disputes. The Petitioners/tenants are not occupying the premises, invalidating their challenge to the eviction order.

MUNNI DEVI VS M/S OLIVE EXIM PVT. LTD. & ORS. & ORS. [RC.REV.-294/2024]

Judges: Justice Tara Vitasta Ganju

The trial court's order dismissing the tenant's application for leave to defend an eviction petition by the landlord was upheld. The landlord's need to construct a hotel was deemed bona fide, supported by the company's amended Memorandum of Association stating such objectives. The tenant's claim that the landlord was barred from filing the petition lacked specification of any applicable law. The landlord-tenant relationship was acknowledged, with the tenant paying rent and the landlord providing evidence of ownership. The tenant did not present any evidence regarding the availability of alternative accommodation. Although the petition was dismissed, a limited stay of four months on the eviction order was granted, contingent on the tenant meeting certain conditions.

NARENDRA KUMAR JAIN VS HARISH PRATAP SEONIE & ORS [RC.REV.-671/2019]

Judges: Justice Tara Vitasta Ganju

The Eviction Order against the original tenant applies to the alleged sub-tenant Arjun Jain due to non-compliance with statutory requirements under the Delhi Rent Control Act for a valid sublease. The notice of sublease was not provided within the required one-month period, and the landlord's consent was not obtained. As a result, the sub-tenant is considered an unauthorized occupant, making the Eviction Order applicable to him. The legal heirs of the original tenant must pay interim use and occupation charges at the market rate to the landlords while the revision petition is pending.

NEELAM @ GEETA VS RAKESH KUMAR SHARMA & ANR [CM APPL.-57382/2023]

Judges: Justice Tara Vitasta Ganju

The appellant's applications for condonation of delay in filing and refiling a restoration application were dismissed due to insufficient explanations for the delays. The appellant's conduct over four years was described as lackadaisical, and reasons such as obtaining legal advice and getting case records were deemed inadequate. Consequently, the delays were not condoned, and the application for restoration of the appeal was dismissed.

NOOR AHAMD & ANR VS MOHD SADIQ [RC.REV.-134/2019]

Judges: Justice Tara Vitasta Ganju

The revision petition filed by the tenants was dismissed as the landlord has a superior title to the premises, which have been legally restored to them. The tenants' challenge was deemed academic following this restoration. Additionally, costs of Rs. 25,000/- were awarded to be paid to the Bar Council of Delhi's Indigent and Disabled Lawyers Account.

NORTH DELHI MUNICIPAL CORPORATION VS MS. ANITA BAJAJ & ANR. [RC.REV.-260/2020]

Judges: Justice Tara Vitasta Ganju

The revision petition by the North Delhi Municipal Corporation against the eviction order in favor of the landlord was dismissed. The tenant's petition was deemed infructuous since possession of the premises had already been taken by the landlord. The trial court's findings regarding the landlord's bona fide need were upheld, and the tenant's grounds for defense were considered vague and unsupported. Provisions for restoration of possession under Section 19 of the Delhi Rent Control Act were acknowledged, but no issues with the trial court's conclusions were identified.

OM PARKASH & ANR VS SUNIL YADAV & ORS [RC.REV.-306/2018]

Judges: Justice Tara Vitasta Ganju

The revision petition by the tenant challenging the eviction order has become infructuous because the landlord has legally regained possession of the tenanted premises. The tenant's appeal was dismissed as there was no need to examine the merits of the case, given the limited scope of revisionary jurisdiction under the Delhi Rent Control Act, 1958, which focuses on errors apparent on the record or lack of adjudication by the trial court.

P. B. DAVID VS THE ESTATE OFFICER & ORS. [W.P.(C)-5528/2022]

Judges: Justice Tara Vitasta Ganju

The trial court's dismissal of the petitioner's appeal against the Estate Officer's order was set aside due to a delay of approximately 35 days in filing the appeal, which was deemed justifiable based on the petitioner's personal circumstances and the impact of the COVID-19 pandemic. The trial court was instructed to re-hear the appeal on its merits.

PANCHHI PETHA STORE VS UNION OF INDIA & ORS [W.P.(C)-773/2019]

Judges: Justice Tara Vitasta Ganju

The Regional Director's order rejecting the petitioner's application for name rectification under Section 16 of the Companies Act is unsustainable. The jurisdiction under Section 16 is limited to assessing whether a company's name closely resembles another registered name or trademark, without determining ownership of the trademark, which is disputed. The impugned order is set aside, and the parties may approach the Regional Director again if needed, with all rights and contentions remaining open.

PANCHI DEVI VS DELHI BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE BOARD [W.P.(C)-6615/2023]

Judges: Justice Tara Vitasta Ganju

The petitioner's claim for funeral assistance and death benefits under the Building and Other Construction Workers Act, 1996, is to be allowed despite the deceased husband's lapsed registration. Administrative hurdles and staff shortages at the Delhi Building and Other Construction Workers Welfare Board during 2018-2020 contributed to the delay in renewal of the husband's registration. The Board's rejection of the claim is set aside, and the Board is directed to renew the deceased husband's registration upon deposit of arrears and process the claim for benefits.

PANKAJ KAPAL MEHRA VS UNION OF INDIA & ANR. [W.P.(C)-535/2014]

Judges: Justice Tara Vitasta Ganju

The Petitioner, an executive director of a company, could not be personally penalized for the company's violation of export obligations under the Foreign Trade (Development and Regulation) Act, 1992. The show-cause notice and orders lacked specific allegations of duty or obligation on the Petitioner's part or any deliberate failure to fulfill it. Previous judgments indicated that personal liability could not be established solely based on the directorship. Additionally, the company was in liquidation, records were with the official liquidator, and there was a significant delay in the proceedings. Consequently, the penalty order against the Petitioner was set aside.

PANKAJ KUMAR AND ORS VS MUNICIPAL CORPORATION OF DELHI AND ANR [W.P.(C)-8746/2024]

Judges: Justice Tara Vitasta Ganju

The Municipal Corporation of Delhi (MCD) cannot change the service conditions of nine workmen during ongoing industrial dispute proceedings under the Industrial Disputes Act, 1947. The workmen challenged the MCD's decision to revert them to the position of Safai Karamchari after they sought regularization as Assistant Sanitary Inspectors. The status quo regarding their employment must be maintained during the dispute, although the MCD can proceed with the Departmental Promotion Committee (DPC) process if conducted lawfully.

PANKAJ PAHWA VS PREM WATI & ORS [RC.REV.-612/2015]

Judges: Justice Tara Vitasta Ganju

The revision petition filed by the tenant challenging the eviction order became infructuous because the landlord had already regained possession of the premises through execution proceedings. Supreme Court judgments indicate that once possession is recovered, the tenant's petition is no longer relevant. The examination of the revisionary jurisdiction under the Delhi Rent Control Act is limited to errors on record or lack of adjudication by the trial court. The trial court had adequately addressed the tenant's arguments, leading to the dismissal of the revision petition as infructuous.

PARMOD KUMAR VS DELHI STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION AND ANR [W.P.(C)-10926/2024]

Judges: Justice Tara Vitasta Ganju

The petitioner's employment status must remain unchanged during the industrial dispute process, as the petitioner has raised a dispute and filed a statement of claim with the Conciliation Officer. The employer is prohibited from altering the petitioner's conditions of service to his detriment during these proceedings. This decision aligns with Section 33(1)(a) of the Industrial Disputes Act, 1947, while preserving the petitioner's rights to pursue further claims in the appropriate forum.

PUNJAB & SIND BANK VS D K GUPTA [RFA-49/2020]

Judges: Justice Tara Vitasta Ganju

The dismissal of Punjab & Sind Bank's suit for recovery of Rs. 3,66,836/- from D.K. Gupta is upheld due to it being barred by the 3-year limitation period under Article 23 of the Limitation Act. Arguments for extending the limitation period based on an IRDAI circular and the bank's board resolution are rejected, as these documents do not affect the limitation period.

R.S. CHADHA (THROUGH SPA) VS THAKUR DASS [RC.REV.-109/2023]

Judges: Justice Tara Vitasta Ganju

Eviction was upheld against the tenant under Section 14(1)(e) of the Delhi Rent Control Act, 1958 due to the landlord's bona fide need for residential accommodation. The landlord demonstrated a superior title over the tenant, lacked readily available alternate accommodation, and did not conceal material facts. The landlord's judgment regarding residential requirements was recognized, and the tenant's revision petition was dismissed.

RACHNA PAUL VS GOVERNMENT OF NCT OF DELHI AND ORS. [W.P.(C)-2804/2019]

Judges: Justice Tara Vitasta Ganju

The Delhi government must award the petitioner, a victim of an acid attack, the mandatory minimum compensation of Rs. 3 lakhs as specified under the Delhi Victim Compensation Scheme, 2015. This amount applies to victims with less than 50% injuries. The government is directed to pay the petitioner Rs. 3 lakhs, minus the Rs. 30,000 already given as interim compensation.

RAHUL NATH VS REGISTRAR OF FIRMS AND SOCIETIES AND ANR [W.P.(C)-14800/2024]

Judges: Justice Tara Vitasta Ganju

The writ petition by Rahul Nath challenging the gate entry charges levied by the Ansal Villa Residents Association is not maintainable due to the presence of disputed questions of fact requiring evidence, which should be addressed in a civil court where a suit has already been filed. Additionally, the petitioner has pursued alternative remedies, including a complaint to the Registrar of Societies. No interim directions were issued, and the application for interim relief was disposed of.

RAJ KUMAR (SINCE DECEASED) THROUGH LRM VS URMILA DEVI & ANR. [CM APPL.-29557/2024]

Judges: Justice Tara Vitasta Ganju

The appellant's delay in filing an appeal was condoned due to incorrect legal advice received, which led to the belief that objections should be filed instead. The delay was justified, and issues were identified with the trial court's judgment, which relied solely on an admission of title without proper evidence evaluation or reasoning. Execution of the judgment is stayed pending further proceedings, with a requirement for written submissions and relevant case law from the parties.

RAJ KUMAR RAGHAV VS THE DISTRICT AND SESSIONS JUDGE, DELHI AND ORS. [CM APPL.-63398/2024]

Judges: Justice Tara Vitasta Ganju

The petitioner's application to recall a previous order dismissing a writ petition related to licenses for kiosks in the Tis Hazari Building Complex was granted, restoring the petition. The petitioner may approach the Office of the Additional District Magistrate (Central) for dispute adjudication. No coercive actions will be taken against the petitioner for the next four weeks, with the order clarifying that it does not affect the rights and contentions of either party.

RAJASTHAN EQUESTRAIN ASSOCIATION VS EQUESTRIAN FEDERATION OF INDIA AND ORS. [CM APPL.-56636/2023]

Judges: Justice Tara Vitasta Ganju

The minutes of the Extraordinary General Meeting of the Equestrian Federation of India indicated that existing office bearers would remain in their positions until elections, but this decision lacked chair approval and violated prior orders. Discrepancies were noted between the minutes and actual discussions, with irregularities in the federation's operations and potential derecognition due to non-compliance with the sports code. An ad-hoc administrative committee was appointed to manage day-to-day functions until fresh elections, with existing office bearers required to cooperate and refrain from exercising any powers.

RAJIYA BEGUM VS REKHA & ANR. [RC.REV.-245/2024]

Judges: Justice Tara Vitasta Ganju

The landlord's eviction petition against the tenant was upheld based on a superior title to the premises, satisfying Section 14(1)(e) of the Delhi Rent Control Act, 1958. The tenant's claim of ownership through unregistered documents was rejected as it pertained only to debris, not actual ownership. The imperfection of the landlord's title did not preclude the eviction, and the tenant was estopped from disputing the landlord's title.

RAKESH & ORS VS SUNIL YADAV & ORS [RC.REV.-300/2018]

Judges: Justice Tara Vitasta Ganju

The tenant's revision petition was dismissed as it became infructuous due to the landlord's possession of the tenanted premises through execution proceedings. The lower court's order for the tenant to vacate is upheld, considering the landlord's need for the premises for a large family of 21 members.

RAM CHARAN AGGARWAL (DECEASED) THROUGH LEGAL HEIR VS PREM LATA & ANR. [CM APPL.-26358/2022]

Judges: Justice Tara Vitasta Ganju

The tenant in Chandni Chowk, Delhi must pay use and occupation charges of Rs. 1,50,000 per month from March 16, 2022, to December 31, 2023, and Rs. 1,60,000 per month from January 1, 2024, during the revision petition. These rates were based on the premises' location, size, and nature, and are considered tentative pending the outcome of the petition.

RAM KISHAN VS DELHI BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE BOARD [W.P.(C)-5923/2023]

Judges: Justice Tara Vitasta Ganju

The petitioner, a construction worker, was unable to renew his registration under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 from 2018 to 2020 due to administrative issues faced by the Board. Reasonable grounds were established under Section 17 of the Act. Restoration of the registration was mandated upon the deposit of arrears, emphasizing a liberal interpretation of the BOCW Act to support worker welfare.

RAVI KUMAR VS JAIN COOPERATIVE BANK LTD. [W.P.(C)-11009/2024]

Judges: Justice Tara Vitasta Ganju

The termination of the petitioner's employment by the respondent cooperative bank was classified as a disciplinary action, falling under an exception in the Delhi Cooperative Societies Act. The labor court has concurrent jurisdiction with the registrar of cooperative societies to address the industrial dispute, contradicting the labor court's previous conclusion regarding jurisdiction. The matter is to be reheard by the labor court on the merits of the dispute.

ROHIT SINGH VS PARIMAL BHATTACHARJEE [RFA-82/2022]

Judges: Justice Tara Vitasta Ganju

The trial court erred by granting relief beyond the specific request for possession in the respondent's application. It incorrectly decreed arrears of rent, future rent, maintenance charges, and interest without addressing the appellant's counter-claim and a pending application for mesne profits. Relief not specifically requested cannot be granted, and decisions must be based on the pleadings. The judgment on arrears of rent, future rent, and interest was set aside, but the decree for possession was upheld. The matter was remanded for adjudication of the counter-claim and mesne profits issue.

SACHIN ASTHANA VS ADNAN AZAM [RC.REV.-207/2024]

Judges: Justice Tara Vitasta Ganju

The revision petition filed by Sachin Asthana challenging the eviction order in favor of Adnan Azam was dismissed because the respondent had already recovered possession of the premises through execution proceedings. The eviction order's execution rendered the revision petition infructuous.

SANDEEP PURI VS SHARDA AHUJA [RC.REV.-153/2019]

Judges: Justice Tara Vitasta Ganju

The tenant's revision petition challenging eviction is deemed infructuous as the landlady has already regained possession of the premises. It is established that once possession is restored to the landlord, appeals or revision petitions from the tenant no longer require adjudication. The review jurisdiction is limited to examining clear errors or lack of adjudication by the Trial Court and cannot replace its findings. The tenant retains the right under Section 19 of the Delhi Rent Control Act to seek re-possession if the landlord fails to use the premises as stated in the eviction petition. The revision petition was dismissed on these grounds.

SANJANA AGARWAL VS NAMOSHIVAI APPARELS PRIVATE LIMITED [RFA(COMM)-213/2023]

Judges: Justice Tara Vitasta Ganju

The Commercial Court's dismissal of Molmek's suit for recovery was upheld, and NAPL's Counter-Claim was allowed. A separate pre-institution mediation process was deemed unnecessary for the Counter-Claim since it stemmed from the same transactions, and Molmek had already initiated mediation. NAPL provided sufficient evidence, including e-way bills, GST returns, and witness testimonies, proving the delivery of goods linked to five disputed invoices, which Molmek could not disprove. Appeals by Molmek were dismissed.

SANJAY GOYAL VS SHANTI DEVI [RFA-120/2024]

Judges: Justice Tara Vitasta Ganju

The appellant's continuation of possession after the license termination does not qualify as adverse possession, lacking any overt act to assert hostile title against the registered owner. The respondent's suit for damages and a permanent injunction is within the limitation period, resulting in an award for damages and an injunction in favor of the respondent. Execution of the decree is stayed pending a deposit of Rs. 20,00,000 by the appellant, who must also make monthly payments of Rs. 15,000 to the respondent during the appeal.

SANJAY MEHRA VS SHARAD MEHRA [CONT.CAS(C)-1862/2024]

Judges: Justice Tara Vitasta Ganju

The respondent appears to have violated the settlement agreement dated 27.04.2023 by using the "Superon" trademark on social media and at an international fair in India, which breached the agreement that granted exclusive rights to the petitioner for the trademark in India. The settlement restricted the respondent's use of the "Superon" trademark to specific materials for export purposes only, such as visiting cards and brochures. Interim directions were issued to prevent further violations, allowing participation in the fair while adhering to the terms of the settlement regarding trademark use.

SANJAY R HEGDE VS THE MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY AND ANR. [W.P.(C)-13275/2019]

Judges: Justice Tara Vitasta Ganju

The writ petition by Sanjay R Hegde, challenging the suspension of his Twitter account and seeking guidelines for social media content censorship, was dismissed. His Twitter account was reinstated on January 9, 2023, making the request for account restoration irrelevant. Guidelines for content moderation had already been established under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. It was stated that any future actions against the petitioner by the respondent must comply with applicable laws and statutory guidelines.

SANTOSH & ORS VS SUNIL YADAV & ORS [RC.REV.-312/2018]

Judges: Justice Tara Vitasta Ganju

The revision petition filed by the tenant challenging the eviction order became infructuous because the landlord legally recovered possession of the premises. Legal precedents establish that once possession is restored to the landlord, the tenant's petition is no longer relevant. The examination of the case is limited to identifying apparent errors or lack of adjudication by the trial court, without substituting views. Given the legal restoration of possession to the landlord, the petition was dismissed as infructuous, with no further merits addressed.

SANTOSH BEHURIA & ORS VS RAJPUTANA RIFLES REGIMENTAL CENTRE AND ANR [W.P.(C)-16457/2022]

Judges: Justice Tara Vitasta Ganju

Under Section 33(1)(a) of the Industrial Disputes Act, 1947, the conditions of service of the petitioner workers cannot be altered to their disadvantage while an industrial dispute is pending. The employment status of the petitioners must remain unchanged until the dispute is adjudicated.

SANTOSH KUMAR DEWAN VS UNION OF INDIA & ORS. [W.P.(C)-15128/2024]

Judges: Justice Tara Vitasta Ganju

The Delhi Development Authority (DDA) must treat the petitioner's writ petition as a representation and decide on regularizing the petitioner's property within 12 weeks, allowing the petitioner or an authorized representative to be heard before issuing a decision. Respondents are restrained from taking coercive action against the petitioner during the adjudication period and for two weeks after the decision is made. The petitioner has the right to challenge the DDA's decision if aggrieved.

SAROJ RANI VS BIMLA TYAGI AND ORS (SINCE DECEASED THROUGH HER LRS) [RC.REV.-45/2024]

Judges: Justice Tara Vitasta Ganju

After the eviction order, the tenant must pay user and occupation charges at market rent until the revision petition is resolved. The market rent was assessed at approximately Rs. 10,000 per month based on adjacent properties. The tenant is instructed to pay Rs. 8,000 per month from March 2023 to November 2024, and Rs. 10,000 per month from December 2024 onwards, contingent on the revision petition's outcome. Execution of the eviction order is stayed until the next hearing, conditional on payment of the specified charges.

SATYA PAL PATHAK THROUGH GPA VS VIJAY KUMAR KAUSHIK [RC.REV.-156/2024]

Judges: Justice Tara Vitasta Ganju

The trial court's order granting leave to defend the eviction petition under Section 14(1)(e) of the Delhi Rent Control Act was found to be unsustainable. The petitioner, an 80-year-old former army officer, and his 76-year-old wife demonstrated a bona fide need for the premises due to critical medical conditions. Evidence indicated a lack of suitable alternate accommodation within the building. The trial court's order was set aside, and the respondent-tenant was given six months to vacate the premises.

SH MITHAI LAL (SINCE DECEASED) THROUGH ITS LRS. VS SUSHIL CHANDRA GAUTAM [RFA-620/2024]

Judges: Justice Tara Vitasta Ganju

The delay of 292 days in filing the appeal was deemed bona fide due to supervening circumstances. The appellants must vacate the premises at Plot No. A-449, Shakur Pur, Delhi-110034 by 31.10.2024 and are required to submit an affidavit within one week.

SH. ANIL KUMAR @ TITU VS SMT. USHA RANI SHARMA [RC.REV.-332/2023]

Judges: Justice Tara Vitasta Ganju

The revision petition filed by the tenant challenging the eviction order under Section 14(1)(e) of the Delhi Rent Control Act, 1958 is considered infructuous since the landlord has already recovered possession of the tenanted premises. The mere fact of possession being taken over renders the petition moot. The petitioner/tenant did not initiate civil proceedings for recovery of possession under Section 19 of the Act, leading to the dismissal of the revision petition.

SH. ANIL WADHWA & ANR. VS SH. M.M.L. KAPUR [RC.REV.-207/2023]

Judges: Justice Tara Vitasta Ganju

The eviction order against the tenants was upheld based on the landlord's bona fide need for ground floor accommodation due to age and health issues, with the upper floors deemed unsuitable. Tenant arguments regarding the landlord's requirement being non-genuine and claims of concealed alternate accommodation were rejected. The assessment did not involve re-examining evidence but focused on legal compliance, confirming that no jurisdictional error occurred. Tenants can seek restoration of possession under Section 19 of the Delhi Rent Control Act if the landlord fails to use the premises as stated.

SH. ASHOK KUMAR (DECEASED) THROUGH LEGAL REPRESENTATIVES VS SH. VIJAY KUMAR [RC.REV.-244/2019]

Judges: Justice Tara Vitasta Ganju

The tenant's revision petition was dismissed as infructuous since the landlord had regained possession of the premises through execution proceedings. Legal precedent indicates that once possession is restored to the landlord, the tenant's challenge to the eviction order lacks relevance. The examination of procedural errors is limited to the trial court's adjudication, with no scope for substituting the lower court's view. Additionally, the tenant did not pursue civil proceedings under Section 19 of the Delhi Rent Control Act for recovery of possession, which would have been available had the landlord not utilized the premises as intended.

SH. BHAJAN LAL VS SH. RAJENDER PRASAD JAIN [RC.REV.-172/2024]

Judges: Justice Tara Vitasta Ganju

The landlord established a bona fide need for possession of the premises for his younger son's business. The tenant failed to demonstrate the availability of suitable alternative accommodation. The scope of revisionary jurisdiction is limited, and no apparent errors in the lower court's decision were identified. The tenant's revision petition was dismissed.

SH. PAWAN DURGANI & ANR. VS SH. RAJENDER PRASAD JAIN [RC.REV.-191/2024]

Judges: Justice Tara Vitasta Ganju

The trial court's order rejecting the petitioners' application for leave to defend in eviction proceedings was upheld, confirming the landlord's bona fide need to establish a business for his younger son under Section 14(1)(e) of the Delhi Rent Control Act, 1958. The High Court provided the petitioners three months to vacate the premises, contingent upon filing an undertaking with specific terms and conditions.

SHAKUNTALA DEVI VS MOHAN DAS [RC.REV.-194/2017]

Judges: Justice Tara Vitasta Ganju

The landlady proved her bonafide requirement for the tenanted premises, as her current accommodation was inadequate for her large family and the alternate accommodation was unsuitable. As a co-owner, she has a better title than the tenant and can file an eviction petition without all co-owners. The eviction petition was granted, and the tenant was given six months to vacate the premises.

SHALOO GUPTA & ORS VS NEERAJ KHANNA & ANR [RC.REV.-630/2019]

Judges: Justice Tara Vitasta Ganju

The parties have reached an amicable settlement, with the tenants agreeing to vacate the premises by 30.09.2025, and the landlords waiving all claims for damages. The tenants must file an affidavit confirming this agreement. If the tenants fail to comply, the landlords may initiate recovery proceedings for possession and associated charges.

SHER SINGH VS SUNIL YADAV & ORS [RC.REV.-295/2018]

Judges: Justice Tara Vitasta Ganju

The tenant's revision petitions became infructuous after the landlords legally regained possession of the tenanted premises through execution proceedings. Once possession was restored, any challenge to the eviction order was deemed academic. The jurisdiction limited review under the Delhi Rent Control Act to apparent errors or lack of adjudication by the trial court, without substituting its own view. The tenant failed to invoke the specific remedy under Section 19 of the Act to regain possession if the landlord did not use the premises as intended. Consequently, the revision petitions were dismissed.

SHIV CHARAN VS BAL KISHAN SINGH & ANR [RC.REV.-384/2018]

Judges: Justice Tara Vitasta Ganju

The petition was declared abated due to the Petitioner's death in 2020, as legal heirs were not joined within the 90-day limitation period. No application was submitted to add the legal representatives, and no reasons were provided for the delay. Consequently, the petition was dismissed.

SHIV ENTERPRISES VS GOVT. OF NCT OF DELHI & ANR [W.P.(C)-5742/2012]

Judges: Justice Tara Vitasta Ganju

The agreement between Shiv Enterprises and PDCL was classified as a license rather than a lease due to various restrictions on the petitioner's use of the premises, including limitations on business changes and the licensor's right to enter at any time. The intention of the parties indicated a license arrangement rather than a transfer of property interest. The alternate remedy under Section 47-A of the Indian Stamp (Delhi Second Amendment) Act, 2001 was deemed inapplicable, as it concerns the registration of transfer instruments for stamp duty assessment.

SHREE HANUMANT DHARMIK RAMLEELA COMMITTEE REGD & ANR. VS DELHI DEVELOPMENT AUTHORITY & ORS. [W.P.(C)-12337/2023]

Judges: Justice Tara Vitasta Ganju

The Delhi Development Authority (DDA) is required to develop comprehensive standard operating procedures (SOPs) or guidelines for booking Ramleela sites by June 25, 2024. The existing policy does not involve the Delhi Dharmik Mahasangh (DDM), leading to confusion over bookings based on the DDM's list. The DDA must clarify in the new guidelines whether it will continue to rely on the DDM's list and is instructed to publicize these guidelines. Additionally, the DDA is prohibited from making further bookings for Ramleela sites until the new SOPs are published.

SHRI HARISH LAL VS SMT. VIDYA DEVI @ VIDYA WATI [RC.REV.-284/2024]

Judges: Justice Tara Vitasta Ganju

The petitioner (tenant) received an extension until June 30, 2025, to vacate the premises, contingent upon paying Rs. 15,000 for user and occupation charges by November 30, 2024. The petitioner must file an undertaking that includes conditions such as vacating by the due date, not creating third-party rights, and ensuring no damage to the property. Execution of the previous eviction order is stayed as long as the petitioner complies with the undertaking; failure to comply will allow the landlord to pursue legal action.

SHRI RAM GOPAL MONGIA VS CAPT PREETINDER SINGH THAPAR & ORS [RC.REV.-348/2016]

Judges: Justice Tara Vitasta Ganju

An order dismissing an application under Order VI Rule 17 of the Code of Civil Procedure affects the rights and liabilities of the parties and is appealable under Section 38 of the Delhi Rent Control Act, 1958. The petitioner has the liberty to approach the appropriate forum under Section 38.

SITA DEVI VS DELHI BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE BOARD [W.P.(C)-6578/2023]

Judges: Justice Tara Vitasta Ganju

The widow of a construction worker had her claim for funeral assistance and death benefits accepted after the rejection by the Delhi Building and Other Construction Workers Welfare Board was set aside. The beneficial nature of the BOCW Act was emphasized, with an interpretation favoring the welfare of construction workers. The husband's inability to renew his registration due to administrative issues, including staff shortages and delays, was considered reasonable grounds for non-payment of contributions under Section 17. Consequently, the husband's registration was restored, and the claim for death and funeral benefits was processed.

SMT LAXMI DEVI & ORS. VS SH KAILASH & ANR. [RC.REV.-297/2024]

Judges: Justice Tara Vitasta Ganju

The petitioners and respondents reached a settlement in which the petitioners will vacate the property by June 30, 2025, and will pay use and occupation charges of Rs. 20,000 per month starting November 8, 2024, until the property is vacated. An undertaking agreeing to the settlement terms must be filed by the petitioners. If the petitioners default, the respondents can pursue recovery of possession and market rate charges.

SMT NIRMAL & ANR. VS SHRI ROSHAN LAL GUPTA [RC.REV.-341/2024]

Judges: Justice Tara Vitasta Ganju

Petitioners/tenants must vacate the tenanted premises by 31.12.2025 and pay monthly user and occupation charges of Rs. 10,000 from 30.01.2025 until vacating. An undertaking is required, confirming terms such as handing over vacant possession, not creating third-party rights, and paying utility bills. The execution of the earlier eviction order is stayed until 31.12.2025, contingent on compliance with the undertaking. Defaulting will result in the dissolution of interim protection.

SMT NIRMALADEVI (D) THRU HER LR SMT ILASHREE NATH GUPTA VS SMT KAMLA GUPTA [RC.REV.-217/2024]

Judges: Justice Tara Vitasta Ganju

The revision petition filed by the tenant is not maintainable after the landlord has legally recovered possession of the tenanted premises. Once possession is regained, the tenant's petition becomes infructuous. The revisionary jurisdiction under the Delhi Rent Control Act, 1958 is limited and cannot replace the trial court's view unless an obvious error or lack of adjudication is present. The landlord needs to establish a better title than the tenant for eviction under Section 14(1)(e) of the Act, and the tenant cannot dictate the property's use to the landlord.

SMT RASHIDA BANO VS MST YASMEEN BEGUM [RC.REV.-293/2022]

Judges: Justice Tara Vitasta Ganju

The trial court's order granting eviction of tenant Smt. Rashida Bano in favor of landlord Mst. Yasmeen Begum was upheld. The landlord established ownership of the premises and a genuine need for accommodation for herself and her family, meeting the requirements of the Delhi Rent Control Act. The tenant's claims regarding ownership and alternative accommodation lack supporting evidence. The order was deemed sound and not subject to interference.

SMT SANTOSH ARORA VS SH SUNIL DHUPAR AND ANOTHER [RC.REV.-343/2023]

Judges: Justice Tara Vitasta Ganju

The main issue for the trial court is the bona fide need of Smt. Santosh Arora to evict tenants Sh Sunil Dhupar and another from the property. The landlord's ownership was not fully established due to the absence of the family settlement agreement. However, tenants admitted that the property is owned by three brothers, with shares devolving to their legal representatives, including the landlord. The trial must conclude expeditiously on the bona fide need, while other rights and contentions remain open for future consideration.

SMT. NIRMALA DEVI (D) THROUGH HER LR SMT. ILASHREE NATH GUPTA VS SMT KAMLA GUPTA [CM(M)-3227/2024]

Judges: Justice Tara Vitasta Ganju

The appeal was dismissed as barred by limitation due to the petitioner's lack of diligence in previous proceedings. The prerequisites of Section 14 of the Limitation Act for excluding prior proceedings were not met. The petitioner was correctly identified as a party in the eviction proceedings as the legal heir of the deceased tenant, but had no rights to the property due to a gift deed transfer by the original tenant. The revision petition was rendered infructuous because the landlord had already taken possession of the premises.

SONI GHOSH AND ORS VS DELHI STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPEMT CORPORATION AND ORS [W.P.(C)-11143/2024]

Judges: Justice Tara Vitasta Ganju

Under Section 33(1)(a) of the Industrial Disputes Act, 1947, the conditions of service for 20 petitioners cannot be changed by the Delhi State Industrial and Infrastructure Development Corporation while industrial dispute proceedings are ongoing. The employment status of the petitioners is to be maintained, allowing them to seek further adjudication on their claims in the appropriate forum.

STAR RISING AVIATION 13 LIMITED VS UNION OF INDIA THROUGH THE MINISTRY OF CIVIL AVIATION & ORS. [W.P.(C)-9901/2023]

Judges: Justice Tara Vitasta Ganju

The Directorate General of Civil Aviation (DGCA) is required to cancel the registration of aircraft under Rule 30(7) of the Aircraft Rules, following the Cape Town Convention. Termination of lease agreements by lessors was not solely due to the airline's insolvency, so exclusive jurisdiction does not rest with the National Company Law Tribunal (NCLT) regarding deregistration. A recent notification from the Ministry of Corporate Affairs exempts aircraft from moratorium provisions of the Insolvency and Bankruptcy Code (IBC) retroactively. The DGCA must deregister the aircraft within five working days, and lessors are allowed to export the aircraft, subject to relevant laws and regulations.

SUDARSHAN FACILITIES PVT LTD VS THE REGIONAL LABOUR COMMISSIONER CENTRAL NEW DELHI & ORS. [W.P.(C)-12591/2024]

Judges: Justice Tara Vitasta Ganju

The order by the Authority under the Minimum Wages Act requiring Sudarshan Facilities Pvt Ltd to pay wage differences and compensation to 11 workers was set aside. The Authority had not considered the Petitioner's claims of having paid minimum wages according to the relevant government notifications. Proceedings must be conducted anew, with a requirement for a detailed order within four weeks. The Petitioner retains the right to pursue appropriate remedies if dissatisfied with the new order.

SUDARSHAN FACILITIES PVT LTD VS THE REGIONAL LABOUR COMMISSIONER CENTRAL NEW DELHI & ORS. [W.P.(C)-12577/2024]

Judges: Justice Tara Vitasta Ganju

The order issued by the Regional Labour Commissioner (Central), New Delhi, directing a company to pay the difference in minimum wages and compensation to 24 workers was set aside. The authority had not addressed the company's claims of paying minimum wages in line with government notifications. Proceedings must be conducted again, with a new order required within four weeks. The company retains the right to seek legal remedies if dissatisfied with the new outcome.

SUNIL KUMAR TEWATIA VS JAIN COOPERATIVE BANK LTD. [W.P.(C)-11057/2024]

Judges: Justice Tara Vitasta Ganju

The termination of the petitioner's employment with the cooperative bank resulted from disciplinary action rather than voluntary abandonment of service. The Labor Court and the Registrar of Cooperative Societies have concurrent jurisdiction over service disputes, allowing the petitioner to choose between forums. The Labor Court's order dismissing the petitioner's claim was set aside, and the matter was remanded for a fresh hearing on the merits.

SURESH KUMAR VS SHARDA AHUJA [RC.REV.-14/2020]

Judges: Justice Tara Vitasta Ganju

The tenant's revision petition challenging the eviction order became infructuous since the landlord had already recovered possession of the premises. Precedents indicate that a revision petition loses its purpose once the landlord regains possession. The jurisdiction under the Delhi Rent Control Act is limited to assessing procedural compliance, without substituting the trial court's decisions. The tenant did not raise any issues related to Section 19 of the Act, which provides a remedy for re-possession if the landlord fails to use the premises as stated. The revision petition was consequently dismissed.

SUSHILA & ORS VS SUNIL YADAV & ORS [RC.REV.-310/2018]

Judges: Justice Tara Vitasta Ganju

The revision petition from the tenant challenging the eviction order has become infructuous as the landlord legally recovered possession of the premises. Established precedents indicate that once possession is regained, the tenant's claims no longer hold. The tenant failed to initiate appropriate civil proceedings for recovery and did not assert a violation of relevant sections of the Rent Control Act, leading to the dismissal of the petition.

TAJUDDIN VS QAZI NOORUDDIN [RC.REV.-135/2022]

Judges: Justice Tara Vitasta Ganju

Tajuddin requires more time to vacate the tenanted premises. Qazi Nooruddin, the landlord, consented to extend the deadline to 31.07.2025, contingent upon the tenant paying rental arrears by 15.12.2024. The tenant accepted these terms and is required to submit an affidavit undertaking to vacate by the deadline, pay the arrears, not create third-party rights, and not damage the premises. If the tenant fails to comply, the landlord may proceed with eviction and recovery actions.

TRIVENI ENGINEERING AND INDUSTRIES LTD. VS VIJAY BHATIA AND ORS. [W.P.(C)-3171/2019]

Judges: Justice Tara Vitasta Ganju

The Micro and Small Enterprises Facilitation Council lacked the jurisdiction to refer disputes between Triveni Engineering and Industries Ltd. and Vijay Bhatia to the Delhi International Arbitration Centre. Vijay Bhatia was not registered under the Micro, Small and Medium Enterprises Development Act, 2006, at the time of the contract with Triveni Engineering. Registration under the Act must occur before entering into a contract to avail benefits, and since registration happened after the contract was completed, retroactive claims to the benefits of the Act were not permitted. The Facilitation Council's orders referring the matter to DIAC were set aside.

UPINDER KAUR VS HARISH KUMAR JAWA [RC.REV.-154/2024]

Judges: Justice Tara Vitasta Ganju

The eviction order against the petitioner for the commercial premises was upheld, but stayed on the condition that the petitioner pays user charges of Rs. 25,000 per month during the revision petition's pendency. These charges are tentative and will be subject to the final outcome of the revision petition, with any default in payment leading to the dissolution of the interim protection.

USHA AND ORS VS SHISH PAL SINGH [RC.REV.-286/2024]

Judges: Justice Tara Vitasta Ganju

A revision petition was filed by tenants challenging the dismissal of their application for leave to defend an eviction petition. Key issues include the validity of the landlord's new eviction ground for establishing a coaching center for his granddaughter, replacing the previous residential requirement, and the availability of alternate accommodation for the tenants, given that the landlord owns the entire building. The operation of the previous order is paused pending further examination.

V B ENGINEERS VS DR RAM MANOHAR LOHIA HOSPITAL & ANR. [W.P.(C)-4372/2024]

Judges: Justice Tara Vitasta Ganju

The notice dated 06.03.2024 issued to the petitioner did not meet the requirements of Section 7(3) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, failing to provide a proper show-cause opportunity before ordering payment of arrears of rent or damages under Sections 7(1) and 7(2). The impugned notice was set aside, allowing for a fresh order to be issued in accordance with the law, while maintaining the rights and contentions of both parties.

VIJAY KUMAR SETIA VS CAPT PREETINDER SINGH THAPAR & ORS [RC.REV.-344/2016]

Judges: Justice Tara Vitasta Ganju

The order dismissing the petitioner's application under Order VI Rule 17 of the Code of Civil Procedure, which impacted the rights and liabilities of the parties, is appealable under Section 38 of the Delhi Rent Control Act, 1958. Section 38 allows for an appeal to the Rent Control Tribunal against orders involving a question of law, excluding certain procedural interlocutory orders. The petitioner is permitted to seek recourse under Section 38.

VINOD KUMAR GARG & ANR. VS GHANSHYAM DAS [RC.REV.-354/2024]

Judges: Justice Tara Vitasta Ganju

The landlord's bonafide need for the premises and the landlord-tenant relationship were undisputed. The primary issue was the availability of suitable alternate accommodation for the landlord under Section 14(1)(e) of the Delhi Rent Control Act. Established precedents affirm the landlord's autonomy in defining their bonafide need, with no requirement for the court to evaluate alternative adjustments. The matter was confined to assessing suitable alternate accommodation.

VISHNU DUTT SHARMA ALIAS VISHNU PANDIT VS CHILD WELFARE COMMITTEE & ANR. [W.P.(C)-7762/2016]

Judges: Justice Tara Vitasta Ganju

The writ petition filed by Vishnu Dutt Sharma was dismissed, challenging an order from the Child Welfare Committee requiring him to pay compensation for employing 13 minors. The petition raised disputed questions of fact, and the petitioner had taken appropriate remedies against the FIR. No grounds were found to quash the order or the notice dated 22.08.2016, leading to the petition's dismissal as withdrawn.

WAHABUDDIN & ORS VS RIYAZUDDIN & ORS [RC.REV.-626/2018]

Judges: Justice Tara Vitasta Ganju

The petition filed by the tenants was dismissed, affirming the lower court's decision to grant possession of the premises to the landlords. The tenants' claims of ownership were based on unregistered documents, which cannot transfer title. Eviction proceedings under the Delhi Rent Control Act do not address title issues, which must be resolved in civil proceedings. The tenants had previously acknowledged that the landlords' father was the original tenant, preventing them from claiming ownership under Section 116 of the Indian Evidence Act.

YASHPAL VS NEELAM SETHI THROUGH LRS [RC.REV.-55/2024]

Judges: Justice Tara Vitasta Ganju

The parties have mutually settled, with the petitioner agreeing to vacate the property by a specified date. In return, the respondents will waive claims for user charges and damages. The petitioner must file an undertaking that includes vacating by the agreed date, not creating third-party rights, and ensuring no damage to the property. Compliance with the undertaking will maintain interim protection; failure to comply will result in the dissolution of protection, allowing the respondents to take further action.

ADARSH ENCLAVE RESIDENTS WELFARE ASSOCIATION (REGD) VS GOVERNMENT OF NCT OF DELHI [W.P.(C)-3086/2024]

Judges: Justice Tushar Rao Gedela

Demolition notices issued by the Forest Department do not apply to the properties of the Adarsh Enclave Residents Welfare Association, as the relevant land (khasra numbers 1383-1386 and 232/141) is not owned by the Forest Department. Notices pertained only to different khasra numbers. Petitioners were advised to approach the Deputy Conservator of Forests with relevant documents to assert their rights.

AJITKUMAR THAKUR VS DELHI PHARMACEUTICAL SCIENCES AND RESEARCH UNIVERSITY DPSRU AND ORS [W.P.(C)-8215/2024]

Judges: Justice Tushar Rao Gedela

The issues in the writ petition align with two previous judgments where protection was granted to petitioners, directing the Delhi Pharmaceutical Sciences and Research University (DPSRU) to consider their replies holistically. The petitioner received 10 days of protection following the competent authority's order to address grievances, with no examination of the case's merits, relying instead on established principles from earlier judgments.

AKASH SOLANKI & ANR. VS GOVERNMENT OF NCT OF DELHI AND ANR. [W.P.(C)-3798/2024]

Judges: Justice Tushar Rao Gedela

The writ petition filed by Akash Solanki and another, challenging the ICSIL advertisement for the recruitment of Cath Lab Technicians on a contractual basis, was dismissed. The Government of NCT of Delhi clarified that the new posts were additional and not intended to replace existing contractual employees. The petitioners were assured that their positions would not be affected by the new recruitment.

ANIL KUMAR BHARTI VS INDIAN RAILWAYS CATERING AND TOURISM CORPORATION LIMITED [W.P.(C)-15768/2023]

Judges: Justice Tushar Rao Gedela

The writ petition by Anil Kumar Bharti against IRCTC was dismissed. The petitioner was ineligible for retrospective promotion to the Assistant Manager position from July 1, 2022, as the promotion rules did not allow it. He was promoted to the E-2 grade on February 24, 2023. Consequently, the petitioner did not satisfy the eligibility criteria of one year of service required for the DGM (E-4) position as per the November 13, 2023 circular. The conditions in the circular were deemed valid, establishing that promotions are typically effective from the promotion date rather than the date of vacancy.

ANJALI VERMA & ANR. VS GOVT OF NCT OF DELHI THROUGH CHIEF SECRETARY & ORS. [W.P.(C)-9831/2023]

Judges: Justice Tushar Rao Gedela

The petitioners, Anjali Verma and others, have the right to construct a boundary wall on their land, supported by previous orders from the National Green Tribunal and a meeting on 30.04.2015. They are permitted to build the wall within the area where the previous wall stood. A competent officer from the respondents may oversee the construction to prevent disputes.

ANKITA MEENA VS AIRPORT AUTHORITY OF INDIA AND ANR [W.P.(C)-677/2024]

Judges: Justice Tushar Rao Gedela

The writ petition was dismissed due to the petitioner's misrepresentation of her educational qualifications, claiming a "Diploma in Electronics" instead of her B.Tech degree, which constituted suppression of material information. Additionally, the petitioner lacked the required 2 years of relevant experience. Participation in the selection process precluded any challenge to the advertisement after being declared unsuccessful.

ANOOP KUMAR MISHRA VS AIRPORT AUTHORITY OF INDIA & ANR. [W.P.(C)-9005/2016]

Judges: Justice Tushar Rao Gedela

The writ petition challenging the imposition of a minor penalty of withholding one increment for a year was dismissed. Disciplinary proceedings were conducted in accordance with the CDA Regulations, with the petitioner being informed of charges and given a chance to defend. The punishment did not impact retirement benefits, negating the need for a more stringent procedure. The petitioner failed to comply with directives from the Corporate Headquarters' Circular, which formed the basis for the charges. The validity of the disciplinary proceedings was affirmed.

ARUNIMA BARUAH VS THE SECRETARY GENERAL INDIAN COUNCIL FOR CHILD WELFARE [W.P.(C)-7857/2007]

Judges: Justice Tushar Rao Gedela

The termination order of Arunima Baruah by the Indian Council for Child Welfare (ICCW) was declared invalid due to violations of natural justice. Although the ICCW is not classified as a 'state' under Article 12, it engages in public functions related to child welfare and is subject to writ jurisdiction under Article 226. The termination order dated 19.03.2001 was quashed, and ICCW was ordered to pay costs of Rs. 1,50,000 to the petitioner.

ASHOK CHANDRA VS GOVERNMENT OF NCT OF DELHI AND ORS [W.P.(C)-4508/2024]

Judges: Justice Tushar Rao Gedela

In Ashok Chandra's case, the petition challenging proceedings under Section 185 of the Delhi Land Reforms Act is disposed with a directive for the Additional District Magistrate to address the petitioner's application within four weeks, noting that the appeal has been pending since 2005. The petitioner's land, used for agriculture, has been urbanized, which supports the dismissal of the Gaon Sabha Gadaipur's appeal against the Revenue Assistant's prior decision.

ASHOK MEHRA VS GOVT. OF NCT OF DELHI AND ORS. [W.P.(C)-11273/2019]

Judges: Justice Tushar Rao Gedela

The petitioner's application for an alternate plot of land requires reconsideration due to the Recommendation Committee's oversight of evidence indicating that all the petitioner's land had been acquired. The Recommendation Committee must treat the writ petition as a detailed representation and reconsider the matter within six weeks, allowing the petitioner a personal hearing. The final order must be reasoned, and the petitioner has the right to seek further legal recourse if any grievances persist.

BANDANA KUMARI & ANR. VS UNION BANK OF INDIA & ANR. [W.P.(C)-15852/2023]

Judges: Justice Tushar Rao Gedela

Terminal benefits and ex-gratia amounts due to the wife and daughter of a deceased bank employee will be distributed equally among them and the deceased's mother, as there was no nominee designated by the deceased. The bank is to disburse the benefits within six weeks, and the petitioners withdrew their request for compassionate appointment.

BHAGIRATHI VS GOVERNMENT OF NCT OF DELHI & ANR. [W.P.(C)-876/2024]

Judges: Justice Tushar Rao Gedela

The petitioner, as the legally wedded wife of the deceased employee, is entitled to family pension based on submitted documentary evidence. The directive from respondent authorities requiring a succession certificate is not legally warranted, as pension is not part of the deceased's estate. The authorities must treat the petition as a detailed representation and decide on the petitioner's claim within 8 weeks, allowing her a personal hearing. The presumption in law favors the petitioner based on the verifiable evidence provided.

BHAWNA GOEL VS GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-4038/2024]

Judges: Justice Tushar Rao Gedela

The respondent ADM must consider the petitioner's request to extend the validity of the land status report (LSR) issued to vendor Mr. Gopal Goel, which was initially valid for 30 days under the Delhi Lands (Restrictions on Transfer) Act, 1972. The petitioner applied for an extension before the LSR expired. The extension request should be disposed of within one week.

BHUPENDRA DWIVEDI VS YES BANK LTD. [W.P.(C)-1413/2024]

Judges: Justice Tushar Rao Gedela

The writ petition against Yes Bank Ltd. was dismissed due to maintainability issues. Yes Bank was not classified as an "instrumentality of the State" or "authority" under Article 12 of the Indian Constitution, indicating that the employment relationship was purely contractual and lacked any public law aspect. The petition could not invoke writ jurisdiction under Article 226 for enforcing private contracts or addressing private law disputes. The petitioner retains the option to pursue other legal remedies.

BIPIN NAGAR AND OTHERS VS OFFICE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE HEADQUARTER DELHI AND OTHERS [W.P.(C)-1731/2024]

Judges: Justice Tushar Rao Gedela

The writ petition seeking age relaxation for Senior Personal Assistant, Personal Assistant, and Junior Judicial Assistant posts from 18-27 years to up to 32 years for general category candidates was dismissed. Age relaxation policies are regarded as matters of public policy, and interference is limited unless such policies are arbitrary or capricious. The advertisement specified an age limit of 18-27 years, and no age relaxation was provided for the general category. The petitioners filed the application just two days before the deadline, which was deemed insufficient for the requested relief. The decision emphasized that age relaxation is within the jurisdiction of the user department.

CHANDER SINGH KHATANA AND ANR VS DEPUTY CONSERVATOR OF FOREST AND ORS [W.P.(C)-2409/2024]

Judges: Justice Tushar Rao Gedela

The dispute concerns the demarcation of the petitioners' private land versus alleged forest land, not ownership. The Deputy Conservator of Forest is to consider the petitioners' representation, hold a hearing, and issue a reasoned order after necessary demarcation proceedings. The petitioners are permitted to erect temporary wire fencing on the demolished boundary wall portion until the demarcation application is resolved.

COAL INDIA SC ST EMPLOYEE ASSOCIATION VS UNION OF INDIA AND ORS. [W.P.(C)-6031/2024]

Judges: Justice Tushar Rao Gedela

The writ petition by the Coal India SC ST Employee Association was dismissed regarding the promotion process from Chief Manager (E-7 grade) to General Manager (E-8 grade) in Coal India Limited. The E-8 grade is a 'Selection Post' requiring merit-cum-seniority, and reservation for Scheduled Castes and Scheduled Tribes does not apply to these promotions according to relevant office memorandums. The standard rules and policies were followed, and the roster system for promotions up to E-7 grade, where reservation is applicable, was maintained. In recent interviews, 3 out of 14 candidates from the ST category achieved promotion to the E-8 grade.

DEEPAK SHOKEEN AND ORS VS ADM(SOUTHWEST)/LAND ACQUISITION COLLECTOR [W.P.(C)-13999/2023]

Judges: Justice Tushar Rao Gedela

The ADM Southwest/Land Acquisition Collector must treat the petitioners' writ petition as a representation under Section 3H of the National Highways Act, 1956. The ADM is required to provide the petitioners an opportunity for a hearing and issue a speaking order within 6 weeks. The petitioners can challenge the ADM's order if necessary.

DEVENDER KUMAR BHANDARI VS GOVERNMENT OF NCT OF DELHI AND ORS [W.P.(C)-500/2024]

Judges: Justice Tushar Rao Gedela

The petitioner's writ petition was allowed, granting relief based on previous similar cases. The respondent Forest Settlement Officer/District Magistrate must treat the petition as a representation and resolve it within four weeks, ensuring the petitioner has a chance to be heard. Status quo on the petitioner's property is to be maintained, with no coercive action permitted for one week from the order date.

DEVKI DEVI VS GOVT. OF NCT OF DELHI & ORS [W.P.(C)-3088/2024]

Judges: Justice Tushar Rao Gedela

The petitioner has possessed property at house no. 1063, KG-1, G-Block, Phase-6, Adarsh Enclave, New Delhi, for over 13 years, providing documents to support possessory rights. Khasra no. 1383 is confirmed as non-forest land with no proposed demolition, while adjacent khasra nos. 1978-1982 face demolition due to alleged encroachment on forest land. The petitioner is instructed to submit a detailed representation to the Deputy Commissioner of Forests, with any further action needing a show cause notice.

DHEERAJ JAIN & ORS VS SAVITRI DEVI & ORS [CM(M)-1489/2018]

Judges: Justice Tushar Rao Gedela

The Compromise Deed/Relinquishment Deed submitted by the respondents was deemed inadmissible due to lack of registration under the Registration Act, 1908. The deed was not proven as the author had died prior to its submission and no formal witnesses validated its authenticity. The reasoning of the lower courts relied entirely on this inadmissible document. Consequently, the impugned order of the Rent Control Tribunal was set aside, with instructions to consider only admissible evidence and potentially allow the introduction of new evidence if necessary.

DHIRAJ VERMA VS UNION OF INDIA & ANR. [W.P.(C)-3464/2024]

Judges: Justice Tushar Rao Gedela

The writ petition challenging the cutoff date of August 1, 2024, for the eligibility age in the Civil Services Examination 2024 was dismissed. The petitioner did not demonstrate that the cutoff date was arbitrary or unconstitutional, as it complied with the Civil Services Examination Rules 2024 set by the Department of Personnel and Training. The establishment of the cutoff date is within the prerogative of the examining department, and the absence of evidence of arbitrariness precluded any interference.

DISTRICT AND SESSIONS COURTS EMPLOYEES WELFARE ASSOCIATION VS DISTRICT SESSIONS JUDGE HEADQUARTERS & ANR. [W.P.(C)-9835/2020]

Judges: Justice Tushar Rao Gedela

Members of the petitioner association promoted to Senior Judicial Assistant (SJA) and Judicial Assistant (JA) do not have a right to seek retrospective or notional promotion from the date vacancies arose, as the recruitment rules do not provide for such promotions. This lack of provision renders them ineligible to participate in the Departmental Competitive Examination (DC Examination) for the SJA position. The writ petition and all pending applications were dismissed.

DR GHANSHYAM CHOURASIYA VS UNION OF INDIA AND ANR [W.P.(C)-3781/2024]

Judges: Justice Tushar Rao Gedela

The Supreme Court's judgments in Mundinamani's case and M. Siddaraj's case apply to all similarly situated government employees, granting them the benefit of one last increment in the year of retirement. Respondents must treat the writ petition as a representation and issue a reasoned order within six weeks, in line with the Supreme Court's rulings. A counter-affidavit is not required, and the petitioner may challenge the decision if necessary.

DR JASEELA MAJEED VS DELHI PHARMACEUTICAL SCIENCES AND RESEARCH UNIVERSITY THROUGH ITS REGISTRAR [W.P.(C)-7758/2024]

Judges: Justice Tushar Rao Gedela

The petitioner's challenge to the show cause notice regarding her cancellation of employment as an Associate Professor is aligned with previous decisions in similar cases. The university is required to provide copies of the inquiry report and recruitment rules that led to the conclusion about her initial appointment in 2017. The petitioner must be given an opportunity for a personal hearing, considering her previous employment with the university. Additionally, the petitioner is granted a 10-day protection period post the authority's order for redressal of her grievance. Contentions of the parties remain open.

DR SHASHI BHUSHAN VS UNIVERSITY OF DELHI & ANR. [W.P.(C)-4949/2024]

Judges: Justice Tushar Rao Gedela

The writ petition by Dr. Shashi Bhushan, the first candidate on the waitlist for the Assistant Professor position in the Department of Geography at Kalindi College, was dismissed. The petitioner does not possess a legal right to demand appointment to the vacant post created by the resignation of the originally selected candidate. A vacancy resulting from such resignation must be filled through a fresh advertisement and selection process, and the decision to fill vacancies rests with the employer's discretion. The University of Delhi clarified these principles, confirming that as a waitlisted candidate, the petitioner has no indefeasible right to appointment.

DR SHILPA JAIN VS GOVT OF NCT OF DELHI AND ORS. [W.P.(C)-7454/2024]

Judges: Justice Tushar Rao Gedela

The issues raised by Dr. Shilpa Jain are similar to those in two previous cases. The interpretation of UGC guidelines, particularly the use of "and/or" in eligibility criteria for Associate Professor, was central. The Competent Authority is directed to consider the petitioner's response to the Show Cause Notice thoroughly, including her previous employment and university confirmation, and to provide an opportunity for a personal hearing. Dr. Jain is granted 10 days of protection following the Competent Authority's order for redressal of her grievances.

DR. AJAY GUDAVARTHY VS JAWAHARLAL NEHRU UNIVERSITY [W.P.(C)-5498/2019]

Judges: Justice Tushar Rao Gedela

The petitioner, an associate professor at Jawaharlal Nehru University, was not required to obtain prior leave from the Vice-Chancellor for international travel during summer vacation for research. The show-cause notice issued for allegedly leaving without approval was quashed as it contradicted the University's Academic Ordinances. This matter involved only the individual petitioner.

DR. GYAN DHAR PATHAK VS REGISTRAR, SHRI LAL BAHADUR SHASTRI RASHTRIYA SANSKRIT VIDYAPEETHA AND ORS [W.P.(C)-1323/2020]

Judges: Justice Tushar Rao Gedela

The petitioner's request for re-designation from Research Assistant to Assistant Professor must be reconsidered by the competent authority at Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapeetha. The university must treat the writ petition as a representation, provide an opportunity for hearing, and allow submission of additional documents within 4 weeks. Consideration must include a letter from the Ministry of Human Resource Development regarding position upgradation and the eligibility conditions from the University Grants Commission's 2010 Regulations as amended in 2018. If re-designation is approved, the university must inform the UGC, which must respond within 4 weeks and communicate the decision to both the university and the petitioner.

DR. HARVINDER POPLI VS DELHI PHARMACEUTICAL SCIENCES AND RESEARCH UNIVERSITY AND ORS. [W.P.(C)-6946/2024]

Judges: Justice Tushar Rao Gedela

The petitioner, appointed as a Professor in 2016 and confirmed in 2019 after credential verification, received a show cause notice from the university seeking termination for allegedly lacking qualifications at the time of appointment. The authority must consider the petitioner's response thoroughly, including her previous employment and the earlier confirmation of her appointment. It should also examine the interpretation of "and/or" in UGC eligibility criteria for an Associate Professor and provide an opportunity for a personal hearing before making a final decision.

DR. KUSUMA PRAVEEN KUMAR VS DELHI PHARMACEUTICAL SCIENCE AND RESEARCH UNIVERSITY AND ORS. [W.P.(C)-8357/2024]

Judges: Justice Tushar Rao Gedela

The issues raised by Dr. Kusuma Praveen Kumar are similar to those in two previous cases. The petitioner received a 10-day protection period following the competent authority's order to address her grievances. The competent authority is to consider the petitioner's detailed reply to the show cause notice, taking into account her previous employment and confirmation, and must provide her an opportunity for a personal hearing.

DR. MANU BANGA VS INDIRA GANDHI DELHI TECHNICAL UNIVERSITY FOR WOMEN [W.P.(C)-4224/2024]

Judges: Justice Tushar Rao Gedela

The writ petition filed by Dr. Manu Banga challenging the selection results for the Assistant Professor position at Indira Gandhi Delhi Technical University for Women was dismissed. Participation in the selection process without objection precludes challenging the process or results, establishing the principle of estoppel. This position is supported by established legal precedents.

DR. MINAKSHIGARG VS DELHI PHARMACEUTICAL SCIENCES AND RESEARCH UNIVERSITY AND ORS [W.P.(C)-6853/2024]

Judges: Justice Tushar Rao Gedela

The show cause notice issued to Dr. Minakshi Garg by the Delhi Pharmaceutical Sciences and Research University regarding her qualifications does not provide grounds for judicial review under Article 226. The competent authority is to consider relevant recruitment rules while reviewing her response to the notice. Dr. Garg received a 3-day extension to submit her reply and will have one week of protection following the authority's decision to address any grievances.

DR. NEERJA SAMAJDAR VS JAWAHARLAL NEHRU UNIVERSITY AND ORS. [W.P.(C)-6878/2024]

Judges: Justice Tushar Rao Gedela

Dr. Neerja Samajdar's petition regarding her promotion to Professor under the Career Advancement Scheme was considered. She applied on May 9, 2019, but the selection process was not initiated within the required six months according to UGC Regulations. The university made a negative entry in her service book, which contradicted the job advertisement. The competent authority was directed to treat the petition as a representation, conduct a personal hearing, allow submission of additional documents, and decide on the matter within six weeks, with notification to the petitioner within one week thereafter. The petitioner retains the right to challenge the outcome if necessary.

DR. PRIYANKA VERMA VS MEDEOR HOSPITAL LTD. FORMERLY KNOWN AS ROCKLAND HOSPITAL LTD. [W.P.(C)-3590/2022]

Judges: Justice Tushar Rao Gedela

The writ petition by a medical practitioner is not maintainable due to the specific statutory remedy provided under Section 17 of the Maternity Benefits Act, 1961, which should be exhausted first. The existence of an alternate effective remedy restricts the discretion to entertain a writ petition, especially when disputed questions of fact are involved. The petition is dismissed on maintainability grounds, with the option for the petitioner to raise rights in a suitable proceeding, where the competent authority will consider any issues related to the limitation arising from the writ petition's pendency.

DR. PUNEETA AJMERA VS DELHI PHARMACEUTICAL SCIENCES AND RESEARCH UNIVERSITY & ORS. [W.P.(C)-8289/2024]

Judges: Justice Tushar Rao Gedela

In the case of Dr. Puneeta Ajmera v. Delhi Pharmaceutical Sciences and Research University, a writ petition challenging a show-cause notice resulted in the determination that the issues were similar to previous cases. The UGC guidelines on eligibility for the Associate Professor position were referenced, particularly regarding the term "and/or." The university's Competent Authority must consider the petitioner's response to the notice, provide a personal hearing, and recognize her prior employment with the institution. A protection period of 10 days was granted post-decision to allow her to take legal steps if necessary.

DR. RICHA HIRENDRA RAI VS DELHI PHARMACEUTICAL SCIENCES AND RESEARCH UNIVERSITY [W.P.(C)-8579/2024]

Judges: Justice Tushar Rao Gedela

The eligibility criteria for the position of Professor under UGC guidelines, which include "and/or," should be interpreted flexibly to account for the petitioner's previous employment and experience with the university. A personal hearing must be provided to the petitioner, and her detailed reply to the show cause notice should be considered. Following the competent authority's order, the petitioner has 10 days to take appropriate steps for redressal of her grievances.

DR. SHEETAL YADAV VS DELHI PHARMACEUTICAL SCIENCES AND RESEARCH UNIVERSITY & ORS. [W.P.(C)-8303/2024]

Judges: Justice Tushar Rao Gedela

Dr. Sheetal Yadav filed a writ petition concerning issues similar to previous cases. She was granted 10 days to submit a substantive reply to a show cause notice from the Delhi Pharmaceutical Sciences and Research University, an opportunity for a personal hearing, and a 10-day protection period following the competent authority's order to pursue legal actions. The decision applied established principles from prior cases without involving a larger bench.

DR. SURAJPAL VERMA VS DELHI PHARMACEUTICAL SCIENCE AND RESEARCH UNIVERSITY AND ORS [W.P.(C)-8290/2024]

Judges: Justice Tushar Rao Gedela

The petitioner received protections similar to those in previous cases involving Dr. Minakshi Garg and Dr. Harvinder Popli. Ten days' time was granted after the competent authority's order for the petitioner to address her grievances. The competent authority was instructed to consider the petitioner's response comprehensively, taking her prior employment history with the university into account, and to allow her a personal hearing.

DR.RANGANATHA NANDYAL VS I.G.N.O.U. & ORS. [W.P.(C)-12834/2005]

Judges: Justice Tushar Rao Gedela

The punishment of dismissal imposed on Dr. Ranganatha Nandyal for plagiarism was found to be disproportionate compared to a mere warning given to another employee, Dr. Kulshrestha, for the same allegation. Plagiarism, regardless of the source of the copied material, warranted consistent treatment. The dismissal was deemed shocking, especially in light of a lesser punishment for an identical charge. The matter has been remanded to the Disciplinary Authority for reconsideration solely on the proportionality of punishment, allowing the petitioner an opportunity to be heard. The merits of the Inquiry Officer's findings on the plagiarism charge were not examined.

EKTA MAHAR & ORS. VS DELHI SKILL AND ENTREPRENEURSHIP UNIVERSITY & ORS. [W.P.(C)-2044/2024]

Judges: Justice Tushar Rao Gedela

The cancellation of the petitioners' appointments by the Delhi Skill and Entrepreneurship University (DSEU) was not lawful. DSEU must treat the writ petition as a representation and address it within two weeks, allowing one petitioner a hearing before issuing a reasoned order. The petitioners, being successful candidates in the recruitment process, cannot be deprived of their appointment letters without legal justification.

ERUDITION CONSTRUCTION PRIVATE LTD & ANR. VS FINANCIAL COMMISSIONER DELHI & ORS. [W.P.(C)-267/2021]

Judges: Justice Tushar Rao Gedela

The order dated 15.11.2019 by the Financial Commissioner was set aside, and the matter was remanded for fresh consideration. The petitioners, previously not included in the proceedings, will now join the Revision Petition RC case No. 158/2019 and 159/2019. They can file their reply with relevant documents, and respondent No. 2 may file a rejoinder. After pleadings are complete, the Financial Commissioner will re-evaluate the case and issue a reasoned order within three months. The current status of possession and title will remain unchanged until a final order is made.

FIROZ AHMAD VS SH DINESH KUMAR KHARA & ANR. [CONT.CAS(C)-288/2024]

Judges: Justice Tushar Rao Gedela

The order on the petitioner's appeal dated 26.11.2018 was found to be issued by an incompetent Appellate Authority, violating State Bank of India's rules and regulations. The petitioner's appeal must be placed before the Appellate Committee in Mumbai, which is the proper authority, with a requirement to dispose of the appeal within four weeks according to applicable laws and bank regulations. No observations were made regarding the merits of the case.

GEETA AGGARWAL VS DELHI PHARMACEUTICAL SCIENCES AND RESEARCH UNIVERSITY & ORS. [W.P.(C)-7757/2024]

Judges: Justice Tushar Rao Gedela

Geeta Aggarwal challenged a show-cause notice from Delhi Pharmaceutical Sciences and Research University regarding the cancellation of her employment as a Professor due to insufficient experience. The issue is similar to previous cases. The Competent Authority is instructed to consider her response and provide a personal hearing, focusing on the interpretation of "and/or" in the UGC Guidelines, 2018. She is granted a 10-day protection period from coercive action following the Authority's decision, allowing her time for redressal.

GEETA JAIN VS PAY AND ACCOUNTS OFFICER, MINISTRY OF MSME (FORMERLY MINISTRY OF SMALL-SCALE INDUSTRIES) & ORS. [W.P.(C)-11262/2023]

Judges: Justice Tushar Rao Gedela

The respondents, including the Department of Development Commissioner, MSME, are required to consider the petitioner's representation from 15.12.2021 regarding the release of her family pension as the unmarried daughter of a deceased Central Government employee, following the Office Memorandum dated 06.09.2007. The competent authority must provide a personal hearing to the petitioner, who has medical ailments, and issue a reasoned order within six weeks, with communication to the petitioner within one week thereafter. The writ petition is disposed of with no order as to costs.

GIRIDHARI PAL VS VICE CHANCELLOR UNIVERSITY OF DELHI & ORS. [W.P.(C)-9072/2020]

Judges: Justice Tushar Rao Gedela

The petitioner qualified for promotion to Senior Technical Assistant (STA) in the Department of Pharmacology based on experience and qualifications but was unjustly denied the promotion. The STA position had been vacant since January 1, 2005, and past attempts for direct recruitment were unsuccessful. The petitioner was considered for promotion in 2008, but the promotion was rejected due to a policy requiring direct recruitment, not due to ineligibility. Promotion to the STA post is effective from July 21, 2016, considering the vacancy status, but no additional financial benefits were granted as the petitioner had already received benefits under the MACP scheme.

GOOD WISH BUILDWELL PVT. LTD. AND ANR. VS GOVERNMENT OF NCT OF DELHI AND ORS. [W.P.(C)-16260/2023]

Judges: Justice Tushar Rao Gedela

The Sub-Registrar's refusal to register the sale deed was unjustified, as the land in question had been acquired but the acquisition was quashed in 1990. The revenue records still incorrectly listed the Land & Building Department as the occupier. This misrepresentation needed correction by the revenue authorities. Orders from the Sub-Registrar and Collector were quashed, and the Sub-Registrar was directed to register the sale deed.

GOOD WISH REALTORS PVT. LTD. AND ANR. VS GOVT. OF NCT OF DELHI AND ORS. [W.P.(C)-16339/2023]

Judges: Justice Tushar Rao Gedela

The Land and Building (L&B) Department's entry as the cultivator/occupier in the revenue records for the property was found to be incorrect, as prior land acquisition proceedings had been quashed. Orders by the Collector (Revenue) and the Sub-Registrar, which refused to register the sale deed presented by the petitioners, were quashed, and the Sub-Registrar was directed to register the sale deed in accordance with the law.

GURGAON GRAMIN BANK WORKERS ORGANIZATION & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-732/2024]

Judges: Justice Tushar Rao Gedela

The Ministry of Finance received direction to dispose of the petitioners' representation within 8 weeks, focusing on whether the Sarva Haryana Gramin Bank adhered to the Ministry's directives on notifying its service regulations. No observations on the case's merits were made.

GURU BHAGAT BRAR VS DEPARTMENT OF FOREST AND WILDLIFE & ORS. [W.P.(C)-2397/2024]

Judges: Justice Tushar Rao Gedela

The petitioner's ownership claim over the land, supported by sale deeds, NOCs, and revenue records, requires examination by the Deputy Conservator of Forest (South). The Deputy Conservator must address the petitioner's representation and provide a reasoned decision after a personal hearing. No coercive action will be taken against the petitioner's property during this process, and the petitioner is permitted to repair the boundary wall, emphasizing that a proper demarcation process should be followed.

GYAN SINGH MEENA VS NATIONAL SEEDS CORPORATION LTD. AND ORS [W.P.(C)-3195/2014]

Judges: Justice Tushar Rao Gedela

The discharge of the petitioner from charges under Sections 420 and 120B IPC was valid due to a lack of evidence for deliberate withholding of information or conspiracy. Allegations against the petitioner were supported by sufficient evidence, including admissions, and principles of natural justice were observed in the inquiry. The evidence, while not strictly bound by the Evidence Act, had a reasonable nexus, particularly the complaint from customer firm M/s. KTC. The punishment of removal from service was deemed proportionate to the established misconduct. Re-appreciation of evidence or interference with findings of fact by the Disciplinary Authority was not warranted unless there were violations of natural justice or legal infirmities.

HARSH KUMAR @ HARISH KUMAR VS DISTRICT MAGISTRATE NORTH [W.P.(C)-17338/2022]

Judges: Justice Tushar Rao Gedela

The order rejecting the petitioner's application for an alternative plot of land due to compulsory acquisition was quashed. The rejection was based on non-compliance with notices sent to an outdated address, despite the petitioner notifying the authorities of his new address. The Recommendation Committee was instructed to review the application on its merits and provide a personal hearing, with a decision to be made within three months.

HARYANA SHAKTI COLLEGE OF EDUCATION VS GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY AND ANR [W.P.(C)-5932/2016]

Judges: Justice Tushar Rao Gedela

The petitioner's college land is designated for "Public Purpose or for works of Public Utility" under the Delhi Land Reforms Act, 1954, serving as conclusive evidence. The Master Plan for Delhi 2021 and the Zonal Development Plan allow for Teacher Training Institutes in designated Facility Corridors and Residential Zones. Consequently, the land is in a conforming area, and the petitioner is not required to obtain a No Objection Certificate from the Delhi Development Authority for affiliation with Guru Gobind Singh Indraprastha University. The previous order from the university was quashed, instructing the processing of the affiliation application without the NoC requirement.

HENA DUTTA VS THE DIRECTOR OF EDUCATION AND ORS [W.P.(C)-7356/2012]

Judges: Justice Tushar Rao Gedela

A physical education teacher, denied automatic re-employment at age 60, is entitled to arrears of salary and benefits from November 21, 2011, to September 11, 2012. The argument against her entitlement based on the lack of actual work during that period was rejected, as she was unlawfully deprived of the opportunity to work. The respondent school and the Directorate of Education must make the proportionate payment with 6% interest per annum within 8 weeks.

INCOME TAX OFFICE VS ANIL TUTEJA & ORS. [CRL.M.C.-2757/2023]

Judges: Justice Tushar Rao Gedela

The ACMM (Special Acts) erred by entertaining arguments and applications from proposed accused persons at the pre-cognizance stage when they lacked legal standing. The question of conspiracy should be determined during trial based on evidence, not at this stage. Additionally, the decision to split the complaint and return part of it for filing in a court with proper jurisdiction was erroneous, as the bifurcation was challenged in a batch matter. An interim stay has been granted on the order to return the complaint regarding specified offences under the Income Tax Act and Indian Penal Code.

JAIPALI VS GOVT OF NCT OF DELHI AND ORS [W.P.(C)-12316/2021]

Judges: Justice Tushar Rao Gedela

The petitioner, a daughter of a deceased Delhi Vidyut Board employee with 80% physical disability, is entitled to family pension. The respondents must reconsider her case sympathetically upon her submission of an undertaking stating she is not gainfully employed. The reconsideration should align with the Rights of Persons with Disabilities Act, 2016. The representation must be disposed of within four weeks, and the petitioner should be given an opportunity for a personal hearing if deemed necessary.

JASHMEET KAUR KOHLI & ANR. VS DELHI SIKH GURUDWARA MANAGEMENT AND ANR. [W.P.(C)-8144/2019]

Judges: Justice Tushar Rao Gedela

The dispute regarding the grade pay of the employees of the Delhi Sikh Gurudwara Management Committee should be considered by the Competent Authority of the DSGMC. The DSGMC is directed to review the employees' representation on grade pay, particularly in relation to its own notification on revised grade pay for certain positions, and issue a speaking order within 8 weeks after allowing the employees to be heard. This decision does not address the DSGMC's arguments regarding the maintainability of the writ petitions, which claim that the matter should be taken to the Competent District Court under the Delhi Sikh Gurudwaras Act, 1971.

JASVINDER KAUR & ANR. VS UNOIN OF INDIA & ORS. [W.P.(C)-3515/2024]

Judges: Justice Tushar Rao Gedela

The writ petition challenging the recruitment notification for the Nursing Officer position, which set the maximum age limit at 30 years, was dismissed. The age limit for civil post recruitment is a government policy decision, with interference only permissible if deemed capricious or arbitrary. Established legal precedents prevent mandamus orders for changing age limits in recruitment notifications.

KANHAIYA MANJHI AND ORS VS GOVT. OF NCT OF DELHI AND ORS [W.P.(C)-12374/2021]

Judges: Justice Tushar Rao Gedela

Rule 47 of the Delhi School Education Rules, 1973 requires the NDMC and Government of NCT of Delhi to absorb surplus employees from the closed R.M. Arya Girls Primary School into their own or aided schools, contingent on vacancy availability. Arguments about the absence of an employer-employee relationship and direct recruitment processes were dismissed. The respondents must absorb the petitioners within 10 weeks while ensuring their tenure, pay scale, and benefits are maintained, with non-employment periods recognized for pension and other statutory benefits.

KARAN LUTHRA VS GOVT. OF NCT OF DELHI THROUGH ITS SECRETARY & ORS. [W.P.(C)-5497/2023]

Judges: Justice Tushar Rao Gedela

The respondent authorities cannot refuse to issue the Land Status Report/No Objection Certificate (LSR/NOC) for the transfer of lands allotted to the petitioner under Section 74(4) of the Delhi Land Reforms Act, 1954, as there were no written restrictions on transferring the lands in the original order granting bhumidhari rights. Previous issuance of LSR/NOC in 1987 for these lands and recent approval for a different parcel in the same village further support this position. The urbanization of the village under the Delhi Municipal Corporation Act means the Delhi Land Reforms Act no longer applies, undermining the authorities' objections. The respondent authorities are instructed to issue the LSR/NOC within two weeks.

KIRPAL SINGH VS GURU HARKRISHAN PUBLIC SCHOOL AND ORS [W.P.(C)-3779/2024]

Judges: Justice Tushar Rao Gedela

Employees of unaided minority schools are entitled to the benefits of the 6th and 7th Pay Commissions, similar to government school employees. The Directorate of Education must consult with the school to decide on the granting of transport and dearness allowance as per these Pay Commission recommendations, inform the petitioner within 10 weeks, and release any applicable arrears within 6 months with 6% interest during the pendency of the petition.

KRISHNA SHARMA VS GOVT. OF NCT OF DELHI AND ORS. [W.P.(C)-197/2024]

Judges: Justice Tushar Rao Gedela

In Krishna Sharma v. Govt. of NCT of Delhi, the respondent authorities must treat the petitioner's writ petition as a representation and respond within 4 weeks, providing an opportunity for the petitioner to be heard. The petitioner's property is not located in the disputed Khasra No. 29, but in Khasra Nos. 37 and 38. A prior representation made to the Forest Settlement Officer/District Magistrate remains unanswered. Both parties are to maintain status quo regarding the impugned notice until the representation is addressed.

KULDEEP KUMAR VS UNIVERSITY OF DELHI & ORS [W.P.(C)-8157/2017]

Judges: Justice Tushar Rao Gedela

The writ petition challenging the selection process for the Junior Assistant position at the University of Delhi was dismissed. The selection scheme could not be contested as it was not challenged earlier. Explanations from the University regarding candidate selection, age relaxation, and mark corrections were deemed reasonable and lawful. The petitioner's allegations lacked substantiation, confirming the fairness of the selection process.

M S KHATU DHAM RESIDENCY PVT LTD VS GNCTD AND ORS. [W.P.(C)-8375/2023]

Judges: Justice Tushar Rao Gedela

The petitioner's application for a No Objection Certificate (NOC) to sell a 1/3rd share of their land in urbanized Village Bijwasan should be granted. Since Village Bijwasan was designated as an urbanized area in 1994, the Delhi Land Reforms Act, 1954 no longer applies. Following land consolidation, the restrictions under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 do not apply to land transfers. The order rejecting the NOC application was quashed, and the respondent authorities are to issue the NOC within 3 weeks.

M/S SNG TRADING COMPANY PVT. LTD. VS GOVERNMENT OF NCT OF DELHI AND ORS. [W.P.(C)-1168/2024]

Judges: Justice Tushar Rao Gedela

Respondents must comply with the directions from the order dated 18.07.2022 before taking any action against the petitioner's property. The demolition notice issued on 17.01.2024 violates this prior order, necessitating adherence to due process before any actions can proceed. The petitioner is permitted to seek fresh demarcation of the land in accordance with the law.

M/S SUKH SANSAR HOUSING PVT LTD THROUGH ITS AUTHORISED REPRESENTATIVE VS GOVERNMENT OF NCT OF DELHI THROUGH DEPARTMENT OF REVENUE & ORS. [W.P.(C)-5500/2024]

Judges: Justice Tushar Rao Gedela

Once a village is notified as an urban area under Section 507(a) of the Delhi Municipal Corporation Act, 1957, the Delhi Land Reforms Act, 1954 no longer applies. In this case, proceedings under Section 81 of the DLR Act, 1954 were initiated before the village was declared urban. The Sub-Divisional Magistrate is directed to consider the petitioners' application for dismissal of the pending proceedings and to resolve the matter within six weeks, without any opinion on the maintainability of the proceedings.

MAHESH AGGARWAL VS GOVERNMENT OF NCT OF DELHI AND ANR. [W.P.(C)-14831/2023]

Judges: Justice Tushar Rao Gedela

The petitioner must present original documents at the Sub-Registrar's office on a specified date, which is required to accept and process these documents according to the law. There was no resolution regarding any previous interactions or refusals by the Sub-Registrar, as it denied any such claims. An interim direction was provided to assist the registration process without making a final decision on the case's merits.

MALSH CHARITABLE TRUST THROUGH ITS TRUSTEE MS. JAYSHREE SINGH VS LIEUTENANT GOVERNOR, GOVT. OF NCT OF DELHI AND ORS [W.P.(C)-5462/2024]

Judges: Justice Tushar Rao Gedela

The petitioner, having purchased land parcels through a registered sale deed, can file a representation before the Deputy Commissioner (South) regarding land demarcation, which must be resolved within six weeks. The Forest Department is prohibited from taking coercive action during this period. For the portion acquired via unregistered documents, the petitioner may approach a civil court to assert possessory rights, with similar protection against coercive actions from the Forest Department until the civil court proceedings conclude.

MANJEET KUMAR VS FOOD CORPORATION OF INDIA [W.P.(C)-8131/2024]

Judges: Justice Tushar Rao Gedela

The writ petition filed by Manjeet Kumar challenging the "withheld list" from the Food Corporation of India regarding the Phase-2 Examination results from 2019 was dismissed due to delayed filing, as the petitioner was aware of the results declared in December 2020. The petition was barred by limitation, and costs were not imposed.

MANGAT RAM @ MANGAT RAI VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-14449/2023]

Judges: Justice Tushar Rao Gedela

The appeal proceedings (No. 292/DCW/2013) under Section 185 of the Delhi Land Reforms Act, 1954 became non-est after the NCT of Delhi designated the lands in Mundka as an urban area. Once an area is declared urban, proceedings under the Delhi Land Reforms Act lose legal significance. The pending appeal proceedings were quashed, with parties allowed to address their rights and contentions in appropriate civil court proceedings.

MANISHA SHARMA VS VIDYA BHAWAN GIRLS SENIOR SECONDARY SCHOOL & ANR. [W.P.(C)-4217/2022]

Judges: Justice Tushar Rao Gedela

The petitioner is entitled to full back wages from her dismissal on 31.10.2016 until reinstatement on 28.07.2017, due to illegal deprivation of her services during that period. The principle of "no work, no pay" does not apply, and the denial of back wages has been quashed. The respondents are directed to calculate and pay the complete back wages within six weeks, with 6% per annum interest for any payment delay.

MAYA DEVI VS STATE (NCT OF DELHI) & ANR. [W.P.(C)-15300/2023]

Judges: Justice Tushar Rao Gedela

The notification dated 16.05.2017, issued under the Delhi Municipal Corporation Act 1957, urbanized the village of Mukandpur, making the provisions of the Delhi Land Reform Act, 1954, inapplicable. Consequently, orders previously issued under the DLR Act by the Revenue Assistant and the Deputy Commissioner became non-est. Affected parties were advised to seek remedy in civil courts within 60 days.

MEGHA SHARMA VS UNION OF INDIA & ORS. [W.P.(C)-12152/2023]

Judges: Justice Tushar Rao Gedela

The termination of the petitioner's consultancy contract was non-stigmatic and did not impose restrictions on her ability to seek employment in other government or private departments. The termination letter did not contain clauses limiting future employment prospects, and comments from the department clarified that the petitioner's options for seeking employment remained open.

MEHMOODUL HASAN VS GOVT. OFNCT OF DELHI AND ANR [W.P.(C)-95/2024]

Judges: Justice Tushar Rao Gedela

The legal issue involves a petitioner's property that the government seeks to demolish for being an encroachment on forest land. The petitioner claims the property is located on Khasra No. 52, which is not included in the government's notice, and has submitted representations to authorities that remain unaddressed. The matter has been treated as a representation, with directives for consideration and a response within four weeks, allowing the petitioner a chance to be heard. Status quo will be maintained on the demolition notice until the representations are resolved. The essential focus is on ensuring the petitioner's representations are properly considered by the authorities.

MIKADO PROPERTIES PVT. LTD. VS GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-983/2024]

Judges: Justice Tushar Rao Gedela

The notice issued did not relate to Mikado Properties Pvt. Ltd. as the mentioned khasra numbers were incorrect. Previous judgments indicated that parties should seek demarcation of land boundaries from the Deputy Commissioner. A direction was given for Mikado Properties to file a detailed representation to the Deputy Conservator of Forest, who was to address it promptly with a reasoned order. Coercive action against the property was prohibited in the meantime.

MINTA ELIZABETH VARGHESE VS FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA AND ANR. [W.P.(C)-9614/2023]

Judges: Justice Tushar Rao Gedela

The Food Safety and Standards Authority of India must treat the petitioner's writ petition as a representation and reconsider her service termination as a Central Food Safety Officer. The authority failed to properly evaluate the petitioner's qualifications, including her Bachelor of Veterinary Science and Animal Husbandry degree and internship, completed before the specified cut-off date. The authority is required to conduct a personal hearing, allow the submission of additional documents, and issue a reasoned order within six weeks.

MOHAMMAD ASIF RAMEEZ DAUDI VS OBSERVER OF EMBASSY OF INDIA, RIYADH FOR INTERNATIONAL INDIAN SCHOOLS & ORS. [W.P.(C)-7244/2024]

Judges: Justice Tushar Rao Gedela

The writ petition filed by Mohammad Asif Rameez Daudi was dismissed due to lack of territorial jurisdiction. The cause of action did not arise within the jurisdiction, as the respondents were located outside India. Although a part of the cause of action within the jurisdiction could confer authority under Article 226, the majority of parties and events were outside India, making it an inappropriate forum. The petitioner may seek redress in the appropriate jurisdictional High Court.

MOHAMMAD INAMUL HAQ VS THE UNIVERSITY OF DELHI & ORS. [W.P.(C)-5034/2024]

Judges: Justice Tushar Rao Gedela

The writ petition challenging the appointment of respondent no. 3 as an Assistant Professor in Philosophy at Janki Devi Memorial College was dismissed. Respondent no. 3 had a valid OBC caste certificate issued by the competent authority in Bihar, while the petitioner, a wait-listed candidate, lacked substantive rights to the position. The final selection list had been published and the selected candidates had joined, rendering the petitioner's challenge unmaintainable. The petitioner must pay costs of Rs. 15,000 to the Delhi High Court Legal Services Authority.

MOHAMMED YUNUS VS NATIONAL THERMAL POWER COPORATION LTD & ANR [W.P.(C)-3055/2016]

Judges: Justice Tushar Rao Gedela

The petitioner is entitled to pension under the 1995 NTPC Pension Scheme, as confirmed by previous rulings. Pension payments were delayed from retirement on 31.07.2002 until disbursement in August 2010. The petitioner is awarded interest at 7% per annum on the delayed payments from 01.08.2002 to 01.08.2010.

MOHD ANWAR KHAN VS JAMIA MILLIA ISLAMIA & ORS. [W.P.(C)-16421/2023]

Judges: Justice Tushar Rao Gedela

The appointment of respondent no.2 as Pro-Vice Chancellor and subsequently as Officiating Vice-Chancellor of Jamia Millia Islamia University violated the Jamia Millia Islamia Act, 1988, and University Statutes. The Pro-Vice Chancellor appointment lacked Executive Council approval, and the use of emergency powers for the Officiating Vice-Chancellor role was unjustified due to the absence of an emergent situation. A writ of quo warranto quashed these appointments, directing the Visitor to appoint an eligible Vice-Chancellor (Officiating) and initiate the process for a regular Vice-Chancellor appointment.

MOHD HARIS PASHA VS CENTRAL BOARD OF SECONDARY EDUCATION [W.P.(C)-2078/2024]

Judges: Justice Tushar Rao Gedela

The writ petition challenging the answer key of a question in the Eklavya Model Residential School Staff Selection Examination (ESSE) 2023 was dismissed. The petitioners argued that the correct answer should be 'the' based on English grammar textbooks, while an independent subject matter expert concluded that 'no article' was correct, citing the Oxford Advanced Learner's Dictionary. The presence of two plausible views on the matter warranted no interference with the expert's decision.

MR. AJAY BAJPAI VS UNION OF INDIA & ORS. [W.P.(C)-7142/2023]

Judges: Justice Tushar Rao Gedela

The petitioner is entitled to an alternate plot of 40 sq. yards under the government policy on compulsory land acquisition, as he meets the eligibility criteria by not owning any property in urban areas of Delhi. The ownership of a property by the petitioner's wife in Gurugram does not disqualify him, since eligibility is assessed based on the date of land acquisition. The respondents are directed to allot the alternate plot to the petitioner within specified timelines.

MR. HEM CHAND VS GOVT. OF NCT OF DELHI [W.P.(C)-2061/2024]

Judges: Justice Tushar Rao Gedela

The lands in Khasra No. 375, Village Jasola, now known as Shaheen Bagh, were urbanized by a notification dated 03.06.1996. The respondent government must consider and dispose of the petitioner's representation dated 08.01.2024 within eight weeks, allowing the petitioner to participate, without establishing any special equities in favor of the petitioner regarding the applicability of the DLR Act.

MR. SANJAY KUMAR VS HANS RAJ COLLEGE AND ANR. [W.P.(C)-9265/2019]

Judges: Justice Tushar Rao Gedela

Recovery notices issued by a college for alleged excess payments made by a petitioner during study leave from 2009-2012 are impermissible due to the time lapse of over five years, as outlined in a relevant Supreme Court judgment. No allegations of misrepresentation or fraud by the petitioner further prevent recovery. The recovery notices were set aside, and the college must return Rs. 30,000 already recovered from the petitioner.

MR. SUMAN KUMAR SINGH AND ORS VS DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA LTD.AND ANR. [W.P.(C)-14073/2023]

Judges: Justice Tushar Rao Gedela

The cut-off date of January 1, 2023, established for determining employee eligibility to appear in the Limited Departmental Competitive Examination for promotion from Cluster C to Cluster D is valid and aligns with the Revised Recruitment and Promotion Policy. Rule 8.2.1(a) indicates that the residency period for inter-cluster promotions is based on the "date of availability of vacancy," assessed annually on January 1, justifying the selected cut-off date. The challenge to the circular was dismissed.

MRS DR CHANDRA GOSWAMI VS DYAL SINGH COLLEGE & ORS. [W.P.(C)-2147/2024]

Judges: Justice Tushar Rao Gedela

Dr. Chandra Goswami is entitled to have her case reviewed by the Competent Authority regarding the waiver of the recovery of Rs. 3,82,192, which was allegedly overpaid to her by Dyal Singh College. The college's governing body has unanimously recommended the waiver. The Competent Authority must address her representation within six weeks, allowing her an opportunity for a hearing and to submit additional documents.

MRS VIBHA SHARMA VS NEW DELHI MUNICIPAL COUNCIL AND ANR [W.P.(C)-1210/2024]

Judges: Justice Tushar Rao Gedela

Mrs. Vibha Sharma is permitted to apply for the Assistant Teacher (Nursery) position with the NDMC, despite exceeding the age limit. Age relaxation and consideration for her 10 years of experience as a Balwari/Nursery teacher on a contractual basis were mandated based on prior orders from 2005. The DSSSB is instructed to accept her application and process it without objection to her age, applying the previously granted weightage for her experience. This decision is specific to the case's facts and not a precedent.

MS POONAM CHUGH VS PUNJAB NATIONAL BANK AND ORS. [W.P.(C)-9457/2018]

Judges: Justice Tushar Rao Gedela

Ms. Poonam Chugh is entitled to be treated as a pension optee by Punjab National Bank, despite her not providing specific instructions for transferring her provident fund amount to the pension fund. The bank was aware that her salary was being remitted to an overdraft account it initiated, making it responsible for complying with the pension scheme circular and transferring the funds accordingly. The bank must sanction her pension and open a pension account for her to deposit the provident fund amount, with subsequent consequences under the pension scheme circular.

MS. ADIB FATEMA NOMANI VS UNION OF INDIA & ORS. [W.P.(C)-7277/2024]

Judges: Justice Tushar Rao Gedela

Ms. Adib Fatema Nomani is entitled to the leave encashment benefits of her late husband under Rule 39C of the CCS (Leave) Rules, 1972. A decision on her representation must be made within 4 weeks, allowing her an opportunity to be heard regarding her entitlement, while also confirming if she is the sole widow and whether the relevant conditions are met.

MS. KIMAYA LAL KIDWAI AND ANR VS GOVT. OF NCT OF DELHI AND ORS. [W.P.(C)-16302/2023]

Judges: Justice Tushar Rao Gedela

The objection by the Sub-Registrar and the Collector to the registration of the sale deed based on revenue records indicating the Land and Building Department as the cultivator is legally unsustainable. Previously quashed acquisition proceedings were not reflected in the revenue records. The orders of the Sub-Registrar and the Collector have been quashed, and the Sub-Registrar is directed to register the sale deed.

MS. SANGEETA. VS THE DELHI UNITED CHRISTIAN SR. SEC. SCHOOL & ANR. [W.P.(C)-233/2022]

Judges: Justice Tushar Rao Gedela

The Directorate of Education's circular on teacher recruitment in aided schools does not apply to minority institutions, as it infringes on their autonomy under Article 30(1) of the Constitution. There was no minimum cutoff for experience marks, meaning even with a reduced score, the petitioner remained eligible for the position. Orders rejecting the petitioner's claim for grant-in-aid were quashed, and she is entitled to her salary and benefits from her starting date of employment.

N. NAGARJUN RAO VS GOVT OF N.C.T , DELHI & ORS. [W.P.(C)-7240/2019]

Judges: Justice Tushar Rao Gedela

The petitioner is entitled to pro rata pension for service from 01.02.1977 to 01.07.1995 with the Andhra School prior to absorption by the NVS School. The extension of the deputation period by the Andhra School was valid as it had the authority to do so without DoE approval. The acceptance of the petitioner's technical resignation was valid since Rule 114A of the Delhi Schools Education Rules does not apply to minority institutions, which cannot be interfered with by the DoE. Additionally, the petitioner was not on unauthorized leave, and the technical resignation was merely a formality for absorption. The DoE is directed to calculate and release the pro rata pensionary benefits within 8 weeks.

N.R. RADHA VS ASSAM GOVT. MARKETING CORPORATION LTD. & ANR. [W.P.(C)-3460/2008]

Judges: Justice Tushar Rao Gedela

The petitioner's claim for arrears of subsistence allowance based on revised pay scales from 1999 to 2007 is denied due to legal principles indicating that opting for voluntary retirement subsumes previous claims. However, the claim for enhanced entitlements under the Voluntary Retirement Scheme (VRS) as of May 30, 2005, is validated due to insufficient documentation regarding the acceptance date of the VRS application. The petitioner is entitled to the enhanced VRS benefits with appropriate interest for delayed payment, with the balance to be paid within 6 weeks at 6% interest per annum from the due date.

NAMAN SHARMA VS UNION OF INDIA & ORS. [W.P.(C)-3673/2024]

Judges: Justice Tushar Rao Gedela

The writ petition challenging the cancellation of the recruitment process for the Security Supervisor position at ONGC's Bokaro office was dismissed due to lack of territorial jurisdiction. The cause of action did not arise within the jurisdiction of the Delhi High Court, and it was noted that jurisdiction can only be exercised where part of the cause arose. The petitioner has the option to approach the appropriate jurisdictional High Court.

NAND KISHOR MEENA VS FOOD CORPORATION OF INDIA [W.P.(C)-99/2024]

Judges: Justice Tushar Rao Gedela

The petitioner's premature retirement by the Food Corporation of India (FCI) under Regulation 22(2) of the FCI Staff Regulations, 1971 is to be re-considered. The FCI's Reviewing Committee and Representation Committee did not adequately comply with the provisions of its own circular dated 09.07.2021, particularly regarding promotions made in the preceding 5 years. The FCI is required to re-evaluate the case of the petitioner and other employees promoted in the 5 years prior to their premature retirement, following principles established in a related judgment by the High Court of Punjab and Haryana, with an 8-week compliance timeframe.

NAND LAL DAHARIYA VS UNION OF INDIA & ORS. [W.P.(C)-3253/2024]

Judges: Justice Tushar Rao Gedela

The competent authority is directed to consider the petitioners' representations regarding their eligibility for the Principal position in Eklavya Model Residential Schools, provide them a hearing, and issue a speaking order within 10 working days. No observations on the merits of the case are made, and the contentions of the parties remain open. Two writ petitions are disposed of together.

NARESH KUMAR TREHAN VS UNIVERSITY OF DELHI AND ORS [W.P.(C)-1094/2011]

Judges: Justice Tushar Rao Gedela

Naresh Kumar Trehan's termination from the University of Delhi was challenged on the basis that the disciplinary authority did not provide a meaningful opportunity for a personal hearing, violating principles of natural justice. The termination order lacked clear reasoning and was deemed non-speaking. The matter was remitted for fresh consideration with instructions for a proper personal hearing and a reasoned order. Issues of writ petition maintainability and the merits of the charges remain open for discussion.

NEENA YADAV VS GOVT. OF NCT OF DELHI AND ANR [W.P.(C)-825/2024]

Judges: Justice Tushar Rao Gedela

The writ petition challenging the recruitment process of the Central or Delhi Government is not maintainable in the High Court, as such challenges fall under the jurisdiction of the Administrative Tribunal as per Section 14 of the Administrative Tribunal Act, 1965. The petition will be transferred to the Central Administrative Tribunal in New Delhi for renumbering as an original application.

NEERJA TIKU VS SCHOOL OF PLANNING AND ARCHITECTURE & ANR [W.P.(C)-8583/2015]

Judges: Justice Tushar Rao Gedela

The petitioner, who chose to remain under the Contributory Provident Fund (CPF) scheme after the cut-off date of 30.09.1987, is considered to have transitioned to the General Provident Fund (GPF) cum Pension Scheme according to the 01.05.1987 Office Memorandum. Options exercised after the cut-off date are invalid in law, and this principle applies to all eligible employees. The petitioner must deposit the CPF contributions along with 8% simple interest to access benefits under the GPF cum Pension Scheme.

OM PRAKASH BISWAS VS DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA LIMITED [W.P.(C)-6312/2024]

Judges: Justice Tushar Rao Gedela

The Competent Authority of Dedicated Freight Corridor Corporation of India Limited must consider the petitioner's representation under the DoPT notification dated 21.01.1977, which permits relaxation of departmental exam standards for Scheduled Caste/Scheduled Tribe candidates when they are insufficient in number. The Authority is required to provide the petitioner an opportunity to be heard and to resolve the representation within four weeks of receiving the order. No final decision on the matter has been made.

P. N. MURLI VS MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION AND ANR. [W.P.(C)-84/2020]

Judges: Justice Tushar Rao Gedela

The non-speaking order from the Bureau of Indian Standards rejecting the petitioner's promotion from Scientist Grade-D to Scientist Grade-E was set aside. The petitioner will have his representation for promotion considered, provided an opportunity for a hearing, and a speaking order issued within 8 weeks. No reasonable grounds or proper reasoning supported the rejection of the promotion request, particularly after the petitioner’s reinstatement and the treatment of his absence as duty time.

PARVEEN KUMAR VS EXPORT INSPECTION COUNCIL & ORS [W.P.(C)-3940/2017]

Judges: Justice Tushar Rao Gedela

The appointment of a retired officer as the Inquiry Officer in disciplinary proceedings against the petitioner violated Rule 11(2) of the Export Inspection Agency Employees (Classification, Control and Appeal) Rules, 1978, which mandates the Inquiry Officer to be a "public servant." Additionally, the failure to grant the petitioner a personal hearing before issuing the order contravened Rule 11(4) of the same rules. Although these procedural violations were noted, the petitioner did not demonstrate "de facto prejudice" stemming from them. The impugned orders were quashed, and the case was remanded to the Disciplinary Authority to allow the petitioner a personal hearing before making a new decision, with no findings made on the case's merits.

PINKY YADAV VS GOVT. OF NCT OF DELHI AND ANR [W.P.(C)-802/2024]

Judges: Justice Tushar Rao Gedela

The writ petition challenging the recruitment process of the Central or Delhi Government is not maintainable under Article 226 of the Constitution, as these matters fall under the Administrative Tribunal Act, 1965. The petitioner, who cleared Tier-I and Tier-II examinations, missed the deadline for submitting the form for the renotified examination. The petition was transferred to the Principal Bench of the Central Administrative Tribunal, New Delhi, to be considered on 23.01.2024.

POOJA SHARMA VS THE DIRECTOR OF EDUCATION & ORS [W.P.(C)-4868/2019]

Judges: Justice Tushar Rao Gedela

The petitioner, recommended for promotion to TGT (Social Science) on 28.03.2015, is entitled to promotion and seniority from 01.04.2015, the date her junior colleagues were promoted. She was found to be senior to her juniors, with no disqualifications. She is to receive the same seniority and pay fixation as her juniors, with financial benefits effective from 21.12.2017.

POONAM KHURANA VS DIRECTORATE OF EDUCATION AND ANR. [W.P.(C)-9587/2019]

Judges: Justice Tushar Rao Gedela

The charge-sheets and suspension order against the petitioner by the respondent school were declared invalid and quashed. The respondent school must pay all financial benefits to the petitioner under Section 10(1) of the Delhi School Education Act, 1973, including back wages from the date of suspension. The petitioner is entitled to the same pay and emoluments as teachers in government schools. The school may initiate disciplinary proceedings against the petitioner, with the right to raise objections.

PRADEEP KUMAR SHARMA VS UNION OF INDIA & ANR. [W.P.(C)-1962/2024]

Judges: Justice Tushar Rao Gedela

The petitioner's resignation was accepted and became effective on 31.12.2022, resulting in the loss of entitlement to withdraw the resignation. An email sent on 28.12.2022 to retract the resignation lacked supporting evidence and was deemed an afterthought. The writ petition lacked merit and was dismissed.

PRAKASH BACHANNI AND ORS VS BUREAU OF INDIAN STANDARDS [W.P.(C)-13882/2009]

Judges: Justice Tushar Rao Gedela

The ACRs from 1999 to 2003 for petitioners, who received retrospective in-situ promotion to Scientist Grade 'D' under the FCS of BIS, should be considered for promotion to Scientist Grade 'E'. The retrospective promotion necessitates all associated benefits, including ACR consideration. Arguments based on DoPT guidelines were rejected, as the retrospective promotions were not reversed. For writ petitions W.P.(C) 14055/2009 and W.P.(C) 531/2010, additional documents are required to clarify the broader implications of the promotions.

PRAKASH GODBHOLE VS STATE (NCT OF DELHI) & ANR. [CRL.M.C.-7418/2024]

Judges: Justice Tushar Rao Gedela

The investigating officer must conduct an effective investigation but frequent summoning of a government employee from Bangalore to Delhi caused undue hardship. The employee was given 7 days to join the investigation and allowed to be available for 2 continuous days if necessary, thereby minimizing harassment during the process. The presumption of innocence entitles the employee to constitutional rights.

PRANAB KUMAR BHATTACHARYA & OR VS UNIVERSITY OF DELHI & ORS. [W.P.(C)-21990/2005]

Judges: Justice Tushar Rao Gedela

Petitioners, employees of the Agricultural Economics Research Centre (AERC) under the University of Delhi, are entitled to benefits under the GPF-cum-Pension-cum-Gratuity Scheme. AERC employees are to be treated equally to regular University employees concerning pension and gratuity benefits based on accepted recommendations from the Government of India and the University. Denying the same benefits to these employees would be discriminatory and infringe upon their fundamental rights. The Union of India must release the necessary funds to the University of Delhi within 8 weeks to process the pension cases of the petitioners.

PRAVEEN JAIN VS FINANCIAL COMMISSIONER AND OTHERS [W.P.(C)-3827/2024]

Judges: Justice Tushar Rao Gedela

The Delhi Land Reforms Act, 1954 no longer applies to the land in Village Bijwasan, Delhi, as established in a prior Supreme Court case. The issues between the parties were highly contested and involved disputed factual questions inappropriate for writ jurisdiction. The writ petition was dismissed, allowing the parties the option to seek redress in the appropriate civil court. The matter involved related disputes regarding the same land.

PROF DR MOHAN RAO & ANR VS JAWAHARLAL NEHRU UNIVERSITY & ORS [W.P.(C)-7852/2018]

Judges: Justice Tushar Rao Gedela

Jawaharlal Nehru University (JNU) cannot arbitrarily withhold Non-Practicing Allowance (NPA) from qualified MBBS doctors serving as Assistant Professors. The University Grants Commission (UGC) approved NPA rates for medical faculty in 1976, which JNU adopted in 1977, with no evidence of cancellation. JNU's argument regarding a 2008 clarification from the MHRD denying NPA for Assistant Professors does not override the earlier UGC notification or JNU's resolution. As MBBS degree holders in positions requiring this qualification, the petitioners are entitled to NPA. JNU's decision to stop NPA and recover past payments has been quashed, and JNU must pay the petitioners arrears from January 1, 2017, within six weeks, or face interest charges.

PROF. KRISHNA MOHAN SHRIMALI VS UNIVERSITY OF DELHI AND ANR [W.P.(C)-2644/2010]

Judges: Justice Tushar Rao Gedela

The university's withholding of the petitioner's increment for failing to submit a curriculum vitae along with the increment certificate was deemed arbitrary and a violation of the service contract. The requirement for submitting CVs was acknowledged, but the university could not withhold increments without adhering to the contract's proper procedure, which mandates an opportunity for the petitioner to make a written representation before any decision is made. As a result, the university must reconsider the increment issue and pay any arrears with interest if entitled. The university retains the right to take action regarding future CV submissions.

PROMILA ANAND VS GURU NANAK PUBLIC SCHOOL & ANR. [W.P.(C)-419/2024]

Judges: Justice Tushar Rao Gedela

The suspension order dated 14.10.2023 against the petitioner by the respondent school was set aside due to violations of Section 8(3) and 8(4) of the Delhi School Education Act, 1973. A dissenting note from the Delhi Department of Education indicated a lack of evidence for embezzlement, citing only an irregularity in expenditure. Consequently, the petitioner is entitled to benefits resulting from the overturning of the suspension.

R.K.CHOUDHARY (RAJ KUMAR CHOUDHARY) VS GOVT. OF N.C.T. OF DELHI AND ORS. [W.P.(C)-495/2010]

Judges: Justice Tushar Rao Gedela

R.K. Choudhary is not entitled to the second time-bound promotional scale (2nd TBPS) as he lacked 8 years of regular service as an Executive Engineer before retirement. In contrast, Shyam Sunder Mago met the requirement with over 8 years of service in an ad-hoc capacity, qualifying for the 2nd TBPS. Financial benefits for Mago are to be calculated and released accordingly. The decision clarifies individual eligibility based on the specifics of each petitioner's service details.

R.S.TYAGI VS N.T.P.C. LTD. [W.P.(C)-7666/2007]

Judges: Justice Tushar Rao Gedela

Disciplinary proceedings against the petitioner were based on incidents that occurred between 1985-1987, with a charge sheet issued in 2004, resulting in a delay of 17 years. Observations from an Arbitrator's award did not indicate any deliberate negligence by the petitioner. Disciplinary actions against other senior officers also occurred, with some being exonerated, indicating no discrimination against the petitioner. The inordinate delay in initiating the proceedings was grounds to quash the penalty orders issued on 28.02.2005/09.03.2005 and the appellate order dated 27.04.2006.

RAHUL KUMAR MAURYA VS INDIAN RAILWAY FINANCE CORPORATION LTD [W.P.(C)-7334/2024]

Judges: Justice Tushar Rao Gedela

The suspension order against the petitioner did not comply with applicable rules and guidelines, lacking necessary reasons for the suspension. The respondent failed to address the petitioner's representations within the timeline set by the Department of Personnel and Training (DoPT) guidelines. The respondent was directed to resolve the representations within three weeks and issue a reasoned order accordingly, allowing the petitioner to challenge any subsequent order if necessary.

RAJ KUMAR JAJODIA VS GOVT OF NCT OF DELHI [W.P.(C)-4190/2024]

Judges: Justice Tushar Rao Gedela

The issue of the petitioner's land status as part of the notified reserve forest land will be decided by the Deputy Conservator of Forests. The Deputy Conservator is to consider the petitioner's representation, provide a hearing, and issue reasoned orders within six weeks. The government is restrained from taking coercive action against the petitioner's property during this process.

RAJ KUMAR VS UNION BANK OF INDIA [W.P.(C)-2971/2019]

Judges: Justice Tushar Rao Gedela

The High Court's powers of judicial review under Article 226 in disciplinary proceedings against employees are limited. Re-appreciation of evidence or interference with inquiry conclusions is not permitted if due procedure and principles of natural justice are broadly complied with. The denial of the opportunity to cross-examine borrowers did not violate these principles since the guilt was established through other evidence. The possibility of re-evaluating evidence to determine the reasonableness of findings is not allowed, as it would equate to acting as an appellate authority. The writ petition was dismissed, affirming that interference is not permissible when procedures are followed, even if the findings seem unreasonable.

RAJDEV SINGH YADAV (EX-POCOM) EW VS CHAIRMAN AND MANAGING DIRECTOR, FCI AND ANR. [W.P.(C)-1421/2024]

Judges: Justice Tushar Rao Gedela

Rajdev Singh Yadav, an ex-serviceman in the "aggravated to service" category, challenged his non-selection under the disabled ex-serviceman quota for FCI recruitment. The advertisement specified eligibility for ex-servicemen discharged "attributable to military service," excluding Yadav's category. He indicated in his application that he was not a disabled ex-serviceman, making him ineligible for the ESM-2 category. A candidate cannot challenge the selection process after participating and failing to secure a position. The writ petition was dismissed.

RAJESH KUMAR RAVI VS P.O.,DELHI SCHOOL TRIBUNAL & ANR. [W.P.(C)-6899/2003]

Judges: Justice Tushar Rao Gedela

The dismissal of the petitioner from service was set aside due to significant violations of statutory rules and principles of natural justice. The Inquiry Officer's report was deemed cryptic and lacking independent analysis of evidence. Additionally, the petitioner did not receive a copy of the inquiry report, a show cause notice, or an opportunity to be heard, breaching Rule 120 of the Delhi Schools Education Rules, 1973. The dismissal order and the decision of the Delhi School Tribunal were quashed, and the petitioner was reinstated with 50% of wages, increments, and all retiral benefits.

RAJIV KUMAR VS GOVT. OF NCT OF DELHI THROUGH LIEUTINANT GOVERNOR & ORS. [W.P.(C)-8392/2024]

Judges: Justice Tushar Rao Gedela

The eligibility criteria for the post of Professor under UGC guidelines permit an applicant to qualify as either an eminent scholar with a Ph.D. and at least 10 publications or an outstanding professional with significant contributions to the field. The interpretation of "and/or" in the guidelines allows for either teaching or research experience to suffice for qualification. The competent authority is directed to consider the petitioner's detailed response to the show-cause notice and provide a personal hearing, taking into account her prior employment and the interpretation of the "and/or" clause.

RAJSHREE SINGH VS LIEUTENANT GOVERNOR, GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-1388/2024]

Judges: Justice Tushar Rao Gedela

The petitioner's claim of ownership and continuous possession of certain land parcels, supported by a registered sale deed and demarcation reports, is considered prima facie valid. The Deputy Commissioner is tasked with resolving the land demarcation dispute, taking into account the petitioner's claims, and must issue a detailed order within six weeks. No coercive actions against the petitioner are permitted until the Deputy Commissioner's order is issued.

RAKESH KUMAR VS JAWAHARLAL NEHRU UNIVERSITY [W.P.(C)-16692/2023]

Judges: Justice Tushar Rao Gedela

The Delhi High Court directed Jawaharlal Nehru University to consider the petitioner's application for the Junior Assistant position and issue an appointment letter within four weeks if he is found eligible. The petitioner had successfully completed all recruitment stages for the Assistant role but did not receive an appointment letter. It was stated that, regardless of his suitability for the Assistant position, he should be evaluated for the Junior Assistant role, for which he was qualified.

RAMPHAL & ORS. VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-7018/2024]

Judges: Justice Tushar Rao Gedela

The MCD was not constructing a road on the petitioners' land; instead, the Delhi Jal Board was laying a sewer line. The dispute regarding the ownership of the Phirni land remains pending before the Sub-Divisional Magistrate, who was directed to address the petitioners' objections within four weeks, with no further time extensions permitted.

RANJIT SINGH & ORS. VS GOVT. OF NCT OF DELHI & ANR. [W.P.(C)-7666/2024]

Judges: Justice Tushar Rao Gedela

A demarcation exercise will be conducted to establish the boundaries between the petitioners' land and the forest department's land. The forest department is required to perform a new demarcation due to differing accounts of a previous exercise, with the petitioners responsible for depositing the necessary charges. Temporary placement of pillars by the forest department on their land is permitted, pending the demarcation outcome. The matter is resolved without costs.

REKHA CHANDRA VS NATIONAL BANK FIR AGRICULTURE AND RURAL DEVELOPMENT (NABARD) AND ORS. [W.P.(C)-9875/2015]

Judges: Justice Tushar Rao Gedela

The National Bank for Agriculture and Rural Development (NABARD) issued a circular on 25.05.2012 to limit the grounds for extending bank accommodation for transferred officers in a reasonable manner that balanced employees' interests. The petitioner's challenge to the circular was rejected, as she had previously taken advantage of the same provisions. Additionally, NABARD's decision to charge penal rent for the petitioner's unauthorized occupation beyond the allowed extension was upheld. The petition lacked merit.

REKHA JAIN VS DEPARTMENT OF HEALTH AND FAMILY WELFARE & ANR. [W.P.(C)-9082/2023]

Judges: Justice Tushar Rao Gedela

The petitioner is not entitled to penal interest on the delayed payment of earned leave encashment, even though the delay exceeded two months after superannuation. Reasons provided by the respondent department for the delay, including the need to revise benefits due to changes in Dearness Allowance, were deemed satisfactory and not intentional. The petition was dismissed.

RITEESH MOHAN BAKSHI & ANR. VS GOVT. OF NCT OF DELHI THROUGH PRINCIPAL CHIEF CONSERVATOR OF FOREST & ORS. [W.P.(C)-2190/2024]

Judges: Justice Tushar Rao Gedela

Interim relief granted to petitioners allows them to submit a detailed representation to the Deputy Conservator of Forest with ownership documents. The forest department is required to consider the representation, conduct a hearing, and issue an order within 6 weeks. Coercive action against the petitioners' property is prohibited during this period.

RITU PHORE VS RAMJAS SCHOOL AND ORS [W.P.(C)-7236/2018]

Judges: Justice Tushar Rao Gedela

Richa Singh's resignation from the school was valid and intentional, preventing her from claiming a "lien" to rejoin with previous seniority. The seniority list must be corrected to show Ritu Phore as senior to Richa Singh. Richa Singh severed her relationship with the school by joining another institution, and her arguments based on Rule 109 of the Delhi School Education Rules 1973 regarding seniority were rejected.

ROHTASH & ORS. VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-980/2024]

Judges: Justice Tushar Rao Gedela

The petitioners demonstrated a prima facie legality of their possession of land (Khasra Nos. 1513 and 1510) based on a previous court order that allowed dispossession only in accordance with law. The Deputy Conservator of Forest must consider the petitioners' situation and facts before taking any coercive action, providing them an opportunity to be heard and submit additional documents. Authorities are restrained from taking coercive action until the Deputy Conservator resolves the matter within six weeks.

RUBINDER KAUR VS GURU NANAK PUBLIC SCHOOL & ANR. [W.P.(C)-406/2024]

Judges: Justice Tushar Rao Gedela

The suspension order against Rubinder Kaur by Guru Nanak Public School was deemed invalid due to the lack of prior approval from the Director of Education, as required by Section 8(4) of the Delhi School Education Act, 1973. The suspension also exceeded the 15-day limit without the necessary approval. The suspension order was set aside, while no findings were made regarding a separate minor penalty imposed on the petitioner.

RUCHIKA GUPTA VS PUNEET GUPTA [TR.P.(C.)-77/2024]

Judges: Justice Tushar Rao Gedela

The writ petition for transferring Ruchika Gupta's divorce case from the Family Court in Tis Hazari to the Family Court in Rohini was dismissed. The reasons given, including travel difficulties, caring for a minor daughter, lack of income, and threats from the respondent, were deemed insufficient for a transfer. Emphasis was placed on the principles that a mere balance of convenience does not justify a transfer, and that the plaintiff has the right to choose the forum permitted by law. Consequently, no substantial grounds were established for the transfer.

RUPALI NATH VS ANUP KUMAR CHAUDHARY [RFA-858/2019]

Judges: Justice Tushar Rao Gedela

The Will executed by the late father of the parties was established as valid based on sufficient evidence. However, the declaration of the respondent as the absolute owner of the property was deemed erroneous, as no title declaration was sought by the respondent. The decree was set aside, highlighting the need for appropriate reliefs concerning title and possession. The appeal was partly allowed, and the release of the deposit made by the appellant was directed.

RUPINDER SINGH BEDI & ORS. VS DEPARTMENT OF FOREST AND WILDLIFE & ORS. [W.P.(C)-2677/2024]

Judges: Justice Tushar Rao Gedela

Petitioners are permitted to participate in a new demarcation process to establish ownership and boundaries of the disputed land, previously claimed as part of a reserved forest. They were excluded from earlier proceedings. A six-week deadline is set for completion of this demarcation, and the petitioners will receive a copy of the report. Status quo must be maintained until the report is provided.

S. S. AND COMPANY VS GOVT. OF NCT OF DELHI [W.P.(C)-3278/2024]

Judges: Justice Tushar Rao Gedela

The Sub-Divisional Magistrate (Seema Puri) is instructed to dispose of the application from S.S. and Company regarding a land parcel, initially filed on 19.04.2014, within four weeks. The petitioner must be given a personal hearing and allowed to submit relevant documents. The application has been pending for over a decade concerning land declared as surplus and vested in the government. A reasoned order must be issued within two days, with the option for the petitioner to challenge the order if desired.

SANJAY KUMAR VS UNIVERSITY OF DELHI & ORS [W.P.(C)-6435/2013]

Judges: Justice Tushar Rao Gedela

The respondents filled the single post of Assistant through Direct Recruitment as there were no eligible candidates in the Junior Assistant feeder cadre with the required 5 years of regular service for promotion. The argument for filling the post through the Limited Departmental Examination was rejected, as the Recruitment Rules permit Direct Recruitment when no eligible candidates are available for promotion.

SANJAY SINGH YADAV VS AIRPORT AUTHORITY OF INDIA AND ANR. [W.P.(C)-7429/2018]

Judges: Justice Tushar Rao Gedela

The petitioner, on a 3-year lien with the Airport Authority of India (AAI) while employed elsewhere, qualifies as a "Departmental Candidate" for the Junior Executive (Fire Services) position under the AAI's Recruitment and Promotion Guidelines. AAI's rejection of the petitioner's candidature due to not being on their payroll was deemed untenable. However, the petitioner did not receive relief since he failed to rejoin AAI within the given timeframe, and the vacancy was subsequently filled.

SANTOSH KUMAR VS DIRECTOR OF EDUCATION AND ANR [W.P.(C)-8231/2011]

Judges: Justice Tushar Rao Gedela

The respondent school raised legal objections regarding the petitioner's appointment as an Assistant Teacher, claiming non-compliance with statutory rules. However, contemporaneous documentary evidence, including the school's admissions, confirmed the petitioner's appointment and service from 2004 to 2010. The school failed to produce relevant documents during an inquiry by the education department, leading to adverse inferences against it. Arguments about the petitioner's lack of qualifications were dismissed as the cited rules were introduced later and could not be applied retrospectively. The school was directed to release arrears of salary differences for the three years prior to the filing of the petition.

SATHY B KUMAR VS KERALA EDUCATION SOCIETY SENIOR SECONDARY SCHOOL THROUGH CHAIRMAN AND ORS [W.P.(C)-14041/2021]

Judges: Justice Tushar Rao Gedela

The petitioner's qualification of "Hindi Shikshan Nishnat" obtained in 1989 is equivalent to the M.Ed. degree, necessary for the PGT (Hindi) post. The petitioner was qualified for promotion on 02.01.2014 but was denied due to an erroneous assumption about her qualifications. Since the denial was due to administrative error, the petitioner is entitled to retrospective promotion on a notional basis for MACP benefits. Service records must be corrected within four weeks, and applicable benefits granted within six weeks.

SATISH KUMAR & ANR. VS THE TEHSILDAR AND ANR [W.P.(C)-3201/2023]

Judges: Justice Tushar Rao Gedela

The Tehsildar's refusal to demarcate land (Kh. No. 57/11/3) in Village Mamurpur, Narela, Delhi, due to the village's urbanization under Section 507A of the DMC Act, 1957, and the cessation of the DLR Act, 1954, is valid. The Delhi Development Authority (DDA) must treat the petition as a representation and address it within 8 weeks, providing the petitioners a chance to present additional documents. The GNCT of Delhi is required to transfer the land records for Kh. No. 57/11/3 to the DDA within 4 weeks. If the DDA believes the matter can be resolved through demarcation, it should proceed accordingly.

SATYENDRA KUMAR VS MANAGING COMMITTEE OF MAHARAJA AGARSAIN PUBLIC SCHOOL AND ANR. [W.P.(C)-16636/2023]

Judges: Justice Tushar Rao Gedela

The writ petition was treated as a representation to the Deputy Director of Education, who is instructed to consider it according to the law. Both the petitioner and the respondent school will have an opportunity for a personal hearing, with a decision expected within six weeks. No observations were made regarding the merits of the petition.

SH ADESH JAIN ANR VS GOVT OF NCT OF DELHI & ORS [W.P.(C)-5617/2020]

Judges: Justice Tushar Rao Gedela

Eviction notices and orders issued by the respondent authorities were invalid as the land was classified as part of the Extended Lal Dora area, falling outside the jurisdiction of the revenue authorities under the Delhi Land Reforms Act, 1954. The eviction notices and orders were quashed, with the rights of the parties to be determined by a civil court where a suit had already been filed, leaving the merits of the claims unresolved.

SH SHAMSHER SINGH VS DIRECTOR OF PANCHAYAT & ORS. [W.P.(C)-14615/2023]

Judges: Justice Tushar Rao Gedela

The writ petition seeking to set aside land allotment orders in favor of Hari Chand was dismissed due to disputed questions of fact. The petitioner did not include Hari Chand or his legal representatives. The land was urbanized under the DMC Act, allowing the petitioner to seek redress in a civil court despite previously dismissed appeals under the DLR Act. The petition was deemed not maintainable, but the petitioner retains the right to pursue other legal remedies.

SH TILAK RAJ VS DY CONSERVATOR OF FOREST [W.P.(C)-1435/2024]

Judges: Justice Tushar Rao Gedela

The petitioner presented material indicating a potential claim over land Khasra No. 607, despite the respondent's seemingly correct arguments. A final opportunity of 30 days was granted to the petitioner for appropriate legal remedies, with a directive to the respondent to refrain from any coercive action during this period.

SH.SHISHPAL(DECEASED) THROGH LRS & ORS. VS GOVT.OF NCT DELHI THROUGH & ANR. [W.P.(C)-15418/2023]

Judges: Justice Tushar Rao Gedela

The orders dismissing the petitioner's applications to restore the original petition were set aside because the land in question was declared an urbanized area in 2017, making the provisions of the Delhi Land Reforms Act, 1954 inapplicable. The petitioner is allowed to approach the civil court of competent jurisdiction to address grievances raised in the original petition filed in 2008 within four weeks.

SHREYA SUMAN VS PUNJAB AND SIND BANK AND OTHERS [W.P.(C)-592/2024]

Judges: Justice Tushar Rao Gedela

The respondent-appellate authority must dispose of the petitioner's statutory appeal within six weeks, allowing for principles of natural justice and compliance with law and rules. The appeal, filed on 06.06.2023 against a dismissal order from 28.04.2023, remains undecided after over eight months. The appeal's disposal must be expedited, ensuring a reasoned order for the petitioner.

SHUBHAM PAL AND ORS. VS STAFF SELECTION COMMISSION AND ANR [W.P.(C)-16593/2023]

Judges: Justice Tushar Rao Gedela

The analysis and conclusions of the subject matter experts appointed by the Staff Selection Commission (SSC) regarding the disputed questions in the Combined Graduate Level Examination Tier-II, 2023 (CGLE 2023) were generally plausible. However, for Question ID 264330171997, the experts' assessment was disagreed with. Additional marks are to be awarded to candidates who answered this question correctly, and altered results must be published. An interim order of no prejudice against the petitioners was vacated.

SHUBHAM PRATAP SINGH VS KENDRIYA VIDYALAYA SANGATHAN (K VS) & ORS. [W.P.(C)-138/2024]

Judges: Justice Tushar Rao Gedela

The writ petition filed by Shubham Pratap Singh against the Kendriya Vidyalaya Sangathan is not maintainable under Section 14(2) of the Administrative Tribunals Act, 1985. A prior judgment directed the petitioner in a similar case to approach the Central Administrative Tribunal. The petition is transferred to the Principal Bench of the Central Administrative Tribunal as an original application. The time for the petitioner to join the allotted school has been extended until 20.01.2024.

SMT SHAIL KUMARI VS UNION OF INDIA & ORS. [W.P.(C)-7871/2022]

Judges: Justice Tushar Rao Gedela

Previous judgments from 2008 and 2012 granted benefits to certain employee categories by redesignating them as Passenger Attendant Grade-I with an updated pay scale. These judgments applied to all similarly situated employees, including the petitioner's late husband. Arguments regarding delay and lack of records were rejected, affirming the entitlement to the benefits. Respondents must revise the petitioner's pension and pay all arrears with interest within 8 weeks.

SMT. DHEERAJ SHARMA AND OTHERS VS SH. NEERAJ CHANDRA & ORS. [CONT.CAS(C)-1368/2022]

Judges: Justice Tushar Rao Gedela

Employees of the respondent private recognized school are entitled to the same pay and benefits as their counterparts in government schools, in accordance with Section 10 of the Delhi School Education Act, 1973. Previous judgments established this principle. Supreme Court judgments cited by the respondent are deemed inapplicable as they addressed individual claims rather than benefits from Pay Commission recommendations. The respondent school must implement the 6th and 7th Central Pay Commissions' recommendations and pay arrears to the petitioners within three months, without interest if paid within this period.

SUBHOJIT CHATTERJEE VS UNION OF INDIA AND ORS.. [W.P.(C)-483/2024]

Judges: Justice Tushar Rao Gedela

The termination of the petitioner's employment by IndiGo Airlines was deemed a private contractual matter, not an action by a state or authority under Article 12 of the Constitution. The writ petition challenging the termination as contrary to DGCA's Civil Aviation Requirements (CAR) was not maintainable against the private entity, as private entities not performing public duties are not subject to writ jurisdiction under Article 226.

SUBNAM GUPTA SABNAM GUPTA VS UNION OF INDIA [W.P.(C)-1445/2024]

Judges: Justice Tushar Rao Gedela

The writ petition challenging an order regarding land jurisdiction after urbanization was dismissed. The petitioner failed to prove ownership and possession in a prior injunction suit, and the current issues presented disputed questions of fact not suitable for resolution in a writ petition. The petitioner is permitted to initiate further proceedings in the appropriate civil court to reassert rights.

SUKHBIR SINGH VS CONSOLIDATION OFFICER (C.O) & ANR [W.P.(C)-1674/2017]

Judges: Justice Tushar Rao Gedela

The order of the Financial Commissioner was set aside due to failure to address the petitioner's main concern regarding unilateral changes made by the Consolidation Officer to the measurements and directions of the petitioner's plot (Khasra No. 142/225) without a proper hearing. The absence of the relevant file indicated that it could not be determined whether a hearing occurred, constituting a violation of natural justice. The matter was remanded for fresh consideration, requiring a complete record review and opportunities for both parties to be heard.

SUNIL KUMAR VS THE PRINCIPAL DISTRICT JUDGE AND SESSIONS JUDGE HQ [W.P.(C)-10769/2020]

Judges: Justice Tushar Rao Gedela

The petitioner, appointed as a Lower Division Clerk (LDC) on 25.07.2003 and having submitted a technical resignation on 01.09.2010 to join the Central Secretariat Services, is entitled to financial upgradation to Upper Division Clerk (UDC) effective from 26.07.2008. This decision is based on previous orders regarding similar cases and the principle that employees completing five years of service as LDC are eligible for upgradation even after leaving. A Review Scrutiny Committee/Review DPC has been directed to consider the petitioner's case for this upgradation and its consequential benefits.

SUSHAMA TALEGAONKAR VS DELHI PHARMACEUTICAL SCIENCES AND RESEARCH UNIVERSITY & ANR. [W.P.(C)-7619/2024]

Judges: Justice Tushar Rao Gedela

The show cause notice issued to Sushama Talegaonkar by the Delhi Pharmaceutical Sciences and Research University (DPSRU) was deemed illegal due to allegations of not submitting her experience certificate on time as an Associate Professor. Talegaonkar did submit the certificate later, and her credentials were verified, leading to her confirmation in the position. The Competent Authority is to consider her reply accordingly, and she is granted 10 days' protection from coercive action.

SUSHILA VEL VS AIRPORT AUTHORITY OF INDIA & ANR. [W.P.(C)-3801/2024]

Judges: Justice Tushar Rao Gedela

The writ petition by Sushila Vel regarding pay anomaly and seniority issues with the Airport Authority of India will be treated as a representation. The competent authority at AAI must consider the representation and dispose of it within 6 weeks, allowing the petitioner an opportunity to be heard. The petitioner may pursue further legal remedies after receiving the order from the competent authority.

SUSHMA AGGARWAL VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-15040/2023]

Judges: Justice Tushar Rao Gedela

A notification declaring an area as urban under Section 507(a) of the Delhi Municipal Corporation Act, 1957 results in the inapplicability of the Delhi Land Reforms Act, 1954. Orders by the Sub Divisional Magistrate under Section 81 of the Delhi Land Reforms Act, 1954, concerning Gadaipur village, are considered null and void due to the urban designation, following the precedent set in Mohinder Singh (Dead) Through LRs and Anr. vs. Narain Singh and Ors.

SWATI GUPTA VS UNION OF INDIA & ORS. [W.P.(C)-8143/2020]

Judges: Justice Tushar Rao Gedela

The closure of the National Iodine Deficiency Disorder Control Programme in Delhi is characterized as a policy decision, not subject to interference absent evidence of mala fide, which was not present. With the project's discontinuation, the petitioners' requests for continued employment or salaries have become irrelevant, especially since they have challenged the closure in a separate writ petition. The current batch of petitions was deemed redundant and dismissed.

TEJ SINGH VS STATE OF NCT OF DELHI [W.P.(C)-1147/2024]

Judges: Justice Tushar Rao Gedela

The writ petition challenging the petitioner's dismissal from service dated 09.08.2017 was dismissed due to a delay of nearly 7 years in filing the petition. The reasons provided for the delay were unconvincing, leading to the dismissal of both the application for condonation of delay and the writ petition on the grounds of limitation, without any order on costs.

VANDANA SHARMA & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-13727/2023]

Judges: Justice Tushar Rao Gedela

The petitioners, engaged on a contractual basis for the National Iodine Deficiency Disorders Control Programme (NIDDCP), could not demand the continuation of the project as the objectives had been largely achieved, with iodine deficiency reduced to below 5% and iodized salt consumption reaching 94.3%. The decision to close the project fell within the policy prerogative of the state government, and the petitioners did not possess a fundamental right to continue their employment. Consideration for regular appointments in similar departments was to be given to the petitioners, factoring in age relaxation and their past experience.

VANDANA SHARMA & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-103/2024]

Judges: Justice Tushar Rao Gedela

The writ petition W.P.(C) 103/2024 was disposed of as no separate order was necessary due to the prior judgment in W.P.(C) 13727/2023. No costs were awarded.

VARUN ALWADHI VS EMPLOYEES STATE INSURANCE CORPORATION AND ORS [W.P.(C)-999/2024]

Judges: Justice Tushar Rao Gedela

Varun Alwadhi was allowed to participate in the interview process for the Assistant Professor position in Paediatrics after it was found that the Employees State Insurance Corporation incorrectly calculated his relevant experience as 1095 days, qualifying him under the advertisement requirements. The ESIC was instructed to inform Alwadhi about the necessary formalities for the interview scheduled to begin on 27.01.2024.

VIJAY UPPAL & ANR. VS GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-3105/2024]

Judges: Justice Tushar Rao Gedela

Respondents are required to complete the demarcation of the petitioners' land within 2 months and provide a report within 2 weeks. Petitioners sought a writ of mandamus for land demarcation and compensation for the delay. An inadvertent delay in the demarcation process was acknowledged, and additional time was granted to fulfill the requirement.

VIJYANT AGARWAL VS NETAJI SUBHAS UNIVERSITY OF TECHNOLOGY [W.P.(C)-16565/2023]

Judges: Justice Tushar Rao Gedela

The Disciplinary Authority of Netaji Subhas University of Technology must resolve the petitioner's complaint regarding seniority and alleged illegal appointment within 8 weeks. The petitioner previously raised the issue with the Vice Chancellor and the Lieutenant Governor of Delhi. Although a preliminary inquiry was conducted on the March 25, 2019 complaint, the matter remains pending before the Disciplinary Authority.

VIKAS JAGLAN VS FOOD CORPORATION OF INDIA [W.P.(C)-12694/2021]

Judges: Justice Tushar Rao Gedela

The Food Corporation of India (FCI) cannot withhold the results of the selection process for the AGM (General Administration) post without allowing the petitioner to respond to allegations of unfair means. The lack of rough work in the answer sheet does not justify cancellation of candidature without an opportunity for explanation. A show cause notice must be issued to the petitioner, followed by a hearing and appropriate action in accordance with the law.

VIRENDRA SINGH VS THE MANAGER HARYANA SHAKTI SENIOR SECONDARY SCHOOL & ORS. [W.P.(C)-7570/2020]

Judges: Justice Tushar Rao Gedela

The petitioner is entitled to arrears of salary and other emoluments from April 2017 to June 2018 due to unlawful deprivation of services as Principal at the respondent school. The principle states that when a person is prevented from working, they cannot be denied their rightful salary and benefits. The respondent school must release the petitioner's salary, emoluments, and allowances for that period, along with 6% interest per annum, although this release is contingent on the outcome of a separate writ petition concerning grant-in-aid for that period.

VISHAMBHAR NATH VS UNITED COMMERICAL BANK & ORS. [W.P.(C)-5787/2013]

Judges: Justice Tushar Rao Gedela

The petitioner's suspension period from 1994 to 2003 is to be considered as "spent on duty" due to a clean and honorable acquittal by the criminal court, which exonerated him for lack of evidence. The Competent Authority incorrectly assessed the acquittal, and the petitioner is entitled to all consequential benefits for the suspension period treated as time on duty.

WG.COMMANDER P.S.BINDER RETD. VS D.D.A. [W.P.(C)-10014/2005]

Judges: Justice Tushar Rao Gedela

The petitioner's allotment of an alternate plot of land was cancelled due to the concealment of the fact that the Defence Colony property was part of a Hindu Undivided Family, of which the petitioner was the karta. This shared interest in the HUF property disqualified the petitioner from eligibility under the 1961 Scheme. Arguments regarding delays in issuing the show-cause notice and the applicability of the Nazul Rules were rejected, as the petitioner's concealment constituted fraud, invalidating the allotment.

Y. KRISHNASAMY VS CHAIRMAN & MANAGING DIRECTOR BHARAT HEAVY ELECTRICAL LTD. AND ORS [W.P.(C)-1489/2016]

Judges: Justice Tushar Rao Gedela

The applicability of the ratio from the D.S. Nakara case to the current situation was deemed inappropriate, as that case pertained to central government employees while BHEL operates under its own regulations. The differentiation made by BHEL between retirees before and after 2007 regarding pension benefits is based on a rational distinction that aligns with the objectives of the new BHEL Employees' Pension Scheme. The dismissal of the writ petition occurred because the challenge to the rejection of the representation was not maintainable without contesting the underlying Office Memorandums.

YASHIKA MALIK VS UNIVERSITY OF DELHI FACULTY OF MEDICAL SCIENCES & ORS. [LPA-887/2024]

Judges: Justice Tushar Rao Gedela

The appellant is eligible for reservation under the Children/Widows of Officer and Men of the Armed Forces (CW) category based on the ECC issued by the competent authority. The university mistakenly removed the appellant's name from the provisional list due to the erroneous cancellation of the ECC by the Kendriya Sainik Board. The university and the Medical Counseling Committee must either increase the CW category seats by one or create a supernumerary seat for the appellant within 10 days.

ABDUL QAIDER VS NARCOTIC CONTROL BUREAU [BAIL APPLN.-1907/2023]

Judges: Justice Vikas Mahajan

Abdul Qaider was granted regular bail in an NDPS case based on several factors. The prosecution's case showed inconsistencies, particularly as the courier service owner did not find any contraband in the parcel. The petitioner possessed a valid drug license for the scheduled drugs involved. Additionally, the identification procedure was flawed, lacking a proper test identification parade. Co-accused had been granted bail on similar allegations, supporting the petitioner's claim for parity. Reasonable grounds indicated the petitioner is likely not guilty and unlikely to commit further offences while on bail.

ABHIJEET GHOSH VS STATE OF NCT OF DELHI & ANR. [BAIL APPLN.-2407/2023]

Judges: Justice Vikas Mahajan

Abhijeet Ghosh was granted regular bail in connection with FIR No. 717/2017 for charges including murder and violations of the Arms Act. Key factors included the circumstances of the case, potential self-defense, absence of incriminating forensic evidence, and the lengthy trial process, which supported the defense. Strict conditions were imposed to ensure Ghosh's availability for trial. Comments made were specific to the bail application and did not address the case's merits.

ADNAN NISAR VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-3056/2023]

Judges: Justice Vikas Mahajan

The offence committed in the U.S. is classified as a scheduled offence under Part C of the PMLA due to its cross-border implications and the transfer of proceeds to India. However, the prosecution did not establish the predicate offence under U.S. law, lacking relevant documentation and expert testimony. Post-arrest statements under Section 50 of PMLA were deemed inadmissible, and communications via WhatsApp/Telegram did not sufficiently link the accused. Retracted statements from co-accused were considered unreliable and insufficient for establishing guilt. Given the lengthy custody duration, trial delays, and the principle that "bail is the rule, jail is the exception," bail was granted to the petitioners.

AJAY@ LALA VS THE STATE NCT OF DELHI [BAIL APPLN.-1500/2023]

Judges: Justice Vikas Mahajan

Ajay @ Lala was granted regular bail in a case involving Sections 302/323/34 IPC. The evidence presented by the prosecution was weak, as public witnesses, including the knife seller, did not support the case. Ajay had no prior criminal record and had previously adhered to bail conditions. Despite the complainant's credible testimony, the overall circumstances favored granting bail, subject to conditions to prevent tampering with evidence or influencing witnesses.

AJIT KUMAR VS STATE & ANR. [CRL.A.-981/2019]

Judges: Justice Vikas Mahajan

The trial court's acquittal of the respondent in a Section 138 complaint under the Negotiable Instruments Act was upheld. The evidence was deemed reasonably interpreted by the trial court, with no findings considered perverse. The standard for appeal against acquittal is limited, and an alternative view does not justify reversing the acquittal.

AJIT KUMAR VS STATE NCT OF DELHI AND ANR [CRL.M.C.-2184/2021]

Judges: Justice Vikas Mahajan

Criminal proceedings against Ajit Kumar under Sections 392/411/34 IPC were quashed due to his exoneration in a departmental inquiry regarding the same allegations. The criminal standard of proof, "beyond reasonable doubt," is higher than the "preponderance of probability" applied in departmental proceedings. Since the lower standard could not be met in the inquiry, continuing the criminal prosecution served no purpose. Consequently, the FIR and all related proceedings against Ajit Kumar were quashed.

AMIT BAHL VS M/S SIDH POLYWRAPS [CRL.A.-513/2019]

Judges: Justice Vikas Mahajan

The acquittal of the accused under Section 138 of the Negotiable Instruments Act was upheld. The presumption under Section 139 arose as the signatures on the cheques were admitted, but the accused presented a probable defense asserting that the cheques were not issued for any legally recoverable debt or liability. The complainant did not provide any bills or invoices for the material supplied, and the ledger account submitted was deemed inadmissible due to the absence of a certificate under Section 65B of the Evidence Act. The trial court's view was considered plausible, with no grounds for appeal against the acquittal.

AMIT KATYAL VS DIRECTORATE OF ENFORCEMENT GOVERNMENT OFINDIA [BAIL APPLN.-2024/2024]

Judges: Justice Vikas Mahajan

The petitioner's application for interim bail on medical grounds requires further evaluation of his medical condition due to a history of serious health issues, including recent bariatric surgery, coronary artery disease, and diabetes. Current medical reports do not clearly indicate the need for specialized treatment unavailable in custody. The Director of the All India Institute of Medical Sciences (AIIMS) has been instructed to form a medical board of specialists to assess the petitioner's health and need for specialized care. The decision on the interim bail application will be made after reviewing the board's report.

AMIT MALVIYA VS SAMAJWADI PARTY MEDIA CELL & ORS. [CS(OS)-643/2024]

Judges: Justice Vikas Mahajan

An interim injunction was granted, requiring the defendants to remove a defamatory social media post about a public figure who is a senior political party member. The post contained false allegations aimed at damaging the plaintiff's reputation. The need to balance freedom of speech with the right to reputation was recognized, and the plaintiff was deemed to have established a prima facie case for the relief sought.

ANIL KUMAR SHARMA VS STATE (NCT OF DELHI [BAIL APPLN.-1564/2021]

Judges: Justice Vikas Mahajan

Anil Kumar Sharma, CMD and promoter director of M/s. Ultra Home Construction Pvt. Ltd., is entitled to bail pending trial after spending over 2 years in custody with the maximum punishment for the offense under Section 420 IPC being 7 years. Detention should not be punitive or preventive, and bail was granted subject to certain conditions.

ANIL KUMAR SHARMA VS STATE (NCT OF DELHI) [BAIL APPLN.-2247/2021]

Judges: Justice Vikas Mahajan

Anil Kumar Sharma, a director of Amrapali Smart City Developers Pvt. Limited, received bail after spending over 2 years in custody. The investigation is complete, and the trial is expected to be prolonged. Bail was granted with certain conditions, emphasizing that the observations made are solely for the bail application and do not reflect any opinion on the case's merits.

ANIL KUMAR SHARMA VS STATE (NCT OF DELHI) [BAIL APPLN.-1642/2022]

Judges: Justice Vikas Mahajan

Anil Kumar Sharma, a director of M/s Amrapali Silicon City Pvt. Ltd., faced serious allegations under Sections 420, 406, 409, and 120B of the Indian Penal Code for collecting money from homebuyers for the "Amrapali Adarsh Awas Yojana" project before obtaining necessary building plan sanctions and failing to register the project with UPRERA. The company also allotted flats above the approved height, violating sanctioned plans. The argument that homebuyers' grievances were resolved was dismissed, as the resolution process was not initiated by Sharma. Given the nature of the allegations, bail was not granted.

ANIL KUMAR VS STATE OF NCT OF DELHI AND ANR [BAIL APPLN.-97/2023]

Judges: Justice Vikas Mahajan

Anil Kumar was granted regular bail after being charged under Section 376 IPC and Sections 4/6 of the POCSO Act. The victim's statements indicated a consensual relationship, with her expressing a desire to marry Kumar. Testimony confirmed she was above 17 years of age at the time of the incident. While the POCSO Act aims to protect minors from sexual exploitation, it does not criminalize consensual relationships among young people. Various factors were considered in relation to the bail application, including the victim's statements, Kumar's lack of prior offenses, and the completion of the victim's testimony recording. Bail was granted subject to specific conditions.

ANIL NIRWAN VS THE STATE [BAIL APPLN.-2188/2023]

Judges: Justice Vikas Mahajan

Anil Nirwan was granted regular bail in a case involving Sections 376/420 IPC. The sexual relationship between Nirwan and the complainant was deemed consensual, with insufficient evidence of a false promise of marriage. Allegations regarding misrepresentation of medical condition and fabricated documents lacked forensic support. The complainant’s ongoing payments to Nirwan after the alleged non-repayment of a loan raised doubts about the prosecution's claims. Factors such as completed witness testimonies and Nirwan's extended custody contributed to the decision.

ANUPA ABROL VS MULKH RAJ GROVER & ORS [CS(OS)-315/2014]

Judges: Justice Vikas Mahajan

The Conveyance Deed dated 24.02.2011 and the Sale Deed dated 27.07.2011 were identified as fabricated documents, declared illegal, null, void, and non-est, and deemed non-binding on the plaintiff. Third-party interests, charges, or liens based on these documents were also declared null and void. A permanent injunction was granted to restrain the defendants from claiming any rights, title, or interest in the suit property. The suit abated against defendant no. 1, while defendant nos. 2 and 3 proceeded ex parte.

ANWAR OMAISH VS STATE NCT OF DELHI [BAIL APPLN.-1535/2024]

Judges: Justice Vikas Mahajan

Anwar Omaish was granted bail in a murder and conspiracy case involving the death of a government official. The evidence presented, including the recovery of the motorcycle and weapon and the disclosure statement of a co-accused, was deemed insufficient for conviction. Since the main and other co-accused received bail, Omaish was entitled to similar treatment. Additionally, his prolonged incarceration of over 5 years contributed to the decision, with the trial expected to take more time. Bail was granted with certain conditions.

ASHISH BALGUER VS STATE GNCT OF DELHI [BAIL APPLN.-3184/2023]

Judges: Justice Vikas Mahajan

Bail was granted to Vikas Balguer @ Shammi and Ashish Balguer in a case involving charges of murder and related offenses. Eyewitnesses had turned hostile or contradicted their statements, raising doubts about the prosecution's case. The accused had been incarcerated for over 7 years and 8 months, and the lengthy trial process was noted. Consideration of the nature of the accusations, the risk of witness tampering, and the prima facie evidence led to the decision to grant bail under certain conditions.

ASHOK BANSAL & ORS. VS MANOJ BABBAR & ORS. [CS(OS)-841/2024]

Judges: Justice Vikas Mahajan

Plaintiffs established a prima facie case for interim relief due to defamatory statements in a video currently under investigation. Defendants must remove or restrict access to the video within two weeks to prevent grave damage to the plaintiffs' reputation. If not complied with, plaintiffs can request Google to remove the video within 36 hours. The right to honor, dignity, and reputation, including for corporate entities, is recognized under Article 21.

ASISH MOHAPATRA & ORS. VS SLOWFORM MEDIA PVT. LTD. & ORS. [CS(OS)-825/2024]

Judges: Justice Vikas Mahajan

An interim injunction was granted against the defendants regarding an article published by 'the Morning Context', deemed to contain defamatory statements about the plaintiffs' company, OFB, unsupported by credible evidence. The defenses of truth, fair comment, and qualified privilege were not applicable, as the statements were not shown to be substantially correct and sources were not disclosed. The defendants were ordered to remove the article and refrain from further publication of the defamatory content, as a prima facie case of defamation was established by the plaintiffs.

BHARAT SINGH VS CENTRAL BUREAU OF NARCOTICS [BAIL APPLN.-3482/2023]

Judges: Justice Vikas Mahajan

The anticipatory bail petition of Bharat Singh was dismissed due to insufficient grounds for approval. Disclosure statements from co-accused Jagdish Kumar and Laduram identified Singh as a supplier of contraband, supported by mobile phone records and financial transactions linking him to the co-accused. The claim regarding inadmissibility of statements under Section 67 NDPS did not apply at the anticipatory bail stage. Custodial interrogation of Singh was deemed necessary to uncover the supply chain of the contraband.

BHARAT YADAV VS STATE (GOVT. OF NCT OF DELHI) AND ORS. [BAIL APPLN.-3772/2023]

Judges: Justice Vikas Mahajan

Bharat Yadav's anticipatory bail petition was dismissed due to serious allegations linking him to a conspiracy to murder Bijender Yadav, driven by previous enmity. Evidence included co-accused disclosure statements and CCTV footage showing Yadav with co-accused after the incident. Concerns were raised about potential harm to the deceased's family if bail were granted, alongside the necessity for custodial interrogation as the investigation was still in its early stages.

BIJENDER@JUDI THROUGH PAIROKAR RANI VS THE STATE OF NCT OF DELHI [BAIL APPLN.-2471/2023]

Judges: Justice Vikas Mahajan

Bijender@Judi was granted regular bail in a case involving charges under Sections 302/323/34 IPC. Most prosecution witnesses did not support the case, with the complainant admitting the accused had been identified to him by police. Bijender had been in custody for over 5 years, and the trial was moving slowly, with only 20 out of 32 witnesses examined. Previous cases against him included acquittals, and he had previously been granted interim bail without misuse. Strict conditions were imposed alongside the granting of bail.

CENTRAL BUREAU OF INVESTIGTATION VS R. VASUDEVAN & ORS. [CRL.M.C.-4107/2023]

Judges: Justice Vikas Mahajan

The CBI's petitions to include hard disks with video footage from Hotel Sheraton dated 23.11.2009 as additional evidence were dismissed. The decision indicated that the CBI had made a conscious choice not to rely on the hard disks during the trial, and introducing them now would compromise the accused's right to a fair trial and cause serious prejudice. Additionally, previous rulings had already deemed the related CDs inadmissible.

CHARU PILLANI VS M/S. FRANKFINN AVIATION SERVICES PVT. LTD. [CRL.M.C.-1578/2021]

Judges: Justice Vikas Mahajan

Charu Pillani is not liable under Section 138 of the Negotiable Instruments Act because the cheque was not signed by her or drawn from her bank account. Liability under Section 138 applies only to the person who has signed the cheque. The criminal complaint filed by M/s Frankfinn Aviation Services Pvt. Ltd. against her was quashed.

DANISH @ CHINTU VS STATE OF NCT OF DELHI [BAIL APPLN.-516/2023]

Judges: Justice Vikas Mahajan

Danish @ Chintu was granted bail in a case involving multiple serious charges, including murder and attempted murder. The prosecution's case was deemed weak due to key witnesses failing to identify him. The recovery of a knife and other items was found insufficient for conviction, as it serves only for corroboration. Prior involvement in other criminal cases was not considered adequate for denying bail. Bail was granted with specific conditions.

DEEPAK GOYAL VS CBI [BAIL APPLN.-764/2023]

Judges: Justice Vikas Mahajan

Deepak Goyal received regular bail after being accused of economic offenses under the Indian Penal Code. The allegations were considered serious, but given his five years of incarceration and the potential maximum sentence of seven years, it was deemed unjust to keep him in custody indefinitely. The presumption of innocence prior to conviction was emphasized, and bail was granted with stringent conditions to ensure his attendance at trial.

DEV SHARMA VS THE STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-214/2024]

Judges: Justice Vikas Mahajan

Dev Sharma applied for anticipatory bail related to an FIR under sections 307/323/341/506/34 IPC and section 27 of the Arms Act. He claimed false implication due to family enmity and referenced CCTV footage supporting his absence during the incident. Co-accused Love Pandit and Keshav Pradhan had received bail for similar allegations. Bail was granted upon arrest, requiring a bond of Rs. 25,000/- and cooperation with the investigation. Observations made did not address the merits of the case.

DEVI @ JARINA VS STATE AND ORS [BAIL APPLN.-1299/2023]

Judges: Justice Vikas Mahajan

The petitioner was granted regular bail with conditions due to allegations similar to those against a co-accused who had already been granted bail. The petitioner, being a woman, qualified for the benefits under the first proviso to Section 437(1) CrPC. Long incarceration and delays in trial proceedings were also considered, leading to the decision in favor of bail. Observations made were solely for the bail application, without any opinion on the case's merits.

DEWAN IZZAT RAI NANDA THRU LR'S VS DEWAN IQBAL NATH THRU LR'S AND ORS. [CS(OS)-34/1977]

Judges: Justice Vikas Mahajan

The parties to the suit are entitled to the interest accrued on the auction money of Rs. 18 crores deposited by the auction purchaser. The final decree mandating the disbursement of the auction money and accrued interest to the parties has been finalized following the dismissal of the auction purchaser's appeals. The argument regarding delays in executing the sale deed being due to the parties was rejected, as the auction purchaser was empowered to complete the necessary formalities. The auction purchaser is required to deposit the interest amount previously released to him for distribution to the parties according to their shares in the preliminary decree.

DHANPATI @ DHANWANTI VS STATE & ANR [CRL.A.-581/2019]

Judges: Justice Vikas Mahajan

The acquittal of the accused was upheld, with findings indicating that the physical intimacy between the prosecutrix and the accused was consensual, not based on a misconception of fact. The prosecutrix's testimony contained several inconsistencies, and a 20-year delay in filing the FIR was deemed detrimental to the prosecution's case. The perspective taken by the trial court was considered legally plausible, resulting in no grounds for interference with the acquittal.

DIBAKAR KARAD VS STATE NCT OF DELHI [BAIL APPLN.-1751/2024]

Judges: Justice Vikas Mahajan

The anticipatory bail petition of Dibakar Karad was dismissed due to prima facie evidence indicating his involvement in a large-scale ganja supply chain. Evidence included disclosure statements from co-accused, electronic data, and financial transactions. The serious nature of the allegations warranted custodial interrogation to reveal the full extent of the conspiracy.

DIRECTORATE OF ENFORCEMENT VS AKHILESH SINGH [CRL.REV.P.-1199/2023]

Judges: Justice Vikas Mahajan

The offence under Section 3 of the Prevention of Money Laundering Act, 2002, requires illegal gain from criminal activity linked to a scheduled offence. An acquittal or discharge in the scheduled offence negates the possibility of a money laundering charge and disqualifies the attached properties as proceeds of crime. The mere pendency of an appeal does not prevent the release of attached properties following an acquittal, as its effects remain until reversed. As a result, the petition by the Enforcement Directorate was dismissed, and the orders directing the release of the attached properties were upheld.

DR SHAMA MOHAMED VS SMT SANJU VERMA AND ORS [CS(OS)-845/2024]

Judges: Justice Vikas Mahajan

Defamatory statements made by a national spokesperson of the Bharatiya Janata Party against a national spokesperson of the Indian National Congress and dentist during a TV debate were deemed prima facie defamatory and damaging to the plaintiff's reputation. An application for ad-interim injunction was granted, directing the removal of the impugned video and posts from media platforms, emphasizing that reputation is essential to individual dignity and should not be unjustly harmed.

GAMUT BUILDCON PVT LTD AND ANR VS ATUL VERMA AND ANR [CS(OS)-670/2024]

Judges: Justice Vikas Mahajan

Defamatory posts made by the defendant on the social media platform 'X' were deemed unsubstantiated and reckless, harming the plaintiffs' reputation. An ad-interim injunction was granted, requiring the defendant to remove the posts within 2 weeks, with provisions for the plaintiffs to request removal by the platform if not complied with. The plaintiffs established a prima facie case for the injunction, demonstrating the potential for irreparable loss and injury.

GANGA RAM MAKHIJA @ GULAB VS JYOTI MAKHIJA [CRL.M.C.-3182/2024]

Judges: Justice Vikas Mahajan

The petitioner's challenge to the orders granting interim maintenance and litigation expenses to the respondent was dismissed. The claim that the respondent left the matrimonial home voluntarily cannot be considered without evidence. The petitioner concealed his true income and approached the situation with unclean hands, disqualifying him from relief. No grounds for interference with the lower courts' decisions were established.

GAURAV VS THE STATE GOVT OF NCT [BAIL APPLN.-1442/2023]

Judges: Justice Vikas Mahajan

Gaurav was granted bail after being charged under Sections 302/307/34 IPC for the death of Mohit. Testimonies from two key eyewitnesses did not support the prosecution, raising doubts about the complainant's status as an injured witness. The possibility of the incident occurring in a sudden fight, without premeditation, suggested it might fall under Exception 4 to Section 300 IPC. Gaurav's lengthy incarceration of over 5 years and the expected prolonged duration of the trial indicated that continuing his custody was not in the interest of justice, leading to the imposition of conditions to ensure his availability during the trial.

GEETA DHAWAN VS ANU MEHRA & ANR. [CS(OS)-391/2020]

Judges: Justice Vikas Mahajan

The plaintiff's application to amend the plaint for specific performance of the Agreement to Sell dated 01.05.2003 was approved. Courts are generally liberal in granting amendments if it serves justice and avoids further litigation, and the possibility of the relief being time-barred does not preclude amendment. The original plaint already included the factual basis for the specific performance claim, demonstrating the amendment was bona fide. The limitation defense is a disputed question of fact, as the defendant initially terminated and later appeared to withdraw that termination; this issue can be decided in the suit. Allowing the amendment would not prejudice the defendant and aims to minimize further litigation. This case is part of ongoing matters related to property litigation before a higher court.

GEETIKA DAHIYA VS STATE OF NCT OF DELHI [BAIL APPLN.-3665/2023]

Judges: Justice Vikas Mahajan

Geetika Dahiya was granted anticipatory bail in a case involving allegations of cheating, criminal conspiracy, and extortion under relevant IPC sections. Allegations against her were not supported by sufficient evidence, and there was a concern that the complainant, a real estate investor, was using the FIR to pressure her amidst a marital dispute. Dahiya's personal circumstances, including her job and childcare responsibilities, indicated she was not a flight risk and warranted the relief of anticipatory bail.

GURVINDER SINGH VS THE STATE (GOVT. OF NCT) OF DELHI & ANR. [W.P.(CRL)-590/2024]

Judges: Justice Vikas Mahajan

The order of the Sentence Review Board rejecting the petitioner's application for premature release was set aside due to failure to consider all relevant factors under the 2004 policy and 2018 prison rules. The Board was directed to reconsider the case within 8 weeks, focusing on the petitioner's conduct in jail, potential for reintegration into society, and the family's socio-economic condition. The request for bail, parole, or furlough was not granted during this process.

HABIBULLAH NABI ZADA VS N.C.B. [BAIL APPLN.-2645/2022]

Judges: Justice Vikas Mahajan

The quantity of heroin recovered from the petitioner (225 grams) cannot be combined with that from a co-accused (another 225 grams) to apply the stringent provisions of Section 37 of the NDPS Act. There was insufficient evidence to prove a conspiracy between them, and the disclosure statements under Section 67 were ruled inadmissible. The petitioner had been in custody for nearly four years, with significant delays in the trial process, as only a fraction of the prosecution witnesses had been examined. Regular bail was granted to the petitioner under specific conditions, despite the recovered drug quantity being classified as "intermediate."

HAMEEDULLAH AKBAR@ FAHEEM MODH ZAI VS STATE (GOVT OF NCT OF DELHI) & ANR. [CRL.M.C.-7020/2023]

Judges: Justice Vikas Mahajan

The FIR against Hameedullah Akbar and Sagheer Ahmed Khan has been quashed. The complainant, a US citizen, consented to the quashing and settlement. Hameedullah Akbar has been in custody for over 7 years without trial progress, violating his right to a speedy trial. The likelihood of conviction is low due to the complainant's unwillingness to testify, and continuing the trial would cause further injustice. Sagheer Ahmed Khan's role was limited to being an attesting witness for an allegedly forged adoption deed, indicating no active involvement in the forgery. The state's criminal revision petition regarding trial separation has been disposed of.

HARNEET SINGH CHAWLA VS STATE [BAIL APPLN.-146/2024]

Judges: Justice Vikas Mahajan

Harneet Singh Chawla was granted bail in a case involving Section 302 IPC (murder) and Sections 146/194 of the Motor Vehicles Act. Evidence did not conclusively establish his culpability for the murder charge, as the collision may have stemmed from the motorcycle's rash driving and lack of knowledge about the deceased on the car roof. Chawla has no prior criminal record, is a permanent resident, and the investigation is complete, supporting the decision for bail with conditions. Observations made are limited to the bail application and do not affect the case's final merits.

HARSH CHHABRA VS STATE OF NCT DELHI [BAIL APPLN.-3689/2022]

Judges: Justice Vikas Mahajan

The case against the petitioner relies mainly on circumstantial evidence, including call records and co-accused statements, which are insufficient for continued incarceration pending trial. After nearly 3 years in custody and no prior criminal record, bail was granted with conditions to prevent evidence tampering or witness influence. Observations made are solely for the bail application and do not address the case's merits.

HIMANSHU THAKUR VS STATE NCT OF DELHI [BAIL APPLN.-2958/2023]

Judges: Justice Vikas Mahajan

Himanshu Thakur was granted regular bail in connection with the murder of Mursaleen during the February 2020 Delhi communal riots. Key eyewitness testimonies were found contradictory to the prosecution's case, and Thakur had previously received bail in related FIRs. Considering his lengthy custody of nearly four years and the potential for a prolonged trial, bail was deemed appropriate, subject to conditions to mitigate concerns about witness tampering. Precedents indicate that long custody and delayed trials warrant the granting of bail, even for serious offenses, unless specific grounds for denial are present.

INDERJIT SINGH VS CENTRAL BUREAU OF INVESTIGATION & ANR. [CRL.REV.P.-242/2024]

Judges: Justice Vikas Mahajan

The criminal revision petition filed by Inderjit Singh (A-3) was dismissed due to the postponement of trial against co-accused S.S. Ahluwalia (A-1) for being unfit to stand trial not necessitating a stay of trial for A-3. The analysis of Section 329 CrPC established that the trial can continue against other accused despite one being unable to stand trial due to mental incapacity. The argument that A-3's guilt is contingent upon A-1's finding of guilt was rejected. The case involves four accused, with one deceased, one becoming an approver, and separate trials ongoing for A-1 and A-3.

ISRAIL VS STATE NCT OF DELHI [BAIL APPLN.-1775/2023]

Judges: Justice Vikas Mahajan

Israil was granted regular bail despite being accused of involvement in a conspiracy to eliminate NDMC official Mohd. Moin Khan. The main accused had already received bail, indicating Israil's lesser role in the case. There was no extensive examination of the CDR evidence, as its relevance would be addressed during the trial. Taking into account Israil's over 5-year incarceration, the absence of witness tampering concerns, and the presumption of innocence before conviction, bail was granted with specific conditions.

JEENA VS STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-4096/2023]

Judges: Justice Vikas Mahajan

Jeena was granted regular bail in a case involving allegations of forcing a victim into prostitution and related offenses. The alleged rape was attributed to a co-accused who had already received bail. An Aadhaar card indicated the victim was 19 years and 2 months old at the time of the incident, which may exclude the application of the POCSO Act. Jeena's lengthy incarceration of over 8 years and her status as a woman accused supported her bail eligibility. Conditions were imposed to ensure her availability for trial and to prevent evidence tampering or witness influence.

JITENDER CHOPRA VS Y.S.MANCHANDA [CS(OS)-523/2005]

Judges: Justice Vikas Mahajan

In a suit for specific performance of an agreement to sell, all legal heirs of the deceased defendant must be included as legal representatives, regardless of disputes over the validity of the will. Bringing all heirs on record, including those claiming through the will, is essential to prevent delays in proceedings. An appeal by the son challenging the order to implead all legal heirs was dismissed, with no noted deficiencies in the order.

JITENDRA KUMAR MEENA VS STATE OF NCT OF DELHI [W.P.(CRL)-1456/2024]

Judges: Justice Vikas Mahajan

The petition by the Deputy Commissioner of Police was allowed due to disparaging remarks made against him by the MACT court, which violated natural justice principles by not providing him an opportunity to defend himself. The remarks were deemed capable of harming his service career and reputation, necessitating their expungement to ensure judicial restraint and caution regarding comments about non-parties in proceedings.

KASHI NATH SHUKLA VS GOVT. OF NCT OF DELHI AND ANR. [BAIL APPLN.-1758/2022]

Judges: Justice Vikas Mahajan

The petitioner's anticipatory bail application is maintainable after the filing of the chargesheet and the taking of cognizance by the trial court. The key consideration for granting anticipatory bail is the cooperation of the accused with the investigation. The petitioner cooperated fully and did not require custody by the investigating agency. Therefore, the anticipatory bail application is granted subject to conditions, without the necessity to examine the chargesheet in detail. The petitioner is not required to separately surrender and seek regular bail, as the anticipatory bail can continue until the end of the trial unless special circumstances arise.

KULDEEP & ORS. VS STATE OF NCT OF DELHI [W.P.(CRL)-3840/2023]

Judges: Justice Vikas Mahajan

The Sentence Review Board (SRB) rejected the petitioners' applications for premature release without considering required factors under the 2004 policy and Delhi Prison Rules, 2018, such as conduct in jail, reformation potential, and family socioeconomic conditions. The orders were set aside, and the SRB was directed to reconsider the cases within 8 weeks. The petitioners were given 2 weeks to surrender after being on furlough, and the previously granted interim protection was not extended.

LAKSHAY JAISWAL VS STATE NCT OF DELHI AND ANR. [CRL.M.C.-2703/2024]

Judges: Justice Vikas Mahajan

The order of the Additional Sessions Judge that set aside the Metropolitan Magistrate's cancellation of process under Section 82 CrPC was contrary to Sections 399(2) and 401(2) of the Code of Criminal Procedure, which require that accused individuals be given an opportunity to be heard before any prejudicial order is made. The matter was remanded to the ASJ for reconsideration of the complainant's revision petition while ensuring the petitioner is heard. There was an attempt to explore an amicable settlement during the pendency of the anticipatory bail application, but no settlement was reached.

LAKSHAY JAISWAL VS STATE(NCT OF DELHI) AND ANR [CRL.M.C.-3952/2024]

Judges: Justice Vikas Mahajan

The issuance of non-bailable warrants and the process under Section 82 CrPC against the petitioner were illegal and not in accordance with the law. The trial court failed to properly scrutinize the facts and apply necessary considerations, leading to serious consequences. Consequently, the orders for non-bailable warrants, the process under Section 82 CrPC, the declaration of the accused as an absconder, and the warrants for property attachment were quashed.

LAXMI NARAYAN VS STATE NCT OF DELHI [BAIL APPLN.-2740/2023]

Judges: Justice Vikas Mahajan

Video recording of bail proceedings is mandatory under Section 15A(10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, when the offences involved pertain to the Act and the complainant is from the Scheduled Caste community. Arguments suggesting that Section 23 of the POCSO Act and Section 228A IPC override this requirement were rejected, as victim identity can be protected using methods such as dummy names, face masking, or pixelation. The purpose of video recording is to safeguard the rights of victims and witnesses, and the language of Section 15A(10) is clear and unambiguous.

M A ALAGAPPAN VS PVR LIMITED [CRL.M.C.-8631/2023]

Judges: Justice Vikas Mahajan

The complaint against M.A. Alagappan, a non-executive director of Vasan Health Care Private Limited, was quashed due to the lack of specific allegations linking him to the company's day-to-day operations. The complaint merely identified him as a director without demonstrating responsible involvement in the conduct of the business, leading to the conclusion that pursuing charges would be an abuse of process.

M/S SAIPEM TRIUNE ENGINEERING PVT. LTD VS INDIAN OIL PETRONAS PVT LTD [CS(OS)-2340/2008]

Judges: Justice Vikas Mahajan

The plaintiff's application for restoration of the original suit was found to be within the limitation period, starting from August 1, 2019, when it was clarified that the claims were not arbitrable. The period from March 15, 2020, to February 28, 2022, was excluded from the limitation computation due to Supreme Court's directions during the COVID-19 pandemic. The restoration of the original suit was allowed.

MAHENDER SHAH VS STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-2547/2023]

Judges: Justice Vikas Mahajan

The provisions of Section 50 of the NDPS Act do not apply as 27.990 kgs of ganja was recovered from a bag, not directly from the accused. Compliance with Section 50 is unnecessary in cases of recovery from bags or vehicles. The argument regarding delay in filing an application under Section 52A for drawing samples was rejected; the prosecution provided adequate explanation, and the seals were intact, indicating no tampering. Given the recovery of a commercial quantity of ganja, there are no reasonable grounds to believe the accused is not guilty, leading to the dismissal of the bail application.

MANISHI SAXENA BANSAL VS EXL SERVICES.COM (INDIA) PVT. LTD. [CS(OS)-305/2021]

Judges: Justice Vikas Mahajan

The Delhi High Court lacked territorial jurisdiction in a suit regarding the plaintiff's termination by the defendant company. The cause of action originated in Gurugram, where the plaintiff's employment ended, rather than in Delhi where the company's registered office is located. The presence of the registered office or the address on the termination letter did not establish jurisdiction. The plaint was returned to the plaintiff for presentation to the appropriate court.

MANU WADHWA @ MOHIT VS THE STATE, GOVT OF NCT OF DELHI [BAIL APPLN.-3523/2023]

Judges: Justice Vikas Mahajan

The anticipatory bail application was dismissed due to serious allegations of cheating involving approximately ₹7.48 crores through false investment promises. The petitioner initially gained the trust of complainants by paying small returns but later defaulted on a settlement to pay ₹3.60 crores in installments. There was a lack of cooperation with the investigation, and the petitioner did not provide documentation regarding the investments. Custodial interrogation was deemed necessary to uncover details about the alleged transactions.

MAZID IN JC VS THE STATE GOVT OF NCT DELHI) [BAIL APPLN.-631/2024]

Judges: Justice Vikas Mahajan

Mazid was granted bail after being charged with the murder of his wife under Section 302 IPC. The case relied solely on circumstantial evidence, particularly alleged extra-judicial confessions. Key prosecution witnesses were either hostile or provided hearsay testimony, and the authenticity of the video evidence was questionable under Section 65B of the Evidence Act. The evidence was deemed weak, and considering Mazid had already spent 4 years in custody, the decision favored his release on bail.

MOHD NASAR VS NARCOTICS CONTROL BUREAU & ANR. [BAIL APPLN.-1547/2023]

Judges: Justice Vikas Mahajan

Mohd Nasar was granted regular bail in a case under the NDPS Act due to the lack of clarity on the quantity of pure contraband (heroin) recovered, as the weight of carrier items could not be included. The disclosure statement of a co-accused was deemed inadmissible, and the incriminating evidence, including WhatsApp chats, was found insufficient to deny bail. The prosecution did not establish a prima facie case against him. Bail is subject to certain conditions.

MOHD.BILAL VS THE STATE OF NCT OF DELHI [BAIL APPLN.-1685/2023]

Judges: Justice Vikas Mahajan

Bail was granted to Mohd. Bilal, charged with murder under IPC Sections 302/120B/34, based on the consideration that the main accused had already been granted bail, which was upheld by the Supreme Court. Several co-accused had also received bail. The prosecution's evidence, including weapon recovery and CDR data, was deemed insufficient for a conviction, with the credibility of witness testimony to be assessed at trial. Given Bilal's long incarceration of over 5 years and the similar status of co-accused, regular bail was approved with specific conditions.

MOHIT YADAV VS STATE OF NCT, DELHI [BAIL APPLN.-1173/2023]

Judges: Justice Vikas Mahajan

Mohit Yadav's bail application was dismissed following his arrest for possessing a commercial quantity of cannabis in a truck. The sampling procedure under Section 52A of the NDPS Act was deemed important but not necessarily a basis for invalidating the case; any procedural defects must be assessed for potential prejudice to the accused. Evidence included call records linking Yadav to co-accused individuals. There were no reasonable grounds to believe Yadav was not guilty of the alleged offense.

MS CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED VS SH MAHESH TANEJA AND ORS [CRL.M.C.-1723/2024]

Judges: Justice Vikas Mahajan

The Chief Metropolitan Magistrate (CMM) lacks jurisdiction to entertain an application under Section 340 CrPC in proceedings under Section 14 of the SARFAESI Act. The CMM's role under Section 14 is ministerial, not adjudicatory, and third parties do not have a right to be heard at that stage. An earlier order appointing a Receiver to take possession of secured property is set aside, but its operation remains stayed until the next date before the Debt Recovery Tribunal, where a pending application under Section 17 of the SARFAESI Act is being considered.

MS. ASHA MISHRA @ ASHA MISRA VS STATE THROUGH STANDING COUNSEL & ANR. [TEST.CAS.-67/2021]

Judges: Justice Vikas Mahajan

Respondent no. 2, the son of the deceased testator, was allowed to present additional documents necessary for substantial justice in a probate contest. These documents were relevant to his claims of caring for his ailing father and conducting his last rites, countering the claims of the petitioner, the testator's second wife. Despite a delay in filing, the situation warranted a lenient approach to avoid hindering justice. Respondent no. 2 was ordered to pay costs to the petitioner, who was given an opportunity to present additional evidence before the respondent's evidence begins.

MS. SHEFALI KOUL VS MOHD RAFIQ MIR & ORS. [CS(OS)-592/2021]

Judges: Justice Vikas Mahajan

The plaintiff is entitled to a decree for Rs. 3,07,28,136/- with interest at 6% per annum from the date of the Memorandum of Understanding, along with arrears of rent at Rs. 39,000/- per month from November 2020 to October 2024, without interest. The stipulated interest rate of 12% per month in the Memorandum is deemed excessive and the transaction is considered substantially unfair, as it was entered into by the defendants to obtain the plaintiff's consent for bail after their arrest in criminal proceedings initiated by the plaintiff.

MUKESH KUMAR PRAJAPATI VS NARCOTIC CONTROL BUREAU [BAIL APPLN.-804/2024]

Judges: Justice Vikas Mahajan

Mukesh Kumar Prajapati was granted regular bail despite charges under the Narcotic Drugs and Psychotropic Substances Act for alleged involvement in importing 2 kg of Tramadol tablets. The decision considered his nearly 3 years of incarceration and trial delays, noting that the right to a speedy trial under Article 21 of the Constitution takes precedence over Section 37 conditions.

MUKESH KUMAR PRAJAPATI VS NARCOTICS CONTROL BUREAU [BAIL APPLN.-824/2024]

Judges: Justice Vikas Mahajan

Mukesh Kumar Prajapati was granted regular bail under Section 439 CrPC and Section 37 of the NDPS Act. He had spent over 2 years and 10 months in custody, which affected his right to a speedy trial. The seriousness of the offence did not justify indefinite bail denial, especially with the trial still at an initial stage and many witnesses yet to be examined. Conditions for bail included personal and surety bonds, and restrictions on contacting witnesses or tampering with evidence.

NATIONAL HEART INSTITUTE VS KAMLESH SHARMA & ORS [CRL.M.C.-3384/2017]

Judges: Justice Vikas Mahajan

The National Heart Institute and its office bearers are not vicariously liable for alleged criminal negligence in treating a patient, as a medical board stated the patient's death resulted from advanced lung cancer, not negligence. Inadvertence or lack of adequate care does not meet the threshold for criminal liability under Section 304A IPC. Additionally, the patient's discharge against medical advice may have contributed to the decline in their condition. The complaint against the National Heart Institute and its office bearers was quashed.

NEERAJ SINGAL VS DIRECTORATE OF ENFORCEMENT [BAIL APPLN.-2356/2023]

Judges: Justice Vikas Mahajan

The arrest of Neeraj Singal was deemed legal. The oral communication of the grounds for arrest complied with Section 19(1) of the Prevention of Money Laundering Act (PMLA). Singal acknowledged the grounds, signing them alongside two independent witnesses. Written grounds for arrest were not mandatory until a later Supreme Court judgment established this requirement. The delay in forwarding the arrest order and related materials to the Adjudicating Authority was considered reasonable and in line with prescribed procedures. Consequently, Singal's applications challenging the arrest and seeking bail were dismissed.

PAWAN CHAUDHRY & ANR. VS NIMESH JAIN & ORS. [CS(OS)-44/2020]

Judges: Justice Vikas Mahajan

The plaintiffs' application for a judgment against the defendants, based on Order VIII Rule 10 of the Civil Procedure Code, was not granted. The defendants' failure to file written statements did not negate the necessity for the plaintiffs to prove their allegations of forgery. The existence of issues requiring evidence meant that a judgment declaring the documents as fraudulent could not be made without proof. The application was dismissed.

OM PARKASH MEHTA VS SMT VEENA MEHTA [CRL.REV.P.-688/2016]

Judges: Justice Vikas Mahajan

The Family Court's order increasing the husband's maintenance payment to the wife from Rs. 450 to Rs. 15,000 per month was upheld. Evidence showed the husband operated a chemist shop and had remarried, indicating he earned at least Rs. 50,000 monthly. The passage of 10 years since the original maintenance order justified the increase due to inflation. The husband is legally and morally obligated to support his wife, and his claims of being old and infirm were not considered valid reasons to avoid this duty. The husband's revision petition was dismissed.

PARVEJ KHAN VS THE STATE NCT OF DELHI [BAIL APPLN.-2863/2023]

Judges: Justice Vikas Mahajan

Section 42 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act did not apply as the petitioner was apprehended while his vehicle was in transit on a public road, falling under Section 43 of the Act. The recovery of a commercial quantity of drugs from the petitioner's car necessitated the stringent conditions of Section 37 for bail. Despite over 3 years of incarceration and the trial being at an early stage, regular bail was granted on the provision of a personal bond and surety to ensure compliance with conditions. Observations made were solely for the bail application and did not reflect opinions on the case's merits.

PARVINDER SINGH @ KALLU @ RINKU VS THE STATE (NCT OF DELHI) [BAIL APPLN.-44/2024]

Judges: Justice Vikas Mahajan

Parvinder Singh was granted bail in a murder and robbery case based on circumstantial evidence. The prosecution's evidence, including the recovery of incriminating items, had questionable aspects, such as recovery from an open space without independent witnesses. Forensic evidence did not conclusively connect him to the crime, with no blood stains on his clothes and lack of fingerprint or DNA analysis. Considering his long incarceration, completion of public witness examinations, and good conduct during interim bail, the circumstances favored granting bail. Conditions included a personal bond, regular court appearances, and a prohibition on criminal activity or contacting witnesses.

PRADEEP KUMAR SRIVASTAVA VS NARCOTICS CONTROL BUREAU [BAIL APPLN.-2714/2022]

Judges: Justice Vikas Mahajan

Pradeep Kumar Srivastava was granted regular bail in a case under the NDPS Act after over 3 years of incarceration without trial. Despite prima facie evidence against him, the prolonged detention was deemed to outweigh the stringent bail conditions of the NDPS Act. The decision emphasized the right to a speedy trial under Article 21 of the Constitution. Bail was granted with conditions including a personal bond and surety.

PURSHOTTAM LAL TANDON VS M/S CITY SUPER MARKET & ORS [CS(COMM)-551/2024]

Judges: Justice Vikas Mahajan

The plaintiff's application to amend the plaint to remove claims against defendant no. 1 and focus on claims against defendant no. 2 was allowed. The revised claims exceeded the pecuniary jurisdiction, leading to a transfer of the suit to a court with proper jurisdiction as per Section 24(5) of the Civil Procedure Code. The suit was directed to be transferred to the Principal District Judge, South East District, Saket, New Delhi for reassignment.

RAAZ ALI VS NARCOTICS CONTROL BUREAU [BAIL APPLN.-292/2024]

Judges: Justice Vikas Mahajan

Raaz Ali was granted regular bail after being arrested under the NDPS Act for possessing a commercial quantity of Zolpidem and Tramadol tablets. Discrepancies in the weight of the seized contraband during the investigation were noted, suggesting potential benefits for Ali, although they did not fully negate the prosecution's case. Similar bail had been granted to co-accused individuals. There were reasonable grounds to believe Ali was not guilty of the alleged offence and unlikely to reoffend while on bail, leading to his release under certain conditions.

RAJATARANGINI INDIA MEDIA PRIVATE LIMITED & ANR. VS SANJAY SHARMA & ORS. [CS(OS)-558/2024]

Judges: Justice Vikas Mahajan

Plaintiffs, a media company and its Editor-in-Chief, established a prima facie case for an ad-interim injunction against defendants for posting defamatory content on the microblogging site "X". The posts were found to potentially harm the journalist's credibility without supporting evidence. The defendants were restrained from further defamatory postings and ordered to remove existing content. Additionally, the microblogging platform "X" was instructed to provide contact details for two defendants whose identities were unknown to the plaintiffs.

RAJESH BOTHRA VS 4PM NEWS NETWORK PRIVATE LIMITED & ORS. [CS(OS)-646/2024]

Judges: Justice Vikas Mahajan

Allegations against the plaintiff in a video and articles published were found to be prima facie defamatory and unsupported by credible evidence. An ad-interim injunction was granted for the defendants to remove the URLs containing the defamatory content within 2 weeks. Google was directed to take down the URLs if the defendants did not comply within the stipulated time.

RAJESH KUMAR GUPTA VS THE STATE [CRL.REV.P.-988/2019]

Judges: Justice Vikas Mahajan

The criminal revision petition was allowed, and the conviction under Sections 279 and 304A of the Indian Penal Code was set aside. The prosecution failed to prove beyond reasonable doubt that the petitioner drove the vehicle in a rash and negligent manner. The deceased crossed the road outside a zebra crossing in the dark, with no evidence of the petitioner driving at high speed. Fast speed alone does not equate to rashness and negligence as defined by law.

RAKESH JAGDISH KALRA @ RAKESH KALRA VS THE INDIA TODAY GROUP & ORS. [CS(OS)-560/2024]

Judges: Justice Vikas Mahajan

The plaintiff, acquitted in a criminal case, holds a right to be forgotten and a right to privacy, which must be weighed against the defendants' freedom of expression. An injunction was granted to prevent the defendants from posting or updating content related to the plaintiff's case, and they were ordered to remove defamatory posts. The defendant social media platform must disclose the contact details of individuals who made defamatory posts and remove those posts if the plaintiff cannot do so within the given timeframe. The continuation of any stigma after acquittal is deemed incompatible with the right to live with dignity.

RAMESH & ANR. VS THE STATE [CRL.A.-741/2003]

Judges: Justice Vikas Mahajan

The appeals were allowed and the convictions and sentences were set aside due to the inability to reconstruct the complete trial court record, which was lost. This absence impeded an effective challenge to the evidence and the basis of the convictions under Section 304 Part II IPC and Section 34 IPC. The lack of the record violated the right to a fair legal procedure under Article 21 of the Constitution, making it impossible to affirm the convictions.

RAMESH CHAND JAIN VS CENTRAL BUREAU OF INVESTIGATION [BAIL APPLN.-1610/2024]

Judges: Justice Vikas Mahajan

Ramesh Chand Jain received regular bail after being charged under the Prevention of Corruption Act and IPC. The co-accused was caught accepting a bribe, and there was no direct evidence of Jain's involvement. He had been in custody for 4 months, and factors such as his presumption of innocence, lack of flight risk, and no possibility of tampering with evidence contributed to the decision for bail. Conditions were attached to the bail.

RAMESH KAKKAR VS STATE OF NCT OF DELHI [BAIL APPLN.-1433/2023]

Judges: Justice Vikas Mahajan

Regular bail was granted to Ramesh Kakkar, accused of conspiracy to murder an NDMC estate officer, due to significant gaps in the prosecution's case. Eyewitness testimonies were found unreliable and uncorroborated, the dying declaration was deemed doubtful, and the circumstantial evidence was considered weak. His prolonged incarceration of over 6 years without trial progress contributed to the decision, with bail granted under conditions to prevent tampering with evidence or witnesses.

RAMESH KUMAR VS D.R.I. [BAIL APPLN.-2059/2023]

Judges: Justice Vikas Mahajan

Ramesh Kumar was granted bail in a case under the NDPS Act despite the recovery of a commercial quantity of contraband. The delay in sampling the seized drugs raised doubts about the prosecution's case due to discrepancies in witness testimonies. The prolonged incarceration of over 3.5 years and slow trial progress highlighted the right to a speedy trial under Article 21 of the Constitution, outweighing the stringent bail requirements of Section 37 of the NDPS Act. Bail was granted on the conditions of a personal bond and surety to prevent evidence tampering or witness influence.

RAMJAS FOUNDATION VS SMT SHUBRA GUPTA AND OTHERS [CS(OS)-11/2024]

Judges: Justice Vikas Mahajan

The 102nd Annual General Meeting (AGM) of the Ramjas Foundation held on 17.11.2023 was validated, confirming compliance with the Memorandum of Association (MoA) regarding quorum and election of office bearers. Subsequent Special General Meetings (SGMs) conducted by the defendants on 02.12.2023 and 13.12.2023 were deemed illegal due to the defendants lacking authority following the 102nd AGM mandate. An interim injunction was issued to prevent the defendants from conducting new elections or AGMs based on a notice dated 16.12.2023 and to stay decisions made in the contested SGMs. An application from individuals seeking to be added as defendants was dismissed as their involvement was not essential for resolving the case.

RANI @ MANJU VS STATE (GOVT.) OF NCT OF DELHI [W.P.(CRL)-72/2024]

Judges: Justice Vikas Mahajan

The order of the Sentence Review Board rejecting the petitioner's application for premature release was set aside due to the Board's failure to consider relevant factors outlined in the policy dated 16.07.2004, including the convict's jail conduct, potential for societal reintegration, and the family's socio-economic condition. The case is to be reconsidered by the Board in line with the policy within eight weeks, and the petitioner has two weeks to surrender to the Jail Superintendent.

RAVI RAI VS STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-1725/2023]

Judges: Justice Vikas Mahajan

Ravi Rai was granted bail in a murder case under Section 302 IPC. Key factors included the testimony of prosecution witnesses, including the complainant (his wife) and the landlord, who did not support the prosecution's case. The prosecution bears the burden of proving guilt beyond reasonable doubt, which was not met as the witnesses' lack of support favored the accused. Consequently, the decision to grant bail was influenced by these circumstances.

RAVI VS STATE OF NCT OF DELHI & ANR. [BAIL APPLN.-1574/2023]

Judges: Justice Vikas Mahajan

The petitioner's contention regarding contradictions in the prosecutrix's testimony about the timeline was acknowledged, with indications suggesting a potentially consensual relationship. Given the petitioner's over two years of incarceration, slow trial pace, clean record, permanent residence in Delhi, and prior responsible bail behavior, regular bail was granted with conditions. Observations made do not comment on the merits of the case.

RENU PROMOTERS PVT. LTD. VS GOVIND RADHE REAL ESTATE PRIVATE LIMITED & ORS. [CS(COMM)-70/2020]

Judges: Justice Vikas Mahajan

Defendants failed to deposit Rs. 50,00,000/- within the specified time, leading to the plaintiff being entitled to judgment. An application for an extension of time was rejected, as the original order did not allow for further extensions and the defendants showed a lack of diligence in compliance. The plaintiff's application to strike out the defendants' defense was granted, resulting in a decree for recovery of Rs. 2,35,00,000/- with 6% annual interest.

RK GUPTA VS STATE(THR.CBI) [CRL.A.-246/2005]

Judges: Justice Vikas Mahajan

R.K. Gupta and Sanjiv Sharma were acquitted due to insufficient evidence proving the demand for illegal gratification beyond reasonable doubt. The complainant's testimony lacked credibility and was not supported by independent evidence. The charge of criminal conspiracy could not be established as the essential elements were not proven. Consequently, the conviction and sentence for offenses under the Prevention of Corruption Act were set aside.

RKM POWERGEN PVT LTD VS CBI [W.P.(CRL)-2474/2021]

Judges: Justice Vikas Mahajan

The petitioner's writ petition was dismissed as not maintainable due to the Supreme Court's order in Manohar Lal Sharma v. The Principal Secretary and related cases. High Courts cannot entertain writ petitions concerning coal block allocations, with the only available remedy being an approach to the Supreme Court under Article 136. This matter is linked to prior investigations handed over to the CBI for prosecution.

ROHIT KRISHNAN MAHANTA VS STATE [BAIL APPLN.-1868/2023]

Judges: Justice Vikas Mahajan

Rohit Krishnan Mahanta was granted regular bail in a case under Sections 302/307 of the Indian Penal Code. Evidence raised doubts about the prosecution's case due to inconsistencies in witness testimonies, delays in statement recordings, and contradictory medical reports regarding alcohol levels. Mahanta's long incarceration of over 3 years and 9 months, along with his clean record and compliance during interim bail, contributed to the decision. The bail is subject to conditions, with acknowledgment that this outcome does not indicate any opinion on the merits of the case.

SACHIN VS STATE, NCT OF DELHI [BAIL APPLN.-3378/2023]

Judges: Justice Vikas Mahajan

Sachin, accused of murdering Raj Kumar, was granted bail due to the circumstantial nature of the evidence, lack of intent to kill, and the simplicity of the injuries. The offense was assessed as potentially culpable homicide rather than murder. Considering the lengthy trial and Sachin's clean criminal record, bail was provided with conditions to ensure his presence at trial and witness safety.

SANDEEP VS STATE (NCT OF DELHI) [BAIL APPLN.-1566/2024]

Judges: Justice Vikas Mahajan

Bail was granted to petitioner Sandeep due to weaknesses in the prosecution's case, including insufficient medical evidence regarding the use of a knife and doubts about the police investigation and witness statements. The long duration of Sandeep's incarceration, exceeding 7 years without significant trial progress, was also a factor. Bail was granted with strict conditions.

SANJAY JAIN VS ENFORCEMENT DIRECTORATE [BAIL APPLN.-3807/2022]

Judges: Justice Vikas Mahajan

Regular bail was granted to Sanjay Jain in connection with an Enforcement Case Information Report under the Prevention of Money Laundering Act, 2002. The predicate offence registered by the CBI under Sections 120B and 420 IPC was considered weak due to a lack of material evidence showing inflated imports and higher subsidy payments. Statements recorded under Section 50 of the PMLA were reviewed, noting contradictions and inconsistencies relevant to the bail decision. The arrest and bail status of co-accused, including the fact that some had already received bail, were factored into the decision on parity grounds. Jain was deemed not to be a flight risk, had cooperated with the investigation, and had no prior criminal record except for the current case. Observations made are limited to the bail stage and do not affect the trial.

SANJU RANA VS THE STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-4194/2023]

Judges: Justice Vikas Mahajan

The bail application of Sanju Rana was considered in light of serious allegations under Sections 304B, 498A, and 302 IPC related to his wife's death. Contradictory medical opinions on the cause of death raised doubts, warranting the benefit of the doubt at this stage. The accused's custody lasted over 4 years with only 13 out of 41 witnesses examined, contributing to the decision for bail. Additional factors included the accused's clean record, cooperation with the investigation, and delays in the trial. Observations made were solely for the bail decision and did not reflect an opinion on the case's merits.

SANTOSHANAND @ KAVITENDER KUMAR VS STATE OF NCT OF DELHI AND ANR [BAIL APPLN.-1159/2023]

Judges: Justice Vikas Mahajan

Santoshanand @ Kavitender Kumar was granted regular bail in connection with an FIR under Sections 377/506/34 IPC. The decision took into account inconsistencies in the victim's statements and the involvement of other accused persons. Despite the serious nature of the allegations, factors such as delays in trial proceedings, potential false implication, and the petitioner's status as a non-flight risk satisfied the necessary conditions for bail following the framing of charges under the POCSO Act.

SH BHUPENDER VS THE STATE GOVT OF NCT DELHI [BAIL APPLN.-924/2024]

Judges: Justice Vikas Mahajan

Anticipatory bail was granted to Sh. Bhupender, accused of rape under Section 376 IPC based on a false promise of marriage. The allegations suggested that Bhupender initially approached the complainant's family regarding marriage, indicating the relationship was not entirely deceptive from the start. Distinctions were made between a mere breach of promise and a false promise made with no intention to fulfill it. Factors considered included the complainant's age and maturity, Bhupender's clean record, and the absence of a flight risk or threat to witnesses. Bail was granted with certain conditions, with the understanding that these observations were solely for the bail decision and not indicative of the case's merits.

SH. RISHI KUMAR VS STATE & ANR. [TEST.CAS.-78/2021]

Judges: Justice Vikas Mahajan

The petitioner is entitled to letters of administration for the assets of the late Smt. Ratna Devi based on an authenticated copy of her will dated 08.01.2013, which has been proved and probabilized. Section 228 of the Indian Succession Act, 1925 permits the grant of letters of administration without further evidence when the original will is proved and deposited in a competent court. This matter was individual and not part of a batch case.

SH. VENUMBAKA VIJAYA SAI REDDY VS AAMODA PUBLICATIONS PRIVATE LIMITED & ORS. [CS(OS)-623/2024]

Judges: Justice Vikas Mahajan

The plaintiff, a prominent Member of Parliament, presented a prima facie case for an interim injunction against news channels and social media platforms for broadcasting false and defamatory statements. The statements lacked credible evidence and relied on mere rumors, potentially harming the plaintiff's reputation and political career. News channels were instructed to remove identified defamatory content within 10 days, while social media platforms were to do so within 36 hours of the plaintiff's request. The necessity to balance freedom of speech with the right to reputation was acknowledged, affirming that a political figure’s public image should not be damaged by baseless claims.

SHANE HAIDER VS STATE OF NCT OF DELHI THROUGH SHO PS PAHAR GANJ [BAIL APPLN.-466/2024]

Judges: Justice Vikas Mahajan

Anticipatory bail was granted to Shane Haider in connection with an FIR under Sections 376 and 506 of the Indian Penal Code. The allegations did not provide evidence of a false promise of marriage, suggesting instead a possible breach of promise. The complainant, a 25-year-old graduate and working woman, showed maturity and continued the relationship after the petitioner's sister's marriage, indicating consent. The delay of nearly a year in filing the complaint raised doubts about the allegations. Bail was granted with conditions to ensure the petitioner's availability for trial and to prevent witness influence.

SHAYAM SUNDER VS STATE (NCT OF DELHI) [BAIL APPLN.-1712/2023]

Judges: Justice Vikas Mahajan

Shyam Sunder, charged under multiple IPC and IT Act sections, was granted bail due to insufficient evidence for forgery and cheating allegations. The delay of over 6 years in filing the FIR remained unexplained, and the available evidence, including call detail records and bank withdrawals, was deemed inadequate for conviction. Bail was granted with stringent conditions to ensure presence at trial.

SHIVA PANDIT VS THE STATE (GOVT. OF NCT OF DELHI) [BAIL APPLN.-654/2024]
Judges: Justice Vikas Mahajan
Anticipatory bail was granted to Shiva Pandit in connection with an FIR for offenses under IPC sections 307, 323, 341, 506, 34, and section 27 of the Arms Act. Co-accused had received regular bail, the victims' injuries were deemed simple, and Pandit cooperated with the investigation. Bail is contingent upon a bond of Rs 25,000 and continued cooperation with the investigation.

SHRI DHRUV JALAN VS SMT. ROSY GAUR [CRL.M.C.-4122/2024]
Judges: Justice Vikas Mahajan
Petitions filed by Shri Dhruv Jalan were dismissed, affirming the rejection of applications to recall the complainant's witness for cross-examination and to present defense evidence. The Metropolitan Magistrate noted the petitioner's repeated failures to utilize previous opportunities and identified attempts to delay proceedings. The petitioner's conduct in defending the complaint was deemed insufficient, leading to the conclusion that efforts to prolong the matter were evident. This involved multiple petitions challenging similar orders.

SMT MEENAL ARORA VS SH RANU UPPAL [CS(OS)-645/2021]
Judges: Justice Vikas Mahajan
The plaintiff's application to amend the plaint was approved, allowing the challenge to a subsequent will dated 26.12.2016, which the defendant claimed bequeathed all immovable property to them. The amendment was sought at an early stage of the suit, and the plaintiff only became aware of the subsequent will after the defendant's written statement. The amendment was deemed necessary to address the core issue of inheritance concerning the deceased father's estate, ensuring that the nature of the suit remained unchanged and preventing multiple proceedings.

STATE (NCT) OF DELHI VS KARAN SINGH YADAV & ORS [CRL.REV.P.-571/2015]
Judges: Justice Vikas Mahajan
The admissibility of CD and video cassette evidence was affirmed despite the initial absence of the Section 65B certificate, as this certificate was later provided before trial commenced. The provision of the certificate at any stage prior to trial commencement was clarified, allowing for its submission even during trial if it does not cause irreversible prejudice to the accused. The trial court's order discharging the accused was set aside, and the matter was remanded for reconsideration of charge framing in light of the admissible electronic evidence and witness statements.

STATE VS MOHD RASHID [CRL.L.P.-171/2021]
Judges: Justice Vikas Mahajan
The acquittal of the respondent for an offense under Section 8 of the Protection of Children from Sexual Offences Act was upheld based on the trial court's evaluation of evidence. The trial court identified material contradictions in the victim's testimony and the delay in filing the FIR as significant issues. The defense presented a plausible explanation, which aligned with the victim's own statement. The assessment of the trial court's findings was deemed reasonable and did not justify any interference.

SUBHASH SHARMA VS GOVT OF NCT, DLEHI & ORS. [CRL.M.C.-450/2017]
Judges: Justice Vikas Mahajan
Criminal proceedings against the petitioner under Sections 7/13 of the Prevention of Corruption Act, 1988 were quashed due to prior exoneration in similar departmental disciplinary proceedings, where the standard of proof was not met. Continuing the criminal proceedings, which require a higher standard of proof, served no purpose. The FIR and all related criminal proceedings were consequently quashed.

SUNIL KUMAR & ANR VS HARISH CHANDER & ANR [CS(OS)-456/2018]

Judges: Justice Vikas Mahajan

The defendants' written statement is not time-barred despite the non-payment of a one-time process fee upon refiling, as the Registry is responsible for collecting the fee. The defendants have been granted three weeks to rectify this defect and deposit the required fee. The matter has been referred to mediation, considering the plaintiffs' settlement with one defendant and their willingness to settle with the legal representatives of the deceased defendant.

SURENDER SODHI @ SHAMMI VS THE STATE GOVT. OF NCT OF DELHI [BAIL APPLN.-4059/2023]

Judges: Justice Vikas Mahajan

The petitioner's bail application was dismissed due to serious accusations under Sections 307 and 506 of the Indian Penal Code and the Arms Act. Key considerations included the complainant's testimony, the petitioner's history of involvement in other criminal cases, the threat to the complainant and his family, and the risk of evidence tampering if released. There is a significant likelihood of the petitioner committing further serious offenses and potential threats to the complainant's safety if granted bail.

TANNU CHAWLA @ TARUN VS STATE (NCT OF DELHI) [BAIL APPLN.-2331/2023]

Judges: Justice Vikas Mahajan

Tannu Chawla @ Tarun was granted regular bail in a case involving Sections 302/34 IPC and Sections 25/27 of the Arms Act. Concerns arose regarding the prosecution's circumstantial evidence, including doubts about the weapon recovery, the reliability of the "last seen" theory, delays in forensic analysis, absence of independent witnesses, and issues with call detail records. Given the petitioner's extended time in custody and these potential flaws in the evidence, bail was granted with conditions to ensure availability for trial.

TEK TRAVELS PRIVATE LIMITED VS GURSAHIB SINGH SETHI & ORS. [CS(COMM)-440/2021]

Judges: Justice Vikas Mahajan

Defendant nos. 1 and 3 were not granted an extension beyond the 120-day limit to file their written statement, as established by the Delhi High Court (Original Side) Rules, 2018. The 120-day period, consisting of an initial 30 days plus a 90-day extension, is inviolable and cannot be further extended. In contrast, defendant no. 2's delay in filing the written statement was condoned due to the exclusion of the limitation period from March 15, 2020, to February 28, 2022, stemming from the Supreme Court's orders during the COVID-19 pandemic. Consequently, defendant no. 2's filing on February 3, 2022, fell within the revised limitation period.

V HANSPRAKASH VS STATE GOVT OF NCT OF DELHI [BAIL APPLN.-3004/2021]

Judges: Justice Vikas Mahajan

V Hansprakash, accused of fraudulent transfer of mutual fund units worth Rs.344.07 crores, was granted regular bail. The petitioner had not been arrested during the investigation and was taken into custody only after the chargesheet was filed. The claim that the bail application was not maintainable due to interim bail was rejected, as the petitioner was considered in constructive custody during that period. Regular bail was justified by changes in circumstances, including the main accused being granted bail, the recovery of mutual funds returned to the complainant, and the anticipated length of the trial.

VANDANA KAPOOR VS RAJESH KUMAR AGARWAL [CRL.M.C.-433/2021]

Judges: Justice Vikas Mahajan

A criminal miscellaneous petition was allowed, setting aside lower court orders that required the petitioner to pay interim compensation under Section 143A of the Negotiable Instruments Act. The lower courts did not adequately assess the merits of the complainant's case or the accused's defense, nor did they consider relevant factors for determining the quantum of interim compensation. The matter was remanded to the trial court for a fresh decision on the complainant's application under Section 143A, following established legal principles.

VASU SHARMA @ BUNTY VS STATE NCT OF DELHI [BAIL APPLN.-763/2023]

Judges: Justice Vikas Mahajan

Medical evidence does not fully support the prosecution's claims regarding the use of a hand-made knife by the accused, and there are doubts about the recovery of stones allegedly used. The significant number of injuries on the deceased and inadequate guarding of a high-risk inmate raise questions about the prosecution's account. The investigation lacked key elements, including CCTV footage, and a crucial witness's statement appears manipulated. Given the lengthy incarceration, weaknesses in the prosecution's case, and the likelihood of a delayed trial, bail is granted to the petitioner with strict conditions.

VIKAS VS THE STATE GOVT. OF NCT DELHI [BAIL APPLN.-1453/2023]

Judges: Justice Vikas Mahajan

The bail application was dismissed due to a prima facie case against the petitioner for multiple murders and dacoity. The alleged crimes involved the killing of five individuals, significantly impacting societal interests. Incriminating evidence, including circumstantial and forensic evidence along with witness intimidation, indicated the petitioner's involvement. Concerns about the risk of absconding and evidence tampering supported the decision to deny bail, despite the petitioner's long period of incarceration.

VIVEK GAUR VS ARG OUTLIER MEDIA PRIVATE LIMITED AND ORS [CS(OS)-940/2024]

Judges: Justice Vikas Mahajan

The plaintiff established a prima facie case for an ad-interim injunction against the defendants, who published false articles stating the plaintiff was arrested for cheating and declared a proclaimed offender, despite a court's order nullifying that declaration. This dissemination of misleading information posed a significant risk to the plaintiff's reputation. A balance between the defendants' free speech and the plaintiff's reputation was necessary. The defendants were instructed to remove the articles within three weeks, with the plaintiff allowed to approach Google to remove URLs if compliance was not achieved.

YUNUS KHAN VS STATE NCT OF DELHI [BAIL APPLN.-441/2024]

Judges: Justice Vikas Mahajan

The application for bail was dismissed based on the application of Section 37 of the NDPS Act due to the recovery of 760 grams of heroin, classified as commercial quantity. Arguments regarding discrepancies in the sample weight and procedural non-compliance were rejected. The lack of incriminating material connecting the petitioner Yunus Khan with co-accused Imran meant their recoveries could not be combined. The petitioner failed to meet the required conditions for bail, and the statements made were solely related to the bail application, not the merits of the case.

COUNTRYWIDE PROMOTERS PVT. LTD. VS COMMISSIONER OF INCOME TAX (TDS)-1, DELHI & ANR. [W.P.(C)-5319/2021]

Judges: Justice Yashwant Varma

Payments made by writ petitioners to the Haryana Shahari Vikas Pradhikaran (HSVP) for external development charges (EDC) fall under Section 194C of the Income Tax Act, 1961. An arrangement exists between HSVP and the Government of Haryana for HSVP to perform external development works, establishing a "contract" as defined in Section 194C, despite the lack of a formal written contract. The argument that payments were to the Government and thus exempt under Section 196 was rejected, along with the claim that HSVP qualifies as a "local authority" exempt under Section 10(20). HSVP is considered a distinct legal entity from the Government and does not meet the definition of a "local authority." Final orders under Sections 201 and 271C are set aside, allowing for reconsideration of proceedings based on established principles, including rulings in Eli Lilly, Singapore Airlines, and American Express regarding interest and penalty levies.

AIRPORTS AUTHORITY OF INDIA VS MUMBAI INTERNATIONAL AIRPORT LIMITED [O.M.P. (COMM)-18/2023]

Judges: Justice Yashwant Varma

The Majority Arbitral Tribunal's interpretation of "Revenue" under the OMDA permitted the JVCs to exclude specific costs, such as those for aeronautical assets, from the calculation of the Annual Fee payable to AAI. Additionally, "Other Income" generated by the JVCs was ruled not to be part of the "Revenue" subject to revenue-sharing with AAI. The decision to refer quantification exercises to an Independent Auditor was deemed permissible, not constituting an impermissible delegation of adjudicatory functions. The Majority Opinion influenced the outcome in the petitions involving AAI against awards for the Delhi and Mumbai airport JVCs (DIAL and MIAL).

RAJAN TEWARI VS DURGESH KUMAR PATHAK & ANR. [EL.PET.-1/2022]

Judges: Justice Yashwant Varma

The election petition challenging the first respondent's election on grounds of non-disclosure of criminal antecedents, holding an office of profit, non-disclosure of ITR for FY 2019-20, and overestimation of shareholding value cannot be summarily rejected. There is merit in the allegations regarding office of profit, ITR disclosure, and shareholding value, while the non-disclosure of an FIR is considered a triable issue. The application for rejection of the election petition was dismissed, preserving the rights and contentions of the parties for trial.

AJAY GAUTAM VS UNION OF INDIA THROUGH CHIEF EXECUTIVE OFFICER FSSAI & ORS. [W.P.(C)-4220/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The PIL filed by Ajay Gautam to direct the FSSAI to file a complaint and the SHO to register an FIR against Jagdish Ice Factory Pvt. Ltd. and Al Zubair Foods for handling seized camel meat was dismissed. The FSSAI had already sealed the factory's premises and was considering criminal prosecution, while the matter was also under consideration in a separate writ petition. The petitioner was advised that an application under Section 156(3) of the CrPC could be filed, making the PIL unnecessary.

AJAY KUMAR HUF & ORS. VS VINAY KUMAR HUF & ORS. [FAO(OS)-78/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The appeal by Ajay Kumar HUF & Ors. was dismissed due to their failure to file a written statement within the designated timeframe. Summons were served on 10th December 2021, with a 120-day deadline extended to 30th May 2022 because of the COVID-19 pandemic. The appellants did not submit the written statement by this extended deadline, and the argument claiming a four-day delay was countered by the need to include the vacation period in the delay calculation. Further extension of the limitation period set by the Supreme Court was not permitted.

AJAY SHUKLA VS UNION OF INDIA & ORS. [W.P.(C)-1953/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The writ petition filed as a public interest litigation was dismissed as not maintainable due to the petitioner's failure to disclose a previously filed and dismissed identical petition. The principle of constructive res judicata applied, as the unconditional withdrawal of the earlier petition prevented the current filing on the same cause of action despite an additional allegation of damage to reputation.

ALL INDIA INSTITUTE OF MEDICAL SCIENCES VS RAVI KUMAR [LPA-232/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The requirement for OBC-NCL certificates in the AIIMS prospectus to be issued between November 6, 2022, and November 5, 2023, was deemed arbitrary and lacking rational connection to reservation purposes. The respondent's OBC-NCL certificate dated November 23, 2023, was considered valid, certifying eligibility for the entire relevant financial year.

AMARJEET GUPTA VS ELECTION COMMISSION OF INDIA & ORS. [W.P.(C)-6076/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The public interest litigation challenging the arrest of the National Convener of the Aam Admi Party (AAP) was dismissed as not maintainable, since the arrested individual could directly approach the court. Requests to direct the government to provide arrest information to the Election Commission of India (ECI) during the Model Code of Conduct and to establish a mechanism for under-trial political leaders to campaign virtually were rejected as legislative in nature and beyond the scope of judicial review. The petition was deemed frivolous and likely filed for publicity.

AMIT SAHNI VS UNION OF INDIA AND ANR [W.P.(C)-8845/2016]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

Two public interest litigation petitions seeking guidelines to cap airfares charged by private airlines were dismissed. The existing legal framework under the Aircraft Rules, 1937 is considered adequate to address any violations, and the petitioners did not provide sufficient evidence of overcharging. The dynamic pricing model in the aviation sector, established since the 1994 deregulation, does not warrant intervention to regulate airfares.

ANIL KUMAR SOLE PROPRIETOR VS NATIONAL HIGHWAYS LOGISTICS MANAGMENT LTD [W.P.(C)-3465/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The writ petition by Anil Kumar, sole proprietor of A.K. and Company, challenging the rejection of his bid during the technical evaluation stage of a tender was dismissed. The rejection was based on the submission of a common bank guarantee by both Anil Kumar and another bidder, which violated the express terms of the tender notice. The decision to reject both bids was deemed justified, and the issue regarding Anil Kumar's involvement in the use of the same bank guarantee by the other bidder was identified as a disputed question of fact not suitable for determination in this petition.

APEEJAY EDUCATION SOCIETY REGD. & ANR. VS MUNICIPAL CORPORATION OF DELHI THROUGH ITS COMMISSIONER & ORS. [LPA-78/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The appeal against the order denying an interim stay on the construction of a Fixed Compactor Transport Station (FCTS) next to a school was dismissed. The construction complies with Solid Waste Management Rules and Bye-Laws, and is deemed more hygienic and environmentally friendly than the current open dumping site. The present case differs from a previous one involving construction within school premises, allowing the parties to present their submissions before a Single Judge.

ASHOK SINGH & ANR. VS BANK OF INDIA & ORS. [W.P.(C)-3195/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The proceedings initiated by the Bank of India against the petitioners concerning their flat are invalid. The bank's application under the SARFAESI Act is withdrawn, and the order from the Magistrate's Court is quashed. The bank is prohibited from claiming any relief regarding the flat until the criminal court issues a judgment on the FIR filed by the petitioners, which alleges forgery and fraud in the loan transaction. The main legal issues are resolved in favor of the petitioners without disagreement among the judges.

BS RAJESH AGRAJIT VS UNION OF INDIA AND ORS [W.P.(C)-48/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The writ petition was dismissed, stating that the Returning Officer lacks the authority to disqualify members from voting and contesting elections for the SCBA Co-operative Society due to non-payment of annual subscription fees. The demand for Rs. 400 in annual fees and the suspension of voting rights were not supported by a valid board resolution. A previous order from 2018 indicated that no subsequent resolution had been enacted to establish non-payment as a disqualification for voting. Additionally, the elections were already scheduled, and interference with the election process at this stage was deemed inappropriate.

CENTRE FOR EDUCATION ON CRIME PREVENTION SOCIAL AND CULTURAL NGO THROUGH ITS PRESIDENT SOUTH EAST DISTRICT AFTAB KHAN VS COMMISSIONER MCD & ORS. [W.P.(C)-4730/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

An NGO filed a writ petition regarding illegal construction on certain land. The Municipal Corporation of Delhi (MCD) reported that it issued a Work Stop Notice and directed the disconnection of electricity and water supply to the premises, with plans for a demolition order within a specified timeframe. The Delhi Police committed to providing necessary support for the demolition. Utility agencies were directed to implement the MCD's disconnection orders. Compliance affidavit from the MCD is required within a specified time.

CHANDRA PRAKASH SHARMA VS NATIONAL HIGHWAYS LOGISTICS MANAGEMENT LTD [W.P.(C)-4592/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The respondent's technical report disqualifying the petitioner's bid in a tender process was quashed as arbitrary and irrational. There is no legal distinction between a sole proprietorship and the individual proprietor; thus, the proprietor's net worth is relevant for the tender. The price bid from the petitioner must be opened and considered alongside other qualified bids.

CHHAVI AGGARWAL & ANR VS DELHI DEVELOPMENT AUTHORITY [LPA-171/2019]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The Appellants are entitled to allotment of their flats at the price effective on the date of filing the writ petitions, rather than the date of allotment. Delay in allotment was attributed to the actions of the Delhi Development Authority, and the Appellants should not face penalties for delays in adjudication. Payment of 6% simple interest per annum on the principal amount is required from the date of filing until full payment.

COURT ON ITS OWN MOTION VS GOVT OF NCT OF DELHI AND ORS. [W.P.(C)-13293/2023]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

A newspaper report on security lapses at college festivals was deemed sufficient to address public interest. The Delhi Police was instructed to develop a Standard Operating Procedure (SOP) in collaboration with universities and colleges to enhance safety for students, particularly females, at these events. The SOP prepared by the Delhi Police was reviewed, and commitments were made by Delhi University, IIT Delhi, and GGSIPU to adhere to it. The matter was concluded with the option for future revisions of the SOP by mutual consent.

COURT ON ITS OWN MOTION VS UNION OF INDIA AND ORS [W.P.(C)-8548/2017]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The lack of medical infrastructure, equipment, and manpower in Delhi's government hospitals has led to critical incidents affecting patient care. A committee of expert medical professionals has been formed to examine these issues and provide recommendations for optimizing resources, establishing a centralized control room for bed availability, ensuring adequate infrastructure and manpower, and reducing the burden on referral hospitals. The focus is on addressing inter-departmental disagreements and improving the public healthcare system through consensus-building and actionable recommendations.

DEEPAK SINGH VS MS GURBANI SINGH & ANR. [FAO(OS)-51/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

An interim order was upheld, directing the defendant to pay R.S. 15,000 per month to the plaintiffs from the rent collected on disputed property. The admission by the defendant regarding a R.S. 50,000 monthly rent justified the interim payment, despite ongoing disputes over ownership. The plaintiffs, grandchildren of the late property owner, faced financial hardship, while the defendant controlled all disputed properties. The payment arrangement was seen as fair and reasonable pending the suit's conclusion.

DELHI BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE BOARD VS GEETA [LPA-228/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The death and funeral claims of a deceased building worker's spouse were approved. Section 17 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 allows for posthumous renewal of a worker's registration by their spouse or representative, with the Board having the authority to restore the registration upon payment of arrears. Acknowledgment of administrative challenges faced by beneficiaries during 2018-2020 supported the spouse's claims. The spouse was directed to pay contribution arrears for the period 2018-2021 within four weeks.

DIN BANDHU DASS VS INDIAN INSTITUTE OF TECHNOLOGY DELHI [W.P.(C)-2634/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The eligibility criteria set by IIT Delhi for running a commercial eating outlet on its campus were upheld. The requirement of an annual average turnover of Rs. 12 crores for the last three financial years was justified based on past experiences with a previous contractor who failed to maintain food quality and hygiene standards. IIT was deemed best positioned to establish the requirements necessary for ensuring a financially robust operator capable of serving over 17,000 students and staff. The criteria were considered neither arbitrary nor irrational.

ELEVENTURE SYSTEMS AND SERVICES PRIVATE LIMITED VS GAIL GAS LIMITED [W.P.(C)-2338/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The writ petition by Eleventure Systems and Services Private Limited challenging the refloating of the tender by GAIL Gas Limited was dismissed. The petitioner failed to disclose its participation in the refloated tender on January 5, 2024, without protest. Its unqualified participation and delay in filing indicated an intent to disrupt the tendering process. The rejection of the petitioner's bid in the first tender was deemed valid due to pricing being 44% and 40% higher than the in-house estimates for Parts A and B, respectively. This decision aimed to ensure competitive pricing and public financial prudence was not deemed arbitrary or irrational. The deletion of the EMD condition in the refloated tender was recognized as a reasonable measure to foster broader participation.

GOLDEN NETSOFT PVT LTD VS HDFC BANK LTD AND ORS [W.P.(C)-4344/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The Debts Recovery Appellate Tribunal (DRAT) correctly calculated the pre-deposit amount under Section 18(1) of the SARFAESI Act based on the outstanding demand of Rs. 14.06 crores as of 21 October 2022, rather than the initial demand of Rs. 6.26 crores from 2015. The "debt due" includes interest liability, and there were no grounds to challenge the DRAT's discretion in reducing the pre-deposit requirement from 50% to Rs. 6 crores. The writ petition by Golden Netsoft Pvt Ltd was dismissed.

HARI PARVAT FINANCIAL ADVISORS AND CONSULTANTS PRIVATE LIMITED VS OFFICE OF THE COLLECTOR OF STAMPS, CHANAKYAPURI GOVERNMENT OF NCT OF DELHI [LPA-383/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

Hari Parvat Financial Advisors and Consultants Private Limited appealed against an order from the Collector of Stamps requiring payment of Rs. 1,00,20,167/- in stamp duty and penalties. The appellant contended that the Collector lacked jurisdiction for such an order, claiming the power under Section 31 of the Indian Stamp Act is advisory and not for impounding documents. The amount required for a pre-condition stay was reduced from 50% to 25% of the total demand.

JASMINE KAUR CHHABRA VS UNION OF INDIA & ORS. [W.P.(C)-2997/2021]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

Government authorities have taken satisfactory steps to construct separate public toilets for transgender/third gender persons, complying with a previous Supreme Court judgment. Status and action taken reports detail the progress in creating these facilities, and the authorities are bound by the commitments made in those reports. The public interest petition was closed after confirming that the government's actions were compliant with the law.

JEETU KANWAR VS UNION OF INDIA & ORS. [LPA-309/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The renewal of the appellant's International Paralympic Committee (IPC) license card is a ministerial act required upon payment of the necessary fees, without discretion involved. Due to concerns about potential disqualification from qualifying events for the Paris 2024 Paralympics, a decision on the IPC license card must be made by April 23, 2024. Rights and contentions of all parties remain open as this is part of a broader matter.

K N GOVINDACHARYA VS UNION OF INDIA & ORS [W.P.(C)-2705/2020]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The public interest litigation (PIL) seeking the disclosure of designated officers of internet intermediaries under the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 was dismissed. The appointed officers are intended to interact with government officials, not the public, so there is no legal requirement for their details to be made public. Additionally, the recently introduced Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 offer a sufficient grievance redressal mechanism, addressing the concerns raised in the PIL. As a result, the relief sought did not warrant further consideration.

KAILASH MEHENDIRATTA VS CENTRAL BANK OF INDIA & ORS. [W.P.(C)-2161/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The writ petition was dismissed, confirming that the petitioner had no enforceable legal interest in the property due to unregistered agreements to sell being inadmissible. The petitioner failed to deposit the required sale consideration of Rs. 2.15 crore and the respondent bank held a valid, registered mortgage over the property. The claim of physical possession by the petitioner could not be substantiated as the unregistered second agreement to sell did not protect possession rights. Consequently, the concurrent findings of the Debt Recovery Tribunal and the Debt Recovery Appellate Tribunal were upheld.

KARAN S THUKRAL VS THE DISTRICT & SESSIONS JUDGE & ORS [W.P.(C)-6082/2019]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

A Public Interest Litigation filed by Karan S Thukral led to directives for the district courts in Delhi to implement a centralized filing system and mandatory e-filing in certain areas, addressing non-registration of interim applications. There is a push for the expeditious digitization and weeding out of records, with established timelines and supervisory committees. Certified copies of records must be made available as per rules, regardless of their status in record rooms. Certain issues, including criteria for petty cases and cases of historical significance, were referred for further consultation with Principal District and Sessions Judges.

KOTAK MAHINDRA BANK LIMITED VS SHANKHAJIT PARMANIK AND ORS [W.P.(C)-15547/2023]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

Kotak Mahindra Bank Limited challenged an order from the Debt Recovery Tribunal (DRT-1) that prevented the bank from taking physical possession of a property. The loan account of the principal borrower was classified as a Non-Performing Asset, leading the bank to initiate recovery proceedings under the SARFAESI Act. Although the borrower expressed interest in settling the dispute and purchasing the property, no substantial efforts were made, and only a minimal amount was deposited to maintain the stay order. The hearing for the main appeal was advanced to 22nd January 2024, and the DRT-II was instructed to resolve the appeal promptly, ideally within two months, while preserving the rights and arguments of all parties involved.

M/S J.R. INTERNATIONAL & ORS VS PUNJAB & SIND BANK & ANR [W.P.(C)-3370/2016]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The consent decree dated August 3, 1994 is valid and binding, as all parties freely consented to the settlement. The jurisdiction over the civil suit filed in 1992 is affirmed, and the establishment of DRT-I in 1994 does not negate the decree's validity. Challenges to the decree by the petitioners are barred under relevant legal provisions. Claims that the consent decree is null due to Section 18 of the RDB Act are incorrect, as certain actions between banks and borrowers can still be entertained in civil courts. The execution proceedings transfer to DRT in 2012 is final and cannot be contested. The petition is dismissed due to the petitioners' admitted liability and reluctance to fulfill it, with no valid grounds presented for equitable relief.

M/S PRACHI INFRA AND ROADS PVT. LTD. VS M/S KANTI PRASHAD MITTAL & ORS. [LPA-195/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The appeal by M/s Prachi Infra and Roads Pvt Ltd was dismissed regarding the direction for a CBI enquiry into the sub-contracting of project work. Disputed facts about the appellant's engagement and work execution were noted, with the Chief Engineer's opinion indicating a violation of the contract agreement. The CBI was directed to investigate further, with neither party allowed to rely on experience from the performance of the contract, as this will be examined during the enquiry.

M/S R.K ENTERPRISES VS GAIL GAS LIMITED [W.P.(C)-2683/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

M/s R.K. Enterprises, a partnership firm established by the former proprietor of RKE Proprietorship and his family, justifiably relied on the prior firm's credentials in its tender bid. No evidence of concealment or misrepresentation was found, and the continued use of the proprietorship firm's bank account was adequately explained. GAIL Gas Limited is directed to consider the bid without regard to a previously unjustified termination order. The new tender remains valid as the petitioner has already participated in it.

M/S SUNSHINE CATERERS PRIVATE LIMITED VS UNION OF INDIA THROUGH MINISTRY OF RAILWAYS & ANR. [W.P.(C)-4628/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The decision of IRCTC to reject Sunshine Caterers Private Limited's bid for onboard catering services was upheld. The chartered accountant's information in the required annexures was not correctly reflected in the corresponding UDIN certificates from the ICAI website. The disqualification of the bid was based on a criterion applied uniformly to all bidders. The writ petition from the petitioner was dismissed.

M/S. PARDARSHI VS UNION OF INDIA THROUGH SECRETARY MINISTRY OF COMMERCE AND INDUSTRY & ORS. [W.P.(C)-13696/2023]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The petition from a start-up challenging tender bid conditions issued by the Director General of National Cadet Corps on the government e-marketplace was dismissed. Start-ups are exempt from the 'Bidder Turnover' and 'Experience Criteria' but must meet the 'Past Performance' criteria. The disqualification of the petitioner's bid for failing to satisfy the 'Past Performance' requirement was upheld.

MANISH RACHHOY A VS KAMAL KANT RACHHOYA [FAO(OS)-11/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The fees of Rs. 7.5 lakhs for the Local Commissioner in a civil suit were deemed exorbitant and unreasonable, as the standard fees range from Rs. 1.5 to 2 lakhs. Considering the appellant's status as a salaried employee in the UK, the fees were adjusted to Rs. 2 lakhs.

MANJRI CHOUDHARY VS UNION OF INDIA & ORS. [LPA-289/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The condition requiring Manjri Choudhary to provide a cash security or bank transfer of Rs. 10 Lakhs to Bank of Baroda for her travel abroad from March 22, 2024, to April 28, 2024, was upheld. This condition was deemed reasonable due to the significant financial debt and the appellant's ongoing criminal proceedings with other consortium banks. Additionally, her lack of urgency in complying with earlier conditions contradicted her initial requests, leading to the dismissal of the appeal.

MEENAKSHI GUPTA AND ANR . VS THE STATE AND ORS [FAO(OS)-68/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The appeal was dismissed, confirming the probate of the will. The will specifies that sale proceeds will be divided among seven persons, with distinct allocations for the nephews and niece, indicating an intention for individual shares rather than a joint share. The interpretation of the will was deemed correct, with no grounds for interference in the order.

MR SUNNY GAUR VS UNION OF INDIA (MINISTRY OF HOME AFFAIRS) & ANR. [LPA-310/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

Mr. Sunny Gaur's appeal against the condition requiring him to provide a bank guarantee or FDR of Rs. 5 crores to travel abroad from April 9 to May 1, 2024, was dismissed. The condition was deemed reasonable due to the appellant's prior compliance with similar requirements and sufficient means demonstrated through his travel itinerary and hotel bookings. Concerns about the genuineness of his current travel plans arose from his previous failure to undertake travel as permitted. No merit was found in the challenge to the condition.

MRS MAMTA KUMARI & ANR. VS UNION OF INDIA THROUGH SECRETARY & ORS. [W.P.(C)-7565/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The petitioners, a married couple, initiated IVF treatment before the Assisted Reproductive Technology (Regulation) Act, 2021 came into effect. The age restriction under Section 21(g) of the ART Act will not adversely affect them. Previous judgments support that couples who started IVF before the Act's enforcement can continue their treatment. Interim relief was granted, allowing the petitioners to obtain an eligibility certificate to proceed with their IVF process using embryos already created, provided they meet other conditions under the ART Act and applicable laws. Further consideration is set for July 30, 2024.

MS BAJAJ HEALTHCARE LTD VS UNION OF INDIA AND ANR. [W.P.(C)-12013/2023]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

M/s Bajaj Healthcare Ltd. challenged the eligibility criteria in a tender issued by the Employee State Insurance Corporation (ESIC). The amendments to the turnover criteria were found to be justified, with the exclusion of API/bulk drugs from turnover calculations properly explained. The adjustments aimed to encourage wider participation in the tender process. The petitioner did not demonstrate that the revised criteria were contrary to public interest. The tender conditions remained unchanged.

MUKESH SAINI VS MADAN LAL SAINI SINCE DECEASED THR LRS AND ORS [FAO(OS)-18/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The appeal was dismissed due to the finality of previous orders permitting the sale of disputed property to prospective purchasers, with the current appeal barred by res judicata. The appellant lacks the financial means to buy out the other co-owners and is perceived to be seeking a more favorable financial arrangement, constituting an abuse of the legal process. The matter involved multiple litigations concerning the same issue.

NAAM TAMILAR KATCHI THROUGH ITS PRESIDENT VS ELECTION COMMISSION OF INDIA & ANR. [W.P.(C)-3162/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The writ petition filed by Naam Tamilar Katchi (NTK) challenging the Election Commission of India's allotment of the "Ganna Kisan" election symbol to another party was dismissed. The allotment followed the "first-come-first-served" principle under the Election Symbols Order, which NTK had previously benefited from. Arguments regarding the Order's provisions being arbitrary and violating Article 14 of the Constitution were dismissed. The petitioner was aware of the application process and timeline.

NATIONAL CAMPAIGN COMMITTEE FOR CENTRAL LEGISLATION ON CONSTRUCTION LABOUR VS DELHI BUILDING AND OTHER CONSTRUCTION WORKERS BOARD [W.P.(C)-2130/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The interpretation of Section 17 of the Building and Other Construction Workers Act, 1996 by the Delhi Building and Other Construction Workers Welfare Board was deemed incorrect. Workers are entitled to benefits for one year after their registration renewal is due, regardless of contribution payment. Eligibility for benefits under Section 14(1) requires at least 90 days of work in a year. The Board must re-consider all previously rejected or cancelled welfare claim applications in line with this interpretation.

PREETI SINGH VS NATIONAL MEDICAL COMMISSION & ORS. [LPA-374/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The eligibility certificate granted to the appellant by the National Medical Commission (NMC) in 2014 for pursuing an MBBS course abroad was revoked due to her failure in Biology in Class 12, a fact she did not disclose in her application. The concealment of this information was deemed sufficient grounds for cancellation under the applicable regulations. The appeal was dismissed.

PRIMATEL FIBCOM LTD VS INDIAN OIL CORPORATION LIMITED & ORS. [W.P.(C)-8220/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

Primatel Fibcom Ltd's petition challenging the tender award by Indian Oil Corporation Ltd to Commtel Networks Pvt Ltd was dismissed due to lack of standing, as Primatel did not participate in the tender process. The decision was influenced by the principle that only participants in the tender can raise grievances. Additionally, the delay in filing the petition and the progress already made on the awarded contract were factors against interference. The issue of territorial jurisdiction was not addressed.

RAHUL ANIL AHUJA VS GURCHARAN DHAWAN AND ORS [W.P.(C)-42/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The petitioner may participate in the auction for the subject property on 22.03.2024, provided he admits liability to pay rent, clears rent arrears, undertakes to pay future rent, withdraws challenges to the DRT's orders, makes the property available for inspection, and vacates the property within 48 hours after the auction unless declared the successful bidder.

RUCHI GOYAL VS GOVT. OF NCT OF DELHI & ANR. [W.P.(C)-161/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The decision of the Respondent (DSIIDC) to cancel the e-auction and re-auction the plot was upheld. The Respondent deemed the Petitioner's bid, though the highest, to be insufficiently competitive as it was significantly lower than the average price for similar plots in the area. The Respondent had reserved the right in the NIT to cancel the e-auction if the highest bid was not considered competitive. The Petitioner's writ petition was dismissed, as the Respondent's decision was found to be reasonable.

S. RAMACHANDRUDU VS UNION OF INDIA & ORS. [LPA-194/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The appellant's Food Plaza unit qualifies as a 'Major Unit' under the Catering Policy, 2010, which does not allow for a right of renewal for such units. The Supreme Court's prior ruling related only to 'General Minor Units' and 'Special Minor Units,' not extending to Major Units. Additionally, the Supreme Court has stayed a Patna High Court judgment that granted renewal rights to Major Units. Consequently, the appellant's appeal for an extension of its license beyond the 12-year term was dismissed.

S.P ENTERPRISES VS NATIONAL HIGHWAY AUTHORITY OF INDIA & ORS. [W.P.(C)-13060/2022]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The decision of the National Highway Authority of India to award the tender to Respondent No. 2 was upheld. The non-disclosure of a civil suit involving Respondent No. 2 and a private party was not considered suppression under the tender conditions, as the disclosure requirement focused on litigation with authorities. The argument that bids from Respondent Nos. 2 and 3 should be disqualified for submitting multiple bids was rejected; the tendering authority has discretion in interpreting conditions, and related directors do not automatically lead to disqualification. No mala fide or perversity was identified in the decision. The writ petition was dismissed.

SAMYAK PROJECTS PRIVATE LIMITED VS ANSAL HOUSING LIMITED [FAO(OS)-77/2023]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The suit for debt recovery is not barred by limitation. The deposit of TDS by the appellant on September 30, 2015 is considered 'income received' by the respondent under the Income Tax Act, extending the limitation period as per Section 19 of the Limitation Act. The argument that the TDS payment was for a separate transaction was rejected because it was not raised in the appellant's application for leave to defend.

SANKALP RECREATION PVT LTD VS UNION OF INDIA THROUGH MINISTRY OF RAILWAYS AND ANR [W.P.(C)-5164/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The "Mandatory Criteria" instructions in the tender document applied only to entries at Serial Nos. 6 and 7. The requirement for witness signatures on the Integrity Pact did not serve as a valid reason for disqualifying the successful bidder, as the tender document did not require such signatures. Allowing the successful bidder to rectify missing witness signatures did not violate principles of equality, given that another bid was disqualified for non-compliance with the Mandatory Criteria. The writ petition was dismissed.

SARVESH VS ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ORS. [W.P.(C)-5188/2014]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

A committee's recommendations to improve the medical system for financial assistance have been accepted. Key suggestions include upgrading hospital websites for real-time information on available resources, appointing nodal officers in public hospitals, establishing a single-window mechanism for patient convenience, developing software for expedited processes and transparency, fixing equipment rates through government procurement, encouraging hospitals to expedite emergency treatment approvals, and training staff to enhance communication and create a patient-friendly environment. The Chief Secretary of the GNCTD is tasked with implementing these recommendations and providing an action taken report.

SHAH CATERS VS JAG PRAVESH CHANDRA HOSPITAL & ANR. [W.P.(C)-4682/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

A writ petition by Shah Caters sought the award of a food kiosk contract from Jag Pravesh Chandra Hospital, which mistakenly classified the petitioner as the lowest bidder instead of the highest bidder in the tender process. In a similar previous case, necessary corrections were mandated regarding classification. The hospital is directed to evaluate the petitioner's representation with a reasoned order, following the precedent established in the earlier case.

SHAILENDRA VS DEPUTY DIRECTOR (LM) (SOUTH ZONE-II) & ANR. [W.P.(C)-4505/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

Acquisition proceedings for the subject land under the Land Acquisition Act, 1894 have been upheld, attaining finality. The request to recall or stay the order directing the Land Acquisition Collector to hand over possession of the land to the Delhi Development Authority was rejected. Previous judgments confirm that a landowner cannot seek denotification of land under Section 48 after the validity of acquisition proceedings is upheld.

SHAMMI CHADHA VS MUNICIPAL CORPORATION OF DELHI & ANR. [LPA-83/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The appeal challenging the demolition order for the property at B-153, Gandhi Vihar, Delhi-110009 was dismissed. The property was deemed constructed illegally without necessary permissions from authorities. The argument citing equal protection under Article 14 was rejected, as unlawful acts cannot be excused based on the actions of others. Claims of a violation of natural justice were dismissed since the property was confirmed as unauthorized construction.

SHANTI DEVI PRIVATE ITI VS DIRECTORATE GENERAL OF TRAINING & ANR. [LPA-82/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The Directorate General of Training (DGT) rejected the appellant's application for a Multi Skill Training Institute (MSTI) in Tharthari block because the appellant did not prove that the block was unserved, given the presence of an existing ITI (Sai Private ITI) in the area. The argument that the DGT should determine whether a block is served or unserved was dismissed, emphasizing that the appellant should have known about the existing ITI before applying. Thus, the application was deemed not maintainable under the MSTI scheme, which is designated for unserved blocks.

SHEETAL DHARIWAL VS UNION OF INDIA & ORS. [W.P.(C)-6039/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

A public interest petition by Sheetal Dhariwal addressed non-compliance with Regulation 2.3.4 of the Food Safety and Standards Regulations, which bans tobacco and nicotine in food products like pan masala. The Food Safety and Standards Authority of India (FSSAI) committed to considering the petitioner's representation, ensuring an opportunity for a hearing, and agreed to decide the matter within six weeks. All parties retain their rights and contentions.

SHIVI CHOPRA & ORS. VS REGISTRAR COOPERATIVE SOCIETIES & ORS. [W.P.(C)-5882/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The writ petition challenging the Financial Commissioner's order rejecting the restoration application was dismissed. The petitioners demonstrated a lackadaisical approach by not bringing the legal representatives of a deceased petitioner on record for over 10 years, despite several opportunities. The dismissal of the revision petition for non-pursuance and the restoration application was justified, and the challenge to the original expulsion order from 1980 was barred by delay and laches, being raised after 30 years.

SHRI ARUN SANKHWAL VS SHRI ANOOP GUPTA & ANR. [FAO(OS)-22/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The application for restoration of the suit was allowed, but the directions to restore the defendant's earlier application for interest on the sale consideration were set aside, as that order had attained finality. Additional evidence on the interest issue was permitted, contingent on the defendants paying Rs. 30,000 to the plaintiff for the delay. The matter has been pending since 2008. Since the surviving claim is below the High Court's pecuniary jurisdiction, the suit will be transferred to the district court for trial from the stage of recording evidence by the defendants.

SINDHI SANGAT VS UNION OF INDIA AND ANR [LPA-431/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The appeal by Sindhi Sangat NGO was dismissed, indicating that the Union of India and Doordarshan are not legally required to establish a dedicated 24-hour Sindhi language channel. Broadcasting Sindhi language programs on regional channels serving Sindhi-speaking populations is considered reasonable and meets statutory obligations under the Prasar Bharati Act. The decision against launching a full-time Sindhi channel is based on justifiable distinctions and aligns with the objectives of the Act, warranting no judicial interference.

SMT PHOOLWATI (DECEASED) THROUGH LRS AND ORS VS SHRI DEVINDER SINGH AND ORS [FAO(OS)-35/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The appeal under Section 10 of the Delhi High Court Act, 1966, is not maintainable as the order dismissing the application for pronouncement of judgment is an interlocutory order, not a 'judgment' per the Supreme Court's criteria. The application under Chapter IX Rule 6 of the Delhi High Court Rules, 2018, is inappropriate since it should be filed early in the suit, not four years after issue framing. The fresh application is barred by the principle of re-litigation, given that a previously identical application had already been dismissed. The appeal is dismissed.

SOCIAL JURIST, A CIVIL RIGHTS GROUP VS GOVERNMENT OF NCT OF DELHI [W.P.(C)-13436/2022]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

Conditions in government schools of the North East District of Delhi were examined, revealing issues such as lack of infrastructure, overcrowding, shortage of classrooms, incomplete renovations, and insufficient provision of basic materials like books and writing tools. The Secretary (Education) is required to submit a detailed affidavit addressing these concerns, assign responsibility to negligent officials, and ensure timely provision of essential materials and furniture to all students, with no funding shortages reported.

SOCIAL JURIST, A CIVIL RIGHTS GROUP VS GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-888/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

Students in Delhi government and municipal schools are entitled to free textbooks, writing materials, and uniforms under the Right to Education Act and Delhi rules. Many students are denied these benefits due to the lack of bank accounts and the non-formation of the Standing Committee in the Municipal Corporation of Delhi (MCD). The absence of the Chief Minister does not impede students' entitlements. The Commissioner of MCD is directed to provide these benefits without being limited by the expenditure cap of Rs. 5 crores, within the scope of a statutory audit. There is a conflict between the Delhi government and MCD regarding financial delegation for contracts, with the government desiring MCD House approval, which is deemed impractical. A related petition addresses the issue of non-provision of free educational resources in Delhi government schools.

SUBNAM GUPTA (SABNAM GUPTA) VS UNION OF INDIA & ORS. [LPA-295/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The appeal was allowed, setting aside the previous dismissals of the writ petition. The 1986 order by the SDM vesting the property in the Gaon Sabha under the Delhi Land Reforms Act was deemed valid as it predated the area's urbanization in 2017. The Financial Commissioner was directed to expeditiously hear the appellant's challenge to the 1986 order, affirming the appellant's right to do so despite the area's urban status. No opinion on the appeal's merits was provided.

SUDHIR BIDHURI VS DELHI DEVELOPMENT AUTHORITY & ORS. [W.P.(C)-6721/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The public interest petition was dismissed as no illegal or unauthorized construction was occurring on the property in question. The letters cited by the petitioner referred to a different property. The claims were deemed to lack merit and appeared motivated by an old rivalry between the families of the petitioner and respondent no.4.

SUNAYANA SIBAL & ORS. VS GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-13236/2022]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The Delhi High Court addressed issues regarding dairy colonies in Delhi, highlighting widespread non-compliance by dairy owners with licensing and regulatory requirements, as well as unsanitary conditions. Extensive directions were issued for compliance with laws, including obtaining statutory licenses, operational veterinary hospitals, installing bio-gas plants, improving waste management, testing milk products, and addressing the use of spurious hormones. Consideration was given to relocating dairy colonies from landfill sites, and a pilot project was initiated in Madanpur Khadar to develop a model compliant colony. A detailed roadmap was requested for the future of the nine dairy colonies, emphasizing the need for public health and animal welfare improvements.

SUNIL KUMAR ALEDIA VS DELHI URBAN SHELTER IMPROVEMENT BOARD & ORS. [W.P.(C)-5306/2024]
Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora
Electricity supply to a homeless shelter in Delhi was ordered to be restored following the clearance of outstanding bills. The DUSIB committed to providing basic facilities such as beds, mattresses, blankets, and drinking water to the shelter's inmates.

SURJIT SINGH YADAV VS UNION OF INDIA AND ORS [W.P.(C)-4642/2024]
Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora
The writ petition filed by Surjit Singh Yadav sought to restrain Arvind Kejriwal from issuing any orders while in the custody of the Directorate of Enforcement. The petition did not address locus standi or the merits of the allegations. The Directorate of Enforcement was instructed to submit a status report to the Special Judge, who would then make appropriate legal decisions.

THEME ENGINEERING SERVICES PVT LTD VS NATIONAL HIGHWAYS AUTHORITY OF INDIA [W.P.(C)-16772/2023]
Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora
The National Highways Authority of India (NHAI) cannot disqualify the Petitioner's bids due to a typographical error in the Joint Venture share percentage in Appendix B-11 of the bid documents. Relevant Policy Circulars and RFP clauses apply to changes in declared JV shares, not to corrections of information for technical bid capacity. NHAI must consider the corrected information in Appendix B-11 for pending bids where financial bids remain unopened.

TRIMULA INDUSTRIES LIMITED VS UNION OF INDIA, MINISTRY OF COAL & ORS. [LPA-336/2024]
Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora
Trimula Industries Limited must approach the Appellate Authority under Section 27 of the Coal Mines (Special Provisions) Act, 2015 to challenge the appropriation order from the Nominated Authority. The statutory remedy of appeal must be exhausted first, as the Appellate Authority can address the factual issues raised, including the non-disclosure of forest land in the tender. Additional time has been granted for the appeal, with a directive for the Appellate Authority to expedite the decision-making process. The Letters Patent Appeal filed by Trimula Industries Limited was dismissed.

TULIR CHARITABLE TRUST VS UNION OF INDIA & ORS. [W.P.(CRL)-1196/2024]
Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora
The order discharging the accused of offences under Section 15(2) of the POCSO Act was found to have manifest illegalities. The reliance on the definition of "child" instead of "child pornography" was deemed incorrect, as the latter requires only a prima facie inference of a child's involvement. The statements from medical experts indicating that the depicted individuals were children under 18 years old were overlooked. The case was set for further proceedings following the reversal of the earlier order.

VIJAY KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-5558/2024]
Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora
The public interest litigation (PIL) petition was dismissed on the grounds that PILs are not maintainable in service matters, and only non-appointees have the right to challenge the legality of appointments or extensions. The consistent position is that allowing such petitions would undermine the purpose of administrative tribunals established under Article 323-A. The petitioner, who is not a non-appointee, lacked standing to file the petition.

VIJAY MALHOTRA VS DIRECTORATE OF EDUCATION AND ORS [LPA-393/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The appeal by Vijay Malhotra was dismissed, affirming that his children do not have a legal right to participate in the schools' student exchange programs and that no coercive or discriminatory actions were taken against them by the schools. Malhotra had not paid school fees for six years, which was deemed illegal, and it was noted that he was misusing the pending writ petition. The matter will be expedited for resolution within three months.

VISHAKHA & ANR. VS THE CONTROLLER OF EXAMINATION CENTRAL BOARD OF SECONDARY EDUCATION & ORS. [LPA-149/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The appeals filed by Vishakha and Priya Das, female students seeking to appear in the CBSE Class X and XII board exams as private candidates, were dismissed. The requirement for a domicile certificate, per CBSE's public notice, was deemed reasonable, as the exception applied only to bona fide residents of the National Capital Territory of Delhi. The Aadhaar card was ruled insufficient as proof of domicile, and the appellants did not submit the necessary certificate. Compliance with conditions for exceptions or privileges is essential, and there is caution against judicial interference in academic policies unless they are arbitrary or discriminatory. The decision of the Single Judge was upheld.

VISHAL BANGA VS STATE (NCT OF DELHI) & ANR. [FAO(OS)-37/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The validity of the will dated May 21, 2015, executed by Sh. Harbans Singh Banga was upheld. The appeal by Vishal Banga against the grant of letters of administration/probate to Banga Vikas for the NRE fixed deposits was dismissed. The 10-year condition on the bequest was interpreted as a means to ensure the testator's liabilities were cleared, which occurred by 2016. The objection raised by Vishal Banga was viewed as an afterthought since it was not mentioned in earlier probate proceedings.

VRC CONSTRUCTIONS INDIA PVT LTD VS NATIONAL HIGHWAYS AUTHORITY OF INDIA [W.P.(C)-4838/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The National Highways Authority of India (NHAI) is required to make a decision on VRC Constructions India Pvt Ltd's representation regarding the annulment of a tender for the '6-laning with both sides Service Road of Ayodhya Nagar Bypass of Bhopal city section of NH-46' project within one week. The merits of the dispute remain unaddressed, and all parties retain the right to pursue further actions if dissatisfied with the outcome.

WE, THE PEOPLE OF INDIA VS UNION OF INDIA & ORS. [W.P.(CRL)-1203/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

A public interest petition seeking extraordinary interim bail for the Chief Minister of Delhi in pending criminal cases was dismissed. The petition was deemed not maintainable since the Chief Minister is in judicial custody under unchallenged court orders. Claims of having "veto power" and the authority to grant concessions were considered unfounded, and the petitioner lacked the standing to make such assertions. The functioning of the government and removal of the Chief Minister could not be interfered with. Costs of Rs. 75,000 were ordered to be deposited with the AIIMS Poor Fund.

XYZ VS UNION O FINDIA THROUGH ITS SECRETARY & ORS. [LPA-291/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The appeal against the revocation of suspension for Respondent No. 3, accused of sexual harassment, was dismissed. The revocation order remained intact due to the completion of the departmental inquiry and the initiation of major penalty proceedings. Conditions were imposed by a criminal court to prevent contact and influence between Respondent No. 3 and the appellant. The appellant opposed continuing departmental proceedings, preferring to await the outcome of a writ petition regarding the Internal Complaints Committee's constitution and was directed not to seek further adjournments in that matter.

ZOMI STUDENTS FEDERATION VS UNION PUBLIC SERVICE COMMISSION & ORS. [W.P.(C)-3805/2024]

Judges: Acting Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

A public interest petition by the Zomi Students Federation was addressed, leading to the Union Public Service Commission (UPSC) stating that opening examination centers in the hill districts of Manipur is not feasible. However, candidates from these districts can choose from alternative centers such as Aizawl, Kohima, Shillong, Dispur, Jorhat, Kolkata, and Delhi, with their requests for center changes being accommodated. The Government of Manipur committed to offering financial assistance for travel and accommodation to these candidates.

AL ISLAM TOURS CORPORATION VS UNION OF INDIA [LPA-471/2024]

Judges: Acting Chief Justice Manmohan, Justice Rajnish Bhatnagar

Al Islam Tours Corporation was blacklisted and debarred from Haj registration and allocation for 10 years, with a forfeiture of a Rs. 25 lakh security deposit. The entity engaged in Haj-related activities without proper registration as a Haj Group Operator, violating the Policy for Haj Group Operators for Haj-2019-23. The imposed penalties were deemed appropriate given the seriousness of the breach.

ABHAY KUMAR SINGH VS MUNICIPAL CORPORATION OF DELHI [W.P.(C)-9088/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The respondent Municipal Corporation's decision to re-tender the parking site was upheld due to a substantial reduction in the original area caused by high tension electricity cables, constituting a material change in the contract's terms. The contract was automatically terminated as per the agreement, and no prior notice was required for re-tendering the reduced area. The petitioner's challenge to the re-tender was dismissed as the respondent acted within the original contract's parameters.

ADITYA SINGH VS MUNICIPAL CORPORATION OF DELHI & ORS. [W.P.(C)-12822/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The public interest petition filed by Aditya Singh to cancel the permission for M/s Nettel Infrastructure Pvt. Ltd. to install a Communication Ground-Based Monopole near Sudhar Camp, Kalkaji, Delhi was dismissed. The permission had already been granted by the MCD, and a previous challenge to it had been dismissed. There was no conclusive scientific evidence showing harm from mobile tower emissions, and the respondent complied with the relevant guidelines. The petition was deemed without merit.

ALIG AND ASSOCIATES & ANR. VS INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA & ANR. [LPA-561/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal by Alig and Associates and a Chartered Accountant was dismissed due to the previous writ petition being deemed infructuous. The appellants argued that non-payment of the annual membership/COP fee for 2019-2020 led to the loss of seniority, adversely affecting their professional reputation and future empanelment opportunities. Clarifications from the Institute of Chartered Accountants of India confirmed that there was no cancellation of membership impacting livelihoods, as the original certificate of practice remained valid until it was cancelled for non-payment on March 1, 2020. A new certificate of practice was issued on February 1, 2021, upon the appellants' request. The appellants chose not to pursue the appeal further, leading to its resolution.

ALOK PUNJ VIDYA PEETH (REGD) SOCIETY THROUGH ITS PRESIDENT ANUP SINGH VS GOVERNMENT OF NCT OF DELHI AND ORS [LPA-678/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The Letters Patent Appeal filed by the Alok Punj Vidya Peeth (Regd.) Society was dismissed, supporting the Single Judge's decision to reject the Society's application in the writ petition. The Society lacked locus to file the application as it was not a party to the writ petition and had not challenged the earlier order denying its application for impleadment. No reasons were identified to disagree with the Single Judge's decision.

AMR INDIA LTD VS NBCC INDIA LIMITED & ORS. [W.P.(C)-14657/2023]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

NBCC India Ltd. disqualified AMR India Ltd.'s bid for failing to submit a revised bank solvency certificate after an increase in the estimated project cost. The tender conditions required submissions of a bank solvency certificate reflecting at least 40% of the revised estimated cost. Although the corrigendum did not explicitly state the need for a new certificate, it was understood that all bidders were required to provide updated documentation. Arguments for allowing the submission of a revised certificate were rejected, as the tender conditions were clear and consistent for all bidders. There was no evidence of arbitrariness or unfairness in the decision.

ANANYA KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-1485/2023]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The Union of India and Delhi Police implemented adequate measures under the Information Technology Act, 2000, to combat cyber crimes. The Delhi Police established a comprehensive mechanism for investigating cyber crimes in accordance with the IT Act and the Indian Penal Code. The Central Government appointed adjudicating officers and framed necessary rules, with further implementation delegated to states and Union Territories. No additional directions were deemed necessary regarding the public interest litigation filed by the petitioner.

ANIL KUMAR HAJELAY & ORS. VS HONBLE HIGH COURT OF DELHI [W.P.(C)-2018/2021]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The GNCTD's request to modify a previous order was partially granted, allowing the replacement of "financial sanction" with "administrative and financial sanction and all other necessary sanctions/approvals." However, the request to limit the tender/NIT to only the 14 pilot courts was declined, with a directive to float a comprehensive tender for all 691 courts, including the pilot courts. The Chief Secretary of GNCTD was instructed to expedite the granting of necessary administrative and financial sanctions for the project's implementation.

ANUJ KUMAR AGARWAL, ADVOCATE VS REGISTRAR OF CO OPERATIVE SOCIETIES & ORS. [W.P.(C)-10318/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The petitioner's right to basic amenities such as electricity and water is recognized as part of the fundamental right to life and liberty. An interim order mandates the respondent association to reconnect these services to the petitioner's premises. The respondents have two weeks to submit counter-affidavits, with a further hearing scheduled for 3rd September 2024.

CIVIL SAFETY COUNCIL OF INDIA VS UOI AND ORS [W.P.(CRL)-2151/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

A public interest petition was filed following a roof collapse at IGI Airport Terminal-1 due to heavy rainfall, requesting a multidisciplinary Special Investigation Team to investigate construction quality and maintenance at Delhi Airport and other airports in India. The government had already initiated steps in response, including registering an FIR, forming a high-level expert committee, and mandating third-party audits of structural stability and evaluations of airport facilities before monsoon seasons. In light of these actions, the petition was closed.

COUNCIL OF ARCHITECTURE VS DOBARIYA MOHIT RAMNIKAL & ANR. [LPA-841/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal by the Council of Architecture against the approval of Dobariya Mohit Ramnikal's M.Arch degree from the University of Maryland has been admitted. There is disagreement with the previous judgment, noting the Council's adherence to the evaluation process and that the University of Maryland is not listed in the Architects Act, 1972. The operation of the previous judgment is stayed, and further replies from the parties have been requested for more examination of the case.

DR. SUBRAMANIAN SWAMY VS UNION OF INDIA & ORS. [W.P.(C)-2223/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The writ petition challenging commercial transactions between private entities regarding the acquisition of shares in an insurance company regulated by the IRDAI is not maintainable due to existing oversight by SEBI and RBI. These regulators are already addressing the transactions, and interference is deemed unnecessary. SEBI and RBI are directed to expedite their investigations and take further action as needed. The rights and contentions of all parties remain open, including the issues of locus standi and writ petition maintainability.

GAURVI SHARMA & ANR. VS UNION OF INDIA & ORS. [LPA-659/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal filed by Gaurvi Sharma and another was dismissed due to misrepresentation of facts. Appellant no. 2 (father) failed to include respondent no. 4 (mother) in the proceedings, despite acknowledging ongoing matrimonial disputes, indicating bad faith. Additionally, appellant no. 2 did not present any evidence showing that the child was admitted to another school with the mother's consent.

HARVEEN SINGH CHADHA @ LOVELY & ANR. VS BALVEEN SINGH CHADHA @ RICKY [FAO(OS)-118/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal challenging the dismissal of an application for rejection of a partition suit was dismissed. The assessment of the application under Order VII Rule 11 requires focus on the plaint's averments, without addressing disputed facts or laws. Ownership of the property is disputed, and the presumption of the registered sale deed's genuineness is rebuttable. Partition constitutes a continuing cause of action, so the suit is not barred by limitation at this stage.

JUSTICE FOR ALL VS HONBLE LIEUTENENT GOVERNOR, GOVT. OF NCT OF DELHI AND ORS. [W.P.(C)-10086/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The Chancellor of GGSIP University is to decide on a representation regarding the implementation of Section 12(1)(b) and 12(2) of the Delhi Professional Colleges or Institutions Act, 2007. The petitioner claims that the Admission Regulatory Committee and the University are not adhering to the provisions that require reserving 85% of seats for Delhi students, along with allocations for Scheduled Castes, Scheduled Tribes, and Other Backward Classes. The decision is to be made in accordance with the law within three weeks, with all parties' rights and contentions remaining open.

K C FIBERS LIMITED VS UNION OF INDIA AND ORS [LPA-811/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

K C Fibers Limited's appeal for a 5% subsidy reimbursement under the Technology Upgradation Funds Scheme for the import and installation of 24 Projectile Shuttleless Looms was dismissed. The appellant imported looms with a vintage life of 9 years, exceeding the maximum eligibility of 5 years as per the original TUFS policy. Although the eligibility criteria were relaxed in 2000 to allow a vintage life of up to 10 years, this revision applied only from the meeting date and not retrospectively.

M/S RASOI CANTEEN AND CATERER VS INDIAN INSTITUTE OF TECHNOLOGY, DELHI [W.P.(C)-10136/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The writ petition filed by M/s Rasoi Canteen and Caterer against the tender process for canteen facilities at the Indian Institute of Technology, Delhi was dismissed. The petitioner, aware of the tender conditions and Technical Evaluation Criteria, could not challenge them after being disqualified. The tender conditions were found to be reasonable and within the discretion of the expert committee. Allegations regarding the revocation and reopening of the tender did not prejudice the petitioner, as their technical bid was already deemed ineligible. The writ petition was dismissed without costs.

MRS. NALINI LAL VS STATE OF NCT OF DELHI & ORS. [FAO(OS)-98/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal challenging the introduction of certain documents was dismissed based on their classification as public documents, which made them admissible. The appellant had referenced a prior civil suit in the current proceedings, negating any claim of surprise regarding these documents. The appeal lacked merit, and the respondents were permitted to submit the additional documents.

RAHUL KUMAR VS MUNICIPAL CORPORATION OF DELHI [W.P.(C)-8770/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The Central Bureau of Investigation (CBI) was directed to conduct a preliminary inquiry into whether Rahul Kumar committed any cognizable offences by filing numerous public interest litigation petitions against unauthorized constructions. Out of 42 petitions submitted by Kumar, only 17 were listed in court, with 25 not filed with the registry. In the listed cases, he or his counsel frequently failed to appear, resulting in dismissals and instructions to approach appropriate committees. Concerns arose regarding the potential exploitation of the Municipal Corporation of Delhi by Kumar through these petitions, and he was instructed to cooperate with the CBI inquiry.

RESIDENT WELFARE ASSOCIATION (RWA) REGD, B2C BLOCK, JANAKPURI, NEW DELHI VS GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-3097/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The application by Respondent No. 4, owner of the liquor vend, to dismiss the writ petition from the Resident Welfare Association as infructuous was granted. Respondent No. 4 surrendered the liquor vend license, resolving the issue raised in the petition. The DTTDC was directed to accept the license surrender, and Respondent No. 4 is required to ensure that no liquor shop opens at the same premises in the future.

RSS ESTATE LLP & ANR. VS MONICA GOGIA [FAO(OS)-105/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The impugned order dismissing the appellants' application to vacate the ad-interim stay was stayed. A registered sale deed holds a presumption of validity that requires cogent evidence to challenge. Inadequate consideration does not render an agreement void under the Indian Contract Act. The respondent must file a reply affidavit within 4 weeks, and the appellants must submit a rejoinder affidavit before the next hearing on 19th November, 2024.

SD WINDLESH VS UNION OF INDIA & ORS. [W.P.(C)-10168/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The Vice Chairman of the Delhi Development Authority (DDA) was instructed to address a representation regarding encroachments on the Yamuna floodplains by a dargah and casting yards within 6 weeks, and to take necessary action for their demolition. There is an obligation to ensure areas cleared of encroachments are properly fenced to prevent future violations.

SH SUNNY SACHDEVA VS ACP NORTH RTI CELL AND ANR [LPA-638/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The dismissal of the appellant's writ and review petitions regarding the imposition of penalties under Section 20 of the Right to Information Act, 2005, is upheld. The formation of opinion under Section 20(2) is an exercise of supervisory powers, not adjudicatory powers, and the information seeker lacks locus standi in penalty proceedings. The Central Information Commission was within its discretion to refrain from imposing a monetary penalty, particularly as the requested information had been provided to the appellant.

SHIB DAS SARKAR & ANR. VS REGISTRAR OF COOPERATIVE SOCIETIES & ORS. [W.P.(C)-2172/2023]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The insistence of the Registrar of Cooperative Societies on the production of the Architect's Certificate and Completion Certificate was deemed contrary to established facts. The petitioners' membership in the cooperative society was confirmed in 2003 and upheld through multiple orders. The Delhi Development Authority was directed to allot a vacant flat to the petitioners within eight weeks, as the delay in allotment was attributed to the Registrar of Cooperative Societies.

SHIVOM ASTHANA VS UNION OF INDIA & ANR. [W.P.(C)-12420/2022]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

Public interest petitions concerning flat and plot owners in Delhi were dismissed due to the insistence on the rule of locus standi. Petitioners were deemed capable of directly approaching the courts. The principles regarding public interest litigation discourage petitions filed for ulterior motives and permit relaxation of locus standi primarily for the rights of disadvantaged groups. The legal issues presented remain unaddressed.

SHUTHAM ELECTRIC LTD. VS VAIBHAV RAHEJA & ANR. [FAO(OS)-125/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The arbitral award directing Shutham Electric Ltd. to pay Rs. 2.5 crores with interest to Vaibhav Raheja was upheld. Shutham Electric Ltd. acknowledged its liability to repay the loan in a letter dated February 2, 2017. Arguments regarding the claim being barred by limitation, improper appointment of the arbitrator, and lack of jurisdiction to award interest were rejected.

SMT. HARPYARI (DECEASED) THROUGH LR-1A BHARAT BHUSHAN SHARMA VS BADRI BHAGAT JHANDEWALA TEMPLE SOCIETY AND ORS [FAO(OS)-138/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal against the dismissal of an application under Section 340 of the Code of Criminal Procedure was dismissed. The affidavit submitted by the respondent was noted to incorrectly reference events from 2020 while being dated 2019, attributed to an error by the Notary Public. It was determined that the respondent had no incentive to misrepresent the affidavit's preparation date. Allegations of collusion between the respondent's counsel and the Joint Registrar, as well as claims of inappropriate conduct by the Joint Registrar, were rejected as unsubstantiated.

SOCIAL JURIST, A CIVIL RIGHTS GROUP VS BAR COUNCIL OF INDIA & ORS. [W.P.(C)-3043/2023]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The Bar Council of India has adequately addressed the demand for including the Right of Children to Free and Compulsory Education Act, 2009, in law college curricula. The BCI Chairman issued an order for legal education centers and school boards to include the RTE Act in their curriculum or conduct workshops to raise awareness. No further actions were deemed necessary, leading to the closure of the application.

SRI AWADH RAM LEELA COMMITTEE VASHNU MATA MANDIR & ANR. VS DELHI MUNICIPAL CORPORATION & ORS. [LPA-769/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The letters patent appeal by the Sri Awadh Ram Leela Committee Vashnu Mata Mandir was dismissed, challenging the dismissal of a writ petition for extending the Ram Leela ground to seven acres and connecting it to the main road. The appellants lack a fundamental right to organize Ram Leela on specific land, and statutory authorities cannot be directed to acquire land for religious events. The appellants did not demonstrate that the Delhi Municipal Corporation failed in its public duty.

ST. STEPHEN COLLEGE VS HARGUN SINGH AHLUWALIA AND ORS [LPA-846/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

An interim order granting provisional admission to the respondents in the appellant college is appealable under the Letters Patent due to its impact on the rights and obligations of the parties. The appellant college's right to establish and administer minority educational institutions under Article 30 of the Constitution was acknowledged, with concerns that excess seat allocation by Delhi University could compromise the college's quality of education. Respondents must file counter affidavits within three days, and a hearing is scheduled for 4th September 2024. They are permitted to take admission in their second preference colleges but are prohibited from attending classes at the appellant college until the writ petition is resolved.

UNION OFINDIA VS MR MOHIT JITENDRA KUKADIA [LPA-940/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The decision required the appellant ministry to process the respondent's application for the National Overseas Scholarship (NOS) within two weeks. The ministry's rejection, based on the submission of an Income Tax Return (ITR) computation document instead of the ITR Acceptance Document, was viewed as overly technical due to the vague terminology. The respondent's multiple representations went unanswered within the given timeframe. The respondent's eligibility and merit were affirmed, emphasizing that procedural rigidity should not hinder the scholarship's purpose. The ministry was instructed to accommodate the respondent by replacing the least meritorious candidate among those already awarded the scholarship.

USHA KHANNA AND ANR VS VINAY KHANNA [FAO(OS)-97/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal by Usha Khanna and another against the Single Judge's orders concerning the grant of letters of administration to the will of Late Smt. Indra Khanna was dismissed. The Single Judge had instructed the parties to file replies or objections within 10 weeks if no settlement was reached. Although the appellants submitted their replies within this timeframe, the objections remained pending due to ongoing settlement discussions. The Single Judge subsequently issued orders that closed the appellants' right to file objections and dismissed their application to recall this order. The dismissal of the appeal confirmed that the right to file objections had to be exercised within the specified 10-week period, irrespective of settlement negotiations.

VIJAY KUMAR VS SHOBHA AGARWAL & ORS. [FAO(OS)-131/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal by Vijay Kumar challenging the dismissal of his application for impleadment in a partition suit was dismissed. He failed to provide registered documents to substantiate his individual ownership rights over the disputed property. Claims regarding an oral settlement and the existence of a Hindu Undivided Family lacked the necessary detailed facts. Additionally, there was a delay in filing the appeal.

BABY AAYAT (MINOR) THROUGH HER MOTHER MS. TANZEEM KHAN VS GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI AND ANR. [LPA-927/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal was dismissed because the notification and circular regarding admission under the EWS/DG category pertain only to parents, excluding grandparents. The reserved seat for the appellant had already been allocated to another EWS/DG category student, making it unfair to reallocate it. The argument that a new income certificate obtained by the father during the writ petition should be considered was rejected.

BAKSHISH SINGH CHANDHOK AND ORS VS BHAVJOT SINGH CHANDHOK [FAO(OS)-119/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The appellants were ousted from the possession of the suit property by the respondent, supported by admissions in the plaintiffs' own pleadings. The case satisfied the three-part test for ouster: declaration of hostile animus, long and uninterrupted possession, and exclusive ownership. Consequently, the appellants are required to pay ad valorem court fees under Section 7(iv)(b) of the Court Fees Act, rather than a fixed fee under Article 17(vi). The appeal was dismissed for lack of merit.

CS CONSTRUCTION COMPANY PVT LTD & ANR. VS EXCELLING GEO AND ENGINEERING CONSULTANT PVT LTD & ORS. [LPA-968/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The order by the coordinator of the Delhi International Arbitration Centre (DIAC) for separate assessment of the arbitrator's fee for the claim and counterclaim was upheld. The coordinator acted within authority, as the respondent indicated an inability to pay its share of the fee for the counterclaim. The counterclaiming appellants challenged the order, while any failure by the respondent to deposit its fee share would not disadvantage the appellants due to cost considerations in the award.

GAURAV ENTERPRISES VS RAJIV GANDHI SUPER SPECIALITY HOSPITAL & ANR. [W.P.(C)-13019/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The petition by Gaurav Enterprises was dismissed, affirming the bid document from Rajiv Gandhi Super Speciality Hospital. The requirement for a Security Supervisor for every 20 Security Guards was deemed inapplicable since Gaurav Enterprises is not a licensed Private Security Agency under the Private Security Agencies (Regulation) Act, 2005. The absence of bonus payment in the bid document was not problematic, as meeting minutes indicated the hospital would reimburse the bonus separately. The stipulation of 26 working days per month for security guards was considered reasonable, providing for 4 days of leave per guard.

GURPREET SOBTI VS DDA AND ORS [LPA-506/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The dismissal of the writ petition challenging the demolition of the appellant's property by the Delhi Development Authority was upheld. Any challenge to decisions made by the Monitoring Committee must be presented before the Supreme Court, as established in the M.C. Mehta case. The appropriate course for the appellant is to approach the Supreme Court regarding the order for demolition.

PARIKSHIT MAHIPAL VS THE LAWYERS CHAMBERS ALLOTMENT COMMITTEE & ANR. [LPA-564/2024]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

The decision of the Lawyers Chambers Allotment Committee (LCAC) to reject the appellant's application for a lawyer's chamber in the Rohini Courts Complex was upheld. The appellant did not provide the necessary documentary evidence, such as certified copies of vakalatnamas and case proceedings, to demonstrate continuous practice in the Rohini District Courts as required by the rules. The LCAC, composed of senior judicial officers and representatives of the Rohini Courts Bar Association, reviewed the appellant's submissions but found them inadequate to prove eligibility for chamber allotment. No issues were identified in the LCAC's decision-making process or the dismissal of the appellant's writ petition.

WING COMMANDER B.M. AGRAWAL (RETD.) & ORS. VS REGISTRAR OF COOPERATIVE SOCIETIES & ANR. [W.P.(C)-11236/2022]

Judges: Acting Chief Justice Manmohan, Justice Tushar Rao Gedela

A writ petition was filed by Wing Commander B.M. Agrawal (Retd.) and two others for regularization of flat allotments from the Mandakini Co-operative Group Housing Society. The petitioners Anurag Marwah and Shobha Marwah were recognized as similarly situated and directed to have their cases considered for regularization upon payment of costs. However, concerns regarding B.M. Agrawal's eligibility arose due to allegations of owning another property, prompting a reevaluation of his case based on relevant documents upon submission by the society. The situation referenced prior orders in similar matters involving other society members.

JINDAL SAW LTD. VS DEPUTY/ASSISTANTCOMMISSIONER OF INCOME TAX [W.P.(C)-17851/2024]

Judges: Acting Chief Justice Vibhu Bakhru, Justice Tushar Rao Gedela

The notice issued under Section 148A(b) of the Income Tax Act and the corresponding order under Section 148A(d) were deemed unsustainable due to discrepancies between the allegations in the notice and the order. This inconsistency hindered the petitioner from adequately addressing claims of income that had escaped assessment, as the income was already reported in the books and subject to original assessment. The impugned notice and order were set aside, allowing for the possibility of a new notice being issued if warranted by law.

SAYO SECURITY SERVICES PVT LTD VS DIRECTOR AND MEDICAL SUPERINTENDENT, A.B.V.M.I.S AND DR. RAM MANOHAR LOHIA HOSPITAL & ANR. [W.P.(C)-17430/2024]

Judges: Acting Chief Justice Vibhu Bakhru, Justice Tushar Rao Gedela

The decision to reject the petitioner's technical bid for managing parking services at Dr. R.M.L. Hospital was upheld due to the petitioner's failure to meet eligibility criteria outlined in the tender documents. The petitioner was not registered as an MSME for parking services and could not claim exemptions regarding past experience and turnover. The petition was dismissed without identifying any issues in the rejection decision.

SHRI SUNIL DHINGRA VS GOVERNMENT OF NCT OF DELHI & ORS. [LPA-1234/2024]

Judges: Acting Chief Justice Vibhu Bakhru, Justice Tushar Rao Gedela

The appeal by Shri Sunil Dhingra was dismissed regarding the registration of a sale deed for a property he claimed an agreement to purchase. An inquiry revealed that the NOC for registration contained incorrect information, but the absence of official records prevented fixing responsibility on officials. Authorities had taken appropriate actions, including lodging an FIR and submitting a final report, which is pending. The appellant also pursued other legal remedies, such as a civil suit for specific performance and a protest petition against the FIR closure report. No further directions were deemed necessary.

THE COMMISSIONER OF INCOME TAX - INTERNATIONAL TAXATION -1 VS CRICKET AUSTRALIA [ITA-582/2024]

Judges: Acting Chief Justice Vibhu Bakhru, Justice Tushar Rao Gedela

The appeal by the Commissioner of Income Tax - International Taxation -1 against the Income Tax Appellate Tribunal's decision favoring Cricket Australia was dismissed. The Tribunal had accepted Cricket Australia's appeal concerning the final assessment order under Section 147 of the Income Tax Act, stating that the reopening of the assessment lacked proper consideration by the Assessing Officer. The reasons recorded for reopening contained significant errors, paralleling issues found in another case involving Cricket South Africa, which had a similar outcome. This case fits within a larger context involving related ITAT orders for various cricket associations.

NESTLE INDIA LTD. & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-969/2020]

Judges: Acting Chief Justice, Justice Dinesh Kumar Sharma

Section 171 of the Central Goods and Services Tax Act, 2017 is constitutionally valid and does not violate Article 246A of the Constitution or delegate essential legislative functions. This section requires suppliers to pass on benefits from reduced tax rates or increased input tax credits through corresponding price reductions, serving a consumer welfare purpose. It establishes a clear legislative policy, and the lack of a judicial member in the National Anti-Profiteering Authority does not render it unconstitutional. Concerns about arbitrary power can be addressed by reviewing specific orders on their merits, rather than invalidating the provisions.

ASHOK KUMAR SINGH AND ORS VS UNION OF INDIA AND ANR [W.P.(C)-5930/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation seeking interpretation of Section 66 of the Prevention of Money Laundering Act, 2002 was dismissed as it raised a private cause and was already addressed in a prior Supreme Court judgment. Aggrieved parties were permitted to pursue the interpretation issue in appropriate proceedings, with all parties' rights and contentions remaining open.

CHAUDHARY VENTURES PVT. LTD & ORS. VS UNION OF INDIA & ANR. [W.P.(C)-2230/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition challenged the dismissal of a securitization application by the Debt Recovery Tribunal. Key issues included non-service of possession notice under the SARFAESI Act, excessive interest rates, and unilateral changes in interest rates. The Chairperson of the Debt Recovery Appellate Tribunal in Delhi was on leave, prompting a directive for expeditious decision on the application for waiver of deposit and interim reliefs, to be resolved by March 15, 2024. The respondent bank is prohibited from taking any coercive actions against the petitioners until that date.

CITIZENS FOR DEMOCRACY THROUGH ITS SECRETARY VS THE ELECTION COMMISSION OF INDIA & ORS. [W.P.(C)-399/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation was dismissed, establishing that the High Court of Andhra Pradesh is the appropriate jurisdiction for challenges to the Andhra Pradesh government's G.O.M. dated 22nd June, 2019. The doctrine of forum convenience was applied, and it was noted that only one specific writ petition had been transferred to the Delhi High Court. The argument for Delhi as a more neutral forum was rejected, and the petitioner was granted liberty to raise grievances before the Andhra Pradesh High Court, without any commentary on the case's merits.

CONFEDERATION OF DELHI INDUSTRIES AND CETP SOCIETIES AND ORS VS THE SPECIAL COMMISSIONER OF INDUSTRY CUM APPROPRIATE AUTHORITY, CETP AND ORS [W.P.(C)-2762/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The notification by the Special Commissioner of Industry regarding the transfer of Common Effluent Treatment Plants (CETPs) managed by the petitioner societies was quashed due to violations of the Delhi Common Effluent Treatment Plants Act, 2000 and the Delhi Common Effluent Treatment Plants Rules, 2001. The required procedures, including providing a hearing to the petitioners, were not followed, which violated principles of natural justice. The Appropriate Authority is directed to issue a fresh and comprehensive show cause notice to the petitioners in accordance with the law.

COURT ON ITS OWN MOTION VS UNION OF INDIA & ORS [W.P.(C)-7594/2018]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

A comprehensive judgment addressed waterlogging, flooding, and pollution issues in Delhi. The Government of NCT of Delhi must implement Drainage Master Plans with specific timelines for detailed project reports and administrative decisions. The management of stormwater drains must be assigned to a single department to improve coordination. Directions for rejuvenating water bodies include timelines for ground truthing, estimates, and restoration works. Authorities are tasked with installing rainwater harvesting systems in government buildings and promoting public participation. Additionally, measures for the restoration of the Yamuna river floodplains involve removing encroachments, developing biodiversity parks, and constructing platforms for religious activities. Rejuvenation of the Yamuna river includes dredging, creating ponds, and enhancing sewage treatment plant capacities.

CURRYMIA FOODS LTD. VS UNION OF INDIA THROUGH THE SECRETARY MINISTRY OF DEFENCE & ORS. [LPA-153/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Currymia Foods Ltd. appealed a decision regarding its removal from the approved list of ASC Contractors. Although the initial ruling allowed for the appeal to be considered, it did not permit the appellant to participate in the tender process. Currymia was actively supplying products to the respondents. The decision included a 10-day postponement of the technical evaluation of bids and a directive to resolve the appeal within a week. If the appeal is successful, Currymia can submit its bid within 48 hours. No commentary on the merits of the case was provided, and all parties' rights and claims remain open.

DELHI DEVELOPMENT AUTHORITY VS ASHWANI KHURANA AND ORS [LPA-342/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal by the Delhi Development Authority (DDA) was dismissed due to delay and laches. The prior judgment had set aside an order under Section 81 of the Delhi Land Reforms Act, 1954, on the basis of limitation and the status of the land as non-agricultural following a zonal development plan notification. The issue of law remains open.

DELHI DEVELOPMENT AUTHORITY VS NISHA KHURANA AND ORS [LPA-334/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeals filed by the Delhi Development Authority (DDA) were dismissed due to a delay of over 1600 days, which remained substantial even after excluding the COVID-19 pandemic period. The appeals were previously allowed by a Single Judge, setting aside orders from the Court of Revenue Assistant regarding the Delhi Land Reforms Act, 1954. The issue of law was left open.

DR. SATENDRA SINGH VS UNION OF INDIA & ORS. [W.P.(C)-7634/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Indian Nursing Council is directed to address the petitioner's representation regarding Clause 8 of the Indian Nursing Council (Revised) Regulations for the B.Sc. Nursing Program, which restricts disability reservations to individuals with 40-50% locomotor disability in lower extremities. The petitioner claims this clause discriminates against individuals with other disabilities, such as muscular dystrophy and low vision, and challenges the reduction of disability reservation from 5% to 3% by the National Testing Agency for the nursing entrance exam, asserting that it contravenes the Rights of Persons with Disabilities Act, 2016. The matter is referred back for reconsideration.

DR. SUBHASH VIJAYRAN VS COMMISSIONER OF POLICE & ORS. [W.P.(CRL)-1347/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Transfer of investigation to the Central Bureau of Investigation (CBI) occurs only in exceptional circumstances. The Commissioner of Police must address the petitioner's representation within one week, taking into account the alleged violation of the Delhi Police's standing orders and a prior directive regarding the promptness of the post-mortem examination. The Delhi Police are instructed to conduct the post-mortem examination with a panel of forensic doctors from a government medical college immediately. This situation is treated as an individual case rather than a collective matter.

GOVT OF NCT OF DELHI VS MEENAKSHI KHARE AND ORS. [LPA-360/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The orders for the re-appointment of Ms. Babita Varshney, Ms. Malti, and Mr. Sonu in the Air Force Gyan Jyoti School were upheld. Their appointments were deemed valid under applicable rules despite not meeting the eligibility criteria set by the Delhi School Education Act and Rules. The long and diligent service of these employees was recognized, and their appointments were not considered illegal due to technical non-compliance with eligibility requirements. The appeal by the Government of NCT of Delhi was dismissed.

HIMANSHU AND ORS VS DIRECTORATE GENERAL OF CIVIL AVIATION & ANR. [LPA-254/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The letters patent appeal challenging the ad-interim order regarding the DGCA's communication certifying the Pipistrel VIRUS SW 121 as a Light Sport Aeroplane was dismissed. The DGCA's certification did not prejudice the appellants since the initial classification as LSA occurred on 8th May, 2023. The communication was a response to the appellants' objections and did not resolve the parties' rights. Appropriate relief could be granted if the appellants succeed in the writ petition, with all parties' rights and contentions remaining open.

IN RE: DESIGNATED COURTS FOR MPS/MLAS VS UNION OF INDIA & ORS. [W.P.(CRL)-1542/2020]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

A comprehensive order was issued to expedite the disposal of criminal cases, appeals, and revisions involving members of Parliament and Legislative Assemblies. The registry was instructed to re-allocate 34 pending cases with stay orders to other courts for quicker resolution of stay applications and trial conclusions. Additionally, a directive was given to prioritize cases punishable by death or life imprisonment, followed by those with imprisonment of five years or more, with restrictions on adjourning these cases except in rare circumstances. The aim is to ensure effective and swift handling of these criminal matters.

INDIWAR PARIJAT VS NATIONAL INSURANCE COMPANY LIMITED & ORS. [LPA-344/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The letters patent appeal filed by Indiwar Parijat was dismissed, challenging the order directing the National Insurance Company to pay compensation to other respondents, with a right of recovery from the appellant. The appeal was deemed not maintainable as it amounted to a second appeal, which is barred under Section 100A of the Code of Civil Procedure. Subsequent amendments to Section 100A have eliminated the ability to entertain letters patent appeals against orders from a single judge in appeals.

JAMIA ARABIA NIZAMIA WELFARE EDUCATION SOCIETY VS 1. DELHI DEVELOPMENT AUTHORITY THROUGH ITS VICE CHAIRMAN & ORS. [W.P.(C)-638/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Massive illegal construction occurred at Khasra No. 556, Ziyrat Guest House, near historic monuments in Nizamuddin, Delhi, with support from statutory authorities. The property, allegedly owned by the Delhi Development Authority (DDA), has been encroached upon, with ownership disputes involving the Delhi Waqf Board. Various authorities failed to take effective action against the illegal construction. Mr. Babu Ali purchased the sealed property and continued unauthorized building activities. An investigation was assigned to the Central Bureau of Investigation (CBI), and the Municipal Corporation of Delhi (MCD) and DDA were instructed to conduct inquiries and improve strategies to combat encroachment and unauthorized construction, highlighting the need for better coordination and enforcement among regulatory bodies.

K JEEVAN RITA MURTHY VS SARABJIT SINGH (SINCE DECEASED) & ANR. [FAO(OS)-67/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal by K Jeevan Rita Murthy challenging the denial of her application for substitution as the legal representative of the deceased defendant was dismissed. Claims of ownership based on an unregistered will would alter the nature of the suit from possession to title determination, exceeding the original suit's scope. The dismissal of the application for her impleadment as the legal representative was deemed inappropriate.

K JEEVAN RITA MURTHY VS SARABJIT SINGH (SINCE DECEASED) THROUGH LRS. AND ANR. [FAO(OS)-66/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The impugned order allows the Receiver to take over physical possession of the suit property and evict K. Jeevan Rita Murthy. She was not a party to the original suit, and her application for substitution as the legal representative of the deceased defendant was dismissed. The appellant had previously provided an undertaking agreeing to vacate the property and not claim any rights or title, which she breached by overstaying. The pendency of her review petition does not affect the order due to her prior undertaking and the limited permission granted.

K.R ANAND VS DELHI METRO RAIL CORPORATION & ORS. [LPA-231/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The letters patent appeal by K.R. Anand was dismissed, challenging the earlier dismissal of his writ petition for the release of dues from the Delhi Metro Rail Corporation (DMRC). The appeal was characterized as a civil suit for recovery, requiring evidence appreciation, which is not suitable for a writ petition. The Letter of Award from the principal contractor stipulated arbitration as the alternative dispute resolution mechanism and prevented Anand from seeking direct relief from DMRC. The appeal lacked merit and was dismissed.

KAMAL KANT RACHHOYA VS MANISH RACHHOYA [FAO(OS)-15/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal challenging the appointment of a Local Commissioner to record evidence was dismissed. The Delhi High Court (Original Side) Rules, 2018 mandate such appointments. The cited case of Nikhil Gupta vs. Tanu Gupta was deemed distinguishable, as it involved a trial court and did not address the High Court Rules. The appellant's arguments were rejected.

KHIRKI VILLAGE RESIDENT WELFARE ASSOCIATION VS MUNICIPAL CORPORATION DELHI & ORS. [W.P.(C)-6883/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

A public interest petition was filed by the Khirki Village Resident Welfare Association seeking the reconstruction of a demolished municipal school, which was halted by the Archaeological Survey of India due to its location near the Tomb of Yusuf Qattal. The Municipal Corporation of Delhi applied for fresh permission for reconstruction under the Ancient Monuments and Archaeological Sites and Remains Act, 1958, which permits renovations in prohibited areas. The competent authority is to decide on the MCD's applications in accordance with the law, preferably within six weeks, while preserving the rights of all parties involved.

M/S ECARTES TECHNOLOGY PVT LTD VS NICDC LOGISTICS DATA SERVICES LTD AND ANR. [W.P.(C)-7032/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

NICDC Logistics Data Services Ltd must decide M/s Ecartes Technology Pvt Ltd's representations against the disqualification of its bid for supplying RFID Tags and RFID Tag Applicators within two weeks, in accordance with law. The petitioner's claims of product compliance with tender requirements have not yet been addressed. The merits of the case remain unexamined, and the rights and contentions of both parties are preserved.

M/S TRICOLOR INDIA SCHAUSPIEL PVT LTD VS INDIAN OIL CORPORATION LTD. & ORS. [W.P.(C)-10859/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition by M/S Tricolor India Schauspiel Pvt Ltd challenging the tender awarded to M/S E Factor Experiences Limited for a project at Golconda Fort was dismissed. The main contention regarding over 70% of the bill of quantities not being manufactured in India was found to be incorrect, as verified by the Tender Evaluation Committee. There were no false representations by other bidders concerning local content. Additionally, the tender was fully executed by M/S E Factor Experiences Limited, and no further action was necessary.

MAA JHANDEWALI CO-OPERATIVE URBAN THRIFT AND CREDIT SOCIETY THROUGH ITS SECRETARY VS THE REGISTRAR OF COOPERATIVE SOCIETIES AND ANR [W.P.(C)-1699/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The order appointing a Returning Officer for the elections of the Maa Jhandewali Co-operative Urban Thrift and Credit Society's Managing Committee was set aside. The Registrar's action did not comply with the Delhi Co-operative Societies Act, 2003, which mandates that one-sixth of the members must request the appointment of a Returning Officer after the election process has begun. An Observer was appointed to oversee the elections, and the Petitioner-Society is responsible for the Observer's fee.

MAYAPURI CETP SOCIETY VS THE SPECIAL COMMISSIONER OFINDUSTRY CUM APPROPRIATE AUTHORITY CETP AND ORS [W.P.(C)-1558/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The notification issued by the Special Commissioner of Industry cum Appropriate Authority CETP was quashed due to violations of the Delhi Common Effluent Treatment Plants Act, 2000, and the Delhi Common Effluent Treatment Plants Rules, 2001. The notification lacked adherence to the proper procedure outlined in Section 14 of the CETP Act and Rule 9 of the CETP Rules, and the petitioner was not informed of the relevant order dated January 4, 2023, which denied them the right to appeal under Section 13 of the CETP Act. A new and comprehensive show cause notice must be issued to the petitioner in compliance with the law.

MERITECH SOFTWARE PVT. LTD. VS BHARAT SANCHAR NIGAM LTD. [W.P.(C)-4568/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Meritech Software Pvt. Ltd. was wrongly disqualified by Bharat Sanchar Nigam Ltd. from a tender for RF Tools and Testers. Clause 4.1.7 of the tender document, disqualifying bidders sharing a land border with India, did not apply as Meritech is an Indian manufacturer with 100% Indian ownership and Intellectual Property Rights. The petitioner was not considered an "agent" of Lenovo and OnePlus merely for proposing their hardware as raw materials. BSNL is instructed to treat the writ petition as a representation and resolve the matter with a reasoned order within 10 days, while preserving the rights and contentions of both parties.

MRS. SAROJ NIJHAWAN & ORS. VS MRS. SEEMA CHHABRA & ORS. [FAO(OS)-47/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal challenging the dismissal of the application for condonation of delay in filing the replication to the written statement was dismissed. The written statements were accepted after the appellants' counsel expressed "no objection." It was emphasized that the appellants could have submitted the replication without prejudice to their rights, even during mediation. A previous ruling established that the relevant procedural rule regarding timely filing is mandatory.

MS RAMAN SHARMA VS MS PREM LATA PRABHAKAR AND ORS [FAO(OS)-44/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal challenging the order condoning the delay in filing the amended written statement was dismissed. The appellant's counsel had previously given 'no objection' to the amended statement, which constituted a conscious waiver of the right to oppose it. The case law cited by the appellant was deemed inapplicable, as a decree passed in a suit barred by limitation is not considered a nullity. The appeal was dismissed as lacking merit.

PANNA LAL AND OTHERS VS CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LTD & ANR. [W.P.(C)-2682/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Orders from the Debt Recovery Tribunal-I rejecting the petitioners' securitization application and application for a restraining order against the respondent financial institution, as well as the Chief Metropolitan Magistrate's appointment of a Receiver for possession of the mortgaged property, are valid. The respondent financial institution is directed not to take further coercive action against the petitioners until March 15, 2024, provided the petitioners file their appeal before the Debt Recovery Appellate Tribunal by March 1, 2024. A directive is also given for the Chairperson of the Debt Recovery Appellate Tribunal to address the petitioners' interim application or the entire appeal before March 15, 2024.

RAGHAV AWASTHI VS UNION OF INDIA & ORS. [W.P.(C)-2415/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition filed by Raghav Awasthi for guidelines against media speculation on intelligence officers was dismissed. Assertions made were deemed mere conjecture and did not demonstrate that the news article harmed the officers' careers or endangered their families. The matter involved press freedom and the right to know, with the government retaining authority to act against publications threatening national security. The petition and related application were dismissed.

RAKESH GUPTA VS UNION OF INDIA & ORS. [W.P.(C)-7966/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition by Rakesh Gupta, seeking action on alleged corruption and maladministration by Kendriya Bhandar officials, was dismissed. A committee appointed by the Chief Vigilance Officer found no malafide intent from Kendriya Bhandar employees, attributing observed irregularities to the effects of demonetization. Additionally, the Income Tax Department accepted Kendriya Bhandar's income tax returns for the relevant years without issues. Therefore, no grounds existed to consider the public interest petition. The petitioner retains the option to pursue legal recourse independently.

RAVINDER TYAGI VS MUNICIPAL CORPORATION OF DELHI AND ANR [W.P.(C)-4708/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

A public interest litigation was filed by Ravinder Tyagi challenging the removal of 23 peepal trees by the Municipal Corporation of Delhi for parking area redevelopment. The petitioner did not provide prior notice or obtain the project sanction plan. It was unclear if the trees were actually cut, conflicting with the MCD's earlier statement. The Deputy Commissioner of MCD was instructed to treat the petition as a representation and issue a reasoned decision within four weeks, allowing the petitioner to pursue further legal action if dissatisfied.

RIKA GLOBAL IMPEX LTD VS UNION OF INDIA & ORS. [W.P.(C)-14212/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Rika Global Impex Ltd withdrew its original writ petition but did not receive specific permission to file a new petition on the same cause of action in another court. The intent to file a new writ in the Bombay High Court was not communicated, preventing any grant of such liberty. The maintainability of the new petition is left to the Bombay High Court.

SAMEER BAHADUR VS UNION OF INDIA [W.P.(C)-5126/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition by Sameer Bahadur to quash the SARFAESI/recovery action by the bank was dismissed. The ongoing appeals before the DRAT were scheduled for a hearing on May 13, 2024, and the petitioner was advised to request an early hearing, which would be decided according to the law. No specific orders were issued as the appeals were pending.

SANJAY YADAV VS DELHI TRANSPORT INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS. [W.P.(C)-4964/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation challenging the removal of a bus queue shelter at Guru Gobind Singh Marg, New Delhi, was dismissed due to being contrary to facts and misconceived in law. Respondents 3, 4, 6, and 7 were found to have no connection to the matter. Respondents 11 and 12 demonstrated that they purchased land near the removed shelter after its removal, which occurred at the request of the Resident Welfare Association (RWA), Karol Bagh. No violation of the petitioner's constitutional right to life, including rights to clean air and a pollution-free environment, was established as a result of the removal.

SH SUNNY SACHDEVA VS ACP NORTH RTI CELL AND ANR [LPA-308/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal by Sh. Sunny Sachdeva was dismissed. He accepted the amended replies to his queries as true, leaving him to file an appropriate application before the Single Judge. Since departmental action has already been initiated against the erring officials, he cannot raise a grievance about inaction and must await the conclusion of departmental proceedings before addressing such issues.

SH. ANUJ MALHOTRA VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-4735/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

A public interest petition seeking a ban on cross-gender massages in spas and a directive to share recordings with the Delhi Commission for Women was dismissed due to the pending challenge of the "Guidelines for Operation of Spas/Massage Centers in Delhi" in another proceeding. The clause prohibiting cross-gender massages is currently stayed, and the authorities are tasked with ensuring spas operate with valid licenses. The present petition cannot be entertained as the issue is already under consideration.

SHAHPUR JAT VILLAGE SOCIETY VS COMMISSIONER OF POLICE & ORS. [W.P.(C)-5406/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest petition by the Shahpur Jat Village Society addressed non-functional traffic signals in Delhi, specifically noting that the signal at the main entry into Shahpur Jat Village/Asiad Village had been out of order since March 2024. Despite complaints to the authorities, no action was taken. It was stated that the signal would be repaired by the evening of 17th April 2024. The petitioner's representation regarding the issue is to be considered by the Lieutenant Governor in accordance with the law.

SHARANJEET KAUR VS IDBI BANK LTD [LPA-417/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appellant's writ petition challenging the closure of her complaint against the General Manager of the bank was dismissed. An appeal under Section 18 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act, 2013 (POSH Act) was deemed the appropriate remedy, despite the absence of a formal inquiry. Recommendations from the Internal Complaints Committee (ICC) under Section 13(2) of the POSH Act were considered appealable. The argument regarding the maintainability of the petition was also rejected, as prior orders allowed for objection on maintainability without prejudice.

SHRIKANT PRASAD VS GOVT. OF NCT OF DELHI AND ORS. [W.P.(C)-6521/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest petition regarding the Chief Minister of Delhi's interaction with the Delhi Assembly and Cabinet Ministers via video conferencing while in judicial custody was dismissed. The Chief Minister has challenged his arrest in the Supreme Court, which is considering interim relief. There was no imposition of media censorship or restrictions on political rivals' protests or statements calling for his resignation, as the conditions did not warrant emergency or martial law. The petitioner must deposit Rs. 1 lakh with the AIIMS Poor Fund Account.

SMT SUMAN LATA GUPTA VS REGISTRAR COOPERATIVE SOCIETY & ORS. [W.P.(C)-6842/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The petitioner, Smt. Suman Lata Gupta, is entitled to have the records of the arbitration case summoned. The Registrar Cooperative Society (RCS) is instructed not to proceed with arbitration until the writ petition is resolved. The RCS must also dispose of the petitioner's petition and any future applications for renting out her flat within two months, in accordance with law. The decision considers the petitioner's personal circumstances and the delay in adjudicating disputes under Section 70 of the Delhi Cooperative Societies Act, 2003.

SOCIAL JURIST, A CIVIL RIGHTS GROUP VS GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-14964/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

A public interest litigation resulted in the acceptance of a status report from the Government of NCT of Delhi regarding six newly constructed school buildings. Two schools are already operational, while one will be ready by the end of summer vacation, and others will be functional by August and October 2024. The Delhi government and Directorate of Education are bound by the assurances provided, with compliance set for review on October 8, 2024.

SUNAYANA SIBAL & ORS. VS GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-13236/2022]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

A writ petition was addressed concerning the health and well-being of Delhi citizens, focusing on the quality of milk produced by cows and buffaloes consuming toxic waste from the Bhalaswa landfill. Dairy owners adjacent to the landfill are to be relocated to Ghogha dairy, with directives for necessary infrastructure, including a grazing area, biogas plant, veterinary hospital, and integrated milk plant, to ensure the production of safe milk. The emphasis is on health, hygiene, and animal welfare. Authorities are instructed to submit reports and plans, including a master plan for Ghogha dairy and specific layout plans.

SUNAYANA SIBAL & ORS. VS GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-13236/2022]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Department of Drugs Control is directed to conduct weekly inspections and register cases against the use of spurious Oxytocin, a cognizable offense under the Prevention of Cruelty to Animals Act and the Drugs and Cosmetics Act. Previous directives for relocating designated dairies outside the municipal zone of Delhi were not complied with. Immediate relocation of Ghazipur Dairy and Bhalaswa Dairy is ordered due to public health hazards, with emphasis on finding areas with proper infrastructure. Relevant officials are to be consulted regarding land availability for the relocation.

SURENDRA MOHAN & ANR. VS PUNJAB NATIONAL BANK [W.P.(C)-7388/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition challenging an order of the DRT-I, Delhi was dismissed due to the involvement of disputed questions of fact. The petitioners were advised to raise their contentions before the DRT, as effective alternative remedies are available under the DRT Act and SARFAESI Act. The petitioners retain the right to present their case in accordance with the law.

SURESH KUMAR GUPTA & ANR VS SHRILATA AGARWAL(NOW DECEASED THROUGH HER LR'S) & ORS. [FAO(OS)-129/2017]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal challenging the order allowing the amendment of the plaintiff's plaint was allowed. Mediation at the Delhi High Court Mediation and Conciliation Centre was successful, resulting in a lawful Settlement Agreement between the parties. The underlying suit was decreed in accordance with the Settlement Agreement dated 28th March, 2024, with directions for the preparation of a decree sheet based on the Settlement Agreement.

SURJIT SINGH YADAV VS UNION OF INDIA AND ORS [W.P.(C)-4578/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

A public interest petition seeking a writ of quo warranto to remove the Chief Minister of NCT of Delhi was dismissed. The ability to remove or dismiss the Chief Minister or declare a breakdown of constitutional machinery is designated to other state organs according to the law. There was no comment on the merits of the allegations against the Chief Minister, who faced arrest in a money laundering case.

T.V. TODAY NETWORK LIMITED AND ANR. VS UNION OF INDIA AND ORS. [W.P.(C)-4912/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

T.V. Today Network Limited challenged the constitutionality of Rule 3(1)(c) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, following the suspension of their Instagram account "@bazaarindia" due to copyright complaints. The petitioners claimed that the suspension lacked necessary safeguards and that the broad language of the Rules grants excessive discretion to intermediaries, violating constitutional rights. An appeal before the Grievance Appellate Committee was advised, with a request for an expedited decision within two weeks.

WE, THE PEOPLE OF INDIA VS UNION OF INDIA & ORS. [W.P.(CRL)-1203/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The cost of Rs. 75,000 imposed on the petitioner was waived after an unconditional apology was tendered and acknowledgment of the mistake was made. The contentions in the writ petition were contrary to facts, and the legal submissions were deemed untenable. Due to the petitioner's financial situation as a student from a lower-middle-class family, the cost was waived. The petitioner was directed to attach copies of the previous judgment and the current order in any future proceedings.

AKARSHAN BHAWAN FLAT OWNERS WELFARE ASSOCIATION AKARSHAN BHAVAN AND ANOTHER VS SUSHIL KUMAR JAIN AND OTHERS [FAO(OS)-72/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The removal of overhead water tanks and fire safety equipment from the building's roof was deemed improper and illegal, as these facilities are essential for the occupants' use and enjoyment. The occupants have easement rights to access the roof for installing and maintaining the necessary equipment. The responsible party must allow the restoration of the removed equipment and provide uninterrupted access for maintenance. The occupants are also required to comply with fire safety requirements within a specified time to obtain the fire safety certificate.

ANITA KUMAR VS REGISTRAR COOPERATIVE SOCIETIES & ANR. [W.P.(C)-11616/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Jyoti CGHS Ltd. cannot obstruct the implementation of arbitral awards in favor of the petitioners, which the Delhi Co-operative Tribunal has upheld. The petitioners have tendered the due amounts, and the society must accept the payments and issue no-dues and no-objection certificates. This involves multiple writ petitions addressing the same legal issue.

ANKIT KUMAR VS INDIAN RAILWAY CATERING AND TOURISM CORPORATION LIMITED & ORS. [W.P.(C)-3720/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition from a Micro Enterprise challenging the notice inviting e-open tender (NIT) for onboard catering services was dismissed. The petitioner, despite potential exemption from the earnest money deposit requirement, was ineligible due to failure to meet the technical criteria outlined in the NIT. The petitioner's delay in approaching the court on the final submission date was noted as barred by laches. The petitioner is allowed to challenge Commercial Circular No. 24/2023 related to the NIT in an appropriate forum.

ANKUR GUPTA VS UNION OF INDIA AND OTHERS [W.P.(CRL)-3573/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation petition was dismissed due to the Income Tax Department's prior examination of the relevant transaction during a block assessment, which did not reveal grounds for further investigation. Additionally, a previous writ petition by the same petitioner against a common respondent was dismissed as motivated, indicating that the current PIL would not serve the interests of justice.

APEEJAY SCHOOL, SHEIKH SARAI VS SANDEEP KUMAR & ANR. [LPA-402/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeals filed by Apeejay School, Sheikh Sarai, against a judgment directing admission for the wards of the respondents in Nursery/Pre-Primary class were dismissed. The school's claim regarding an interim order in a separate writ petition did not exempt it from the obligation to comply with the computerized draw of lots by the Directorate of Education. The respondents, asserting their fundamental rights under the Right of Children to Free and Compulsory Education Act, 2009, were not affected by the interim order. The reasoning provided for rejecting the school's arguments was deemed sound, leading to the upholding of the judgment.

APRESH GARG & ANR. VS INDIAN BANK (ERSTWHILE ALLAHABAD BANK) [W.P.(C)-3217/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The bank's proceedings before the Debt Recovery Tribunal (DRT) were initiated before the insolvency proceedings against the petitioners. However, the interim order issued by the DRT on January 4, 2024 is invalid due to the statutory moratorium under Section 96 of the Insolvency and Bankruptcy Code (IBC). Consequently, the interim order has been quashed, and the DRT proceedings will remain stayed, pending further directions from the competent authority under the IBC.

ARUN KHANNA VS VINOD KHANNA [LPA-235/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appellant's Letters Patent Appeal challenging the dismissal of a contempt petition was dismissed because an appeal cannot be maintained against an order that declines to initiate contempt proceedings. The appeal was found not to pertain to the merits of the underlying dispute, making it not maintainable. The appellant was granted the opportunity to file appropriate proceedings according to the law.

ASHOKA ENCLAVE COOP. G/H SOCIETY LTD. THROUGH ITS PRESIDENT /SECRETARY VS REGISTRAR COOPERATIVE SOCIETIES DELHI & ORS. [W.P.(C)-4421/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition by the cooperative society was dismissed, affirming the Returning Officer's removal of Respondent Nos. 3 and 4 from the defaulter list. The interpretation of cooperative law by the Returning Officer was deemed reasonable, as the society's claims against the respondents were disputed and pending. Entertaining the petition at this stage would disrupt the scheduled cooperative society elections.

AVIAXPERT PVT LTD VS AI AIRPORT SERVICES LTD & ANR. [W.P.(C)-7263/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The disqualification of the petitioner's tender bid was upheld due to the Consortium Agreement's vagueness, lacking clear intent and binding obligations. The rejection of the bid was deemed prudent given the deficiencies in the MoU. The petitioner's disqualification meant a lack of locus to challenge the tender award to Respondent No. 2. The writ petitions filed by the petitioner were dismissed.

AZAD MARKET WELFARE ASSOCIATION & ANR. VS STATE (GNCT OF DELHI) THROUGH ENGINEER-IN-CHIEF & ORS. [LPA-350/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal by the Azad Market Welfare Association against the dismissal of their writ petition regarding the Municipal Corporation of Delhi's construction of a retaining wall for an underpass project was dismissed. The retaining wall, designed by technical experts and approved by the relevant committee, cannot be modified as requested by the appellants. No merit was found in the appeal, with a clear stance that the opinions of technical experts should not be substituted.

BALBIR SINGH SAINI AND ORS VS GANGA DUTT SAINI AND ORS [LPA-355/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal challenging the valuation of a suit property in a partition suit was dismissed. The objection regarding valuation will be decided at trial, and the valuation report submitted by the appellants must be proven according to the law, as it was not admitted by the respondents. The objection concerning court fees, based on payment for only a 1/3rd share claim, was rejected, as valuation principles for court fees and jurisdiction in partition suits are established. The appeal was deemed not maintainable.

BALJIT SINGH VS DELHI MEDICAL COUNCIL & ANR. [LPA-6/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal by Baljit Singh against the Delhi Medical Council's Disciplinary Committee's order was dismissed. The Committee found no medical negligence by Dr. B.B. Chanana in the treatment of Baljit Singh's father on July 26, 2020. The findings were based on expert medical opinions, indicating that the treatment was appropriate given the patient's medical history and symptoms. A failure to conduct additional tests did not constitute gross or culpable negligence. Baljit Singh did not demonstrate any error in the Committee's conclusions.

BEJON KUMAR MISRA VS UNION OF INDIA & ORS. [W.P.(C)-11543/2019]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation (PIL) concerning PMC Bank was dismissed due to previously decided issues in prior judgments regarding affected deposit holders. The insurance cover for PMC Bank depositors has been increased from R.S. 1 lakh to R.S. 5 lakhs per account, rendering specific prayers in the PIL unnecessary. Matters related to 100% insurance cover and dual regulation of cooperative banks fall under executive and legislative jurisdiction, not subject to further judicial directions.

BHARAT NIDHI LIMITED VS SECURITIES AND EXCHANGE BOARD OF INDIA & ORS. [LPA-48/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The cause of action for challenging the SEBI revocation order primarily arose in Mumbai, not within Delhi's territorial jurisdiction. The facts cited by the appellants, such as the registered office in Delhi and receipt of the order there, are not central to the cause of action. The doctrine of forum conveniens indicates that the High Court of Bombay is the appropriate venue, as events related to the case occurred in Mumbai. Appeals were dismissed, affirming the decision not to entertain the writ petitions in Delhi.

CAPT RAMINDER SINGH WADHWA VS AXIS BANK LIMITED AND ORS [W.P.(C)-6766/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Respondent No. 1 Bank had a valid mortgage over the property created in 2006 and registered on the CERSAI portal in 2013, prior to the petitioner's 2011 purchase. Under the Transfer of Property Act, Respondent No. 1 Bank had priority over the petitioner's lender, Respondent No. 7 Bank. The delay in registering Respondent No. 1 Bank's security interest on the CERSAI portal did not extinguish its rights under the SARFAESI Act, as amendments extended the registration time.

CHANDIGARH HORSE RIDERS SOCIETY CHANDIGARH VS EQUESTRIAN FEDERATION OF INDIA THROUGH SECRETARY GENERAL & ORS. [LPA-449/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Executive Committee of the Equestrian Federation of India (EFI) has been reinstated as it existed on December 18, 2019, with Lt. Col. Ashish Malik and Maj. Ritika Dahiya replacing Ms. Vanita Malhotra and Lt. Col. Raj Sangram Singh. This arrangement precedes the Paris Olympics 2024, and relevant writ petitions will be handled for rapid resolution, with all parties' rights and claims remaining open.

CHETAN PURI AND ANR VS SUNITA REKHI AND ORS [FAO(OS)-74/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal against the order allowing further cross-examination of appellant no. 1 on bank statements was dismissed as the order was procedural and not a final judgment. The appellants may challenge the order later if the final decree is unfavorable. The respondents were instructed to complete the cross-examination within two hearings.

CISB SERVICES PVT LTD VS UNION OF INDIA & ORS. [W.P.(C)-16756/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Tenders should be awarded in equal shares to all four technically qualified bidders, including the Petitioner and Respondent No. 4, despite Respondent No. 4 not being an MSE. A mistake was made in selecting the 'MSE Purchased Preference' option on the GEM portal, and the bidding process took six months to complete. The decision to award the tenders to the four eligible L1 bidders aligns with public interest.

CONFEDERATION OF NCR RESIDENTS WELFARE ASSOCIATIONS (REGD.) & ORS VS GOVERNMENT OF NCT OF DELHI & ORS [W.P.(C)-10333/2015]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation filed by the Confederation of NCR Residents Welfare Associations to quash agreements related to the Delhi Noida Bridge Project was dismissed. A similar case is pending before the High Court of Allahabad, which has already issued directions regarding user fees from the concessionaire, currently under appeal in the Supreme Court. Additionally, investigations by the Serious Fraud Investigation Office and the National Company Law Tribunal concerning the concessionaire and its parent company are ongoing. No further directions were deemed necessary due to these active proceedings.

DAGAJI BAPU GRAPE GROWERS CO-OPERATIVE SOCIETY LTD. & ANR. VS DISTRICT MAGISTRATE (SOUTH EAST), RETURNING OFFICER, NAFED & ORS. [W.P.(C)-6830/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The petition by Dagaji Bapu Grape Growers Co-operative Society Ltd. and its representative for the restoration of the representative's name in the electoral list for NAFED elections was dismissed. The petition was deemed not maintainable under the Maharashtra Co-operative Societies Act, 1960, due to the appointment of an Official Liquidator on 19th September 2019, which resulted in the vacancy of the Society's officers and the general body's inability to exercise power. Although the Society's challenge to the cancellation of its registration was allowed on 07th May 2024, the appointment of the Official Liquidator remains in effect.

DELHI ADVERTISING CGHS LTD VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-1682/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The arbitral award and the order of the Delhi Cooperative Tribunal were upheld in favor of Mahesh Belwal's legal heirs and BD Belwal. The three-month period for challenging the award commenced from the first date of hearing before the arbitrator. The challenge to the validity of Mahesh Belwal and BD Belwal's membership was rejected due to the absence of any cancellation order from the Registrar of Cooperative Societies. The society was restricted from interfering with the possession and enjoyment of the flat by the respondents, which had been allotted to BD Belwal.

DHRUV CHAWLA VS UNION OF INDIA & ORS. [W.P.(C)-5931/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation (PIL) filed by Dhruv Chawla challenging the tender conditions in Bid Number GEM/2024/B/4798585 was dismissed. The challenge was deemed not maintainable as the "persons aggrieved" would be the potential bidders, not the general public. The petitioner, a practicing advocate, lacked the status of an aggrieved bidder.

DINKAR KUMAR AND ORS VS UNION OF INDIA & ORS [W.P.(C)-2844/2014]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The petition challenging the constitutional validity of statutory provisions allowing direct appeals to the Supreme Court from tribunal orders was dismissed. The Supreme Court has previously upheld that the jurisdiction of High Courts under Articles 226 and 227 cannot be bypassed by legislation allowing direct appeals. The constitutionality of the specific provisions in question has also been reaffirmed. The argument for "reading down" the provisions was rejected, as courts cannot amend legislation. The challenges to the statutory provisions do not merit further consideration based on established precedents.

DR NAMIT GUPTA VS DELHI MEDICAL COUNCIL AND ANR [W.P.(C)-2635/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public notice from the Delhi Medical Council (DMC) mandating medical practitioners in Delhi to register with the DMC is upheld. The legal framework necessitates registration with the state medical council where the doctor practices. This requirement is essential for the DMC to regulate and discipline medical practitioners. Regulations also allow doctors to transfer their registration to another state council when changing jobs. The writ petition challenging this requirement is dismissed.

DR. ARCHANA OJHA AND ANR. VS DR. SHAILENDRA OJHA AND ANR. [W.P.(C)-2486/2019]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Tribunal's order directing the Registrar of Co-operative Societies to refer the claim of Respondent No. 1 to arbitration under Section 70 of the Delhi Co-operative Societies Act, 2003, was upheld. The petitioners can seek proof of the validity of the nomination and raise the plea of limitation in the arbitration proceedings, which will be considered by the Arbitrator.

DR. SANDIP VINAYAK INGLE & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-5987/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The government's appointment of the Advisory Council to the Veterinary Council of India was deemed unsustainable due to its violation of a previous consensual order to hold elections for the VCI President and Vice-President. The failure to convene a meeting for the election and the subsequent appointment of the Advisory Council were considered erroneous. The order constituting the Advisory Council was quashed, and the VCI Secretary was directed to call a meeting within five weeks for the election of the President and Vice-President, allowing the existing elected and nominated members to vote. The challenge to the appointment of the VCI Secretary was not addressed.

DSIDC AND UDYOG NAGAR CETP SOCIETY & ANR. VS GOVERNMENT OF NCT OF DELHI & ANR. [W.P.(C)-1385/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The notification transferring the management of a Common Effluent Treatment Plant (CETP) was quashed due to violations of the Delhi Common Effluent Treatment Plants Act, 2000, and the Delhi Common Effluent Treatment Plants Rules, 2001. The petitioner was not informed about the order from the Appropriate Authority, hindering the right of appeal. Additionally, the issuance of a fresh show cause notice suggested that the previous order was no longer valid. A fresh and comprehensive show cause notice must be issued to the petitioner in compliance with the law.

E5 INFRASTRUCTURE PRIVATE LIMITED VS NATIONAL HIGHWAYS AUTHORITY OF INDIA [LPA-249/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal by E5 Infrastructure Private Limited was dismissed due to the appellant's blameworthy conduct. The managing director and employees faced charges related to the murder of an employee linked to disputes from a construction agreement. Extraordinary jurisdiction under Article 226 was not warranted for a party with such conduct, even with pending allegations. The appellant retains the option to pursue alternative remedies as per the law.

EJAZ HAIDER ZAIDI & ORS. VS CA CO-OPERATIVE T/C SOCIETY LTD. [W.P.(C)-12918/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The order of the Delhi Cooperative Tribunal (DCT) dismissing the petitioners' appeal against an arbitral award was upheld. The petitioners participated in the arbitral proceedings, and their argument regarding the loan being taken at the behest of a third party was deemed an insufficient defense against repayment liability. The challenge to the arbitral award and the application for a stay were rejected, confirming the validity of the DCT's order.

FEDERATION OF SARITAVIHAR RESIDENT WELFARE ASSOCIATION VS UNION OF INDIA AND ORS [W.P.(C)-8412/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation petition by the Federation of Sarita Vihar Resident Welfare Association was disposed of with a directive for Respondent No. 4 to address the representation made through a legal notice. A speaking order must be issued in accordance with law within four weeks. No findings were made on the merits of the allegations regarding inadequate car-parking spaces at the 336-bedded hospital site in Sarita Vihar, New Delhi.

G HEMANT VS REGISTRAR COOPERATIVE SOCIETIES & ORS. [W.P.(C)-6395/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The petitioner was deemed ineligible for membership in the Mianwali District Cooperative House Building Society Ltd due to Rule 25 of the Delhi Cooperative Societies Rules, 1973, which disqualifies individuals if they, their spouse, or dependent children own a residential house or plot in Delhi. The petitioner's mother, an executive member of the society, had been allotted a plot, and the petitioner and his younger brother were financially dependent on their parents at the time of application. Allowing the petitioner's enrollment would contradict the Delhi Cooperative Societies Act, 1972, intended to benefit economically weaker sections. A 1988 Memorandum relied upon by the petitioner was invalidated for being contrary to the Act and the Rules.

GAUTAM KUMAR LAHA VS UNION OF INDIA & ORS. [W.P.(C)-5698/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation concerning undertrial prisoners in overcrowded Delhi prisons was dismissed due to the ongoing consideration of these issues in a separate Supreme Court writ petition. Existing steps include the formulation of a Standard Operating Procedure for Undertrial Review Committees and directives for states and Union Territories regarding jail infrastructure. As the matters are already being addressed, there was no basis to entertain the petition.

GOVT OF NCT OF DELHI VS HUSSAIN ALI & ANR. [LPA-101/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Directorate of Education's decision to cancel the admission of a student in Sachdeva Public School under the EWS/DG category was deemed unjustified. The student had incorrectly listed certain localities in the online application, but the correct residential address was provided, and the localities mentioned were nearby. This did not constitute material misrepresentation sufficient to warrant cancellation. Additionally, the failure to communicate the cancellation decision to the student's parents caused them harassment, leading to the imposition of costs on the Directorate of Education.

HAIDER ALI VS BOARD OF CONTROL OF CRICKET IN INDIA & ORS. [W.P.(C)-7820/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

A public interest litigation (PIL) sought to require the Board of Control for Cricket in India (BCCI) and Delhi Capitals to pay the Delhi Police for security during Indian Premier League (IPL) matches. The Delhi Police had not negotiated any fees with the BCCI or Delhi Capitals, resulting in no outstanding dues. The decision not to charge for security was deemed a policy decision without grounds for court interference.

HARJIT SINGH KENT VS SHRI BALBIR SINGH KAINTH [LPA-210/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal by Harjit Singh Kent to reopen the defendant's evidence in a civil suit was dismissed. The appellant failed to demonstrate the relevance of additional witnesses, whose testimony was unlikely to provide new material evidence. The previous counsel had consciously closed the defendant's evidence, and the request to reopen it after a substantial delay appeared to aim at delaying the proceedings. The decision to close the evidence was considered, and no merit was found in the appeal.

HINDUSTAN PETROLEUM CORPORATION LIMITED VS PETROLEUM AND NATURAL GAS REGULATORY BOARD AND ANOTHER [LPA-269/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The APTEL's orders to implead Reliance Industries Ltd. (RIL) in appeals by Bharat Petroleum Corporation Ltd. (BPCL) and Hindustan Petroleum Corporation Ltd. (HPCL) challenging the PNGRB's classification of the ATF pipeline as a common carrier were upheld. RIL, having initially requested the declaration, had a significant interest in the outcome. Its involvement was deemed necessary for effective adjudication of the appeals. The appeals by BPCL and HPCL were dismissed.

IFUNA CO-OPERATIVE GROUP HOUSING SOCIETIES LTD. VS THE REGISTRAR, CO-OPEARIVE SOCIETIES, GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-15913/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The requirement of domicile in Delhi was not applicable for co-operative society membership in 1986 when the respondent applied, according to the Delhi Co-operative Societies Act, 1972 and Rules, 1973. The 1997 amendment imposing a 3-year Delhi residency requirement was not properly notified and thus not applicable. The previous orders validating the respondent's membership remain in effect.

IKHLAS AHMED CHAWLA VS ABDUL RASHEED & ORS. [FAO(OS)-28/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The order dismissing the appellant's applications for condonation of delay in filing replications was set aside. The decision on these applications was to be awaited until the outcome of the respondents' pending applications for condonation of delay in their written statements. With the consent of the parties, delays were condoned for both the appellant's replications and the respondents' written statements to facilitate the disposal of the suit. The parties were directed to file their respective affidavits of admission/denial of documents within two weeks.

INDER PRATAP SINGH AKOI (THROUGH HIS DULY CONSTITUTED ATTORNEY) VS SHRI HARI MOHAN SHARMA & ORS. [FAO(OS)-24/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appellant (plaintiff no. 6) was not a party to the consent decree for specific performance in favor of respondent nos. 1, 3, and 10, with its rights against the decree holders expressly reserved. The appellant is permitted to file an independent suit against them, unaffected by the bar under Order 23 Rule 3A of the CPC. The application to set aside the consent decree was dismissed, with no basis found for interference with the prior judgment.

INDUPAL KAUR SEHGAL VS DR. DAVINDER PAL SINGH REKHI & ORS. [FAO(OS)-65/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal challenging the dismissal of an application to amend the plaint in a partition suit was dismissed. The proposed amendment aimed to contest a 1976 partition decree on grounds of fraud, which would shift the case to a suit for declaration, deemed impermissible. The appellant, as a legal heir of the late Sh. Prehlad Singh Rekhi, is barred from contesting the 1976 decree to which he agreed during his lifetime.

ISHRAR AHMED VS ICICI BANK LIMITED AND ANR [W.P.(C)-4535/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Debts Recovery Tribunal's dismissal of objections to the seizure of property was upheld. The sale deed dated 4 March 2005 transferring the property to the respondent-borrower was deemed valid, leaving the previous owner with no rights. A subsequent general power of attorney executed by the previous owner was considered invalid, as a general power of attorney does not transfer title in immovable property, which must occur through a sale deed. The petitioner's writ petition challenging the Tribunal's order was rejected.

JACOB VADAKKANCHERY VS UNION OF INDIA AND ANR. [W.P.(C)-5120/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation petition was dismissed, confirming that the Drugs and Cosmetics Act, 1945 and the Pharmacy Practice Regulations, 2015 require manufacturers and pharmacists to inform patients about potential drug risks and side effects. Directing medical practitioners to provide this information would constitute judicial legislation, which is beyond the scope of judicial review. Previous Supreme Court precedents indicate that courts cannot instruct the legislature on law-making processes.

JANAK DATWANI VS CNA EXPORTS PVT LTD & ORS. [FAO(OS)-43/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The first appeal by Janak Datwani against the designation of CS(OS) 1113/2007 as the lead suit was dismissed. CS(OS) 118/2007 had initially been designated as the lead suit but was abated, leading to the selection of the oldest suit, CS(OS) 1113/2007. The argument for CS(OS) 556/2008 to be the lead suit was rejected. The order was deemed not appealable under the Delhi High Court Act, 1966, as it did not meet the criteria for a 'judgment'. The appeal was dismissed due to a lack of merit in the arguments presented.

KANIKA SINGHAL & ORS. VS DELHI DEVELOPMENT AUTHORITY & ANR. [W.P.(C)-6450/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The amendment to Clause 4.4.3B(v) of the Master Plan of Delhi (MPD) in 2020 conforms with the Delhi Development Act, 1957. It eliminates the dual transfer process of Economically Weaker Section (EWS) flats, preventing allottees from paying stamp duty twice. The original condition regarding the use of the CPWD cost index became redundant with the direct transfer from the Developing Entity (DE) to EWS allottees. A challenge to the price fixed for EWS flats was dismissed as it aligned with the tentative price disclosed in the 2023 scheme brochure.

KAPIL KUMAR SHARMA VS LALIT KUMAR SHARMA AND ANR [FAO(OS)-30/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appellant's application to amend the written statement and add a new preliminary objection was dismissed. The suit property will devolve upon the deceased's Class-I legal heirs by intestate succession, necessitating a partition. The application was deemed mala fide, aimed at obstructing the partition decree. The appellant must pay costs from the probate petition, and failure to do so will result in the striking off of his defense in the suit.

KARAN DUA VS GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-4705/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation filed by Karan Dua concerning residents of JJ Resettlement Colonies in Delhi was dismissed. The petition was deemed motivated by Mr. Rajender Kharra, who faced eviction in another case. The claims were found misconceived, as the DDA and DUSIB already manage colony records, negating the need for a separate committee. Furthermore, the challenge to the policy on conversion charges was vague and lacked substantial grounds. The application for a stay on eviction notices was also rejected.

KAUM FAQEER SHAH VS MINISTRY OF LABOUR AND EMPLOYMENT & ORS. [W.P.(C)-10462/2020]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Two writ petitions filed by fathers of child victims of bonded labor led to the approval of joint suggestions for ensuring prompt financial assistance and recovery of back wages for rescued child laborers. Government authorities were directed to implement a specific mechanism for opening bank accounts, transferring financial aid, and expediting wage recovery within a set timeframe. An accountability mechanism was emphasized to ensure compliance with these directives. The joint efforts of the parties in addressing the issues faced by the child victims were acknowledged.

KOMMAN PEOPELE WELFARE SOCIETY (REGD) VS SUKHBIR SINGH & ANR. [FAO(OS)-8/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal in FAO(OS) 8/2024 was allowed, with the previous order set aside and the appellant's replication and affidavit taken on record due to an apparent error. The appeal in FAO(OS) 7/2024 was dismissed as withdrawn, as the appellant accepted the costs imposed earlier. The affidavit of admission/denial of documents from the respondents was also taken on record.

LOKESH KUMAR VS GOVT OF NCT OF DELHI AND ORS [W.P.(C)-4830/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The validity of Rules 15 and 24 of the Delhi Municipal Corporation (Election of Councillors) Rules, 2012, allowing the use of reserved symbols of political parties in municipal elections, is upheld. Recognition of political parties and election symbols is constitutionally valid. Previous judgments on similar issues support this stance. The challenge to the Rules and the Symbol Order issued by the State Election Commission is dismissed, affirming their compliance with the Constitution.

LOVELY PAL AND ANR VS HONEY CHANDEL HONI PAL & ORS. [FAO(OS)-58/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal by the appellants against the order closing their right to file a written statement in a civil suit for partition of property was dismissed. The appellants had been served summons but failed to file the written statement within the allowed time, despite having the opportunity. Their actions, including filing police complaints against the respondents, were deemed not genuine since medical documents provided to justify the delay were dated after the order was issued. An extension for filing a written statement can only be granted in exceptional cases, particularly when there is no evidence of negligence or lack of diligence by the defendant.

LT. COL. BALRAJ ANAND (RETD) VS REGISTRAR, CO-OPERATIVE SOCIETIES & ORS. [W.P.(C)-1726/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition filed by Lt. Col. Balraj Anand (Retd.) challenging the arbitral proceedings and award against him was dismissed. Anand has a statutory remedy to appeal the arbitral award under the Delhi Co-operative Societies Act, 2003, currently pending before the Delhi Co-operative Tribunal. His objections to the arbitrator's jurisdiction are being addressed in the pending appeal. The writ petition was deemed not maintainable due to the existence of this statutory remedy.

M/S OM SHYAM TRADERS AND OTHERS VS SMFG INDIA CREDIT COMPANY LIMITED (FORMERLY KNOWN AS FULLERTON INDIA CREDIT CO. LTD.) [W.P.(C)-8064/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition by M/s Om Shyam Traders and Others challenging the orders of the Debt Recovery Tribunal and Debt Recovery Appellate Tribunal was dismissed. The petitioners failed to demonstrate any grounds for the writ, particularly concerning the legality of the previous orders, and did not repay the outstanding amount despite an interim order. Amounts deposited by the petitioners were directed to be released to SMFG India Credit Company Limited, and the petitioners were given four weeks to repay the total outstanding amount; otherwise, the respondent could auction the mortgaged property.

M/S RAJASTHAN PATRIKA PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-3629/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

M/s Rajasthan Patrika Private Limited's writ petition against the rejection of their application for building height clearance up to 461 meters above mean sea level was dismissed due to the availability of an alternative statutory remedy through the Appellate Committee of the Airport Authority of India. The petitioner was assured a personal hearing where they could present all their arguments, including challenges to the Aerodrome Safeguarding Circular. Issues regarding territorial jurisdiction and the petitioner's other rights remain unresolved.

MAGNUM STEELS LTD & ORS. VS ASSET RECONSTRUCTION COMPANY (INDIA) LTD. & ANR. [W.P.(C)-5278/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Magnum Steels Ltd. and others challenged an order allowing Asset Reconstruction Company (India) Ltd. to recover a debt under the Recovery of Debts and Bankruptcy Act. The proceedings under the Recovery of Debts and Bankruptcy Act and the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act can coexist as they complement each other. The petitioners were deemed to have approached the matter insincerely and were denied equitable relief due to their failure to meet their financial obligations.

MAHENDER SINGH VS THE STATE & ORS. [LPA-253/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Letters Patent Appeal challenging a single judge's judgment that set aside the trial court's decision in a probate case is not maintainable, as it constitutes a second appeal barred by Section 100A of the Code of Civil Procedure. Previous judgments establish that no Letters Patent Appeal is permissible against a single judge's decision in first appeals arising from special enactments like the Indian Succession Act after the enactment of Section 100A CPC. The appeal was dismissed.

MANGAT RAM ALAGH VS STATE & ORS. [FAO(OS)-13/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal against the order permitting respondent 2(iii) to lead evidence in the probate petition is not maintainable under Section 10 of the Delhi High Court Act. The order does not constitute an appealable judgment, as it merely allows for evidence to be presented without deciding any substantive matter. The Joint Registrar is to expedite the recording of evidence for respondent 2(iii) within one month, leading to a final disposal by the learned Single Judge.

MANINDER SINGH & ANR. VS NIRMAL KAUR [FAO(OS)-14/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The application by the Appellants to vacate the ex-parte interim order in favor of the Respondent was dismissed. The prima facie view indicated that the Respondent's claim of an oral family settlement was more plausible than the Appellants' explanation. The Appellants' challenge regarding the maintainability of the Respondent's claims under the Registration Act and issues of limitation will be addressed at the final arguments stage based on evidence. The Appellants were permitted to file a separate application for permission to let out the disputed property, and there was a directive for expeditious disposal of the case.

MANISH GOEL VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-6151/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation petition was dismissed, affirming the validity of the R.S. 2,000 monthly air conditioning charge by Maharaja Agarsain Public School. The school informed the Directorate of Education of its fee schedule, and the responsibility for air conditioning costs is placed on parents, similar to lab or smart class fees. The Directorate of Education is currently reviewing the matter.

MEENA SAJNANI VS REGISTRAR (CO-OPERATIVE SOCIETIES) AND ORS. [W.P.(C)-10665/2022]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Registrar of Co-operative Societies must update records to list Hon'ble Chief Justice of India (Retd.) Dr. A.S. Anand as the allottee of Flat No. 184, Tower-8, Supreme Enclave, Delhi-110091, replacing Sh. B.S. Shant, within four weeks. The updated information is to be forwarded to the Delhi Development Authority, which will process Ms. Meena Sajnani's application for converting the flat to freehold within six weeks.

MOHAMMAD HAMIM AND ANR. VS FACEBOOK INDIA ONLINE SERVICES PVT. LTD. AND ORS. [W.P.(C)-1227/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest writ petition regarding prior censorship of publications about the Rohingya community on Facebook was dismissed based on the existing regulatory framework under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These rules offer a grievance redressal mechanism for issues related to hate speech and harmful content, providing an alternative remedy for the petitioners. The petitioners were encouraged to utilize this redressal mechanism for any objectionable posts.

MOHD SAUBAN JIRJIS VS STATE OF NCT OF DELHI & ORS. [LPA-288/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appellant, Mohd Sauban Jirjis, and Ms. Sama Jahan are required to pay Rs. 10,000 each per month as maintenance to their grandmother, the owner of the property they occupy. Despite the appellant being a grandson, both occupants are liable for maintenance after inheriting the flats. A Local Commissioner's report indicated that the basement and upper ground floor were uninhabitable, while they occupied the first and fourth floors, respectively. The monthly maintenance of Rs. 20,000 was deemed reasonable based on the rental value of the occupied flats.

MR. AJAY JAIN VS REGISTRAR OF COOPERATIVE SOCIETITES, DELHI AND ORS [W.P.(C)-7221/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition challenging the orders of the Registrar of Cooperative Societies (RCS) regarding the attachment of properties for non-payment of maintenance charges was dismissed. The petitioner was represented in arbitral proceedings where his obligation to pay maintenance charges was established, yet he willfully failed to comply. Despite his claims of non-membership in the cooperative housing society, as the occupant of the properties, he remained legally responsible for the outstanding charges. The RCS's orders were deemed valid, leading to the dismissal of the petition.

MR. KUNAAL PRASAD VS UNION OF INDIA & ANR. [LPA-54/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Mr. Kunaal Prasad's appeal regarding the award of Rs. 15 lakhs instead of the promised Rs. 1 crore for winning a hackathon was dismissed. The hackathon's terms stated that higher prizes would only be awarded if the top entries were deemed of "exceptional quality," which was not the case. The interpretation of these terms by the respondents was considered reasonable, and the award given to Prasad included an "encouragement prize" in addition to the Rs. 10 lakhs awarded to each of the top 10 entries. The claim of a legitimate expectation for the Rs. 1 crore prize was rejected.

MS ANIL YADAV SECURITY AGENCY ID NO. 6375 VS INDIAN OIL CORPORATION LIMITED & ORS. [W.P.(C)-16757/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The contract between Ms Anil Yadav Security Agency and Indian Oil Corporation Limited (IOCL) was terminated before the extended expiry in July 2024. The contract allowed IOCL to extend on a year-to-year basis or until a new contract was finalized. IOCL terminated the contract in December 2023 and awarded a new contract to another agency. The petitioner's request for specific performance until July 2024 was rejected, but the petitioner may pursue a claim for damages through arbitration under the contract.

MS JBMD ENTERPRISES VS THE SR DY. CGDA AN & ORS. [W.P.(C)-8410/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

A partnership firm, disqualified in a tender process for security manpower services with the remark "Not Evaluated," is entitled to know the reasons for this disqualification. The lack of information from the respondents and the GeM Portal breaches transparency principles. The GeM Portal and the respondents must provide the reasons for the disqualification and issue a speaking order within two weeks.

MS VEENETA SINCE DECEASED THROUGH LRS VS MS JYOTI GUPTA [FAO(OS)-143/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal by the legal representatives of late Ms. Vaneeta Gupta was dismissed, confirming that the respondent, as the daughter of late Sh. Parmanand Gupta, is the sole legal heir of his estate under the Hindu Succession Act, 1956. Claims based on unregistered customary documents from late Ms. Vaneeta Gupta and late Sh. Parmanand Gupta were deemed inadmissible and contradictory to the judicial record. The findings from previous probate proceedings, which established that late Sh. Parmanand Gupta died intestate, are binding, preventing reliance on the alleged Will.

MS. RENU KUMARI (KHANNA) & ANR. VS SH. RAVI KHANNA & ORS. [FAO(OS)-25/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

An appeal was made regarding an interim order in a property dispute, focusing on claims of prior disposal of the subject property. The appellants asserted the property was sold to third parties before the lawsuit, while the respondents contested this claim. The hearing of the interim application was expedited to allow for early determination of the prior disposal issue. It was clarified that directions to the sub-registrar would only affect sale deeds executed by the parties involved in the suit, with no opinions expressed on the case's merits, leaving the decision on prior disposal to the learned single judge.

MUKESH SAINI VS MADAN LAL SAINI (SINCE DECEASED) THROUGH HIS LRS. AND OTHERS. [FAO(OS)-122/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appellant must offer the current market value to purchase the shares of co-owners in the suit property according to the Partition Act. The appellant's offer based on the 2014 sale price was deemed not bona fide, and actions to obstruct previous orders for sale to third-party purchasers were noted. The appeal and pending applications were dismissed.

NACOF VS UNION OF INDIA & ORS. [W.P.(C)-8414/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The respondents, Union of India and others, must consider the representations filed by NACOF regarding the rejection of its bid for establishing and operating a Janaushadhi Shop at Safdarjung Hospital, Delhi, and dispose of these representations with a speaking order within two weeks. However, NACOF's request to continue operating the Janaushadhi Kendra was denied, as it had previously undertaken to vacate the premises if not successful in the tender, making this request outside the scope of the current petition.

NARESH KUMAR AGGARWAL VS STATE BANK OF INDIA [W.P.(C)-4888/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Naresh Kumar Aggarwal's writ petition challenging a Debt Recovery Appellate Tribunal order to deposit R.S. 2.2 crore as a pre-condition for his appeal was dismissed. The petitioner admitted to a R.S. 4.4 crore outstanding debt, leading to the conclusion that he is not entitled to equitable relief under Article 226 of the Constitution. Consequently, the petition was not maintained.

NASEEM BANO VS KOTAK MAHINDRA BANK LTD. AND ORS. [W.P.(C)-7149/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition was dismissed as not maintainable due to an earlier rejection by the Debts Recovery Tribunal (DRT) of the petitioner's application for interim relief against possession of the property. An appeal against this rejection was also dismissed by the Debt Recovery Appellate Tribunal. The petitioner filed a new application before the DRT regarding the Chief Metropolitan Magistrate's order extending the possession time for the Court Receiver. Since the matter is still pending with the DRT and the previous application was dismissed on merits, the writ petition was considered an abuse of process.

NATIONAL FEDERATION OF FISHERS COOPERATIVES LTD (FISHCOPFED) VS UNION OF INDIA & ORS. [W.P.(C)-5700/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The previous order for appointing an arbitrator in a dispute involving FISHCOPFED was recalled due to the writ petition's lack of maintainability by Rishikesh Kashyap, who is not the recognized Managing Director. The statutory and financial obligations of FISHCOPFED are managed by board members elected on February 25, 2021, and recognized by the Ministry. The writ petition was dismissed, allowing affected parties, including Kashyap, to pursue arbitration individually in the appropriate forum.

NATIONAL FEDERATION OF THE BLIND VS GOVT. OF NCT OF DELHI AND ORS. [W.P.(C)-8210/2018]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The ownership transfer of 7 special schools and 3 hostels from the Department of Social Welfare to the Directorate of Education, Government of NCT of Delhi, is complete. Directions have been issued to the Directorate to ensure smooth functioning, including necessary repairs and renovations, relocating juvenile courts, providing timely food and facilities, and maintaining existing infrastructure. The steps taken by the GNCTD align with the responsibilities under the Right of Persons with Disabilities Act, 2016, aiming to set a standard for other states.

NBCC INDIA LIMITED VS RAMACIVIL INDIA CONSTRUCTIONS PRIVATE LIMITED [LPA-97/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appellant NBCC India Limited improperly included the respondent Ramacivil India Constructions Private Limited in its "Holiday List" after the initial debarment order expired. This action violated a stay order related to a subsequent debarment issued by the Ministry of Housing and Urban Affairs. The appeal was dismissed due to unreasonable delay in challenging the prior order and the arbitrary nature of the appellant's actions.

NIPUN MALHOTRA VS SONY PICTURES FILMS INDIA PRIVATE LIMITED & ORS. [W.P.(C)-522/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The PIL against the movie 'Aankh Micholi' was dismissed. The movie conveys a positive message regarding the strength and agency of characters with disabilities and does not intend to insult or humiliate them. It is recognized that films should be considered as a whole, and depicting social issues is permissible if it serves to highlight their consequences. The film received a 'U' certification from the Central Board of Film Certification (CBFC), which is binding, and there is no legal requirement to include an expert on the Rights of Persons with Disabilities Act, 2016 in the CBFC's processes.

NITIN GROVER VS KARTIKA GROVER & ORS. [LPA-159/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal by the husband against the order to pay Rs. 20,000 per month to his wife as interim maintenance was dismissed. The husband's commitment to pay this amount remained binding despite the wife not renting a new place. The interim maintenance order was designed to balance the rights of both parties. The husband's decision to stop payments constituted a breach of his commitment. His obligation to maintain his wife and child was reaffirmed, and his arguments for avoiding this liability were rejected.

NUVIA INDIA PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-12397/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The respondents agreed to recall the disputed tenders and the Letter of Award issued to M/s Sanav Energy (OPC) Pvt. Ltd., and will call for fresh tenders with an additional scope of work. No findings were made regarding the petitioner's claims that a director of Respondent No. 4 misused sensitive information from the petitioner to submit bids. Both the petitioner and Respondent No. 4 can participate in the fresh tender, and the petitioner may pursue its complaint against Respondent No. 4.

OKHLA INDUSTRIAL AREA CETP SOCIETY REGD VS COMMISSIONER OF INDUSTRIES & ORS. [W.P.(C)-1456/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The notification transferring the management of the Okhla Industrial Area CETP Society's Common Effluent Treatment Plant to the Delhi Jal Board was quashed due to violations of the Delhi Common Effluent Treatment Plants Act, 2000, and the Delhi Common Effluent Treatment Plants Rules, 2001. The required procedures were not followed, and the relevant order was not communicated to the petitioner, circumventing their statutory right of appeal. A subsequent show cause notice was inconsistent with the earlier order, indicating it had lapsed. A directive was issued for the Appropriate Authority to provide a new show cause notice in compliance with the law.

PARESH DANDONA VS SUKRUTI DUGAL & ORS. [FAO(OS)-35/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal against the dismissal of an application to vacate an ex-parte ad-interim order was allowed due to the respondents' false statements and suppression of material facts, which constituted abuse of the legal process and contempt of court. The respondents were directed to show cause for potential criminal contempt proceedings, and respondent no. 2 was ordered to deposit two-thirds of the sale consideration from properties linked to an earlier consent decree to protect the interests of other respondents.

PAWAN KUMAR AGGARWAL VS GOVT OF NCT OF DELHI AND ORS [W.P.(C)-1507/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The order of the Registrar of Cooperative Societies (RCS) directing the petitioner to vacate Flat No. E-604 was upheld. The petitioner's claim to the flat was through Ms. Madhu Gupta, whose membership and allotment were not approved by the DDA or RCS. The legitimate allottee of the flat was identified as Ms. Anjana Singh. The Managing Committee's illegal swapping of flats between Ms. Anjana Singh and Ms. Madhu Gupta resulted in double occupation under a single allotment. The actions of the RCS aligned with directives to identify and evict ineligible members from the cooperative society.

PRABHAKAR YADAV & ORS. VS UNION OF INDIA & ORS. [LPA-458/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The National Exit Test (NExT) is required for BAMS and BUMS students, regardless of their enrollment date prior to June 11, 2021. The NExT serves as a licentiate examination, not a qualifying exam for the degree, and students lack a vested right to practice as registered medical practitioners solely based on their degrees. The introduction of the NExT is considered a valid academic policy by the National Commission for Indian System of Medicine and applies to all students without retrospective impact or discrimination.

PRIYA DAS VS UNION OF INDIA & ORS. [W.P.(C)-5592/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation filed by Priya Das for the removal of Bharat Kumar Sharma from the position of Assistant Environmental Engineer and Member Secretary of the Central Pollution Control Board was dismissed. The litigation was deemed not maintainable in service matters, as only non-appointees can challenge the legality of an appointment. No opinion was expressed on the merits of the issues raised in the petition.

R K KAPOOR, ADVOCATE VS THE HIGH COURT OF DELHI & ORS. [W.P.(C)-3269/2014]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Municipal Corporation of Delhi (MCD) must take steps within 12 weeks to convert the land use of Tikona Park from "green area" to "parking." The Land and Development Office (L&DO) and the Delhi Development Authority (DDA) are required to expedite their actions upon receiving MCD's request for this conversion. The original issues regarding vacancies in the Delhi Judicial Service and infrastructure support for the courts have been addressed, necessitating no further action on those matters.

R LALITHA & ANR. VS GOVERNMENT OF NCT OF DELHI & ORS. [W.P.(C)-5591/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The petitioners, as Class-I legal heirs of late Sh. C.V. Subramanian, are entitled to inherit the flat and housing society membership. They possess Letters of Administration and a relinquishment deed from another legal heir, confirming their rights. The housing society must transfer the membership and facilitate the ownership transfer of the flat to the petitioners within four weeks.

RAJ KUMAR AGGARWAL VS SMFG INDIA HOME FINANCE COMPANY LTD & ORS. [W.P.(C)-7860/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Raj Kumar Aggarwal failed to establish valid title over the property due to reliance on an unregistered Agreement to Sell and General Power of Attorney, which do not confer legally enforceable rights. SMFG India Home Finance Company Ltd.'s claim was upheld, with the property being mortgaged by borrower Vishab Singh Bharti based on a registered sale deed. Aggarwal, not being the borrower or guarantor, lacked the standing to challenge the mortgage or auction proceedings. The petition was dismissed.

RAJ KUMAR MALHOTRA VS STATE AND ORS [FAO(OS)-23/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal by Raj Kumar Malhotra regarding the tracing of bank records for the accounts of the late Shri Kasturi Lal Malhotra for 1999-2004 was dismissed. The order directing the official witness to trace these records was not appealable as it did not meet the criteria of a 'judgment.' Additionally, the request to produce records at the evidence stage was deemed unmaintainable since the appellant should have obtained them earlier. No infirmity was found in the original order.

RAJESH SHARMA VS GOVENMENT BOYS SENIOR SECONDARY SCHOOL NO. 2 [LPA-38/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal by Rajesh Sharma for possession of a disputed plot of land was dismissed. The identification of the land's location and khasra number is a disputed fact requiring evidence. Sharma needs to file a civil suit to declare his title before seeking possession. A writ petition under Article 226 is not suitable for resolving property or title disputes. Sharma has the option to file a civil suit to address the title issue.

RAJINDER SINGH BHATIA VS MANJU BHATIA [FAO(OS)-37/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The order was set aside due to an apparent error in the findings, which were unrelated to the controversy and outside the pleadings. The application under Order XII Rule 6 CPC had not been properly addressed. The application was restored for a fresh decision, with all parties' rights and contentions remaining open and unaffected by previous observations.

RAKESH GUPTA VS UNION OF INDIA THROUGH ITS SECRETARY & ORS. [W.P.(C)-3985/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition filed by Rakesh Gupta was dismissed due to the wilful suppression of a previously filed arbitration petition under Section 84 of the Multi-State Co-Operative Societies Act, 2002, seeking similar reliefs against the same respondents. The failure to disclose the pendency of the arbitration proceedings, a mandatory requirement, led to a conclusion of approaching the court with "unclean hands," rendering the writ petition not maintainable.

RAKSHA SEHGAL VS AXIS BANK LTD & ORS. [W.P.(C)-6497/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Raksha Sehgal and Axis Bank reached a settlement regarding a mortgage on the property. Sehgal, as a bona fide purchaser, will pay Rs. 54,35,637 for her 22.5% share to redeem the mortgage. Upon payment, the mortgage on her share will be redeemed, and Axis Bank's claim will be extinguished. The writ petition and related applications are resolved due to this settlement.

RAMAN KUMAR MEHTA VS GOVT OF NCT THROUGH REGISTRARA CGHS & ANR. [W.P.(C)-1346/2021]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

A tenant's petition against a cooperative society's higher maintenance and lift charges for tenants was dismissed. The Delhi Cooperative Societies Act, 2003 and Rules, 2007 allow the society's general body to set higher charges for services provided to tenants. Tenants lack the standing to challenge these decisions, and the appropriate course of action is for the owner-member to address the issue with the general body. The dismissal also resulted from the petitioner having vacated the flat, thus lacking a continuing interest in the sought reliefs.

RAVINDER CHADHA VS VIRENDER CHADHA & ANR. [FAO(OS)-64/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Mediation Settlement dated 8th March 2019 between the parties is final and binding under Section 73 of the Arbitration and Conciliation Act, 1996. The Appellant's attempts to withdraw from the Settlement were rejected, as the Appellant had admitted to its execution and benefited from it. The suit was decreed in accordance with the Mediation Settlement, resulting in a preliminary decree defining the parties' rights in immovable properties and a final decree for monetary payments between them.

RAZIA BEGUM VS THE APPELLATE COURT OF DIVISIONAL COMMISSIONER AND ORS [LPA-338/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Letters Patent Appeal filed by Razia Begum was dismissed regarding the order for Respondent Nos. 3 and 4 to pay her Rs. 10,000 each per month as maintenance. This payment was deemed just as they were living in flats owned by her and had not provided the promised maintenance. The order for Rs. 20,000 per month became final after an earlier appeal by Respondent No. 3 was dismissed. Additionally, Razia Begum's younger son occupied other flats in the building, with no issues in their relationship. The decision of the Single Judge remained unchanged.

RESIDENT WELFARE ASSOCIATION WEST JYOTI NAGAR EXTN VS MUNICIPAL CORPORATION OF DELHI AND ORS [LPA-85/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Letters Patent Appeal by the Resident Welfare Association was dismissed, affirming the demolition order from the Municipal Corporation of Delhi for an iron gate in their locality. The Association did not challenge the finality of the MCD's orders and lacked a No Objection Certificate from the traffic police. With the gate's removal, the only remaining request regarding amending the Standing Order policy was irrelevant as it had been superseded. The appeal presented no merit.

ROHTASH KUMAR MURADIA VS UNION BANK OF INDIA AND ORS. [W.P.(C)-1512/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Debt Recovery Tribunal-III must hear and decide the petitioner's restoration application, which has been pending for over 4.5 years, within 3 months. The tribunal is also directed to address the petitioner's application seeking to set aside the respondent bank's actions regarding symbolic possession of the property, along with related matters, to prevent conflicting orders. The petitioner may submit an application to purchase the property at market price, which will be decided according to the law.

SADDAM ALI VS UNION OF INDIA & ORS. [W.P.(C)-8373/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation challenging the appointment of Respondent No. 4 as Chairman-cum-Managing Director of the National Small Industries Development Corporation Ltd. was dismissed. The petitioner's arguments regarding violations of the advertisement's eligibility criteria lacked merit, and only non-appointees are entitled to challenge appointment procedures. The petition was dismissed without addressing the merits of the issue raised.

SAFAI KARAMCHARI ANDOLAN AND ORS VS UOI AND ORS [W.P.(C)-845/2011]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition filed by Safai Karamchari Andolan and others, seeking enforcement of the Employment of Manual Scavengers and Construction of Dry Latrine (Prohibition) Act, 1993, and protection of manual scavengers' rights was dismissed. A recent judgment in Balram Singh v. Union of India addressed the issues raised, and the reliefs sought had been satisfied by that ruling. The Union of India is obligated to comply with the directions from the Supreme Court, leading to the disposal of this petition.

SAHIL MARWAH & ANR. VS VIKAS MALHOTRA & ORS. [FAO(OS)-81/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The probate petition filed by the Respondent-Executor with a certified copy of the registered will is maintainable despite the absence of the original will. The unavailability of the original does not imply revocation. The Executor can use the certified copy under Section 237 of the Indian Succession Act, 1925, provided the circumstances of the original will being lost or mislaid are established. Arguments regarding the inadmissibility of the certified copy and the necessity of verifying the original will with the attesting witness are deemed misconceived.

SANKARA SUBBU VS REGISTRAR OF COOPERATIVE SOCIETIES AND ORS [W.P.(C)-4423/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The petition by a non-member resident of a housing society was dismissed due to lack of standing, as the resident is not a member and the statutory remedy lies with the member-owners, specifically the petitioner's daughter, who has not pursued it. The request for an online grievance redressal mechanism for non-members was also denied, as legislative action cannot be compelled.

SH CHARANJIT GABA VS THE REGISTRAR COOPERATIVE SOCIETIES & ANR. [W.P.(C)-1530/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The decision of the Delhi Co-operative Tribunal, which allowed the appeal of the Respondent Society and set aside the award in favor of the Petitioner, was upheld. The Tribunal ruled that the claim petition filed by the Petitioner, son of the original member, was barred by limitation under Section 70(4)(a)(ii) of the Delhi Co-operative Societies Act, as the original member had resigned in 1993 before his death in 1996. It was also concluded that the original member was a defaulter at the time of resignation, and third-party rights had been established, rendering the Petitioner's claim unenforceable. No issues were found in the Tribunal's conclusions.

SHARDA GUPTA & ORS. VS REGISTRAR OF CO-OPERATIVE SOCIETIES & ORS. [W.P.(C)-4913/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition challenging the orders of the Additional Registrar of Cooperative Societies and the Financial Commissioner was dismissed. Allegations of financial irregularities were already under consideration in a civil suit, justifying the refusal to initiate a separate inquiry. The issue of non-grant of membership must be raised in the appropriate forum under the Delhi Cooperative Societies Act. A previous challenge to the society's elections was dismissed due to being barred by limitation. The petitioners did not demonstrate any errors in the preceding orders, resulting in the dismissal of the writ petition without granting them participation in the elections, as their membership status was seriously disputed.

SHIVA INDUSTRIES VS UNION OF INDIA MINISTRY OF DEFENCE & ORS. [W.P.(C)-787/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition filed by Shiva Industries challenging the tender conditions imposed by the Command Logistics Management Officer is not maintainable due to lack of territorial jurisdiction. The tender was issued and executed in Nagpur, where the tendering authority is located, with all correspondence occurring there. The petition was dismissed with the option for Shiva Industries to approach the appropriate High Court. No opinion on the merits of the case was provided.

SHRI NEERAJ BHATIA VS SHRI RAVINDRA KUMAR BHATIA & ORS. [FAO(OS)-70/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Appellant's claim of creating a Hindu Undivided Family (HUF) over the self-acquired property through an oral declaration in 1993 was invalid, as there was no pre-existing coparcenary property to blend. The Appellant's plaint did not disclose a valid cause of action, leading to its rejection. An injunction was granted to Respondent Nos. 1, 3, and 6, the Class-I legal heirs of late Sh. Balwant Lal Bhatia, instructing the Appellant to vacate the property and pay mesne profits.

SIRAJUDDIN QURESHI VS MATLOOB AHMAD AND OTHERS [FAO(OS)-120/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The general body of the India Islamic Culture Centre is recognized as the supreme authority of the society, with the right to call a special general body meeting (SGBM) to amend the memorandum of association (MoA) unless a statutory prohibition exists. The MoA permits the general body to amend its articles, and the Board of Trustees (BOT) must comply with proposed amendments. An SGBM is to be convened within a specified timeline to consider these amendments, followed by an annual general meeting (AGM) for elections within 30 days. A prior order for a financial audit was invalidated, as it was not requested by the plaintiffs.

SMT SATI BHATTACHARYA VS SHRI P C AGRAWAL AND ORS [FAO(OS)-4/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal by Smt. Sati Bhattacharya challenging the rejection of her application to frame additional issues in a civil suit was dismissed. The absence of a written statement from the appellant meant that proposed issues regarding the alleged forgery of an agreement to sell and privity of contract were not considered. The application was also deemed barred by delay, as the plaintiff's evidence had already been recorded prior to the application. No referral to a larger bench occurred, and no separate judgments were noted.

SMT SUNITA DATTA VS THE SUKHI PARIWAR CGHS LTD & ORS. [W.P.(C)-2408/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

Smt Sunita Datta's writ petition challenging the Arbitrator's award and the Delhi Co-operative Tribunal's orders regarding her membership in Sukhi Pariwar CGHS Ltd was dismissed. There was no record of approval for her membership application as required by the Delhi Co-operative Societies Act and the Society's bye-laws. The deposit of the membership fee was made voluntarily, and the affidavit submitted was dated after the claimed approval. There were no grounds to interfere with the order for the Society to refund her deposit with interest.

SMT. MEENA DEVI VS UNION OF INDIA & ANR. [LPA-116/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal filed by Smt. Meena Devi for her late husband's pension claim under the Swatantrata Sainik Samman Pension Scheme, 1980 was dismissed. The documentary evidence submitted, including G.R. No. 747/1942 and a Personal Knowledge Certificate, failed to demonstrate eligibility for "underground suffering" as required by the scheme. The recommendation from the Government of Bihar did not obligate the central government to accept the claim, which independently assessed the evidence. The decision to reject the pension claim was upheld.

SMT. PRADEEP KAUR VS MUNICIPAL CORPORATION OF DELHI AND ANR [LPA-354/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Letters Patent Appeal filed by Smt. Pradeep Kaur seeking compensatory damages for loss of livelihood was dismissed. The claim for compensation was based on disputed facts, making a civil suit the appropriate remedy, as such claims cannot be resolved in writ jurisdiction. The single judge's order was deemed free of infirmity, allowing the appellant to pursue her damages claim in a civil suit.

SS RAIL WORKS PVT LTD VS IRCON INTERNATIONAL LIMITED [W.P.(C)-5702/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Respondent's cancellation of the tender dated 21st August, 2023 was valid due to the Petitioner's technical bid being non-compliant with essential qualifying criteria. The Petitioner's bid did not demonstrate required experience in 'OFC based Railway Telecommunication System' and was not digitally signed by the authorized signatory. The cancellation was not arbitrary or malafide, and the Petitioner's delay in approaching the issue and suppression of material facts were against public interest. The writ petition was dismissed.

SUBEDAR SINGH VS REGISTRAR OF COOPERATIVE SOCIETY & ANR. [W.P.(C)-16312/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Administrator of the Chopra CGHS Society Ltd. acted within jurisdiction to settle a decree favoring contractor M/s S.P. Repcon under the Delhi Cooperative Societies Act, 2003. There was an acknowledged liability under the award, and the Administrator successfully negotiated a reduction in interest from 18% to 9%. The challenge to the demand notice issued was considered without merit, as the proper recourse for a stay on the award is through a petition under Section 34 of the Arbitration and Conciliation Act, 1996. The petitioner's challenge to the demand notice and the Administrator's actions was dismissed.

SUNIL GROVER & ANR. VS SUSHIL KUMAR CHADHA [CONT.CAS(C)-155/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The application to recall the order from November 8, 2021, was dismissed. The legal representatives of the deceased respondents were not necessary parties to the writ petition, and no directions were issued against them. The appeal regarding the auction sale was acknowledged, with no indication of information being suppressed by the petitioner. The Debt Recovery Tribunal is instructed to expedite the pending appeal within three months without examining the merits. The contempt petition against the petitioner was dismissed due to lack of grounds for contempt proceedings.

SUNIL KUMAR ALEDIA VS DSEU & ORS. [W.P.(C)-5902/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition was dismissed due to lack of merit. The disconnection of electricity by BSES on March 8, 2024, was valid due to outstanding arrears. Electricity supply to the entire building, including the night shelter, was restored after the Delhi Urban Shelter Improvement Board (DUSIB) agreed to clear the dues. The liability for electricity dues related to the floor occupied by the NGO-run skill center lies with the NGO, not the Delhi Development Authority (DDA). Disputes over the amount of electricity dues must be addressed directly between the NGO, BSES, and DUSIB, and cannot be resolved through a public interest litigation.

SURESH VS GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-3102/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation (PIL) petition filed by Suresh was dismissed for not being a genuine PIL. The main focus was on challenging a tender awarded by the Delhi Jal Board (DJB) rather than addressing a public interest issue. Investigations by the Lokpal, National Green Tribunal, and Central Vigilance Commission did not support the petitioner's claims regarding alleged wrongdoings by DJB officials and royalty computations, which were based on unsubstantiated facts. The petition and associated interim applications lacked merit.

T.V. TODAY NETWORK LIMITED AND ANR. VS UNION OF INDIA AND ORS. [W.P.(C)-4912/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The petitioner's Instagram account "@bazaarindia" was disabled due to repeated copyright infringement under the Repeat Infringer Policy. The initial appeal to the Grievance Appellate Committee was rejected because the petitioner did not first approach the Grievance Officer. After filing a complaint with the Grievance Officer, the automated email response created a misleading impression of rejection, prompting further unnecessary appeals. The petitioner was instructed to file a fresh appeal, which the respondent agreed to process, and the Grievance Appellate Committee was directed to expedite the decision on this appeal.

THE EXECUTIVE ENGINEER & ORS. VS M/S BHOLASINGH JAIPRAKASH CONSTRCUTION LTD. & ANR. [LPA-318/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The letters patent appeal concerning arbitration proceedings initiated under the MSMED Act was dismissed. The appropriate recourse for challenging such proceedings is to file under Section 18(3) of the MSMED Act or Section 16 of the Arbitration and Conciliation Act. If an award has been issued, objections should be filed under Section 34 of the Arbitration and Conciliation Act. Petitions filed under Article 226/227 of the Constitution are not suitable as they undermine the objectives of the MSMED Act.

THE RICE EXPORTERS ASSOCIATION OF INDIA VS NATIONAL AGRICULTURAL COOPERATIVE MARKETING FEDERATION OF INDIA LTD [W.P.(C)-2991/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition by the Rice Exporters Association of India against the appointment of the Indian Rice Exporters Federation (IREF) as the Facilitation Agency for an e-tender by NAFED was dismissed. The eligibility criteria in the tender, allowing IREF members to participate, were deemed reasonable. Evaluation of bids and contract award was solely the responsibility of NAFED, with IREF having no influence. Concerns regarding bias against the petitioners' members were not substantiated. The petitioners did not demonstrate any arbitrariness or bias in the tender conditions or IREF's appointment.

UCMS TEACHERS ASSOCIATION VS UNION OF INDIA & ORS [W.P.(C)-10642/2016]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The Cabinet decision from 25th August 2005 to transfer the administrative control of the University College of Medical Sciences and Guru Tegh Bahadur Hospital from the University of Delhi to the Government of NCT of Delhi is valid. Previous judgments recognized the necessity for unified control under GNCTD to resolve issues from dual administration. Objections from the petitioners regarding promotions, service conditions, and salary payments are insufficient to challenge this policy decision. GNCTD has committed to providing adequate funding for UCMS, ensuring budget concerns will not hinder the transition. Multiple writ petitions from UCMS staff associations and the University of Delhi contested the Cabinet decision and its subsequent implementation.

UMESH KUMAR VS DELHI DEVELOPMENT AUTHORITY & ORS. [W.P.(C)-7847/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The public interest litigation (PIL) filed by Umesh Kumar for the demolition of unauthorized construction on public land at the Delhi-U.P. border was dismissed. The issue had already been addressed by the Delhi Development Authority (DDA) in previous cases, and the petitioner had previously filed a contempt petition that was dismissed due to lack of locus standi. The Supreme Court had allowed the petitioner to seek impleadment in DDA's ongoing contempt proceedings. Entertaining the current PIL would result in multiple proceedings, and since the DDA is actively managing its interests in the land, the principle of locus standi was not relaxed for this PIL.

UP STATE BRIDGE CORPORATION LIMITED VS NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED [LPA-394/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The writ petition challenging the respondent's order labeling the appellant as a 'Non-Performer' is maintainable due to its civil consequences that affect the appellant's ability to participate in contracts with the Ministry of Road, Transport and Highways. The appellant is directed to pursue arbitration under the contract within specified time frames. The impugned order is stayed for 10 days, with no opinion expressed on the merits of the dispute, leaving both parties' rights open for future determination.

VEENA SURI VS RAVI SHANKER LUTHER AND ORS [FAO(OS)-105/2023]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The appeal against the rejection of an application to summon two additional witnesses and recall a previous witness in probate proceedings was dismissed. The order was deemed not maintainable under relevant legal provisions, as it did not qualify as a "judgment" affecting the significant rights of the parties. Additionally, the title of the testator in the disputed property could not be determined within these proceedings, and there was no contest to the findings regarding insufficient documentation for the proposed witnesses and the conclusions drawn from the evidence.

VI EXPORTS INDIA PRIVATE LIMITED VS UNION OF INDIA [LPA-147/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

VI Exports India Private Limited cannot export 11,000 MT of banned non-basmati white rice due to failure to strictly comply with the government's exemption conditions. The argument of substantial compliance was rejected, emphasizing that strict adherence to all stipulations is necessary for eligibility. The appellant did not fulfill the essential requirements in any exemption conditions, leading to the dismissal of the writ appeal.

VIVEK KUMAR GAURAV VS UNION OF INDIA [W.P.(C)-1603/2024]

Judges: Acting Chief Justice, Justice Manmeet Pritam Singh Arora

The victim does not have a statutory right under the Code of Criminal Procedure to receive the chargesheet or police report without cost, but mechanisms exist under the Delhi High Court Rules to obtain copies. Government guidelines support providing the chargesheet to victims in sexual offense cases. The right of the victim to participate in criminal proceedings is recognized, and courts must offer victims a chance to be heard if they express interest. However, it is not mandatory for courts to notify victims at every stage to avoid trial delays.

DR SYEDA SAIYIDAIN HAMEDA & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-3462/2024]

Judges: Acting Chief Justice, Justice Mini Pushkarna

The decision to dissolve the Maulana Azad Education Foundation (MAEF) was upheld, deemed a well-considered action by its General Body in accordance with the society's bye-laws and the Societies Registration Act, 1860. Various welfare schemes previously managed by MAEF have been integrated into similar programs under the Ministry of Minority Affairs, ensuring continuity of services for minority communities.

INDIAN OIL CORPORATION LIMITED VS PETROLEUM AND NATRUAL GAS REGULATORY BOARD NEW DELHI & ORS. [LPA-208/2024]

Judges: Acting Chief Justice, Justice Mini Pushkarna

An appeal by Indian Oil Corporation Limited (IOCL) against a stay order was dismissed. The Petroleum and Natural Gas Regulatory Board (PNGRB) authorized IMC Limited to lay a pipeline from Ennore Port to Manali Industrial Area in Chennai. IOCL began laying a pipeline along the same route without PNGRB's authorization. PNGRB emphasized that no entity can operate a pipeline without its approval under the PNGRB Act. The stay order was granted due to a prima facie case against IOCL for lacking necessary authorization. The dismissal of the appeal was based on the absence of justification for IOCL to continue laying the pipeline amid conflicting claims, while the legal status of IOCL's rights remains unresolved. The writ petition has been scheduled for prompt final disposal, and no opinion on the merits of the case has been expressed.

ARCELORMITTAL INDIA PRIVATE LIMITED & ANR VS UNION OF INDIA & ORS [W.P.(C)-224/2017]

Judges: Acting Chief Justice, Justice Mini Pushkarna

ArcelorMittal India Private Limited lacks a vested right to the mining lease for iron ore and manganese ore in the Saranda Forest Division due to failure to meet the conditions of the Letter of Intent within the required two-year period as per the Mines and Minerals (Development and Regulation) Amendment Act, 2015. The absence of compliance precludes any claim of legitimate expectation for the mining lease. Recommendations against new mining leases in the area and the delayed completion of the Carrying Capacity Study and Sustainable Mining Plan further support the denial of relief for executing the mining lease.

DR. MAHESH PRAKASH SHINDE & ORS. & ORS. VS UNION OF INDIA & ORS. & ORS. [LPA-15/2023]

Judges: Acting Chief Justice, Justice Mini Pushkarna

FCPS qualifications awarded by the College of Physicians and Surgeons, Mumbai, are recognized as medical qualifications but are not equivalent to MD/MS degrees. The Ministry of Health and Family Welfare's notification of April 30, 2021, clarified the existing position without introducing new changes. Arguments regarding retrospective application and legitimate expectation were rejected, as no prior notification granted equivalence between FCPS and MD/MS. Therefore, FCPS degree holders cannot sit for the Diplomate of National Board (DNB) examination, which requires MD/MS qualifications. The assessment of standards and equivalence of medical qualifications falls under the expertise of regulatory bodies like the National Medical Commission.

KCC INFRA PRIVATE LIMITED VS NATIONAL HIGHWAYS AUTHORITY OF INDIA & ANR [W.P.(C)-3639/2024]

Judges: Acting Chief Justice, Justice Mini Pushkarna

The petitioner's technical bid was deemed non-responsive by the National Highways Authority of India (NHAI) due to failure to meet the required technical capacity, as the cost of a similar bridge project executed by the petitioner was significantly lower than the specified threshold. The tender conditions, including eligibility criteria for bidders, were found to be reasonable and not discriminatory, allowing NHAI discretion in setting these terms. The challenge to NHAI's decision was dismissed, lacking merit.

OFB TECH PRIVATE LIMITED VS M/S KKSPUN INDIA LTD AND ORS [FAO(OS) (COMM)-296/2022]

Judges: Acting Chief Justice, Justice Mini Pushkarna

The appeal by OFB Tech Private Limited was successful, confirming that the advance and performance bank guarantees provided by KKSPUN India Ltd. are unconditional and can be invoked as per their terms. KKSPUN India Ltd. failed to prove any fraud, irretrievable injustice, or special equities that would warrant preventing the encashment of these guarantees. Additionally, disputes regarding contract performance do not impact the independent nature of the bank guarantees. The order that restricted invocation was set aside, with an affirmation that banks must honor the guarantees if invoked correctly.

RAJIV KHOSLA VS REGISTRAR GENERAL, HIGH COURT OF DELHI AND ORS. [W.P.(C)-13140/2023]

Judges: Acting Chief Justice, Justice Rajiv Shakdher

Elections for the executive committees of all bar associations in Delhi will occur simultaneously on the same day with a uniform two-year term. Uniform ID/proximity and RFID cards for all lawyers will be issued prior to these elections. Certain electoral practices, such as hosting election parties and printing posters, are prohibited to maintain election integrity. No individual is allowed to contest or hold positions in more than one bar association at a time. A detailed timeline and process for conducting the elections, including the formation of election committees and eligibility criteria for voters, has been established.

OYNX MANAGEMENT SERVICES PVT.LTD AND ANR. VS UNION OF INDIA AND ORS [W.P.(C)-6854/2023]

Judges: Acting Chief Justice, Justice Sanjeev Narula

The writ petition by Oynx Management Services Pvt. Ltd. and Utkarsh Utilities LLP challenging the tender process by GAIL (India) Limited was dismissed. The clarification from the Government e-Marketplace (GeM) on January 10, 2023, was not considered a binding amendment to the tender conditions. GAIL retained exclusive authority over tender alterations, and the GeM clarification did not meet the criteria for a corrigendum. The Petitioners' decision to revise their bids based on this clarification was not authorized by the tendering authority, and the bid evaluation process followed by GAIL was proper and complied with valid tender conditions.

KUTUMB THROUGH ITS TRUSTEE VS STATE OF NCT OF DELHI & ORS [W.P.(C)-10550/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The investigation into the flooding incident at a coaching center in Old Rajendra Nagar, Delhi, which resulted in the deaths of three students, is assigned to the Central Bureau of Investigation (CBI) due to potential criminal negligence and misconduct by public officials. A senior officer will oversee the CBI investigation. The Municipal Corporation of Delhi (MCD) Commissioner is tasked with ensuring functional drains and removing illegal constructions in the area. Broader infrastructure issues in Delhi, including inadequate maintenance and a lack of funding, will be examined by a newly constituted committee that will submit a report.

ANURAG MAHAJAN VS TUMLARE TRAVELS PRIVATE LIMITED [FAO(OS)-90/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal filed by Anurag Mahajan was dismissed, affirming the rejection of his applications to set aside a judgment from November 15, 2019, and to condone the delay in filing those applications. Claims of negligence by Mahajan's previous counsel lacked supporting evidence, as no vakalatnama or payment receipt was found, and other lawyers had represented him at various stages. His explanation for the delay, including the COVID-19 pandemic, was deemed unsatisfactory, and a confession letter admitted to financial irregularities, undermining his case. The appeal was dismissed with costs.

BALVEEN SINGH CHADHA @ RICKY VS HARVEEN SINGH CHADHA @ LOVELY & ORS. [FAO(OS)-112/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The dismissal of the appellant's application for an injunction against the respondents from alienating the subject properties was upheld. There exists a presumption of genuineness for the registered sale deed favoring the respondents, and the scope for appeal against an interlocutory order is limited.

CA RAKESH KUMAR GUPTA VS SUPREME COURT OF INDIA THROUGH SECRETARY GENERAL [LPA-522/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The letters patent appeal was dismissed due to the appellant's lack of locus standi in relation to vacancies in High Courts and their impact on District Courts. The law concerning the appointment of judges to High Courts and the Supreme Court is established, allowing the Supreme Court Collegium discretion in evaluating candidates beyond eligibility criteria. There is no obligation to provide reasons for rejecting recommendations, as this could harm the interests of those considered. The appellant may seek an early hearing if he believes his cases are delayed.

CANARA BANK VS VINEETA PANDEY & ORS. [LPA-507/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The bank's decision to reject the borrower's wife's request for Equated Monthly Installments (EMIs) and a One-Time Settlement (OTS) scheme is upheld, as she is neither the borrower nor a co-applicant or mortgagor. The bank's acceptance or rejection of EMIs does not affect its rights, and the borrowers are free to challenge the OTS rejection legally. The merits of the controversy and the rights of all parties remain open for future consideration.

CAPTAIN DEEPAK KUMAR VS ELECTION COMMISSION OF INDIA [LPA-527/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The letters patent appeal was dismissed based on findings that the petition contained unsubstantiated and incoherent allegations against the Prime Minister, Home Minister, and Minister of Communications, including claims of attempted murder and destruction of evidence, which were deemed to lack credibility. Medical assistance was offered to the appellant, who declined it, while the local police were instructed to monitor the appellant and may act under the Mental Healthcare Act, 2017, if necessary.

CENTRAL BOARD OF SECONDARY EDUCATION VS CHAND RAM PUBLIC SCHOOL & ORS. [LPA-778/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The decision of a Single Judge stating that the Central Board of Secondary Education must provide a personal hearing before withdrawing a school's provisional affiliation has been set aside. It has been clarified that a personal hearing is not necessary in all situations, and the requirement of natural justice is satisfied if the affected party can present their case. The matter has been remanded for a fresh decision, with all parties' rights and contentions remaining open.

CENTRAL BOARD OF SECONDARY EDUCATION VS MOUNT COLUMBUS SCHOOL AND ORS [LPA-568/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The requirement of natural justice to provide an opportunity to be heard does not always necessitate a personal hearing. The Central Board of Secondary Education's order to withdraw the provisional affiliation of the respondent school was set aside, allowing the Board to re-inspect the school and issue a new order in accordance with the law. Both parties are encouraged to focus on compliance with rules and regulations instead of shutting down the school.

CENTRAL BOARD OF SECONDARY EDUCATION VS ST. COLUMBUS SCHOOL AND ANR [LPA-918/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The Central Board of Secondary Education (CBSE) was not required to offer a personal hearing before withdrawing the provisional affiliation of a school, as responding to a show-cause notice satisfied the principles of natural justice. The order to withdraw the affiliation was set aside due to the school's claims of rectifying previous defects. CBSE was directed to re-inspect the school within four weeks, allowing one month for any found defects to be corrected before issuing a new decision. The focus was on ensuring compliance with rules rather than closing the school unless absolutely necessary.

COLOPLAST INDIA PRIVATE LIMITED VS UNION OF INDIA & ANR. [LPA-765/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

Surgical dressings are classified as 'Drugs' under Section 3(b)(i) of the Drugs and Cosmetics Act, 1940, consistent with the ruling in Chimanlal Jagjivan Das Sheth v. State of Maharashtra. The definition has not changed since that ruling, allowing surgical dressings to be regulated under the Drug Price Control Order, 2013. The matter was returned to the National Pharmaceutical Pricing Authority (NPPA) for recalculation of charges based on the judgment in Union of India and Another v. Bharat Serums and Vaccines Limited.

COURT ITS OWN MOTION VS GOVT. OF NCT OF DELHI AND ANR [W.P.(C)-3168/2023]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The Government of NCT of Delhi addressed issues in a public interest litigation concerning the management of pension schemes for widows, widowers, and senior citizens through a detailed counter affidavit. The Department of Women and Child Development and the Department of Social Welfare are implementing various financial assistance schemes to support these vulnerable groups. The petition was closed with no further orders issued.

DATTA POWER INFRA PRIVATE LIMITED VS SOLAR ENERGY CORPORATION OF INDIA & ORS. [W.P.(C)-2789/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

Datta Power Infra Private Limited's writ petition was dismissed on the grounds that the petitioner lacked a legal right to demand a Letter of Award from the Solar Energy Corporation of India for the SECI-Tranche-XVI bidding process. The petitioner's arguments were based on the "pool tariff" concept, which contradicted their own claims. The discovered tariff in the tender was Rs. 3.98/kWh, and the previous tender had not secured a buyer even at the lower tariff of Rs. 3.94/kWh. The petition was deemed meritless.

DINESH KUMAR SHARMA & ANR. VS THE REGISTRAR OF CO-OPERATIVE SOCIETIES & ORS. [W.P.(C)-15695/2022]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The upcoming elections for the Delhi Nagrik Sehkari Bank Ltd. will only allow participation from the 18,702 verified members. No new members will be admitted until the election process concludes, and the Registrar of Co-operative Societies will preserve the election records until any disputes are settled.

DR B. R. AMBEDKAR INSTITUTE OF DENTAL SCIENCE AND HOSPITAL VS UNION OF INDIA AND ORS [LPA-525/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal by Dr. B.R. Ambedkar Institute of Dental Science and Hospital was dismissed regarding the withdrawal of recognition, cessation of admissions, and closure of the institution. The request to add Dr. Dibyendu Majumdar, accused of mala fide actions, was not allowed as he was not part of the original writ petition. The decision of the Dental Council of India and the Central Government was upheld based on findings from two inspections that identified deficiencies in the institution, with a preference for expert decisions unless proven completely unreasonable, which was not established in this case.

DR NITTIN CHOUDHARY VS UNION OF INDIA & ORS. [W.P.(C)-9363/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The Director of AIIMS is to form a board of experts to evaluate a petitioner's 46% speech and language disability in relation to the requirements for a postgraduate specialist doctor in a surgical field. The petitioner is permitted to register for and participate in the NEET-MDS 2024 counselling under the PwD category while awaiting the board's assessment. The challenge against the Impugned Regulation, which limits eligibility for MBBS admission for individuals with 40% or more speech and language disability, has been acknowledged as valid.

DR. KUMUD SHARMA & ANR. VS EMPLOYEES STATE INSURANCE CORPORATION [LPA-771/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal for reimbursement of medical charges for bilateral total knee replacement surgery was dismissed. The surgery was deemed non-emergency, scheduled two months post-consultation at an ESIC hospital. According to the ESIC Office Memorandum, reimbursement is not granted for non-emergent treatment at non-empaneled hospitals. The case did not meet the criteria established in a relevant Supreme Court judgment regarding emergencies, leading to a conclusion that there is no entitlement to reimbursement under the applicable rules.

DR. NEENA RAIZADA VS MEDICAL COUNCIL OF INDIA THROUGH ITS SECRETARY AND ORS [LPA-824/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal by Dr. Neena Raizada against the Medical Council of India (MCI) regarding warnings issued to Dr. Ravi Kumar and Dr. Arti Lalchandani was dismissed. The certificates issued by the doctors were not deemed untrue or misleading, thus not violating Regulation 7.7 of the Indian Medical Council regulations. However, the act of issuing the certificate without a patient examination constituted professional misconduct under Regulation 8.2, justifying the penalties imposed by the Uttar Pradesh Medical Council. The appeal was dismissed without interference in the punishment.

DR. RUPALI MISHRA VS THE NATIONAL MEDICAL COMMISSION [LPA-747/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal against the National Medical Commission's order, which upheld the Ethical & Medical Registration Board's punishment of Dr. Rupali Mishra for violating medical conduct regulations, was dismissed. The Ethical & Medical Registration Board recommended a 30-day removal of her name from the state medical register, and the National Medical Commission enhanced the penalty by directing the closure of her medical center for 30 days. Three authorities reached concurrent findings of fact, and no errors were identified in the Single Judge's order.

GIRJA DEVI VS GOVT. OF NCT OF DELHI & ORS. [LPA-891/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal against the dismissal of a writ petition challenging notices from the Central Public Works Department (CPWD) was dismissed. The temporary structure-cum-workplace in question does not qualify as a 'jhuggi' under the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015, and therefore does not warrant rehabilitation or relocation. The argument that the structure is part of an identified JJ Cluster was rejected. Additionally, the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 does not protect unauthorized permanent structures built in violation of land use norms.

GOOD YEAR SECURITY SERVICES R. VS UNION OF INDIA AND ORS. [W.P.(C)-12890/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The writ petition filed by Good Year Security Services challenged the tender from the Sports Authority of India for security services at the Major Dhyanchand National Stadium. The average annual turnover requirement of Rs. 31 crores and the evaluation scheme disproportionately favored large companies, effectively excluding smaller competitors. The Sports Authority of India must respond to the petitioner's concerns within 2 working days, with a 1-week hold on awarding the work to allow for any further actions by the petitioner if necessary.

HANS RAJ JAIN VS ELECTION COMMISION OF INDIA [W.P.(C)-11103/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The public interest litigation concerning the Voter Verified Paper Audit Trail (VVPAT) system and demands for 100% counting of VVPAT slips was dismissed. The issues raised are already addressed in an earlier Supreme Court judgment. The Election Commission of India has been directed to verify five EVMs per assembly constituency instead of 100%. VVPAT verification has shown no mismatches, making it inappropriate to mandate 100% verification based on mere apprehensions of manipulation.

SMT. HARPYARI (DECEASED) THROUGH LR. VS BADRI BHAGAT JHANDEWALA TEMPLE SOCIETY [FAO(OS)-122/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeals challenging the decision to allow the respondent to submit pleadings from Suit No. 636/1982 and the dismissal of the application to implead additional parties were dismissed. Impleading additional parties was deemed unnecessary, as their interests could be represented through witness testimony. The appellant's inability to contest the judgment in Suit No. 1679/1982 was noted, as no prior defense was asserted by the appellant's predecessor. The inclusion of Suit No. 636/1982 pleadings does not equate to their proof; the respondent still bears the burden of proof in trial.

IDBI BANK LTD VS SH LAGADAPATI MADHUSUDHAN RAO & ORS. [LPA-550/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal by IDBI Bank Ltd. was dismissed. The direction allowing the respondents, whole-time directors and guarantors of a defaulting company, to request a personal hearing was deemed non-mandatory. The bank retains the discretion to accept or reject such requests, provided reasons are given. All parties' rights and contentions remain open, and respondents can challenge the bank's decision if aggrieved.

JATIN GROVER VS INDIAN RENEWABLE ENERGY DEVELOPMENT AGENCY LIMITED IREDA & ORS. [W.P.(C)-12668/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The public interest litigation challenging the recruitment process of the Indian Renewable Energy Development Agency Limited (IREDA) is not maintainable. A PIL is not appropriate in service matters, and a candidate who participated in the selection process without objection cannot later challenge it simply due to unsuccessful outcomes. The petitioner had previously filed a writ petition on the same issue, which was dismissed, indicating an attempt to re-litigate. Consequently, the PIL was dismissed.

LATA BANSAL & ORS. VS RAMAN KUMAR BANSAL & ORS. [FAO(OS)-106/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal by Defendants 3, 4, and 5 was dismissed due to their negligence in filing the written statement and affidavit of admission and denial in a suit. They were provided multiple opportunities to submit these documents but failed to do so. The Plaintiff cannot be held responsible for the Defendants' inaction.

M S ANTARCTICA PROPERTIES COMPANY LIMITED VS DELHI METRO RAIL CORPORATION LIMITED [W.P.(C)-9161/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

M/S Antarctica Properties Company Limited's petition against the cancellation of a tender by Delhi Metro Rail Corporation Limited (DMRC) was dismissed. The tender document allowed DMRC to reject bids without reason, and this discretion was not exercised arbitrarily. The DMRC's Tender Committee noted that the petitioner's bid was significantly lower than both the reserve price and the net present value, indicating a lack of healthy competition. The cancellation of the tender was found to be legally valid and justified.

M/S ASSOCIATED TUBES VS ANIL SINGHAL [FAO (COMM)-191/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal by M/s Associated Tubes against the dismissal of their petition to set aside an arbitral award was dismissed. The challenges regarding the arbitrator's jurisdiction and price fixation for the third SS Tube Mill were deemed without merit. The appellant had previously applied for the reference of disputes to arbitration and consented to the appointment of the arbitrator, confirming that the quotation dated 18th November, 2019 fell within the scope of arbitration.

M/S KEYA FOODS VS UNION OF INDIA & ORS. [LPA-921/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The dismissal of the appellant's writ petition was upheld, but a 4-month extension to vacate the stall was granted. This decision was influenced by a similar case from the Supreme Court that also provided a 4-month extension to allottees under specific conditions. No grounds for interference with the original decision were identified, leading to the extension in line with the related matter.

MANAGING COMMITTEE MASJID SYED FAIZ ELAHI VS DELHI WAQF BOARD & ORS. [LPA-920/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appellant managing committee of the Masjid Syed Faiz Elahi must deposit 50% of the demand made by the Delhi Waqf Board within 30 days, pending the writ petition's outcome. Evidence, including a 2004 order dissolving the previous committee and minutes from a 2014 Board meeting, supported the 20% income payment arrangement, justifying the interim order. The deposit will be subject to the final decision on the writ petition.

MANAS VIHAR CGHS LTD. VS MUNICIPAL CORPORATION OF DELHI & ORS. [W.P.(C)-6523/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The writ petition by the petitioner-cooperative society for the demolition of unauthorized construction by respondent no. 3 is maintainable, as arbitration under the Delhi Cooperative Societies Act is not applicable in this context. The Municipal Corporation of Delhi (MCD) has the authority to remove illegal constructions, regardless of their location within a property. However, the petitioner-society lacks the statutory authority to impose penalties on defaulting members. The MCD is directed to act in accordance with the law promptly, with assistance from the Delhi Police, while respondent no. 3 may take legal steps if aggrieved by MCD actions.

MD. SHAMIM VS DELHI DEVELOPMENT AUTHORITY (DDA) & ORS. [LPA-750/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appellant's appeal regarding the dismissal of their writ petition for alternative land allotment after a plot demolition was dismissed due to a 17-year delay, which was deemed unreasonable. No explanation was provided for the inaction between 2006 and 2015. Although there is no formal limitation period for writ petitions under Article 226, significant delays parallel to those in civil actions are considered unreasonable.

MEGHANA T.V VS UNION OF INDIA [LPA-624/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal to investigate the affairs of M/s Vikram Structures Pvt. Ltd. (VSPL) and its directors was dismissed due to the cause of action arising in Karnataka, where the alleged acts occurred and where VSPL's registered office is located. The relevant jurisdiction lies with the Karnataka High Court, which is better suited to handle issues stemming from the National Company Law Tribunal (NCLT) order. The appellant was directed to approach the Karnataka High Court for resolution.

MS PREETI VS MUNICIPAL CORPORATION OF DELHI & ORS. [W.P.(C)-8771/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The petitioner's writ petition regarding unauthorized construction was deemed motivated, but the existence of the unauthorized construction was acknowledged. The Municipal Corporation of Delhi (MCD) was directed to address the unauthorized construction and hold liable any officials at fault. The respondent committed to demolishing the unauthorized structure and conforming to sanctioned plans within four weeks. The respondent was advised to pursue appropriate legal action if dissatisfied with MCD's future orders.

NAGMA SHEERIN & ORS. VS MUNICIPAL CORPORATION OF DELHI & ORS. [LPA-814/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal was dismissed due to the lack of evidence showing that construction was done with prior approval from the Municipal Corporation of Delhi. Unregistered documents such as agreements to sell and powers of attorney were deemed invalid for property transfer. The principles established indicate that illegality cannot be overlooked simply because others have received similar illegal benefits.

NANDITA VS NATIONAL TESTING AGENCY AND ORS [LPA-782/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal challenging the answer key for two questions in the NEET-UG 2024 exam was dismissed. There is a presumption of correctness regarding the answer key, which can be overturned only if it is demonstrably wrong, and no reasonable subject expert would consider it correct. The National Testing Agency (NTA) consulted subject experts regarding the challenges raised, and the decision of these experts cannot be overridden.

NBCC (INDIA) LTD. VS MICRO SMALL AND MEDIUM ENTERPRISES FACILITATION COUNCIL & ANR. [LPA-505/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal by NBCC (India) Ltd. against the referral to the Delhi International Arbitration Centre for arbitration proceedings under the MSMED Act was dismissed. The power of the Micro Small and Medium Enterprises Facilitation Council under the MSMED Act differs from the powers granted to courts under the Arbitration and Conciliation Act. The issue of jurisdiction lacks inherent authority and is to be determined by the Arbitral Tribunal as per the MSMED Act, which can address its own jurisdiction. Any decision regarding that jurisdiction can be challenged under the Arbitration and Conciliation Act.

OPERATION ASHA A REGISTERED SOCIETY THROUGH ITS PRESIDENT MR RAKESH K KHURANA VS DR SHELLY BATRA & ORS. [FAO(OS)-114/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The lower court's decision to grant leave under Section 92 of the Code of Civil Procedure to the respondents, former officials of Operation Asha, was upheld. Operation Asha is classified as a constructive trust, with its donations viewed as an endowment for public purpose. Allegations of breach of trust in its administration warranted the application of Section 92 CPC, leading to the dismissal of the appellant organization's appeal and allowing the respondents to file the suit.

PAWAN HANS HELICOPTERS LTD VS MRS. ANNIE THOMAS & ORS. [LPA-838/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appellant company, Pawan Hans Helicopters Ltd., is liable to pay an additional insurance cover of Rs.30 lakhs to the wives of deceased pilots. An additional "heavy risk" insurance policy was in place for pilots in Naxal-infested areas, intended to enhance coverage rather than replace the existing policy. The doctrine of legitimate expectation applies, as the company maintained this additional policy before and after the accident, leading the pilots to anticipate enhanced coverage. Arguments regarding the policy's status at the time of the accident and the potential financial impact were rejected, emphasizing the importance of fairness and consistency in the company's dealings with employees.

POOJA GUPTA & ORS. VS INDIAN BANK & ANR. [W.P.(C)-8773/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The writ petition challenging recovery proceedings by Indian Bank under the DRT Act was dismissed due to the availability of effective alternative remedies under that Act. Since the petitioners can present their case before the DRT, the petition was not entertained, but they retain the right to address all contentions and submissions there.

PRASHANT MANCHANDA VS UNION OF INDIA & ORS [W.P.(C)-7824/2017]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

Extensive use of money and muscle power was observed in the Delhi University Students' Union and college elections, violating the Lyngdoh Committee Guidelines. Senior management of Delhi University and its colleges failed to enforce these guidelines. Voting in the elections was allowed to proceed, but vote counting was postponed until candidates removed all campaign materials and restored vandalized public properties. The University of Delhi, DMRC, MCD, and Delhi Police were required to submit a fresh status report within a week.

SAMA JAHAN @ SHAMA PARVEEN VS GOVT OF NCT OF DELHI & ANR. [LPA-966/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal by Sama Jahan was dismissed, affirming the order for her and Subhan Jirjis to pay Rs. 10,000 each per month in maintenance to the 87-year-old respondent no. 2, the property owner. The maintenance payment was deemed valid under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Sama Jahan receives a monthly rental income of Rs. 13,500 from the property, surpassing the maintenance amount required for respondent no. 2.

SAMIR MALIK VS UNION OF INDIA AND ANR. [W.P.(C)-10262/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The public interest litigation challenging the Government's notification declaring 25th June as "Samvidhaan Hatya Diwas" was dismissed. The notification, which addresses the abuse of power during the Emergency declared on 25th June 1975, does not undermine or insult the Constitution of India. It does not violate the Constitution or the Prevention of Insults to National Honour Act, 1971.

SANJEEV GUPTA VS THE SECRETARY GENERAL [LPA-616/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appellant's letters patent appeal was dismissed, confirming the prior dismissal of the writ petition. The appellant has remedies available through proper channels, including the Registrar of the Supreme Court and the Chief Justice of India for urgent matters. Failure to adhere to the stipulated procedure for listing the restoration application rendered the writ petition under Article 226 of the Constitution unmaintainable due to the existence of alternative effective remedies.

SAUMYA DAS & ORS. VS INDIRA GANDHI NATIONAL OPEN UNIVERSITY & ORS. [LPA-776/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal challenging the dismissal of writ petitions was dismissed due to delay and laches. The appellants were found to have delayed in contesting a notification from October 2020 that limited the re-admission period, which should have been challenged immediately or at least at the expiration of their enrollment period. This delay precluded them from obtaining discretionary relief under Article 226, leading to the dismissal of the appeal without costs.

SAVALIA RAJAN VS UNION OF INDIA & ORS. [LPA-775/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal by Savalia Rajan against his debarment from the NEET PG examination for 2024 was dismissed. Rajan provided false information in his application for the 2023 NEET PG exam, including misrepresenting his medical registration and FMGE exam results. This constituted serious misconduct. The decision of the Examinations Ethics Committee to debar him from both the 2023 and 2024 exams was upheld, despite some miscommunication from authorities regarding the penalty.

SH BIRENDAR SINGH VS THE REGISTRAR OF CO-OPERATIVE SOCIETIES & ANR. [W.P.(C)-11646/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The election for the Managing Committee of the co-operative society is scheduled for 6th October 2024. Outstanding dues defaulters will be excluded from voting, but they can raise disputes before the next Managing Committee. The election schedule cannot be changed or amended without prior consent.

SH. ANURAG MAHAJAN VS TUMLARE TRAVELS PRIVATE LIMITED [FAO(OS)-91/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal by Anurag Mahajan was dismissed, challenging the dismissal of his applications to set aside a judgment from November 15, 2019, and to condone the delay in filing. Allegations of gross negligence by his counsel were unsubstantiated due to a lack of evidence showing counsel's involvement. Mahajan was aware of the judgment on the same day it was issued but delayed action until much later, with his explanation for the delay deemed unpersuasive. A confession letter admitting to financial irregularities further weakened his case. The appeal was dismissed with costs.

SHABNAM BURNEY VS UNION OF INDIA AND ORS [W.P.(C)-8035/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

Unauthorized construction on the Yamuna river bank and floodplains poses environmental and flood-related risks. The Vice Chairman of the Delhi Development Authority is appointed as the Nodal Officer to coordinate the removal of all encroachments and illegal constructions in these areas. A meeting with relevant officials must be convened within a week, and an Action Taken Report is required within six weeks.

SHRI PARMOD BAHL VS REGISTRAR, COOPERATIVE SOCIETIES AND ORS [W.P.(C)-9141/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

Shri Parmod Bahl's writ petition regarding the allotment of Plot No. 124 to him as a member of the cooperative society was directed to the Registrar Cooperative Society for a decision on his representation within 4 weeks. Bahl has been a member since 1978 and is placed at serial no. 11 on the waiting list of confirmed members. The plot was previously allotted to Smt. Krishna Chopra, whose membership was canceled. The challenge by her legal representatives to this cancellation was dismissed. The society is currently in the process of allotting the vacant plot to a third party.

SHRI SAXENA THROUGH NATURAL GURDIAN VS BSES RAJDHANI POWER LTD [LPA-706/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal challenging the order to restore electricity supply to the second and ground floors was dismissed. The initial order required payment of Rs. 2,030 in arrears, which the appellant had agreed to but failed to pay. The order was based on a meter number provided by the appellant's counsel, and it was highlighted that the appellant could not benefit from their own error in supplying the incorrect meter number. The dispute with the property broker was deemed inappropriate for resolution through writ proceedings.

SUDIP KOHLI VS GOVERNMENT OF NCT OF DELHI & ORS. [LPA-826/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal by Sudip Kohli for police protection to construct a boundary wall on disputed property was dismissed. Kohli could not provide documentation proving ownership of the property. The demolition of the boundary wall was executed by private residents rather than government officials. Allowing reconstruction under police protection would render the ongoing suit by the Resident Welfare Association irrelevant. Kohli was advised to file a civil suit against the residents who demolished the wall or seek relief in the existing suit while including the Delhi Police as a party.

SURESH KUMARI VS MR. AJAY KUMAR & ANR. [LPA-788/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The Letters Patent Appeal filed by Suresh Kumari was dismissed due to lack of challenge to any specific order from the Single Judge. The learned Single Judge was instructed to expedite the resolution of Contempt Case No. 328/2024 and W.P.(C) No. 1567/2024 within three months. No comments were made on the merits of the case, and the rights and contentions of all parties remain open.

UDAY RATRA VS REGIONAL PASSPORT OFFICE DELHI AND ANR [LPA-643/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal challenging the dismissal of a writ petition for passport renewal without a No Objection Certificate was dismissed. Section 6 of the Passports Act applies to both issuance and renewal of passports, contradicting the appellant's claim that it only pertains to new passports. Sections 5 and 6 of the Act, along with Rule 5 of the Passport Rules, create an integrated framework for handling passport matters. Previous judgments indicate that if a court order does not specify a renewal period, the passport can only be renewed for one year as per the 1993 notification. The appellant can seek clarification from the concerned trial court regarding the renewal period before applying again.

VIDUSHI KASNIYA VS UNIVERSITY OF DELHI & ORS. [LPA-977/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The University of Delhi's decision regarding eligibility criteria and guidelines for admission, including which sports qualify for the sports quota, was upheld. The university has the discretion to include or exclude specific sports, such as Karate, from consideration for admission. Candidates cannot claim a right to have their sport included. Courts are advised to be cautious in interfering with university policy decisions unless they are arbitrary. The appeal was dismissed due to a lack of merit in the arguments presented.

VIKRAMJEET SINGH MANN VS UNIVERSITY GRANTS COMMISSION & ORS. [LPA-874/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal challenging the rejection of retrospective recognition for an MBA degree obtained via distance education in 2008 was dismissed. The writ petition filed in 2014 was deemed barred by laches due to a six-year delay. Even if the recognition prayer were considered, it would need to comply with existing laws prohibiting retrospective recognition for open distance learning courses. A comparison to retrospective recognition for teacher training courses under the NCTE Act was rejected, as no similar legislative framework exists for MBA programs.

YAMUNA KHADAR SLUM UNION VS DELHI DEVELOPMENT AUTHORITY AND ORS [LPA-544/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal by the Yamuna Khadar Slum Union was dismissed on the basis that the Yamuna Khadar Jhuggi Camp is an illegal encroachment on government land acquired for the river's channelization. The slum cluster does not qualify for rehabilitation under the 2015 Delhi Slum and JJ Rehabilitation and Relocation Policy, as it was not a notified slum cluster before 2006. Removal of the encroachment from the ecologically fragile riverbed serves the public interest.

AIR INDIA LIMITED VS ALL INDIA AIRCRAFT ENGINEERS ASSOCIATION & ANR. [FAO(OS)-125/2023]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

A conditional stay on the execution of an arbitral award in favor of the All India Aircraft Engineers Association was modified. Air India must deposit 50% of the decretal amount in an interest-bearing fixed deposit and provide a bank guarantee for the remaining 50%. This decision balanced Air India's status as an ongoing entity with the All India Aircraft Engineers Association's entitlement to dues as recognized by the arbitral award.

ATS TOWNSHIP PVT LTD VS ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE 1(1) DELHI & ORS. [W.P.(C)-13790/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The initiation of reassessment proceedings by the Income Tax Department against ATS Township Pvt Ltd for the assessment year 2014-15 was barred by limitation. The reassessment must occur within the time limits specified under Sections 153A and 153C of the Income Tax Act, as amended by the Finance Act 2021. In the absence of allegations or evidence of escaped income, the extended 10-year period under Section 153A did not apply. The reassessment notice for AY 2014-15 was issued beyond the 6-year limitation period, leading to the impugned notices and order being set aside.

CANCER AID AND RESEARCH FOUNDATION VS MUNICIPAL CORPORATION OF DELHI [W.P.(C)-8829/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The eligibility condition in the EOI/tender by the Municipal Corporation of Delhi required NGOs to have a minimum average annual turnover of Rs. 4 crores over the last three years for providing mid-day meals to school children. The rationale for this criterion was based on a formula in the CPWD manual, indicating it was not arbitrary or unreasonable. The fixation of eligibility conditions in tenders is a policy matter, and interference is limited to cases where conditions are arbitrary or violate legal principles, which was not applicable in this situation.

DR AMITABH MAINI VS UNION OF INDIA AND ORS [W.P.(C)-17317/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The petition filed by Dr. Amitabh Maini challenging the Unified Building Byelaws, 2016, and the Master Plan for Delhi, 2021 regarding ground coverage, FAR, and setbacks for residential plots was dismissed. The provisions allowing lower category setbacks when maximum permissible construction is unattainable were deemed constitutional and not in violation of the Delhi Development Authority Act, 1957. The provisions are considered reasonable and rational, ensuring that the maximum constructed space for a plot is not less than that of the preceding category's largest plot. The petitioner was also ordered to pay costs of R.S. 50,000.

GL SHARMA VS CPIO, THROUGH SHANTIMOY NANDAN NATIONAL THERMAL POWER CORPORATION LTD, NEW DELHI [LPA-884/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The dismissal of the appellant's writ petition was upheld, with the information requested about note sheets for voluntary retirements deemed personal and exempt from disclosure under Section 8(1)(j) of the RTI Act. The appellant's claim of error in considering a different ground for dismissal was rejected, as wide jurisdiction exists to examine issues based on the law. There was no disagreement on the matter or referral to a larger bench.

GURNAM SINGH VS UNION OF INDIA & ORS [LPA-548/2019]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appellant is entitled to 10% per annum interest on ex gratia compensation of Rs. 1,00,000 from 16th January 2006 to 8th April 2016, due to delays in payment attributed to the respondents. Additionally, costs of Rs. 25,000 are awarded to the appellant by the Union of India.

GURUJI ELEVATOR VS UNION OF INDIA & ORS. [LPA-445/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The CPWD rejected the appellant's application for enlistment as a Class-I contractor in the Building & Roads category due to insufficient work experience in "building work" as defined by the Enlistment Rules, 2021. The appellant's experience was primarily in labour-intensive contracts for lift operation and maintenance. Although the Advisory Committee initially recommended enlistment, the Additional Director General evaluated the relevant material and was justified in disagreeing with the recommendation, leading to a non-arbitrary and reasonable decision-making process.

HANI KHATOON VS UNION OF INDIA & ORS. [LPA-748/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal filed by Hani Khatoon was dismissed, upholding the earlier dismissal of her writ petition. The determination of the "dies non" period during the COVID-19 pandemic and the extension of the license period are considered policy decisions by the zonal/divisional railways, reflecting the pandemic's impact in various areas. Interference in such commercial decisions by competent authorities is not warranted, and the appeal was deemed lacking in merit.

JACKSON SQUARE AVIATION IRELAND LIMITED VS ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE INT TAX 2(1)(2) & ANR. [W.P.(C)-11636/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The Assessing Officer lacked jurisdiction to issue the Final Assessment Order dated 20.05.2024 before the Dispute Resolution Panel addressed the Assessee's objections to the Draft Assessment Order. The requirement to wait for the DRP's decision applies, provided objections are timely filed, irrespective of whether the AO was aware of their pendency. The Final Assessment Order was set aside, and the matter was remitted to the DRP for proper consideration as per Section 144C of the Income Tax Act.

KAMAL BHASIN VS CENTRAL PUBLIC INFORMATION OFFICE AND ANR [LPA-764/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The names of the universities from which executives recruited by Power Finance Corporation Limited obtained their qualifications were withheld as this information was deemed personal and not in the larger public interest, aligning with the exemption in Section 8(1)(j) of the RTI Act. The appellant's history of multiple RTI applications and a familial dismissal from service were also considered. The appeal was dismissed with no grounds for interference with the previous judgment.

KARAMM BIR VS ALL INDIA COUNCIL FOR TECHNICAL EDUCATION [LPA-604/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The dismissal of the appellant's writ petition challenging the validation of his B.Tech degree obtained through distance learning was upheld. The Supreme Court had invalidated such degrees from 2001-2005 and directed remedial examinations in 2018. The appellant's claim of inadequate notification about the exams was rejected, as he acknowledged awareness of the June 2018 exam. Additionally, there was no statutory provision allowing for the rounding off of marks by AICTE, which could compromise technical education standards. The appeal was dismissed.

M/S GRANDSLAM DEVELOPERS PVT. LTD VS AKSHAY GANDHI PROPREITOR OF PRAXIS DESIGN SOLUTIONS [FAO (COMM)-236/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

A valid arbitration agreement between the parties necessitates referral of disputes to arbitration, irrespective of one party's claim of no dispute. A previous ruling that restricted the invocation of an arbitration clause for admitted liabilities is overturned, aligning with the limited examination scope under Section 8 of the Arbitration Act. The case stands independently without indication of disagreement among the judges.

M/S J DUNCAN HEALTHCARE PVT LTD VS CENTRAL MEDICAL SERVICES SOCIETY [LPA-674/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The blacklisting of the appellant company by the Central Medical Services Society is justified based on the appellant's admission that the performance bank guarantees (PBGs) submitted were forged. The significance of PBGs in the tender process underscores the bidder's responsibility for their authenticity. The appellant's claims of unawareness regarding the fraud perpetrated by its JV partner lack merit, as the admitted facts regarding the forgery eliminate the need for further analysis.

M/S PAMPAR OVENFRESH FOODS PRIVATE LIMITED VS UNION OF INDIA AND ORS [LPA-848/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal by Pampar Ovenfresh Foods Private Limited was dismissed, affirming the decision to recover the first installment of the grant-in-aid with interest. The appellant had a fair opportunity to present its case, which was considered. The Joint Inspection Report indicated no physical progress at the appellant's site, a finding that was not contested. The examination of disputed questions of fact was deemed outside the scope of judicial review.

M/S. ARYAN CARGO EXPRESS PVT LTD VS UNION OF INDIA & ANR. [LPA-864/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

M/s Aryan Cargo Express Private Limited was not entitled to benefits under the "Companies Fresh Start Scheme, 2020" or the "extended CFSS 2020" as its name had been struck off the Register of Companies before the introduction of CFSS 2020. The extended CFSS 2020 applied only to companies restored between December 1, 2020, and December 31, 2020, which did not include the appellant. The claim for benefits under section 460 of the Companies Act, 2013 was also rejected due to ineligibility under the introduced schemes.

MANJEET SINGH CHUGH VS GOVT. OF NCT OF DELHI AND ORS. [W.P.(C)-5830/2022]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The Municipal Corporation of Delhi (MCD) must complete remaining road improvement and strengthening works in the Kotla Mubarakpur area within three months. Satisfactory administrative action has been taken against the contractor M/s J.R. Construction for substandard work. The matter has been pending since 2022, with no justification for further delays in the completion of the road works.

MANOJ KUMAR AGARWAL VS UNION OF INDIA & ORS. [LPA-745/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeals regarding the duration of the "dies non" period granted during the COVID-19 pandemic were dismissed. The determination of this period was based on various factors related to the impact of COVID-19 across the country and was classified as a policy decision by the zonal/divisional railways. The current arguments made by the appellants were not part of the original dispute, so they could not be considered on appeal. No errors or infirmities were identified in the single judge's judgment, which was reaffirmed.

MORGAN ASIA LIMITED VS RESERVE BANK OF INDIA & ANR. [W.P.(C)-10690/2021]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The writ petition filed by Morgan Asia Limited was dismissed, affirming the validity of the RBI notification dated 10 November 2014 and relevant provisions of the RBI Act. The petitioner did not demonstrate any lack of legislative competence or violation of fundamental rights. It was determined that the petitioner qualified as a Non-Banking Financial Company under the RBI Act and was subject to the conditions of its Certificate of Registration. The RBI had provided an opportunity for the petitioner to be heard, and the petitioner utilized the statutory appeal process, negating claims of natural justice violations.

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR. VS DOON VALLEY INSTITUTE OF EDUCATION [LPA-615/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The National Council for Teacher Education (NCTE) cannot withdraw recognition from the Doon Valley Institute of Education for changing its constitution from a society to a company. The NCTE Regulations do not explicitly prohibit such changes, and a previously required prior approval was omitted in the 2014 Regulations. Internal communication from NCTE in 2016 is not sufficient to override the Regulations. Consequently, the recognition of the respondent is reinstated.

NEW ASHOKA COOPERATIVE HOUSE BUILDING SOCIETY VS VEENA KUMARI & ANR. [W.P.(C)-12839/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The orders of the Financial Commissioner and Registrar of Cooperative Societies reinstating Mr. L.C. Gupta's membership in the petitioner cooperative society were upheld, as previous litigation did not consider that Gupta's membership in the petitioner predates his membership in another society. Appropriate proceedings were directed to be initiated against Gupta or those claiming through him regarding his membership and allotment in the other cooperative society, emphasizing that individuals providing false information should not benefit from it.

PC FINANCIAL SERVICES PRIVATE LIMITED VS DIRECTORATE OF ENFORCEMENT & ANR. [LPA-808/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The Seizing Authority and Competent Authority had sufficient tangible material to establish a "reason to believe" for seizures under the Foreign Exchange Management Act. The merits of the case were correctly examined, and there was no need for intervention under Article 226 as the Adjudicating Authority was already considering the matter. The argument regarding the lack of opportunity to challenge the seizure orders was rejected, as the appellant had voluntarily withdrawn its appeal before the Appellate Tribunal. The appeal was dismissed with no grounds for interference with the decision.

PR. COMMISSIONER OF INCOME TAX -7, DELHI VS PUNJAB NATIONAL BANK [ITA-193/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The decision affirmed the applicability of section 14A of the Income Tax Act, 1961, excluding exempt income from shares held as stock-in-trade, supported by prior Supreme Court rulings. The bank's amortization of premium paid on securities in the Held to Maturity category was permitted, as were claims for losses from reclassification of securities and contributions to the Employees' Pension Fund as business expenses. Additionally, depreciation on goodwill from amalgamation was allowed, resulting in the dismissal of the Revenue's appeal without substantial legal questions.

PRACHEEN SHIV MANDIR AVAM AKHADA SAMITI VS DELHI DEVELOPMENT AUTHORITY & ORS. [LPA-498/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal by Pracheen Shiv Mandir Avam Akhada Samiti was dismissed, affirming the demolition of the Pracheen Shiv Mandir. The temple was deemed an unauthorized construction on encroached land within an eco-sensitive area of the Yamuna River floodplain. The Delhi Development Authority had the authority to remove the structure based on a Memorandum of Understanding with the landowner, the State of Uttar Pradesh. The appellant did not provide documentation to establish ownership or legitimacy of the temple. Claims regarding violations of natural justice were rejected, and the appeal was deemed infructuous as the temple structure had already been demolished.

PRIYANSHU RAJ VS UNION OF INDIA AND ORS [LPA-777/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

Dr. Priyanshu Raj was debarred from the National Eligibility cum Entrance Examination (Post-Graduate) Examination, 2024 (NEET PG) due to serious misrepresentation in his application for NEET PG 2023. He failed to meet the prerequisites of clearing the Foreign Graduate Medical Examination (FMGE) and being registered with the National Medical Council or State Medical Council, which constituted a significant violation.

RAVI PRAKASH SONI VS CENTRAL INFORMATION COMMISSION AND ORS. [LPA-523/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The decisions of the Central Information Commission and the Single Judge were upheld regarding the rejection of an RTI application for information about a bank locker held by a deceased individual. Due to disputes among the legal heirs, the bank could not disclose the information as it could not act as an adjudicator. The appellant also failed to demonstrate any "larger public interest" necessary for disclosure under the RTI Act.

ROHIT CHAUHAN VS MUNICIPAL CORPORATION OF DELHI & ANR. [LPA-910/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal was dismissed on the grounds that the MCD's internal circular from July 21, 2014, prohibiting sub-division of plots after February 8, 2007, is constitutional and merely reiterates the DDA Regulations of 2011, which were not challenged by the appellant. The assessment of whether the appellant's sub-division met the DDA Regulations is pending with the competent authority, and no findings were made to avoid prejudicing any party's rights. No costs were assigned.

S A N GARMENTS MANUFACTURING PRIVATE LIMITED VS PR COMMISSIONER OF INCOME TAX 7 AND ANR & ANR. [W.P.(C)-932/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The issuance of a certificate by the Designated Authority to reopen a concluded settlement under the Direct Tax Vivad Se Vishwas Act, 2020, is without legal authority. A final certificate issued under Section 5(1) of the Act concludes all disputes regarding the 'tax arrear', prohibiting further action by the Designated Authority. The impugned certificate was set aside.

SA INFRASTRUCTURE CONSULTANTS PVT LTD VS NATIONAL HIGHWAY AUTHORITY OF INDIA [LPA-676/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal by SA Infrastructure Consultants Pvt Ltd against the debarment order from the National Highway Authority of India was dismissed. Judicial review was limited to examining the decision-making process rather than the merits of the decision. Principles of natural justice were adhered to, as the appellant received a show-cause notice and an opportunity for a personal hearing. The debarment order's grounds were deemed clarificatory. An alternative remedy of arbitration was acknowledged under the consultancy agreement, and the judgments cited by the appellant were found irrelevant. No order was made regarding costs.

SAMIKSHA CHAUDHARY & ANR. VS MAULANA AZAD MEDICAL COLLEGE & ORS. [LPA-558/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal was dismissed, confirming that the appellants were ineligible to participate in the 3rd Professional Part-II MBBS Examination in March 2024. The appellants had not completed the required 12-month training period for Phase III as mandated by the Graduate Medical Education Regulations, 1997, despite having training completion certificates from their colleges. The University of Delhi's position that the appellants could not sit for the exam without meeting the training requirement was supported, even though they were permitted to finish their remaining clinical training.

SANJAY KUMAR & ORS. VS UNION OF INDIA THROUGH ITS SECRETARY & ORS. [LPA-591/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal challenging the eviction notices and demolition of the Khyber Pass Hostel Hutments was dismissed. The appellants were unauthorized occupants, as their predecessors-in-interest were licensees whose license had expired, rendering them trespassers. The land ownership was established as belonging to the Central Government and under the Ministry of Defence's occupation. The actions of the respondents were deemed lawful, leading to the dismissal of the appeal.

SH HARLAL VS DELHI DEVELOPMENT AUTHORITY THROUGH ITS VICE CHAIRMAN & ORS. [LPA-337/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal against the eviction order by the Estate Officer was dismissed. The appellant did not demonstrate any valid legal grounds to contest the eviction proceedings initiated by the Delhi Development Authority. Arguments regarding jurisdiction, lawful occupation under a lease, and adverse possession were rejected, as the appellant had previously engaged in the proceedings under the Public Premises Act without raising these points. No issues were found in the orders of the lower authorities or the judgment of the Single Judge.

SHIVA BUILD TECH PRIVATE LIMITED VS NORTHERN RAILWAY & ANR. [W.P.(C)-15671/2023]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The order rejecting the petitioner's bid and initiating forfeiture of the earnest money deposit (EMD) and business ban was quashed due to a lack of reasons and contradictions between the order and the counter affidavit. A show cause notice regarding the proposed forfeiture of EMD and business ban must be issued within one week, following legal principles.

SMT MANJIRA DEVI AYURVEDA MEDICAL COLLEGE AND HOSPITAL VS UTTRAKHAND UNIVERSITY OF AYURVEDA & ORS. [LPA-894/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appellant college's writ petition challenging the NEET requirement for Ayurvedic course admissions was dismissed due to the High Court of Uttarakhand having appropriate territorial jurisdiction. The cause of action arose within Uttarakhand, and it was determined that the Uttarakhand High Court is the more convenient forum since both the appellant college and the respondent university are located there. Agreement on the issue of territorial jurisdiction was unanimous, with no referral to a larger bench.

SONALI CHHABURAO GITE VS UNION OF INDIA AND ORS [LPA-500/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The appeal against the dismissal of a writ petition challenging the NADA Rules 2021 was dismissed. A writ court cannot compel the government to enact or notify a law that has not been brought into force. India, as a signatory to the UNESCO Anti-Doping Convention, is required to adhere to international doping standards, including the WADA Code. The NADA Rules 2021 remain effective until the NADA Act 2022 is enacted. Legal arguments against the 2021 Rules were left for consideration by the Anti-Doping Disciplinary Panel (ADDP). No grounds for interference with the previous judgment were identified, leading to the dismissal of the appeal.

SUMIT BHARANA VS UNION OF INDIA & ORS. [W.P.(C)-16701/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The petitioner's application for compounding of offences under Sections 276B and 278B of the Income Tax Act, 1961 was incorrectly rejected. New CBDT guidelines permit co-accused to apply for compounding separately, regardless of whether the main accused has submitted an application. The previous decision was set aside, and the matter was remanded for a fresh decision in accordance with the updated guidelines. Prosecution proceedings against co-accused can continue even if the main accused company's liability ceases due to the Insolvency Bankruptcy Code.

SUN BROADCAST EQUIPMENTS PVT LTD VS PRASAR BHARATI AND ORS. [W.P.(C)-13960/2023]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The term "end-of-life equipment" in the tender conditions should be interpreted to mean that the product must not be obsolete. The discontinuation of the product's sale by the manufacturer indicates obsolescence, which disqualified the equipment included in the bid by Respondent No. 3. However, no relief could be granted to the petitioner since the equipment supply was already complete. Clear and unambiguous drafting of tender conditions is necessary to prevent confusion for bidders.

THE CHIEF EXECUTIVE OFFICER J AND K ERA VS M/S ABHIRAM INFRA PROJECTS PVT LTD [FAO(OS) (COMM)-261/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The Arbitration & Conciliation Act, 1996 applies to the dispute since the place of arbitration was New Delhi. The appellant's application to set aside the arbitral award was filed beyond the 3-month period specified in Section 34(3) of the A&C Act, and the delay was not condoned. The appeal was dismissed.

THE LT GOVERNOR OF DELHI AND ORS VS DELHI TAMIL EDUCATION ASSOCIATION (REGD) THROUGH ITS SECRETARY [LPA-642/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The rejection of the respondent society's proposal to fill vacant posts in its schools due to the absence of a Management Committee was deemed unsustainable. The society provided documents confirming the existence of Management Committees for each school, which were not disputed. The issue of one individual managing multiple schools was recognized as a procedural irregularity. The appeal was dismissed, and the respondent society was bound to comply with Rule 96(3) of the Delhi Schools Education Rules, 1973.

TILAK RAJ & ANR. VS SUNIL AGARWAL & ORS. [LPA-948/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The direction to the Registrar of Societies to update records based on the minutes of the June 13, 2018 meeting was identified as an error. The correction specified that the direction pertains only to the communication from that date, not the meeting minutes. The only document available was the communication, not the minutes. Other parts of the prior judgment remained unchanged, with no commentary on the merits of the case awaiting trial.

VATSAL GOSWAMI VS DELHI UNIVERSITY THROUGH ITS DEAN ADMISSIONS [LPA-1181/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The decision to dismiss Vatsal Goswami's appeal was based on the allocation of all seats in the final round of counselling by Delhi University, leaving no vacant seats. Granting mid-term admissions due to subsequently vacant seats was deemed problematic for the admission process.

VEDPAL SHEETAL CHAUDHARY VS MUNICIPAL CORPORATION OF DELHI AND ORS [W.P.(C)-11078/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The Chief Secretary of the GNCTD is to treat a writ petition as a representation regarding the faulty construction of a drain in the Sunday Market Area of Aya Nagar, Delhi, by the IFCD. This construction has caused water to flow back onto the roads, resulting in waterlogging, a recurring issue even outside the monsoon season. A decision is to be made quickly, ideally within two weeks, after consulting MCD and IFCD officials. Rights and contentions of all parties remain open.

VEMPARALA SRIKANT AND ANR VS GENERAL SECRETARY, INDIA BULLS CENTRUM FLAT OWNERS WELFARE CO-OPERATIVE SOCIETY [LPA-744/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

Orders from the National Consumer Disputes Redressal Commission (NCDRC) in appellate or revisional jurisdiction can be challenged before the High Court within the territorial limits where the cause of action arose. In this case, since the cause of action originated in Telangana, the appropriate forum for such a challenge is the High Court of Telangana, not the High Court of Delhi. The appeal was dismissed due to lack of territorial jurisdiction.

YOGENDER MOHAN RUSTAGI VS ASSISTANT COMMISSIONER OF INCOME TAX CENTRAL CIRCLE 28 DELHI & ANR. [W.P.(C)-17022/2024]

Judges: Acting Chief Justice, Justice Tushar Rao Gedela

The Assessing Officer's order under Section 148A(d) of the Income Tax Act, 1961, and the notice under Section 148 were set aside due to inadequate consideration of the petitioner's replies provided on 14.08.2024 and 30.08.2024. The matter was remanded for the AO to reassess the replies and make an informed decision, allowing for further information to be sought from the petitioner as needed.

COL. SANDEEP SHARMA VS UNION OF INDIA & ORS. [W.P.(C)-7541/2023]

Judges: Justice Amit Bansal, Justice Navin Chawla

The disciplinary proceedings against Col. Sandeep Sharma were dropped due to the fault of the respondents. Consequently, he should be considered for promotion to Brigadier as if there were no impediments, despite not meeting the criteria of the 'Adequately Exercised (AE) Policy.' This conclusion is based solely on the unique facts of this case and does not set a precedent.

A.WILLIAM RINALDY VS ANU PROMILLA [MAT.APP.(F.C.)-142/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by A. William Rinaldy against the Family Court's order for ad-interim maintenance of Rs. 35,000 per month for his wife Anu Promilla and their children was dismissed. The maintenance amount was agreed upon by both parties, and the appeal challenging this consensus was rejected.

ABDUL MIR KHALICK VS ORIFLAME INDIA PVT. LTD. [RFA(COMM)-277/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The trial court's judgment granting the plaintiff Rs. 11,70,132/- with pre-suit interest from September 1, 2016, was set aside. The trial court failed to examine the merits of the case and issued a judgment based solely on the plaint, despite the defendant not filing a written statement on time. It was emphasized that the court must ensure there are no disputed facts requiring proof from the plaintiff. Additionally, justification for pre-suit interest must be based on contract, custom, or statute. The trial court was instructed to proceed in accordance with the law.

ABHAY KUMAR JHA VS M/S BOSCH [RFA(OS)(COMM)-1/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The respondent has a strong case for recovering ₹1.49 crore, while the appellant presents a plausible defense regarding the non-receipt of goods/services. Although the appellant's defense is considered improbable, it raises triable issues. Conditional leave is granted to the appellant to defend the suit, contingent upon depositing the principal claim amount and providing a bank guarantee for the interest amount. Further proceedings will be handled by a Single Bench.

ABHEEPSA GUPTA & ANR. VS POOJA SHARMA BAJAJ [MAT.APP.(F.C.)-361/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The order of the Family Court dismissing the appellant's application under Order VII Rule 11 of the Code of Civil Procedure was set aside. The matter will be transferred to the appropriate civil court as the respondent expressed a desire for expedited proceedings and showed no objection to the transfer. The appellants also agreed to the transfer if the respondent submits an appropriate application.

ABHISHEK GARG VS AVNI JAIN [MAT.APP.(F.C.)-71/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Family Court awarded interim maintenance of Rs. 75,000 per month to the wife in divorce proceedings under the Hindu Marriage Act. The appellant argued that the Family Court did not adequately consider his expenses in Singapore. The maintenance amount was deemed reasonable, with the provision that any amounts paid in other proceedings would be adjusted against this maintenance. The appeal was dismissed with no grounds for interference in the Family Court's order.

ABHISHEK SRIVASTAVA VS SHRUTI SRIVASTAVA [MAT.APP.(F.C.)-46/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal against the ad-interim maintenance order of Rs. 25,000 per month in favor of the wife was dismissed. The husband had a gross monthly salary of Rs. 138,000 and a take-home salary of Rs. 78,000, while the wife earned a stipend of Rs. 27,000 per month as a student. The maintenance order was deemed reasonable given the wife's responsibilities for herself and a minor child. Income affidavits and bank statements were to be submitted for a final determination on maintenance. The appeal did not present sufficient grounds for interference with the decision.

ABHISHEK VERMA VS MANSI MITTAL [MAT.APP.(F.C.)-352/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal resulted in the setting aside of a Family Court order that dismissed an application for waiver of the six-month cooling-off period for divorce by mutual consent under Section 13B of the Hindu Marriage Act. The intention of one party to remarry within the cooling-off period was deemed insufficient to reject the waiver. Emphasis was placed on the quality of the marital relationship as the primary consideration for granting a divorce. The parties were granted liberty to submit a new waiver application to the Family Court, which should consider relevant observations and precedents.

ABHISHEK YADAV VS DELHI STATE LEGAL SERVICES AUTHORITY & ANR. [W.P.(C)-4827/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

A public interest litigation petition addressed child victims' rights to compensation under the Protection of Children from Sexual Offences Act, 2012, and the Delhi Victim Compensation Scheme, 2018. A comprehensive Standard Operating Procedure (SOP) was established to raise awareness of victims' rights and simplify the process for obtaining compensation. A new section was added to streamline the disbursal of interim and final compensation, addressing specific challenges faced by child victims. Directions were issued to relevant authorities to ensure effective implementation of the revised SOP.

ADTV COMMUNICATION PRIVATE LIMITED (FORMERLY AEZ INFRATECH PRIVATE LIMITED) VS SNG DEVELOPERS LIMITED [EFA(OS) (COMM)-24/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Enforcement of an arbitral award against ADTV Communication Private Limited was upheld, with the appeal dismissed. The appellant did not challenge the arbitral award or object to the enforcement proceedings. The order was modified to require attachment and sale of the appellant's assets due to existing legal restraints on those assets and insufficient liquid funds to comply with the deposit direction.

AKHILESH KUMAR GUPTA VS MS. GUPTA SNIZHANA GRYGORIVNA [MAT.APP.(F.C.)-357/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Family Court lacked territorial jurisdiction over the guardianship petition for a minor child who was a Ukrainian citizen, with all relevant proceedings having occurred in Ukraine. Both parents were permanent residents of Ukraine, and the child was unlawfully removed from there, violating established visitation rights. The child's best interests were deemed to be with the mother and sister in Ukraine, despite the war, as they provided a safe environment. Exclusive jurisdiction over custody matters resided with the Ukrainian courts.

AMARJEET SINGH BAMMI & ANR. VS MASTER FATEHVIR SINGH (MINOR) & ORS. [FAO(OS)-6/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appellants are required to file the complete record of the GS Service Station Petrol Pump with the Court Registry within one week, allowing the respondents access through their lawyer and an authorized Chartered Accountant. Should any discrepancies in account maintenance arise, the respondents may seek further action. Respondent no.2 must provide an undertaking that any information obtained will be used solely for the current litigation. No advance approach to the court is permitted; any future applications can be examined as needed.

AMIT SHARMA VS SUGANDHA SHARMA [MAT.APP.(F.C.)-368/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal for interim custody of a minor child was dismissed based on findings that the child felt apprehensive and uncomfortable around the appellant. Reports indicated that granting interim custody or allowing visits with paternal grandparents would not serve the child's welfare. Despite this, arrangements for twice-monthly meetings between the appellant and the child at Dwarka Courts, supervised by a counsellor, were directed to continue to help the child cope with apprehensions and foster a healthy interaction with the father.

ANITA JAIN AND ORS VS ANIL JAIN AND ORS [LPA-503/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Anita Jain and others successfully appealed against the dismissal of their application to be included as parties in a partition suit regarding property. The respondents' claim of prior partition requires legal proof, which has not been established. The previous order was set aside, allowing the appellants to join the suit while preserving the rights of the respondents. Additionally, questions concerning the validity of the marriage of a deceased respondent may impact the rights of their children. This matter is related to a prior chamber appeal addressed by another bench.

ANURADHA KASHYAP VS DR SUSHIL KUMAR [MAT.APP.(F.C.)-109/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Family Court's order that closed the appellant's right to cross-examine the respondent was set aside. The appellant was granted an opportunity to cross-examine the respondent or any other witness presented by the respondent, with a cost of Rs. 7,500 imposed on the appellant for delays caused by the unavailability of counsel on previous dates.

ANURADHA KASHYAP VS DR SUSHIL KUMAR [MAT.APP.(F.C.)-260/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Anuradha Kashyap's appeal was dismissed due to her attempt to cross-examine PW-1 via video conferencing, which was deemed a delay tactic. She had already cross-examined PW-1 for 1.5 hours as previously directed, making the request for video conferencing unjustified. There was no indication of disagreement between the judges or a referral to a larger bench, and the case was not part of a batch matter.

ARMTECH (INDIA) LIMITED VS GAIL (INDIA) LIMITED [FAO(OS) (COMM)-272/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Armtech (India) Limited was dismissed regarding the arbitral award of Rs. 30,00,000 on claim no. 3. Armtech could not demonstrate that GAIL (India) Limited deducted 5% of the value of the electric material supplied as stipulated in Clause 15A iv(ii)d of the Special Conditions of Contract. GAIL denied making such deductions, and Armtech failed to provide sufficient evidence. The decision to set aside the arbitral award on claim no. 3 was upheld.

ARUN KANGRA VS ARTI SARWAN [MAT.APP.(F.C.)-144/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Arun Kangra has been granted a final opportunity to submit his defense to the divorce petition filed by Arti Sarwan within 5 days. Arti Sarwan has 10 days to file a rejoinder. The Family Court will frame issues based on these documents and schedule a date near June 4, 2024, for the respondent's evidence. A cost of Rs. 10,000 is to be paid by Arun Kangra to Arti Sarwan on June 4, 2024.

ASHISH TIWARI VS RICHA SHARMA [MAT.APP.(F.C.)-91/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Ashish Tiwari against the Family Court's order mandating the Indian Army to deduct 30% of his gross salary for monthly maintenance to Richa Sharma has been dismissed. The respondent is unemployed while the appellant has a steady income, leading to the upholding of the Family Court's decision.

ATC TELECOM INFRASTRUCTURE PVT LTD VS MAHANAGAR TELEPHONE NIGAM LIMITED [FAO(OS) (COMM)-172/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by ATC Telecom Infrastructure Pvt Ltd involves a Section 34 petition where the single judge is allowed to consider other grounds of challenge beyond the initial notice issue. The single judge must examine whether to issue notice on these additional grounds, which primarily pertain to claim no. 1. The appellant may present submissions before the designated bench.

ATMA RAM PROPERTIES PVT LTD VS UNION OF INDIA & ANR [RFA(OS)-63/2016]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Atma Ram Properties Pvt Ltd regarding misuser charges imposed by the Land and Development Office on its leasehold property was allowed. The dismissal of the suit was considered erroneous as the framed issues were not addressed despite the appellant providing specific pleadings and relevant documents. The previous judgment was set aside, and the suit was restored for adjudication of the framed issues.

BABITA RANI VS HARPAL [MAT.APP.(F.C.)-131/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

An appeal against the family court's dismissal of an application to recall the appointment of a Local Commissioner was allowed. A new Local Commissioner was appointed to conduct evidence recording on a pro bono basis, with a directive to complete the process within 8 weeks and avoid unnecessary adjournments. The order imposing costs on the appellant was set aside.

BELA CREATION PVT LTD VS JAI DURGA TRADERS PVT LTD [RFA(COMM)-80/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal RFA(COMM) 80/2022 filed by Bela Creation Pvt Ltd was dismissed because a final judgment and decree were issued by the trial court during the appeal's pendency, which the appellant later withdrew. Consequently, the appeal became infructuous.

BHARAT HEAVY ELECTRICALS LIMITED VS KANOHAR ELECTRICALS LIMITED [FAO(OS) (COMM)-245/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Bharat Heavy Electricals Limited against the arbitral award favoring Kanohar Electricals Limited was dismissed. Imposition of liquidated damages requires proof of actual loss, which was not established, as only 8 out of 46 transformers were commissioned after 27 months. The findings confirmed by the arbitral tribunal were upheld, and Bharat Heavy Electricals Limited was directed to deposit the awarded amount as costs.

BHARAT PETROLEUM CORPORATION LIMITED VS RAJINDER SINGH JOON & ORS. [RFA(COMM)-15/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The renewal clause in the Lease Deed does not allow for automatic renewal of the lease for 20 years, requiring mutual agreement on the renewal period, which did not occur. Oral evidence to determine the parties' intention is inadmissible under the Indian Evidence Act as it contradicts the written terms of the Lease Deed. The counter-claim for specific performance of the renewal was dismissed because the Lease Deed is deemed determinable in nature. Both appeals by BPCL were dismissed.

SANJAY KUMAR BARANWAL VS BHAVNA KUMARI [MAT.APP.(F.C.)-87/2019]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Family Court's order for the husband to pay Rs.66,000 per month as interim maintenance to the wife and two daughters was upheld, with a modification for the elder daughter who began earning in July 2023, resulting in a reduction of the payment to Rs.44,000 per month from that date.

CEMENT MANUFACTURERS ASSOCIATION & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-5448/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Cement Manufacturers Association is required to submit a 3-page synopsis of their grievances regarding the Bureau of Indian Standards' (BIS) 2023 Quality Control Order, which mandates a reduction of ash content in cement from 12% to 6%. The petitioners argue that this change would increase plastic content and environmental harm, along with raising costs for the cement industry, and that the order was issued without sufficient technical study. BIS is instructed to hear the petitioners and issue a reasoned order. No coercive measures will be taken against the petitioners until after BIS addresses their representation and for 10 days thereafter.

DALJEET SINGH BHATIA VS M/S KARAMSAR ELECTRONICS PVT.LIMITED [RFA(COMM)-67/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Daljeet Singh Bhatia against the trial court's judgment in favor of M/s Karamsar Electronics Pvt. Ltd. was dismissed. The defense claimed the cheque dated 11.04.2018 was a blank cheque provided as security, but this was deemed a sham. It was established that the cheque was issued to cover earlier dishonored cheques, and the appellant had partially paid the outstanding amount. The explanation provided by the appellant was dismissed as implausible, leaving no valid reason to challenge the trial court's decision.

DALMIA CEMENT (BHARAT) LIMITED VS UNION OF INDIA [RFA(OS)-45/2017]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Dalmia Cement (Bharat) Limited against the Union of India is closed as the appellant chose not to pursue it further. The approved resolution plan by the National Company Law Tribunal did not account for the respondent's claims, leading to their extinguishment. Upon the respondent initiating execution proceedings, the appellant may file objections, which will be addressed according to law, allowing both parties to present their rights and contentions.

DEEPAK KHOSLA AND ORS. VS JYOTI WAZIR AND ORS. [FAO(OS)-100/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The order of the Single Judge regarding the determination of whether existing issues cover the amended plaint or if additional issues need to be framed can only be resolved after the defendants file their amended written statement. If additional issues are framed, the parties may present evidence on those issues, provided the existing evidence does not include them. The appeal was disposed of without disagreement with the Single Judge's observations.

DEEPIKA SINGH VS SANDEEP YADAV [MAT.APP.(F.C.)-173/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The order permitting the amendment of a divorce petition based on desertion was set aside due to non-compliance with the two-year desertion requirement under Section 13(1)(ib) of the Hindu Marriage Act, 1955. The husband may file a new petition on desertion, which will be addressed by the Family Court according to the law.

DELHI BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE BOARD VS DULARI DEVI & ANR. [LPA-372/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Under the Delhi Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and Rules, a building worker is entitled to a pension upon turning 60, provided they have worked for at least 1 year. The eligibility criteria in Section 14(2) of the BOCW Act, which requires 3 years of continuous registration, does not apply to pension benefits, as determined by Section 22(1)(b). Shri Gauri Shankar Gupta met the eligibility requirements by being registered as a building worker for over 1 year before reaching 60, thus being entitled to a pension. The appeal by the Welfare Board against the granting of the pension was dismissed.

DELHI DEVELOPMENT AUTHORITY VS ROSHANARA CLUB LIMITED AND OTHERS [LPA-497/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by the Delhi Development Authority against an interim order regarding the Roshanara Club Limited was disposed of, with the interim order remaining in effect until the writ petition is resolved. The scheme by the DDA and RCL's submitted objections will be reviewed, and RCL's writ petition will be consolidated with another ongoing case. Interlocutory applications from RCL employees were closed, granting them the option to seek appropriate remedies. Additionally, a contempt petition filed by RCL will be addressed by the designated judge after ensuring all parties have an opportunity to present their case.

DESIGNARCH CONSULTANTS PVT LTD AND ANR VS JUMEIRAH BEACH RESORT LLC [FAO(OS) (COMM)-144/2021]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Jumeirah Beach Resort LLC and Designarch Consultants Pvt. Ltd., along with Designarch Infrastructure Pvt. Ltd., entered into a settlement regarding trademark ownership and usage rights. Jumeirah acknowledges Designarch's ownership of the "BURJNOIDA" trademark, while Designarch recognizes Jumeirah's ownership of the "BURJ AL ARAB" trademark. Designarch will not modify the "BURJNOIDA" tower and will withdraw its cancellation petitions against Jumeirah's trademarks, which Jumeirah will also reciprocate by withdrawing its petitions against Designarch's trademarks. Designarch agrees not to use the "BURJNOIDA" mark in any way that suggests a connection to Jumeirah and will not develop any similar buildings. The settlement terms are final and binding on both parties and their successors.

DEVESH MANASWI DAS VS APARNASHREE [MAT.APP.(F.C.)-167/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Interim custody and visitation rights for the child were upheld with slight modifications. The father was granted custody for three Sundays per month from 10 AM to 6 PM and increased visitation during school vacations from 10 AM to 8 PM. The father may seek a "joint-parenting plan" after six months, potentially including overnight custody, with involvement from a child psychologist if necessary. The decision focused on balancing parental interests and prioritizing the child's welfare.

DHARMENDER SINGH BISHT VS BABITA BISHT [MAT.APP.(F.C.)-199/2017]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The husband was granted a decree of divorce on grounds of cruelty under Section 13(1)(ia) of the Hindu Marriage Act. The wife's false criminal complaints against him and his family members, leading to a lengthy trial and eventual acquittal, constituted mental cruelty. Additional evidence, including the wife's behavior during their brief cohabitation and a departmental inquiry against the husband, supported this claim. The complete breakdown of trust and the extended criminal proceedings rendered the continuation of the marriage unviable.

DHRUV VARMA VS M/S RATNA COMMERCIAL ENTERPRISES LTD. & ORS. [EFA(OS)-12/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Dhruv Varma regarding the non-release of his passport in the custody of the court was dismissed. The outstanding decretal amount is Rs. 41,64,47,667. The appellant had previously offered to deposit the passport and filed the appeal with a delay of 722 days, lacking evidence of any plans to travel abroad.

DISH TV INDIA LTD VS GULF DTH FZ LLC & ORS [FAO(OS)-26/2019]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Dish TV India Ltd's appeal against the order closing its right to file a written statement is maintainable under the Delhi High Court Act, 1966, as the suit was initially filed as an ordinary civil suit before the Commercial Courts Act, 2015 came into effect. The mandatory 120-day period for filing written statements under the Commercial Courts Act did not apply since the suit was only converted to a commercial suit by the impugned order. The appeal was allowed, the impugned order was set aside, and the written statement was directed to be taken on record, with case management hearings to occur post-conversion to a commercial suit, allowing discretion for extending filing time.

DR CHAYAN JAIN VS UNION OF INDIA [LPA-661/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Dr. Chayan Jain and others for admission to post-graduate medical courses at Armed Forces Medical Services institutions was allowed after the rejection of their claim based on an unofficial sponsorship certificate seal was deemed arbitrary. Admission will be granted to the appellants in the 2024-2025 academic year according to their ranks in the NEET PG 2023 exam.

DR SITANSHI SHARMA VS DR ACHINTYA SHARMA [MAT.APP.(F.C.)-285/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The judgment and order from the family court regarding Dr. Sitanshi Sharma was set aside due to insufficient opportunity for her to present her case. A re-hearing of her pending application under Order VII Rule 11 of the Code of Civil Procedure is scheduled for 07.10.2024, acknowledging the validity of her grievance about being inadequately heard.

DR. PRIYA DARSHAN GUPTA VS ANOOP GUPTA [FAO (COMM)-123/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

A settlement between Dr. Priya Darshan Gupta and Anoop Gupta regarding the dissolution of their partnership firm, "Gupta Mediscan Centre," has been recorded. Dr. Gupta will pay R.S. 70,00,000 to Anoop Gupta as full and final settlement of outstanding claims. The assets and liabilities of the firm will vest in Dr. Gupta, who will also acquire the property at 98, Darya Ganj, New Delhi. All disputes related to a Memorandum of Understanding dated 17.12.2019 are resolved. The settlement includes the closure of the firm's bank accounts, surrender of certificates/licenses, and disposal of a related civil suit, with directions for the necessary implementation steps.

DWIPANJALI ROY VS DR. BISWAJIT CHAUDHURI & ORS [EFA(OS)-22/2017]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The vacation of the first floor and barsati floor of the Defence Colony property by the appellant was not dependent on the sale of the Shanti Niketan property, necessitating the appellant to vacate the Defence Colony property within four months. Due to the inability of the parties to sell the Shanti Niketan property as previously agreed, a court auctioneer was appointed to conduct a public auction of the Shanti Niketan property, with specific directions for valuation, reserve price, and sale terms. The matter involves multiple parties and properties, with a larger bench to address the final settlement and sale of the Shanti Niketan property.

GAGANDEEP SARNA VS SMT BALARANI & ORS. [RFA(COMM)-184/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeals filed by Gagandeep Sarna and Satinder Singh Sarna against a decree of Rs. 74,84,500/- in favor of Smt. Bala Rani were allowed. The delay in filing court fees and re-filing the appeals was excused. An agreed settlement established that the appellants are jointly and severally liable to pay Rs. 69,84,500/- to the respondent, with 9% simple interest on the reducing balance. In case of default, the entire amount becomes payable. The respondent agreed to return custody of goods received on supardari to the bailiff. The previous judgment was modified accordingly.

GAGANDEEP SINGH VS BHUMIKA [MAT.APP.(F.C.)-29/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Family Court's rejection of the husband's request for a paternity test was upheld, emphasizing the child's presumption of legitimacy under Section 112 of the Indian Evidence Act. The child's right to identity takes precedence over allegations of the wife's adulterous conduct. The husband can present other evidence to support his claims but cannot compel a paternity test for the child.

GAIL GAS LIMITED VS M/S SHYAM GLASS WORKS [FAO(OS) (COMM)-205/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The arbitrator concluded that GAIL Gas Limited's allegations of tampering with metering seals and skids at M/s Shyam Glass Works' premises were not substantiated, as no evidence of tampering was presented. This finding was upheld, and GAIL Gas Limited's petition was dismissed. The appeal was also noted to have been filed with significant delay, but the consideration of delay was deemed unnecessary in light of the decision to uphold the arbitrator's findings.

GAIL INDIA LTD. VS UCO BANK & ANR. [RFA(OS)(COMM)-5/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The rejection of the appellant's suit was upheld due to the invocation letter dated 15th April, 2013 not complying with the terms of the Performance Bank Guarantee. The letter failed to cite any default or breach of contract by the respondent. The plaint did not present a cause of action, lacking necessary assertions regarding a breach of contract or payment default.

GAURAV DHAWAN VS TRANSASIA PRIVATE CAPITAL LIMITED [EFA(OS)-8/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The judgment of the UK Court was upheld, establishing its jurisdiction to adjudicate disputes due to asymmetrical jurisdiction clauses in the Personal Guarantees and valid service under the English Companies Act. English law was correctly applied, and the UK Court's ex parte judgment was deemed conclusive and executable in India under Section 44A of the Code of Civil Procedure. The appeal by the judgment debtor was dismissed.

GAUTAM MEHRA VS SONIA MEHRA [MAT.APP.(F.C.)-116/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appellant's failure to comply with the Family Court's order while attempting to travel to Dubai with the children was considered contemptuous. There was no intention to adhere to the Family Court's directives. The appeal became moot due to the passing of the spring vacations, and no observations were made regarding the Family Court judge's interactions with the children, leaving it to the Family Court to address that issue. Contempt proceedings were not initiated against the appellant, and the matter remained as is.

GENERAL MANAGER UCO BANK VS SMT. ADITI GAUR AND ANR [LPA-725/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The decision affirmed that Smt. Aditi Gaur is entitled to the pension scheme established by UCO Bank through the circular dated 01.01.2013. As her application under the earlier circular from 20.08.2010 was pending at the time of the new circular's issuance, she was not required to reapply. Since she met the eligibility criteria under the 01.01.2013 circular, her pending application should be considered under that scheme.

GOURAV RAJPUT VS DELHI HIGH COURT [W.P.(C)-1554/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The writ petition challenging the requirement of minimum marks in the interview for the Junior Judicial Assistant/Restorer position was dismissed. Although the petitioner's grievance had some merit, the timing was problematic since the requirement had already been amended to eliminate minimum qualifying marks for interviews for Group B and C posts, but this change occurred after the petitioner's examination and interview. Additionally, the petitioner could not assert equality with the Aalma v. Delhi High Court case as that issue had already been addressed.

GOVERNMENT OF NCT OF DELHI, THROUGH COMMISSIONER, DELHI POLICE VS SHRI DHEERAJ KUMAR & ORS. [LPA-236/2020]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Delhi Police was found negligent for placing chained barricades at the accident site without adequate lighting or monitoring, leading to the respondent's injuries. Arguments regarding the respondent's failure to wear a helmet as contributory negligence were rejected. The awarded compensation, which included future loss of income, was deemed reasonable based on the evidence presented. The appeal by the Delhi Police was dismissed.

GOVT OF NCT OF DELHI & ANR. VS ADHARV ENTERPRISES [LPA-179/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by the Government of NCT of Delhi against an order for de-sealing premises and transferring liquor stock was dismissed. Previous similar cases and a Supreme Court decision indicated that the matter pertained only to owners/landlords, not licensees. The dismissal does not affect any potential proceedings by the government against the licensees.

GOVT OF NCT OF DELHI & ORS. VS M/S RAVI KANT JOSHI SECURITY AGENCY & ANR. [FAO (COMM)-176/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by the Government of NCT of Delhi and Guru Teg Bahadur Hospital against the security agency was dismissed. The security agency met the agreement's terms by deploying the biometric attendance system and providing relevant data to the hospital. No reasons were found to challenge the arbitrator's decision, which upheld the award in favor of the security agency.

GOVT OF NCT OF DELHI & ORS. VS BRINDCO SALES PVT LTD [LPA-520/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Leftover stock of Brindco Sales Pvt Ltd can be disposed of under Rule 56 of the Delhi Excise Rules, 2010, despite the expiration of its liquor license. The brands in the stock were registered during the validity of the license in 2021-22, and re-registration under Rule 63 is not required for disposal.

GOVT OF NCT OF DELHI & ORS. VS SHRI R.S. YADAV [LPA-766/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by the Government of NCT of Delhi regarding the reimbursement of medical expenses to Shri R.S. Yadav was dismissed due to his death and the failure to include his legal representatives. There was a noted difference of opinion on whether reimbursement was applicable since Yadav was not a member of the Delhi Government Employees Health Scheme at the time of incurring expenses. The question of law remains open for future consideration.

GRAMEEN ATI JEEVAN SOCIETY (REGD.) VS PANCHSHILA COOPERATIVE HOUSE BUILDING SOCIETY LTD. & ORS. [LPA-190/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

An appeal was disposed of, directing the consideration of the appellant's application for impleadment in pending writ petitions W.P.(C) 3611/2022 and W.P.(C) 7512/2024. The context involved enforcing a prior decision regarding the closure of a temporary link road, but the Delhi Development Authority expressed a desire to retain and widen the road. It was instructed that the relevant parties be heard to decide the progression of the writ petitions considering the DDA's changed stance, with an emphasis that previous observations would not influence decision-making.

GUJARAT OPERATIONAL CREDITORS ASSOCIATION VS NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI & ORS. [W.P.(C)-8580/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The writ petition addressed the recording of proceedings before the NCLT and NCLAT, which was considered a representation for the NCLAT Chairperson. The matter impacts all NCLT benches nationwide and requires input from their Presidents regarding feasibility. Requests concerning the judgment reservation and dictation processes were deemed outside the main issue of the petition. A preliminary objection on the petition's maintainability was not addressed, as it is treated as a representation.

GURPREET KAUR GUJRAL & ORS. VS M/S PORTRUCKS EQUIPMENT PVT. LTD. & ANR. [RFA(COMM)-70/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Gurpreet Kaur Gujral and others was dismissed. The trial court had the necessary pecuniary jurisdiction to hear the case, as the suit amount of R.S. 4,21,800 exceeded the limit. The claim that the security deposit should offset rent until October 2019 was denied, as the respondent vacated the premises on August 31, 2019, and was not obligated to provide notice or continue tenancy after that date, given that the second lease deed had already concluded.

GYMNASTICS FEDERATION OF INDIA VS PADMAJA GARIKIPATI AND ANOTHER & ANR. [LPA-723/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by the Gymnastics Federation of India (GFI) concerning the stay on the notice about elections for office bearers and the executive committee was dismissed. The executive committee's term ended on 04.11.2023 but was extended by a general body resolution until new elections are conducted. The scheduled hearing for the writ petition is set for 17.05.2024. An application before the single judge regarding the order does not require separate liberty.

HARDEV KAUR JANDO & ANR. VS M/S UPPER LAND CONSTRUCTIONS PRIVATE LIMITED & ORS. [FAO (COMM)-225/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal against the order that foreclosed the right to file a written statement in a commercial suit was dismissed due to insufficient evidence of "extraordinary circumstances" in Himachal Pradesh. Attempts by the appellants to introduce additional documents not in the appeal record were disregarded. The law restricts the acceptance of written statements to a 120-day period, after which the right to file is forfeited.

HARISH JINDAL VS GARIMA JINDAL [MAT.APP.(F.C.)-220/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The father's appeal resulted in a modification of the Family Court order to permit weekly video calls with his 14-year-old child via WhatsApp, scheduled for Sundays from 12:00 Noon to 12:30 PM. This arrangement aims to maintain contact between the father and child while other aspects of the previous order remain unchanged.

HARISH VERMA VS JOGINDER PAL SINGH [RFA(COMM)-117/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The lower court's order dismissing the appellant's plaint due to failure to comply with the pre-litigation mediation requirement under the Commercial Courts Act, 2015 was set aside. The dismissal was deemed inappropriate for failing to establish urgency as required by the Supreme Court's standards. The matter was remanded for a holistic examination of the plaint, documents, and facts from the plaintiff's perspective to assess eligibility for exemption from the mediation requirement.

HARPREET KAUR VS JASJEET SINGH [MAT.APP.(F.C.)-48/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The parties reached a settlement agreement in which the respondent-husband paid a lump sum to the petitioner-wife. The petitioner-wife agrees to the divorce decree, and the allegations of cruelty by the respondent-husband will be withdrawn. The contempt case was closed, the respondent-husband was directed to pay Rs. 20,000/- to the appellant-wife for costs, the divorce decree was sustained, and the finding on cruelty was expunged. The lawful settlement agreement was accepted.

HARSIMRAN SINGH VS PREETI KHANNA ALIAS PREET KAUR ALIAS PREETI KHANNA [MAT.APP.(F.C.)-246/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The order directing Harsimran Singh to pay Rs. 45,000 per month as maintenance to Preeti Khanna under Section 24 of the Hindu Marriage Act was upheld. The family court's assessment of Harsimran's financial situation and Preeti's expenses was considered reasonable. Harsimran did not fully disclose his actual income despite Preeti's assertions. The appeal was dismissed due to significant delay in filing and ongoing execution proceedings for overdue maintenance payments.

HARSIMRAN SINGH VS RAVINDER KAUR PASRICHA [MAT.APP.(F.C.)-191/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Family Court's order closing the appellant's right to lead evidence was set aside. The appellant was granted another opportunity to present evidence upon paying costs of Rs. 2,500 to the respondent. The appellant had submitted the affidavit of evidence on time but failed to remit the costs due to a lack of the respondent's bank details. The matter was directed for further steps.

HOTEL CORPORATION OF INDIA VS M/S NS ASSOCIATES PVT. LTD [FAO(OS) (COMM)-158/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The arbitrator's award in favor of M/S NS ASSOCIATES PVT. LTD. for Rs. 74 lakhs was upheld, addressing extra items executed beyond the originally scheduled quantities and rates. The appellant, HOTEL CORPORATION OF INDIA, unjustifiably reduced the claimed amount from Rs. 1.08 crores to Rs. 34 lakhs. The removal of the appointed architect rendered the contractual clause for rate approval ineffective. The reasoning of the arbitrator was accepted, leading to the rejection of the appellant's challenge.

IDBI BANK LIMITED ON BEHALF OF SENIOR LENDERS VS NATIONAL HIGHWAYS AUTHORITY OF INDIA [LPA-681/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appellant, IDBI Bank, does not have the right to seek an extension of the concession period under the concession agreement between the respondent, NHAI, and the concessionaire, Pink City Expressway Private Limited, as IDBI is not a party to the agreement. While IDBI may pursue remedies under the substitution agreement, escrow agreement, and restated facility agreement, a writ to NHAI for extending the concession agreement cannot be issued. The merits of IDBI's rights under the other agreements remain unaddressed, allowing IDBI to seek appropriate remedies in a separate forum.

INTERLINKS OVERSEAS PVT LTD & ORS. VS SOUTH DELHI PHARMA [RFA(COMM)-211/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Interlinks Overseas Pvt Ltd and others successfully appealed the dismissal of their application to condone the delay in entering appearance in a summary suit by South Delhi Pharma. The delay was attributed to an official tour and the need for legal consultation. The impugned judgment was set aside, prompting the respondent to take further steps for the trial court to issue summons for judgment. The appellants were instructed to file an affidavit for leave to defend and to pay Rs. 20,000 in costs to the respondent for the delay. The case was scheduled for further proceedings in the trial court.

INTEX TECHNOLOGIES (INDIA) LIMITED VS RINCOR ENERGY S.A. [FAO(OS) (COMM)-204/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Arbitral Tribunal awarded Rincor Energy S.A. compensation, determining that a letter dated 3rd December 2019 did not replace an earlier Settlement Agreement and that Intex Technologies (India) Limited was responsible for delays in payment. Rincor was granted interest on the principal amount from 2nd December 2018 until payment, along with post-award interest at 6% per annum. Challenges by Intex were dismissed as they were either not presented previously or the Tribunal's conclusions were well-supported by evidence.

IQBAL KHAN YUSUFI VS SABEENA SIDDIQUI [MAT.APP.(F.C.)-232/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Family Court dismissed a guardianship petition filed by the father due to lack of territorial jurisdiction, determining that the minor child and mother resided in Jabalpur, Madhya Pradesh, not Delhi. Evidence, including the mother's employment records,

IRCON INTERNATIONAL LTD. VS BHAVNEET SINGH [LPA-133/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The transfer order of Bhavneet Singh, a differently-abled person with 72% permanent locomotor disability, was set aside. The decision emphasized that employers must adhere to the Rights of Persons with Disabilities Act, 2016, and related government guidelines when considering transfers for differently-abled individuals. The appellant, IRCON IL, did not demonstrate administrative exigency to justify the transfer to a remote location in Chhattisgarh, which also contravened the guidelines that exempt such individuals from rotational transfers and require consideration of their preferences.

JAMPA GYAL TESN VS YESHI LHAMO [MAT.APP.(F.C.)-72/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Jampa Gyal Tesn's appeal led to the reversal of the dismissal of his divorce petition under Section 13(1)(ib) of the Hindu Marriage Act. The respondent, Yeshi Lhamo, did not contest the petition, which impacted the acceptance of the appellant's assertions and evidence, including the marriage registration certificate. The earlier decision incorrectly rejected the appellant's case. The marriage between Jampa Gyal Tesn and Yeshi Lhamo was subsequently dissolved.

JASMINE CHADHA VS TEJPAL SINGH [MAT.APP.(F.C.)-305/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Jasmine Chadha is entitled to only one set of maintenance payments of Rs. 30,000 per month, not two. The financial capacity of Tejpal Singh was previously assessed to be between Rs. 70,000 and Rs. 75,000 per month. The executing court could not reconsider these previous assessments, leading to the conclusion to uphold the initial decision.

JHARNA VS DELHI HIGH COURT THROUGH REGISTRAR GENERAL [W.P.(C)-3144/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The respondent's answer key for Question No. 154 in the Delhi Judicial Services Preliminary Examination 2023 was deemed correct. It was established that while an accused typically cannot invoke Section 91 of the Code of Criminal Procedure at the charge framing stage, discretion exists to summon documents if they are crucial for framing the charge. Option 2 in the question, reflecting the court's discretion, was identified as the most appropriate answer. The petitioner's writ petition was dismissed, affirming that the answer key published after considering objections is not subject to interference unless it is clearly incorrect.

JINDAL RAIL INFRASTRUCTURE LIMITED VS UNION OF INDIA & ANR. [FAO(OS) (COMM)-196/2022]
Judges: Justice Amit Bansal, Justice Rajiv Shakdher
The Union of India was entitled to exercise the option clause in the contract to increase the ordered quantity of BOXNHL wagons by 30% at the original contract price. The arbitrator's interpretation of the option clause, which aimed to award JRIL the difference between the original price and a higher price from a subsequent tender, was incorrect. The plain language of the option clause permitted the increase at the original price, and the terms of the contract could not be rewritten. JRIL's appeal was dismissed.

JITA MAL SATPAL VS BHIWADI POLYMERS LTD [RFA(COMM)-39/2024]
Judges: Justice Amit Bansal, Justice Rajiv Shakdher
The appeal by Jita Mal Satpal was dismissed, upholding Bhiwadi Polymers Ltd's claim for recovery of Rs. 6,54,830. The key issue was whether the appellant was liable for the claimed amount or if it should be offset against returned tokens and goods. The appellant's defense relied on an unproven document, as no witness was presented to verify the signatures. The argument regarding the acceptance of authority was deemed insufficient. The appeal lacked merit.

JYOTI PURI VS SUMEET PURI AND ORS [MAT.APP.(F.C.)-121/2023]
Judges: Justice Amit Bansal, Justice Rajiv Shakdher
The delay of 440 days in Jyoti Puri's appeal was excused due to her counsel's procrastination. The order for her to pay Rs. 12,000 monthly maintenance for her two minor children was set aside, as there was no justification for placing the entire financial burden on her. However, the visitation rights allowing her to meet her children for 2 hours on the 1st and 3rd Saturdays of each month were upheld.

K S DHINGRA VS UNION OF INDIA AND ORS. [W.P.(C)-4473/2021]
Judges: Justice Amit Bansal, Justice Rajiv Shakdher
Note 7 to Rule 33 of the Central Civil Services (Pension) Rules, 1972 applies because the petitioner's salary was not drawn from the Consolidated Fund of India when absorbed into the Central Electricity Regulatory Commission (CERC) on 7th June 2004, which was funded by 'grants-in-aid' from the Central Government starting 1st April 2004. The excess pension amount paid cannot be recovered, as the payments were made due to an error without the petitioner's fault. Revised pension payments can be disbursed from the date of the order refixing the pension.

KAMLESH VS AKHILESH KUMAR [MAT.APP.(F.C.)-120/2023]
Judges: Justice Amit Bansal, Justice Rajiv Shakdher
The divorce decree favoring the husband under the Hindu Marriage Act was upheld, while observations on mental cruelty and desertion were expunged. The husband will pay the wife Rs. 3 lakhs in permanent alimony in three installments. The wife will assist the husband in quashing an FIR against him. Both parties are to file affidavits confirming acceptance of the settlement terms.

KANIKA JAIN VS MOHIT MITTAL [MAT.APP.(F.C.)-245/2024]
Judges: Justice Amit Bansal, Justice Rajiv Shakdher
The family court's decision to allow amendments to the respondent's divorce petition was upheld, enabling the inclusion of additional facts and allegations of adultery. Concerns regarding potential prejudice were acknowledged, and timelines for the completion of pleadings, issue framing, affidavit filing, and witness cross-examination were established, aiming to conclude the proceedings by December 31, 2024.

KIRAN D. PATKI & ANR. VS THE STATE & ORS. [FAO(OS)-2/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The judgment negated the previous approval of a probate petition and the granting of Letters of Administration concerning the Will dated 27.09.2012 of the late Ms. Kanval Dhillon. Arguments emphasized that only one attesting witness was examined while the second was available, that the primary witness lacked memory of the testatrix signing the Will, and that the Will featured uncountersigned alterations, raising doubts about its authenticity. The appellants agreed to make certain payments from the estate, and the remaining estate was allocated to them while directing disbursement of the specified amounts to the respondents.

KRITIKA NARAYAN VS HIGH COURT OF DELHI THROUGH REGISTRAR [W.P.(C)-1872/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The correct answer to a question in the Delhi Judicial Services Preliminary Examination is "Option (4) - None of the above," rather than "Section 406." For offenses under Sections 405/406 of the Indian Penal Code, dishonest intention is necessary, which is excluded by the phrase "without intending to deceive" in the question. Therefore, Section 406 is not applicable, and the challenge to the revised answer key lacks merit.

KUNAL FOOD PRODUCTS PVT. LTD. VS DELHI DEVELOPMENT AUTHORITY [FAO(OS) (COMM)-211/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal against the dismissal of a petition challenging an arbitral award was dismissed. The arbitrator had denied pre-reference and pendente lite interest on the amount retained by the Delhi Development Authority after encashing a bank guarantee. The delay in completing the hotel project was attributed to both parties, and the hotel was completed before the Commonwealth Games. The arbitrator ordered a refund of the retained amount with 12% interest from the date of the award. Despite the appellant's request for pendente lite interest due to prolonged arbitration, the arbitrator's conclusions were not found to be perverse or illegal, leading to the dismissal of the appeal.

KUSHAL BHASIN VS SHALOO BHASIN [MAT.APP.(F.C.)-273/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The family court's decision to award interim maintenance to Shaloo Bhasin was upheld. Kushal Bhasin was likely concealing his true income, which appeared much higher than the amount he disclosed, as evidenced by his luxurious lifestyle. The appeal was dismissed with no grounds for interference in the family court's judgment.

LAL BAHADUR PROP.OF M/S ICRTC VS M/S SAMRIDDHI ELECTROMART PVT.LTD. [RFA(COMM)-214/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The trial court's judgment in favor of M/S Samriddhi Electromart Pvt. Ltd. for the recovery of Rs. 4,65,000 against Lal Bahadur (M/S ICRTC) was upheld. The defense of a settlement with a third party was rejected due to its non-binding nature and unreliable evidence. Lal Bahadur issued cheques indicating partial liability, contradicting his claim of being owed money by the respondent. His failure to produce account books was detrimental to his position, while the respondent's ledger account served as sufficient evidence. The appeal was dismissed with no grounds found for interference with the trial court's reasoning.

LOKESH PRABHAKAR VS ARCHANA PRABHAKAR [MAT.APP.(F.C.)-52/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Family Court's rejection of the father's applications for visitation rights was upheld. The mother was not directed to present their teenage daughter for visitation, as she expressed a desire not to meet the father. The Family Court also denied the father's request to take the son to outings due to concerns about the potential for unpleasant situations and the recent reestablishment of contact between the father and son. The appeal was dismissed.

LUV CHAUDHARY VS SHRUTI AGARWAL [CONT.CAS(C)-50/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The father, Luv Chaudhary, is granted custody of the child every Tuesday from 3:30 PM to 9:00 PM and for three weekends a month (first, second, and fourth). The parents will share the child's school vacations equally. The mother, Shruti Agarwal, will provide the father access to the child's school activities, documents, and communication channels as previously agreed. The child will continue studying at DPS Sushant Lok and cannot be relocated outside NCR Delhi without permission.

M S M P STATE CO OP OILSEED GROWERS FEDERATION LTD THROUGH OFFICIAL LIQUIDATOR VS UNION OF INDIA AND ANR [FAO(OS) (COMM)-1/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal challenging the arbitral award was dismissed because the modifications reducing the principal amount and interest rate were based on mutual concessions by the parties' counsel, with the appellant's counsel having previously consented to these changes. The appellant did not contest the order for nearly a year, indicating a lack of significant grievance. The appellant is already in liquidation, and further litigation would exacerbate its situation.

M S PARAMOUNT PREMIER PVT LTD & ANR. VS NEERAJ GROVER & ANR. [FAO (COMM)-140/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The limitation period for filing an application to set aside an arbitral award under Section 34 of the Arbitration and Conciliation Act, 1996 begins from the date the arbitrator disposes of applications under Section 33, specifically on 24.04.2023. The argument that the limitation should start from the date the arbitral award was received was rejected, as the maintainability of the Section 33 applications is irrelevant to determining the limitation period under Section 34.

M/S VAIDYA INDUSTRIES VS GOVT E MARKETING & ORS [LPA-132/2020]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Observations made by the learned Single Judge and the order dated 08.11.2019 by the Government E-Marketing (GEM) portal will not hinder M/S Vaidya Industries from asserting its rights in pending arbitration proceedings. The GEM's order will be viewed only as an order of disablement, not as blacklisting or debarment, and will not be seen as casting a stigma on the appellant.

M/S ANIL SHARMA AND SONS VS M/S NATIONAL SMALL INDUSTRIES CORPORATION LTD & ORS. [FAO(OS)-32/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The suit filed by the National Small Industries Corporation Ltd. (NSIC) is categorized as a recovery suit rather than a mortgage suit. Issues concerning defendant no. 4's liability as a guarantor and the settlement agreement were deleted, as this entity was neither a guarantor nor a party to the agreement. The issues to be adjudicated include the existence of a cause of action against defendant no. 4, the privity of contract between the plaintiff and defendants no. 5 to 8, the liability of defendants no. 5 to 8 to pay any amount to the plaintiff, and the relief sought. Observations that conflicted with the issue on privity of contract regarding defendants no. 5 to 8 are not valid.

M/S ANSA VS ZAHID SHAWL [RFA(COMM)-7/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The judgment of the District Judge rejecting the plaint filed by M/S ANSA was set aside due to the appellant's need for urgent interim relief, which does not require pre-institution mediation under Section 12A of the Commercial Courts Act, 2015. Clarification from a recent Supreme Court judgment indicated that the commercial court's role is limited to assessing the genuineness of claims for urgent interim relief. The suit was restored to its original number, allowing the appellant to seek interim relief before the District Judge.

M/S BALAJI RUBBER INDUSTRIES AND ORS. VS M/S GREEN RUBBER INDIA [FAO(OS) (COMM)-52/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The order dismissing the appeal against the Registrar's closure of the right to file a written statement was set aside. The appellants must submit a revised written statement within one week, addressing procedural defects, or it will not be accepted. Additionally, the appellants are required to pay Rs. 25,000 in costs to the respondent within one week.

M/S COBRA INSTALACIONES Y SERVICIOS, S.A & M \ S SHYAM INDUS POWER SOLUTION PVT LTD.(JV) VS HARYANA VIDYUT PRASARAN NIGAM LTD.(HVPNL) [FAO(OS) (COMM)-195/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The JV Company was deemed partially responsible for project delays, alongside HVPNL, which was unable to accurately quantify its losses despite having suffered some. Due to the public nature of the project and the challenges in loss quantification, a "rough and ready method" was used to conclude that the JV Company should refund 50% of the liquidated damages retained by HVPNL. This case involved disputes from multiple contracts between the parties.

M/S COSMOS INFRABUILD PRIVATE LIMITED VS M/S KALYAN JEWELLERS INDIA LIMITED [FAO(OS) (COMM)-51/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The lease agreement requires the lessor to refund the security deposit to the lessee upon receiving vacant possession of the property. Only deductions for arrears in rent, service tax, and unpaid utility charges can be made from the deposit; costs for property restoration cannot be deducted. The lessee is permitted to retain possession until the refund occurs, and the resolution of rights between the parties is to be addressed in the pending suit or through further proceedings.

M/S EVERSHINE ENTERPRISES VS M/S PK MOTORS [FAO (COMM)-113/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The lower court's rejection of the plaintiff's suit for lack of territorial jurisdiction was deemed erroneous, as the cause of action arose in Delhi where the goods were supplied. The judgment was set aside, restoring the suit and requiring the defendant to deposit the claimed principal amount within four weeks. Upon making the deposit, the defendant can file a written statement, and the plaintiff may file a replication. The defense presented by the defendant, while improbable, was not completely without merit, leading to a conditional approval for the defense.

M/S GPR POWER SOLUTIONS PVT. LTD. VS M/S JAGUAR INTERNATIONAL LTD. [RFA(COMM)-156/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by M/S GPR Power Solutions Pvt. Ltd. against the judgment favoring M/S Jaguar International Ltd. for Rs. 6,90,047/- with interest was dismissed. The appellant did not comply with the trial court's order to deposit the entire suit amount as security, allowing the trial court to pass judgment for the respondent. The appellant's arguments were deemed without merit, as its balance sheets for several financial years reflected the respondent as a creditor, indicating the amount was payable.

M/S GUPTA BROS (INDIA) VS GAIL (INDIA) LTD [FAO(OS) (COMM)-177/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appellant/plaintiff failed to effectively serve the nominated counsel of the respondent/defendant, resulting in confusion over representation when summons issuance was bypassed. The respondent/defendant filed a written statement within the condonable period upon learning of the suit through the nominated counsel's office. It was observed that formal summons should be issued in such situations to prevent complications. The appeal was closed without altering the prior decision.

M/S JOIN PACK MACHINES PVT LTD VS M/S BALKRISHNA PAPER MILLS LTD [FAO (COMM)-102/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The trial court's order returning the plaint filed by M/s Join Pack Machines Pvt Ltd against M/s Balkrishna Paper Mills Ltd was set aside. The annotation "SUBJECT TO RAJKOT JURISDICTION" on the invoices was deemed inchoate and insufficient to establish jurisdiction in Rajkot. It was noted that the cause of action partially arose in Central Delhi, where the appellant's office and bank account are located. The suit action was restored, and the parties were directed to appear before the trial court, with the respondent permitted to file a written statement and raise objections regarding territorial jurisdiction, which the trial court will decide independently.

M/S KENT RO SYSTEMS LTD VS BRAND PROTECTORS INDIA PVT LTD [FAO (COMM)-173/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by M/s Kent RO Systems Ltd was allowed concerning the trial court's rejection of their application to confront witness PW-1 with specific documents during cross-examination. The right to confront the witness with relevant documents was affirmed, even without prior disclosure of document particulars. The Local Commissioner recording the evidence was directed to permit this confrontation while addressing any objections to relevance or admissibility at the final adjudication stage.

M/S KPAR LED PVT. LTD. VS DN MENDHEKAR & ORS. [FAO (COMM)-61/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by M/S KPAR LED PVT. LTD. was dismissed due to an unconvincing explanation for a 224-day delay in filing. The appellant failed to attend court proceedings on multiple occasions. The arbitration clause in the lease agreement could not be invoked as the respondents had filed a suit for possession based on a clause that mandated court action. Additionally, the appellant did not specify which clause of the lease agreement needed interpretation in relation to the arbitration clause.

M/S MAC ASSOCIATES VS PARVINDER SINGH [FAO (COMM)-261/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by M/s MAC Associates was dismissed due to the arbitration clause in the contract with DMRC not being incorporated into the work order with Parvinder Singh. This situation was classified as a 'two-contract case,' necessitating a specific reference to the arbitration clause, which was absent in the work order. The case was differentiated from previous Supreme Court judgments concerning 'single-contract cases.' The order of the Commercial Court was upheld.

M/S MGI (INDIA) PVT LTD VS M/S INTERNATIONAL DESIGN & ENGINEERING SOLUTIONS PVT LTD [FAO(OS) (COMM)-307/2019]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The decision of the single judge to set aside the arbitral award in favor of MGI (India) Pvt. Ltd. was upheld. The arbitrator did not adequately address the appellant's potential liability for damages under the non-solicitation/non-hire clause, as the breach was claimed to be by an associated company, not the appellant. The arbitrator was instructed to reconsider the damages claim after hearing evidence from both parties. The disputes between MGI and International Design & Engineering Solutions Pvt. Ltd. were deemed closed due to the substantial time lapse since the single judge's decision.

M/S MORGAN SECURITIES AND CREDITS PVT. LTD. VS M/S GANESH BENZOPLAST LIMITED [FAO(OS) (COMM)-263/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

An appeal by M/S Morgan Securities and Credits Pvt. Ltd. concerning arbitration enforcement resulted in a directive for M/S Ganesh Benzoplast Limited to disclose details of any funds obtained through future securities issuances, along with their utilization. Questions regarding the impact of negative covenants from a prior agreement remain open for future adjudication if the appellant pursues them.

M/S NATIONAL HIGHWAYS AUTHORITY OF INDIA VS M/S AFCONS INFRASTRUCTURE LTD [FAO(OS)-403/2014]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by the National Highways Authority of India (NHAI) against the arbitral award favoring Afcons Infrastructure Ltd was dismissed. NHAI's challenge regarding Afcons' payment for earthwork done below the Original Ground Level was dismissed due to NHAI's prior concessions. The delay by Afcons in approaching the Dispute Review Expert was excused since the DRE did not exist at the time Afcons sought dispute resolution. The application of the price index from the time of the final bill for price escalation was in line with the contract terms, resulting in no grounds for interference with the arbitral award.

M/S NCS SUGARS LIMITED & ANR. VS M/S PEC LIMITED [FAO(OS) (COMM)-95/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal against the rejection of a petition under Section 34 of the Arbitration and Conciliation Act, 1996 was dismissed. The primary issue was whether the limitation period began on the date the arbitral award was pronounced (1 May 2018) or on the date the duly stamped award was received (1 October 2019). The appellants contended that the award was insufficiently stamped upon pronouncement and only became valid once the stamp duty was paid, thus suggesting the limitation period should start from 1 October 2019. This argument was rejected, with the position established that stamp duty matters pertain to enforcement and do not affect the limitation period for challenging the award, which starts from the date the award is rendered. The appeal was dismissed as lacking merit.

M/S NEUTRAL NVOCC PVT.LTD. VS M/S CARGOCARE FREIGHT AND FORWARDING PVT. LTD. [FAO (COMM)-126/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal was allowed, and the orders dismissing the suit and rejecting the restoration application were set aside. The restoration application was filed shortly after the suit was dismissed for non-prosecution due to insufficient stamps for issuing summons. An opportunity had previously been given to provide the deficit stamps. Given the appellant's prompt action in filing for restoration, the suit was restored to its original position and directed to be placed before the appropriate judge on a specified date, with provisions for further accommodation regarding stamp deficiencies.

M/S NIKUNJ WOODS PVT LTD VS M/S KRISHNA STEEL FURNITURE AND ANR [RFA(COMM)-359/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appellant's appeal against the dismissal of a suit for recovery of Rs. 5,78,094/- was dismissed. The limitation period for the suit had expired in October 2022, exceeding the extended period granted due to the COVID-19 pandemic. Additionally, the appeal was delayed by 145 days, resulting in a dismissal as lacking merit.

M/S NTPC VIDYUT VYAPAR NIGAM LTD VS OSWAL WOOLEN MILLS LTD [FAO(OS) (COMM)-263/2018]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The delay in commissioning the solar power plant by Oswal Woolen Mills Ltd. was attributed to a force majeure event, rendering the encashment of the performance bank guarantee by NTPC Vidyut Vyapar Nigam Ltd. unjustified. The delay stemmed from the late constitution and visit of the commissioning committee and the technical requirement of synchronizing the plant with the grid. NTPC did not adequately demonstrate any legal injury or loss from the delay, which is necessary to claim liquidated damages, even if pre-estimated in the contract.

M/S ONE QUBE REALTORS PVT. LTD. VS DAIICHI SANKYO LIMITED & ORS. [EFA(OS) (COMM)-2/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by M/S One Qube Realtors Pvt. Ltd. regarding the attachment and sale of property (Plot No.20, Urban Estate, Sector-18, Gurugram) is maintainable. The pending application under Order XXI Rule 58 and Section 151 of the CPC must be heard and decided on merits. The sale of the property is prohibited until the application is resolved, and the appellant must maintain the status quo and not create any long-term leases exceeding 30 years. These directions apply only to the specified property.

M/S PRIYANAV WELLNESS PVT LTD VS PRADYUMAN KUMAR AGGARWAL & ORS [RFA(OS)(COMM)-17/2019]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

M/S Priyanav Wellness Pvt Ltd is liable to pay mesne profits jointly and severally with tenant Pradyuman Kumar Aggarwal & Ors. for the period from January 1, 2018, to October 12, 2018, when possession was handed over to the landlords. The tenant lacked authorization to create a sub-tenancy under the lease deed, rendering any private arrangement with the occupant ineffective against the landlords' interests. The tenant is currently represented by the liquidator's counsel, and the occupant retains the right to contest any amounts claimed by the liquidator.

M/S SATNAM AND COMPANY VS ICICI BANK LIMITED [RFA(COMM)-168/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

M/s Satnam and Company successfully appealed against a trial court's order rejecting their suit under Order VII Rule 11 of the Code of Civil Procedure, 1908. The rejection allows the appellant to file a fresh suit under Order VII Rule 13. However, any new suit must comply with the pre-litigation mediation requirement under Section 12A of the Commercial Courts Act, 2015.

M/S SIDDHI FERROUS VS M/S UPPAL BUILDERS [FAO(OS) (COMM)-277/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal filed by M/S Siddhi Ferrous has been disposed of following an agreement with M/S Uppal Builders. Siddhi Ferrous will pay a principal sum of Rs. 23,75,565/- plus 7% simple interest from 02.08.2011 until payment, along with Rs. 1,00,000/- in costs by 30.04.2024. An amount of Rs. 10,00,000/- already received will be adjusted against the principal and interest.

M/S VISION 9 & ANR. VS SUN BROADCAST EQUIPMENTS PVT. LTD. [FAO (COMM)-7/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by M/S Vision 9 & ANR against the trial court's dismissal of their application was accepted due to flawed procedure. The trial court recorded evidence and issued a judgment on the same day without allowing the appellants to cross-examine witnesses. It was noted that the appellants should not suffer from an ex parte decree when not at fault. Consequently, the trial court was directed to permit cross-examination of the respondent's witnesses, hear final arguments, and render a judgment by 30.11.2024. The appellants were instructed to pay costs of Rs. 25,000/- to the respondent.

M/S ZILLION INFRAPROJECTS PVT LTD VS M/S KELLER GROUND ENGINEERING INDIA PVT LTD & ANR [FAO(OS) (COMM)-134/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by M/s Zillion Infraprojects Pvt Ltd was allowed against a prior order directing the recordal of evidence in a suit filed by M/s Keller Ground Engineering India Pvt Ltd. The directive was deemed contrary to Section 14 of the Insolvency and Bankruptcy Code, 2016, as the appellant is undergoing a Corporate Insolvency Resolution Process. It was noted that while the moratorium prevents the continuation of pending suits against a corporate debtor, it does not apply to counter-claims. The previous order was modified to allow the recordal of evidence only for the counter-claim made by the appellant, while the moratorium would apply to the respondent's claim.

MAAHI NEIL JAIPAL VS UNIVERSITY OF DELHI & ORS. [LPA-797/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by a foreign national challenging the dismissal of a writ petition for admission to the five-year integrated law programs offered by the University of Delhi was dismissed. The University did not have a quota for foreign nationals for the 2023-2024 academic year, despite a general policy allowing for 10% supernumerary seats. The appellant could not demonstrate a vested right to admission under this quota, as it was not available at the time of application. The University announced the introduction of the foreign national quota for these programs starting in the 2024-2025 academic year.

MAHESH CHAND SHARMA VS THE DEPUTY DIRECTOR, CPWD [RFA(COMM)-289/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal against the dismissal of a suit for recovery of Rs.18,82,669/- was dismissed due to being barred by limitation. The claim, although deemed sustainable on merits, was filed beyond the three-year limitation period from the endorsement date on the bill of 18.12.2017. The argument that the cause of action was active due to no formal refusal by the respondent was not accepted.

MANGALORE REFINERY AND PETROCHEMICALS LIMITED VS DRIPLEX WATER ENGINEERING PRIVATE LIMITED [O.M.P. (COMM)-235/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Micro and Small Enterprises Facilitation Council had jurisdiction to refer disputes between MRPL and Driplex to arbitration, despite Driplex obtaining registration under the Micro, Small and Medium Enterprises Development Act, 2006 after the contract was made. The applicability of the Act is based on when goods were supplied or services rendered, not the contract date. The issue of the "No Claim Certificate" issued by Driplex was not argued before the arbitral tribunal and will be considered in the pending Section 34 petition.

MANJUL JOSHI VS BHAVNA KHURANA [MAT.APP.(F.C.)-138/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Family Court's decision to remove Devanshi Gupta from a divorce petition was correct, although the reasoning was not accepted. A paramour is not necessary or proper in a divorce action and may only testify if needed. The Family Court can also remove additional alleged paramours. Pleadings should adhere to the requirement of providing material particulars about paramours as specified in the Delhi High Court Rules.

MATSYA FINCAP PVT LTD VS ABHISHEK GUPTA [EFA(COMM)-5/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Execution Court's conclusion that the arbitral award was a "nullity" due to the unilateral appointment of the arbitrator was not justified. The loan agreement included an arbitration clause allowing the appellant-company to appoint a sole arbitrator, while the respondent contested the validity of the arbitration agreement, citing the absence of his signature on the loan agreement. The appellant was permitted to file a civil suit against the respondent, who was barred from objecting to the suit's maintainability based on the arbitration clause. Additionally, should the appellant seek time exclusion for filing under Section 14 of the Limitation Act, 1963, the Civil Court would consider it according to law.

MATSYA FINCAP PVT LTD VS PUKHRAJ NAGAR [EFA(COMM)-7/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The respondent disputed the existence of an arbitration agreement, allowing the appellant-company to file a suit against the respondent. The respondent cannot raise objections regarding the arbitration clause in this suit. The appellant-company may seek the exclusion of time for filing under Section 14 of the Limitation Act, 1963, which the civil court will consider according to the law. The validity of the arbitral award remains undetermined, and the parties are directed to initiate fresh suit proceedings.

MATSYA FINCAP PVT LTD VS REHMATULLAH AND ANR [EFA(COMM)-9/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Execution Court erred in declaring the arbitral award a "nullity" due to the unilateral appointment of the arbitrator. A de novo arbitration is to be initiated with Ms. Beenashaw Nanda as the Sole Arbitrator, with specific directives on the seat of arbitration, arbitrator's fees, and timelines for the parties to engage with the arbitrator. The parties are permitted to present all their contentions before the newly appointed Sole Arbitrator.

MF BUILDCON PVT LTD VS ANJALI [EFA(OS)-8/2019]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The execution petition filed by the appellant was dismissed, and both the Settlement Agreement and the Agreement to Sell were rescinded. The appellant failed to pay the remaining sale consideration of Rs. 33 lakhs by the due date of June 30, 2018, as required by the Settlement Agreement. The appellant's conduct of forcefully obtaining possession of the property without full payment was noted, and it was concluded that the appellant could not unilaterally change the terms of the court decree based on the Mediated Settlement Agreement.

MLK FASHIONS THROUGH ITS PROPRIETOR SHRI SHALABH KAPOOR VS LACE WORLD THROUGH ITS AR SHRI ARVIND RAJPUROHIT [FAO (COMM)-167/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by MLK Fashions to recall an ex parte judgment was dismissed due to a lack of support for the claim that summons were not served and insufficient explanation for an 86-day delay in filing the recall application, despite the appellant asserting awareness of the judgment in November 2022.

MOHINDER SINGH (SINCE DECESASED) THROUGH LRS & ORS. VS BIMAL SAXENA (DECEASED) THROUGH ASSIGNEE VIRENDER SINGH & ANR. [EFA(OS)-17/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appellants can exempt their "one main residential house" from attachment and sale under Section 60(1)(ccc) of the Code of Civil Procedure. An earlier judgment was set aside based on statutory language and precedents. The appellants must file affidavits disclosing their assets and liabilities, along with income tax returns, and are encouraged to sell part of the property to satisfy the decree. The matter will be referred for mediation to explore settlement.

MOHIT KUMAR SHARMA VS TECHNOLOGY DEVELOPMENT BOARD [LPA-132/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Mohit Kumar Sharma was dismissed regarding the deletion of respondent Nos. 2 and 3 from the array of parties. The primary issue was a change in the fee structure for arbitration matters, originally set between Rs. 75,000 to Rs. 1,00,000 with additional allowances. A corrigendum issued on 01.12.2017 changed the fee structure, limiting the original provisions to sole arbitrators only. Respondent Nos. 2 and 3 acted with the approval of the competent authority and did not act with malice, leading to the decision not to interfere with their deletion.

MORGAN SECURITIES & CREDITS PVT. LTD. VS BPL LIMITED & ORS. [FAO(OS) (COMM)-174/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Respondent 1 and its directors were previously found guilty of contempt for violating an interim order that restrained them from diluting shareholding in subsidiary Respondent 2. Respondents 7 and 8 are permitted to sell their shareholding in the subsidiary under certain conditions, including depositing the sale consideration with the court. The appellant can contest the sale price if it is below market value. The fate of the deposited amount will depend on the outcome of a pending appeal under Section 37 of the Arbitration Act. Observations made will not affect the pending contempt appeals against the earlier contempt order.

MR ANKIT GARG VS MR NARENDER [RFA(COMM)-333/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The dismissal of the appellant's suit for recovery of Rs. 4,20,049/- against the respondent was set aside, despite the appellant's failure to effect service and pay imposed costs. The costs were reduced from Rs. 10,000/- to Rs. 2,000/-, with a directive for the appellant to deposit the reduced amount within 2 weeks and appear before the trial court on 11.09.2024 for further proceedings.

MR PRAMOD KUMAR VS MRS. ARCHANA [MAT.APP.(F.C.)-385/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

A 25-day delay in filing the appeal was condoned. The lower court's orders closing the evidence of the appellant/husband were recalled, allowing the respondent/wife to cross-examine him. The unavailability of the respondent/wife's counsel due to illness was identified as the reason for the delays. The lower court was instructed to proceed with the cross-examination and recording of evidence within a specified timeline.

MR RAKSHIT JAIN, DIRECTOR, MGF DEVELOPMENTS LTD VS EMAAR INDIA LIMITED FORMERLY EMAAR MGF LAND LIMITED & ORS. [FAO(OS)-80/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Capital Tower project, originally part of the demerger between Emaar India Limited and MGF Developments Ltd, will be excluded from the demerger and retained by Emaar MGF Land Limited. The title deeds for the land are to be held in joint custody by Emaar India Limited and MGF Developments Ltd, without addressing MGF Developments Ltd's potential rights over the project. MGF Developments Ltd is permitted to initiate separate proceedings to assert any rights regarding the land or project.

MS VAISHALI JAGGI VS MR DEEPAK WASSON [MAT.APP.(F.C.)-102/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Ms. Vaishali Jaggi was disposed of, allowing her to travel to Singapore with the child for employment, while Mr. Deepak Wasson retains access during his visits. The requirement for the mother to visit India with the child was modified to once a year, with the father entitled to one week of access during these visits, subject to the child's comfort. Mr. Wasson was also directed to provide a "no objection" for the renewal of the child's passport. All pending applications were closed.

MS VDR COLOURS CHEMICALS PVT LTD VS MS SHREE JAGDAMBA KNITS P LTD [FAO (COMM)-26/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The trial court's decision to return the plaint filed by MS VDR Colours Chemicals Pvt. Ltd. was set aside. The registered office of MS Shree Jagdamba Knits P. Ltd. is located in Delhi, which was not included in the plaint. The plaint was to be returned for filing in the appropriate court with jurisdiction over the respondent's registered office, and the appellant was granted the liberty to amend the plaint to reflect the correct office location.

MS. MITHILA MURADA VS SH. AKHILESH BALI [MAT.APP.(F.C.)-297/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Ms. Mithila Murada against the Family Court's orders was disposed of with the consent of both parties. Sh. Akhilesh Bali will withdraw his application for visitation rights related to the Domestic Violence Act complaint. He is required to pay Rs.30,000 per month in maintenance to the appellant until his divorce action is resolved, with arrears due within two weeks. The appellant will facilitate interaction between the child and the respondent at the Delhi High Court Mediation and Conciliation Centre, with a child psychologist present. The appellant may apply for an enhancement of maintenance, to be decided by the Family Court.

MUKUND KUMAR JHA VS RITA JHA [MAT.APP.(F.C.)-19/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The 38-day delay in filing the appeal was condoned. The matter has reached the evidence stage in the Family Court, which is encouraged to record evidence promptly due to the divorce petition's grounds of fraud and cruelty under the Hindu Marriage Act. The Family Court was directed to record evidence on the scheduled date and aim to deliver a final judgment by May 31, 2024.

MUNISH JAIN VS SHIKHA JAIN [MAT.APP.(F.C.)-305/2019]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The parties agreed to a full and final settlement, which includes the husband depositing Rs. 75,00,000/- with the court, jointly filing for mutual consent divorce with a request to waive the 6-month cooling period, gifting the flat where the wife and children reside to the wife while clearing all property dues, and withdrawing all pending cases against each other. The deposited amount will be released to the wife after the divorce is finalized. Multiple appeals were considered together, and the judges concurred on the settlement terms.

MURTAZA GHEEWALA VS M/S DEEWAN CHAND OM PRAKASH [FAO (COMM)-31/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Murtaza Gheewala's appeal against the dismissal of his review petition was dismissed. The review petition challenged an order that closed his right to file a written statement due to the lapse of more than 120 days since service of the suit. The unchallenged fact of the 120-day period and insufficient arguments for delay led to the dismissal of both the appeal and the pending application, with the appeal being filed 31 days late.

NARENER SINGH VS PRACHI JAIN [MAT.APP.(F.C.)-106/2019]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The order for the husband to pay R.S. 1,00,000 per month as interim maintenance to the wife during divorce proceedings was upheld. Evidence indicated the husband had multiple income sources, including rental, agricultural, and business income, which he had hidden. His claim of earning only a salary as an Assistant Engineer was rejected, especially since he was able to provide a loan of R.S. 1.63 crores and afford a monthly car EMI of R.S. 71,000. Additional findings showed he owned several properties and a resort, and controlled multiple companies and a Hindu Undivided Family generating substantial income. The husband was instructed to clear all arrears with an additional monthly payment of R.S. 50,000 until fully paid.

NARESH KUMAR GUPTA VS UNION OF INDIA & ORS. [REVIEW PET.-10/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The review petition was dismissed, affirming that promotions made outside the prescribed quota require seniority to be determined from the date of vacancy in the respective quota. The petitioner, promoted as Executive Engineer against vacancies diverted from the Assistant Executive Engineers' quota to the Assistant Engineers' quota, received seniority based on the AE quota vacancies, not the earlier promotion date. The impugned seniority list dated 17th January 2020 remained unchanged.

NARESH KUMAR VS MUNICIPAL CORPORATION OF DELHI [LPA-139/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The judgment set aside the dismissal of the appellant's writ petition, which raised issues regarding failure to regularize his position from the date of appointment and the need for an upgraded pay scale. The earlier dismissal was based on the appellant's previous approach to the Central Administrative Tribunal. However, it was noted that some of the appellant's co-workers had their claims granted by the Industrial Tribunal, which the MCD challenged. Reviving the appellant's writ petition allows for a unified adjudication alongside the MCD's challenge, addressing the issues of similarly situated employees.

NATIONAL HIGHWAYS AUTHORITY OF INDIA VS KMC CONSTRUCTION LTD [FAO(OS) (COMM)-71/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The arbitral award for Claim No. 22 was set aside, allowing the parties to re-agitate their claims. If the respondent chooses to revisit the issue, the newly constituted Arbitral Tribunal will make a decision without being influenced by prior observations. The focus was on the appellant's arguments regarding the payment of interest to the respondent according to the Conditions of Particular Applications and during settlement negotiations.

NAVEEN GUPTA VS SAMTA GUPTA [MAT.APP.(F.C.)-261/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

A modified child custody arrangement has been established, granting the appellant custody of both children on weekdays from 8 PM to 7 AM. The respondent will have custody from 12 PM to 8 PM on weekdays, with weekend custody for the respondent from 4 PM on Saturday until 8 PM on Sunday. Both parties must cooperate to implement this schedule, deemed in the children's best interests.

NEETU GULATI VS KAMAL KUMAR GULATI [MAT.APP.(F.C.)-210/2019]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The interim maintenance order requiring the husband to pay the wife Rs. 25,000 per month, divided into Rs. 17,500 for the wife and Rs. 7,500 for the child's education, was upheld. The husband must also pay maintenance arrears, with the amount to be determined by the Family Court within three weeks and to be paid within two months after determination. The wife initially sought an increase in the maintenance amount but later withdrew this request and asked for a specific timeframe for the payment of arrears.

NIMIT GANDHI VS HARSHITA G. GANDHI [MAT.APP.(F.C.)-283/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Interim maintenance of Rs. 25,000 per month was upheld for the wife under Section 24 of the Hindu Marriage Act, 1955. The amount was considered reasonable, and the previous support for this interim order by a coordinate bench was acknowledged. The appellant husband, represented by the same counsel, did not provide sufficient grounds for interference with the order.

NIRMAAN MALHOTRA VS TUSHITA KAUL [MAT.APP.(F.C.)-180/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Nirmaan Malhotra against the maintenance order in favor of Tushita Kaul was dismissed. The Family Court had ordered Malhotra to pay Rs. 75,000 monthly for maintenance, with a 7% annual increase starting April 1, 2025. Malhotra's claims, including allegations of adultery against Kaul, lacked merit as they were not included in his response to the Family Court. It was noted that he should have sought a review application in the Family Court, which he failed to do.

NIRMAL BANG COMMODITIES PVT. LTD. VS MR. GOUTAM SANTARA [FAO (COMM)-134/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Nirmal Bang Commodities Pvt. Ltd. was dismissed, affirming that the doctrine of 'indoor management' applied. The agent, Mr. Lalit Punetha, had ostensible authority to act on behalf of the appellant, and any grievances regarding his actions should be addressed towards him rather than the respondent, Mr. Goutam Santara, who remitted the money. The arguments based on bank communication were deemed unconvincing, as they relied on deposit slips instead of original physical cheques.

NISHA VS ANJALI MALHOTRA [RFA(COMM)-64/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The summary judgment in favor of Anjali Malhotra was upheld, as Nisha had no real prospect of defending her case due to her default in rent payments since December 2017 and the sealing of the property by municipal authorities for lack of a required license. Nisha's argument for referral to arbitration was rejected because she did not file an application under the Arbitration and Conciliation Act and had previously consented to the jurisdiction by filing a counter-claim. The appeal was dismissed for lack of merit.

NTPC LIMITED VS M/S SURYA DAY PRIVATE LIMITED [LPA-81/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The finding of valid suspicion by NTPC against M/s Surya Day Private Limited was upheld, but the ban period was reduced from three years to the time already served. The respondent did not appeal the observation regarding its conduct. NTPC agreed to entertain the respondent's bids for tenders after the ban period ends on 21.05.2024.

O.P KHANDELWAL VS STEEL AUTHORITY OF INDIA [RFA(COMM)-253/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal was allowed, and the dismissal of the appellant's suit on the basis of limitation was set aside. The right to sue was determined to have accrued on 23rd January 2020, when the appellant received Internal Guidelines that amended the incentive policy. The issue of limitation needed evidentiary support, necessitating a remand to the Commercial Court for a merit-based decision with opportunities for both parties to present evidence.

OFFICE OF THE DISTRICT SESSIONS JUDGE HEADQUARTERS AND DELHI AND ANR VS DISTRICT AND SESSIONS COURTS EMPLOYEES WELFARE ASSOCIATION AND ANR [LPA-21/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The interim order permitting members of the District and Sessions Courts Employees Welfare Association to sit for the limited departmental competitive examination for 233 Senior Judicial Assistant posts was set aside. The eligibility of candidates was deemed central to the issue, making interim relief unsuitable. A request was made to resolve the pending writ petition regarding eligibility by February 5, 2024. The examination was postponed by five weeks to February 11, 2024, to allow for final adjudication on the matter.

PADAMSHREE CREATION PVT LTD VS SHEETAL SAREES AND ANR [RFA(COMM)-181/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The trial court's dismissal of the appellant's suit was set aside based on the applicability of the doctrine of ratification. Procedural defects that do not undermine the essence of the case should not hinder a just cause. A company may ratify its officer's actions, either explicitly or implicitly. The trial court is directed to allow the appellant to submit the correct Board of Directors' resolution and to proceed accordingly.

PANKAJ OSWAL THROUGH HIS CONSTITUTED ATTORNEY SANJAY WALI VS VIKAS PAHWA [RFA(OS)-14/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The defamation suit filed by the appellant against the respondent senior advocate was dismissed as the allegedly defamatory statement made during judicial proceedings was protected by absolute privilege. The statement was contextually relevant to a suggestion for an amicable settlement by the Sessions Court, falling within the scope of this privilege. The argument that reputation as a fundamental right under Article 21 could override absolute privilege was rejected, as the law recognizes this exception to protect the administration of justice. The suit was deemed not maintainable, leading to the rejection of the plaint.

PARVIN KUMAR JAIN VS ANJU JAIN [MAT.APP.(F.C.)-226/2018]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Family Court can decide applications under Sections 24 and 26 of the Hindu Marriage Act even after a divorce petition is withdrawn. A child is entitled to maintenance until achieving financial independence, including during higher education after reaching majority. Evidence showed the husband concealed his income and assets to evade maintenance obligations, employing tactics that caused delays. The interim maintenance for the wife is increased from ₹1,15,000 to ₹1,45,000 per month from the date of the enhancement application until the divorce petition withdrawal, with the husband liable for 12% per annum interest on maintenance arrears.

PET EDUCATIONAL INDUSTRIES PVT LTD VS ARPIT KAPUR & ANR. [RFA(COMM)-387/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Pet Educational Industries Pvt Ltd will pay Arpit Kapur a total of Rs. 3,80,000, which includes Rs. 40,000 in interest, as full and final settlement of claims. The appeal was disposed of on agreed terms without any disagreement between the judges.

POONAM & ANR. VS NEMO [MAT.APP.(F.C.)-235/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Poonam and Nitin Rana's appeal for a waiver of the six-month waiting period before filing a second motion for divorce by mutual consent was granted. The parties had been separated for over three years, attempted unsuccessful reconciliation through mediation, and resolved all issues related to alimony and child custody. Granting the waiver was deemed appropriate to prevent further prolongation of their difficulties. The Family Court's previous order was set aside, allowing the appellants to proceed with their second motion petition.

PRACHI JOSHI VS SHAILENDER ADHIKARI [MAT.APP.(F.C.)-253/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Family Court incorrectly dismissed the appellant's application under the Protection of Women from Domestic Violence Act, 2005. Section 26 of the DV Act permits the Family Court to address reliefs under Sections 18-22 despite a pending divorce petition. The dismissal was set aside, and the Family Court was instructed to reconsider the application, allowing the respondent to file a reply. Interim directions were maintained, preventing the respondent from creating third-party rights in the disputed properties and assets.

PRAKASH DUTT VS BHAWANA CHOPRA [MAT.APP.(F.C.)-60/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The order closing the evidence of Prakash Dutt in his divorce petition was set aside. Prakash had paid costs and submitted an affidavit, but his evidence was still closed by the Family Court. Bhawana Chopra received interim maintenance under Section 24 of the Hindu Marriage Act, 1955, but Prakash defaulted on payments. Prakash is directed to pay Rs. 2,00,000 in arrears for interim maintenance and is allowed to present evidence, contingent upon his attendance at the next Family Court date, with potential for further orders if absent.

PRAMOD GUPTA VS CEMENT CORPORATION OF INDIA & ANR [RFA(OS)-41/2019]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal resulted in the reversal of a single judge's judgment regarding claim no. 4, which addressed the cost of materials left at the site, as the arbitrator's evidence-based decision was upheld. In claim no. 13, the interest rate was corrected from 6% to 9% per annum, reinstating the original terms. Regarding claim no. 14, the reduction of costs awarded by the arbitrator was deemed unjustified due to lack of reasoning.

PRASHANT KUMAR SINHA VS INDIAN STATISTICAL INSTITUTE & ORS. [RFA(COMM)-323/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Prashant Kumar Sinha was dismissed based on the trial court's finding that his suit was barred by limitation. The cause of action for Sinha arose in October 2006 when he first became aware of the alleged plagiarism. His argument that a new cause of action emerged from the establishment of a committee by the Indian Statistical Institute to investigate the plagiarism was rejected. The suit filed in 2022 exceeded the limitation period, with no subsequent events providing a fresh cause of action.

PRASHANT NAGPAL VS ARTI GUPTA AND ORS [RFA(OS)-5/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal filed by Prashant Nagpal has been disposed of following an agreed settlement between the parties. Prashant Nagpal will vacate the suit property and hand over possession to the respondents by 30.06.2024. He is required to pay occupation charges of Rs. 75,000 per month starting from February 2024, with the first payment due by 28.02.2024 and subsequent payments due by the 7th of each month. The original suit will be disposed of, and all proceedings between Nagpal and the respondents will be terminated upon his compliance with the terms. An undertaking by way of an affidavit is to be filed by Nagpal within 5 days to confirm adherence to the settlement.

PREETI AGARWAL VS AGNI SHEKHAR PANDEY [MAT.APP.(F.C.)-218/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appellant/mother may either represent herself or appoint her brother as her power of attorney in Family Court proceedings. The Family Court Judge has the option to request assistance from the Delhi Legal Services Authority (South) to provide an advocate for support in marshalling facts, presenting evidence, and advancing arguments.

PRIYA DARSHAN GUPTA VS ANOOP GUPTA [FAO (COMM)-38/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appellant, Priya Darshan Gupta, was directed to deposit Rs. 50 lakhs in a fixed deposit for the respondent, Anoop Gupta, with an extended deadline of 8 weeks instead of 4. Triable issues were identified to protect the respondent's interests during the trial. The appellant's intention to purchase diagnostic equipment was noted, with future applications to be considered by the trial court after hearings.

PRIYANKA MATTOO VS TAROK BISWAS [MAT.APP.(F.C.)-79/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal against the Family Court order dated 03.01.2024 succeeded, with the appellant required to pay Rs. 2,500 in costs. The appellant is permitted to participate in the cross-examination scheduled for 24.05.2024, and prior costs imposed on 21.08.2023 are set aside. In a separate case, although there was significant delay in filing an appeal dated 14.08.2024, no further directions were issued as the appellant's counsel indicated an intent to seek appropriate remedies. This matter involved two appeals against different Family Court orders.

PUNEET KUMAR VS ANJU KUMARI & ANR. [MAT.APP.(F.C.)-13/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The enhanced maintenance of Rs. 15,000 per month for the son is payable from April 1, 2024. This decision follows an analysis of a previous Supreme Court judgment which did not challenge the enhancement of the son's maintenance. The prior orders of the Family Court were set aside.

PUNKAJJ SHARMA VS HIMANI SHARMA [MAT.APP.(F.C.)-33/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Punkajj Sharma will pay Rs. 13 lakhs to Himani Sharma in two installments as a full and final settlement of all claims. In exchange, Himani Sharma will withdraw her pending appeals and the domestic violence case against him. The consent terms of the settlement were recorded and the appeal disposed of.

R S TANWAR VS JOINT SECRETARY AND ADDL. REGISTRAR, CENTRAL INFORMATION COMMISSION & ANR. [LPA-253/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The penalty of Rs. 25,000 imposed on R.S. Tanwar by the Central Information Commission for failing to provide complete information was set aside. Tanwar served as the link Public Information Officer for only two months when he initially responded to the RTI application and was not responsible for subsequent failures to comply with orders. Penalties under the RTI Act apply only to intentional violations, which did not occur in this case. Additionally, Tanwar was no longer the PIO at the time of the later orders, making the penalty unjustified.

RAHUL AGGARWAL VS AARTI AGGARWAL & ANR. [MAT.APP.(F.C.)-184/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal filed by Rahul Aggarwal regarding the Family Court's order was disposed of. The Family Court allowed Aarti Aggarwal to withdraw their child from a school in Delhi and enroll him in a school in Meerut due to her job change. It also established provisions for the father to interact with the child through WhatsApp calls on weekends. Additionally, the Family Court was directed to address the father's pending application for physical interaction with the child during summer vacations, with both parties required to appear on 03.06.2024 for this consideration.

RAJ KUMAR HINGORANI VS SHILPI SRIVASTAV [MAT.APP.(F.C.)-228/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The terms of the Memorandum of Settlement (MOS) between the parties are lawful. Upon the appellant making the final payment, the respondent must withdraw all complaints lodged against the appellant before the Director General, Bureau of Civil Aviation Security, Delhi, within 3 days of receiving the payment. Both parties are required to adhere to the terms of the MOS, and the pending application is closed.

RAJ PAL SINGH VS SMT URMILA DEVI [MAT.APP.(F.C.)-146/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Family Court's interim order awarded the wife Rs. 25,000 monthly for maintenance and Rs. 50,000 for litigation expenses, based on the husband's income exceeding Rs. 1.2 lakhs, his financial obligations, the wife's illiteracy, and her responsibilities for their daughter. The maintenance amount was deemed reasonable given the husband's secure government job. The husband's concerns about the burden of maintenance arrears were acknowledged, with the suggestion to request an extension for payment from the Family Court.

RAJESH KAPOOR VS LD PRINCIPAL DISTRICT AND SESSIONS JUDGE (HQS), TIS HAZARI COURTS [LPA-407/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal filed by Rajesh Kapoor was dismissed regarding the judgment dated 31.05.2022 and the circular and order related to his application for earned leave to visit his wife in Zimbabwe, which was rejected on 31.01.2022. Kapoor later traveled to Harare on 08.07.2022 without permission due to a medical emergency. The disciplinary proceedings initiated for his absence during that time are not part of the appeal, and the closure of the appeal does not impact the outcome of those proceedings.

RAJESH KUMAR LALAN GOSWAMI VS UNION OF INDIA AND ANR. [W.P.(C)-749/2020]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The petitioner, claiming to import guns for entertainment purposes, must submit a comprehensive representation to the Ministry of Home Affairs with relevant materials. The petitioner argues that the guns do not qualify as "firearms" under the Arms Act, 1959, as they do not release a projectile, and therefore no license is needed. The Ministry is required to respond with a speaking order within 8 weeks.

RAJIV BAJAJ AND ANR VS SURUCHI BHASIN @ SURUCHI BAJAJ AND ANR. [RFA(OS)-27/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal against the judgment dated 24.04.2024 was dismissed due to the appellants' failure to comply with the terms of a Settlement Agreement (SA), particularly concerning the Amar Colony property. The appellants did not disclose their intent to sell the property to a relative, indicating an attempt to circumvent the settlement. The observations made in the original judgment were deemed justified, and no grounds for interference with the judgment and decree were found.

RAKESH GUPTA VS VIPIN MITTAL [FAO (COMM)-89/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Rakesh Gupta against an ex-parte decree in favor of Vipin Mittal was dismissed. Reasons for Gupta's non-appearance, including incomplete service of case papers and a family tragedy, were deemed insufficient to overturn the decree. Gupta had previously appeared through counsel and had opportunities to inspect the case file or obtain necessary documents to file a written statement but did not take action.

RAKESH KUMAR SHARMA VS DELHI HIGH COURT THROUGH REGISTRAR GENERAL [W.P.(C)-3167/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The petitioner's Travelling Allowance (TA) claim, initially rejected for being filed beyond the 60-day limitation period, should be processed and reimbursed. The 2021 Office Memorandum extended the filing period from 60 to 180 days, and due to COVID-19 disruptions, limitation periods for quasi-judicial proceedings were extended until 31.05.2022. As the TA claim was submitted on 16.03.2022, it fell within the extended timeframe and should be accepted.

RENU SHARMA VS MC SHARMA & ANR [MAT.APP.(F.C.)-306/2018]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Two appeals were adjudicated regarding Renu Sharma (RS) and MC Sharma (MCS). The Family Court erred in denying maintenance to RS, resulting in MCS being directed to pay interim maintenance of Rs. 21,000 per month to RS and Rs. 10,000 per month to their daughter Gaurika Sharma (GS), in addition to MCS covering GS's educational expenses. In the divorce petition, the allegation of adultery against RS was not proven, but the marriage was dissolved on the grounds of cruelty.

RITA.NIMESH VS ANIL.NIMESH [MAT.APP.(F.C.)-78/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Anil Nimesh is required to continue paying Rs. 9,000 per month for the interim maintenance of two children until the issue is resolved in ongoing proceedings under the Protection of Women from Domestic Violence Act, 2005. A family court previously dismissed an application for interim maintenance based on the appellant's salary of Rs. 53,000 per month, while the respondent was voluntarily paying Rs. 4,500 per month for each child. The concerned court is urged to conclude the interim maintenance proceedings within four weeks from the next hearing date.

RITU MATTA VS RAJESH MATTA [MAT.APP.(F.C.)-77/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The order dated 16.01.2024 that closed Ritu Matta's right to lead evidence was set aside. Rajesh Matta had no objection to Ritu leading evidence. Both parties will be the only witnesses. Ritu must file her affidavit of evidence within one week, as Rajesh has already submitted his. A date for Ritu's cross-examination and her opportunity to cross-examine Rajesh will be scheduled.

RUCHI WADHAWAN VS AMIT WALI [MAT.APP.(F.C.)-261/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appellant wife's petition for divorce on grounds of cruelty was granted after noting over 10 years of separation and a complete trust deficit between the parties, indicating the marriage was irreparable. The long period of continuous separation was recognized as mental cruelty, and it was concluded that continuing the marriage would cause further trauma. The marriage between the appellant and the respondent was dissolved.

SANJEEN SAHNI VS MANMEET SAHNI [MAT.APP.(F.C.)-281/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The family court's decision to restore possession of a vehicle to the respondent was upheld. The application under Order XII Rule 6 CPC was found valid, and the appellant's counter-claim for vehicle registration in her name was dismissed. It was noted that the suit's aims were aligned with Section 8 of the Specific Relief Act, and the counter-claim could not proceed without establishing that the registration was wrongfully obtained. The appeals by the appellant were dismissed.

SANJU SRIVASTAVA VS KUMAR UJJAWAL [MAT.APP.(F.C.)-65/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Divorce was granted under Section 13(1)(ia) of the Hindu Marriage Act, 1955, with observations regarding cruelty against the respondent expunged. A settlement agreement between the parties, where the appellant consented to the divorce decree in exchange for the removal of the cruelty remarks, was accepted as lawful, resulting in a modification of the judgment.

SARADA CONSTRUCTION VS NATIONAL HIGHWAYS AUTHORITY OF INDIA [FAO(OS) (COMM)-291/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Sarada Construction against the dismissal of its Section 34 petition challenging the arbitral award was dismissed. Sarada Construction's claim for payment for extra work was deemed invalid because the agreement required written confirmation for any variation in work ordered by the Independent Engineer, which was not obtained. Reliance on oral instructions from the Independent Engineer did not align with the agreement's terms, and the National Highways Authority of India (NHAI) was justified in withholding the claimed payments. The decision of the learned Single Judge was upheld.

SH SUSHIL KUMAR VS SMT ARCHANA [MAT.APP.(F.C.)-172/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by the husband against the Family Court's order for interim maintenance of Rs. 10,000 per month to the wife was dismissed. The husband previously earned Rs. 75,000 monthly but is now making only Rs. 12,000, leading to suspicions of intentional income reduction to evade maintenance. The court considered the wife's need to support herself and their minor child and concluded that the husband has the capability to earn a reasonable income, indicating a deliberate decision to lower his earnings.

SH VIJAY KUMAR VS SMT NISHU [MAT.APP.(F.C.)-240/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Divorce was granted to Smt. Nishu under Section 13(1)(ia) of the Hindu Marriage Act, 1955, on grounds of cruelty. The marriage, lasting over 12 years, was deemed irreparable due to a lack of cohabitation for more than a decade. Sh Vijay Kumar's claim of willingness to have the respondent live with him was dismissed, as she had appealed against a prior petition he filed, which was still pending. The judgment on the grounds of cruelty remained unchallenged.

SH. MOHD. RAFI CHOWDHARY VS MISAAL HAIRAT [MAT.APP.(F.C.)-255/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The family court's decision to grant the dissolution of marriage under the Dissolution of Muslim Marriages Act was upheld. Evidence showed the appellant failed to provide maintenance, threatened remarriage, and subjected the respondent to cruelty, supported by unrebutted testimony. The appeal was dismissed, and the delay in filing was not condoned.

SH. NITIN JAIN VS SH. NITIN SHARMA [RFA(COMM)-49/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appellant agreed to vacate the property by November 30, 2024, pay 50% of arrears by March 31, 2024, and the remaining 50% by April 30, 2024. Additionally, the appellant must pay current occupation charges within one week. The execution petition filed by the respondent will be closed. The focus was on the agreed terms for resolving the tenancy dispute.

SHAMBHAVI SHARMA VS HONBLE HIGH COURT OF DELHI [W.P.(C)-4493/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Shambhavi Sharma and other candidates were granted additional time to prepare for the examination due to their inclusion in the list of successful candidates on March 21, 2024. To address their concerns and accommodate the urgency to conclude the examination process by August 5, 2024, the examination dates were shifted to April 13-14, 2024.

SHANTALA PALAT VS JAYAKUMAR MENON [MAT.APP.(F.C.)-7/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The father was granted increased access to the minor child, with the overnight stay provision modified to depend on the child's willingness. If the child declines to stay overnight, shorter day visits will be arranged instead. This decision pertains to an individual case.

SHASHVAT NAKRANI VS ASHNEER GROVER [FAO(OS) (COMM)-30/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Shashvat Nakrani and Ashneer Grover reached a consensus to expedite the trial. Directions included appointing a court commissioner to record evidence within 8 weeks, filing affidavits of evidence, and expediting issue framing and final arguments. The court commissioner is to receive a fee of Rs. 3 lakhs, with shared secretarial and out-of-pocket costs. Questions of law raised in the appeal remain open for future examination.

SHEKHAR SHARMA VS PURNIMA SHARMA [MAT.APP.(F.C.)-102/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Shekhar Sharma for maintenance from his wife, Purnima Sharma, was dismissed due to insufficient evidence supporting his claimed monthly income of Rs. 8,000, contrasted by substantial unexplained credit entries in his bank account. The findings were based on the evidence presented, and the appeal was also noted to be filed with a delay of 172 days.

SHELLY JHURANEY VS AMIT JHURANEY [MAT.APP.(F.C.)-1/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The marriage lasting 3.5 months was dissolved on the grounds of desertion, while the claim of cruelty was dismissed. An earlier settlement attempt involved the respondent paying Rs. 4.5 lakhs to the appellant, which was deposited with the court. A final settlement was recorded, where the respondent is to pay Rs. 30 lakhs to the appellant within 4 weeks, and the Rs. 4.5 lakhs will be released to the respondent. The marriage will be dissolved as per the previous judgment.

SHILPA SOOD VS VIVEK MALHOTRA [MAT.APP.(F.C.)-96/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The order for a minor child to have unsupervised interaction with the father was set aside based on reports from a court-appointed counselor and child psychologist indicating the child's comfort improved with the mother present. It was determined that unsupervised interaction was not in the child's best interest. The pending application for overnight access to the child will be decided considering input from the AIIMS child psychologist, without impacting the lower court's decision on that application.

SHIV LAL DODA VS PERNORD RICARD INDIA PVT. LTD. & ANR. [FAO(OS) (COMM)-92/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Shiv Lal Doda against the dismissal of his application to reject the plaint filed by Pernord Ricard India Pvt. Ltd. was dismissed. The surety/guarantee document submitted was not considered flawed due to the absence of a liability cap, and inconsistencies in signatures did not negate the existence of a cause of action. The decision to dismiss the appeal was unanimous among the judges.

SHIVI BANSAL VS GAURAV BANSAL [MAT.APP.(F.C.)-219/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by the wife against the dismissal of her application to reject the husband's divorce petition was dismissed. The timeline did not fully establish desertion, but allegations of cruelty appeared viable. A plaint cannot be partially rejected, so the divorce petition was allowed to proceed. The alleged adulterer was deemed neither a necessary nor a proper party to the proceedings.

SHRIRAM EPC LTD. THROUGH AUTHORISED SIGNATORY SH. T.A. RAMACHANDRAN VS M/S APEX CRANE COMPANY [RFA(COMM)-349/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Shriram EPC Ltd. appealed against a decree favoring M/s Apex Crane Company. The judgment modified the trial court's decision by excluding pre-suit interest of 12% per annum from May 23, 2017, to October 6, 2020. A fresh decree will be prepared reflecting this modification, and the appellant is required to pay the decretal amount within eight weeks.

SHRUTI KATIYAR VS REGISTRAR GENERAL, DELHI HIGH COURT [W.P.(C)-2344/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The petitioner was allowed to challenge the answer for question no. 54 after other candidates filed objections. The correct answer was identified as option (1), rather than option (3), as the question did not require the defendant's claim to arise from the same transaction, a necessary condition for an "equitable set-off." This error led to the petitioner receiving marks for question no. 54, while the results of candidates who already qualified based on the existing answer key remained unchanged. The judgment benefits all candidates who selected option (1) as the correct answer.

SHYAM LAL BANSAL VS NIRMAL BANSAL & ORS. [RFA(OS)-30/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

A preliminary decree of partition was issued, declaring the appellant and the respondents/plaintiffs each hold a 50% share in the suit property. Arguments regarding non-joinder of parties and prior partition between the appellant and the late Krishan Kumar Bansal were rejected. The Will of Krishan Kumar Bansal, which transferred property rights to the respondents/plaintiffs, was proved valid, establishing that the property remained undivided between the parties.

SIDDHARTH GUJRAL VS NATASHA GUJRAL [MAT.APP.(F.C.)-178/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The decision to dismiss the husband's appeal against the Family Court's order in the matrimonial dispute was upheld. The wife's explanations concerning her employment, bank accounts, and joint account with her mother were accepted as reasonable. It was concluded that she had not deliberately withheld material information. Costs of Rs. 20,000 were awarded to the wife.

SMT ARTI ARORA VS SH DIWAKAR SINGH [MAT.APP.(F.C.)-26/2021]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The decree of divorce granted by the Family Court is sustained, but the observations regarding cruelty and desertion are expunged. This action follows a settlement between the parties through mediation, and the husband has since remarried. The decision aims to honor the settlement while addressing the wife's concerns about the previous judgment's remarks.

SMT SIMRAN BATRA @ LATA BATRA VS SH. DAVINDER KUMAR KAPOOR [MAT.APP.(F.C.)-195/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

An appeal was allowed regarding a dismissal of a divorce petition based on cruelty and desertion. The focus on fault during a long separation of nearly 20 years, without children, was deemed incorrect. The prolonged separation was recognized as a form of mental cruelty. The previous judgment denying relief was set aside, leading to the dissolution of the marriage.

SMT. GEETA SINGH & ANR. VS THE SUB DIVISIONAL MAGISTRATE (KAPASHERA) & ANR. [LPA-99/2021]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Sub-Divisional Magistrate (SDM) lacked jurisdiction to order the installation of gates in the Kapashera area, as the land had been urbanized and was no longer Gram Sabha land. The arguments regarding legal provisions and a relevant circular were deemed irrelevant due to the jurisdiction issue. The matter was remitted to the Deputy Commissioner, Najafgarh Zone, who has the authority to address the situation under the Delhi Municipal Corporation Act.

SOURAV NARULA VS NAVEEN KUMAR & ANR. [RFA(COMM)-60/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by the defendant against the summary judgment in favor of the plaintiff was dismissed. The evidence established the plaintiff's investment of Rs. 30,00,000 in the partnership firm, and the defendant admitted to Rs. 12,00,000 being unpaid. The defendant's delays in filing and re-filing the appeal, totaling 297 days and 17 days respectively, were deemed unjustified, leading to the dismissal of the application for condonation of delay. Consequently, the appeal and related applications were rendered infructuous.

SPICEJET LIMITED VS SUNBIRD FRANCE 02 S.A.S. [FAO(OS) (COMM)-182/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Lessors Team France and Sunbird France may sue SpiceJet in the courts of England or in the jurisdiction where the leased engines are located, based on the asymmetric jurisdiction clause in the lease agreements. SpiceJet's arguments regarding unstamped agreements, improper valuation of suits, and lack of pre-litigation mediation were rejected. SpiceJet is permitted to raise objections related to jurisdiction and governing law in its written statement for consideration by the suit court.

SUBHASH CHAND VS DEEPA [MAT.APP.(F.C.)-88/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appellant's appeal for divorce on the grounds of cruelty was dismissed due to insufficient evidence. The appellant, having suffered a paralytic attack, did not testify, and his brother's testimony lacked personal knowledge of events post-2016, rendering it hearsay. The allegations of cruelty were deemed vague and not specific enough to support a divorce claim. Additionally, the long duration of the marriage and the respondent's status as a homemaker with no independent means were considered, leading to the dismissal of the appeal.

SUCHITRA RAY & ANR. VS SUMITRA SARKAR & ORS. [RFA(OS)-28/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Suchitra Ray and another regarding the partition of a four-floor superstructure was dismissed. The main issue was the division of the superstructure by meets and bounds, which lacked a specific site plan from the appellants to support feasibility. The appellants were permitted to file a review petition to further address this matter, with a directive for it to be decided after hearing both parties and considering the relevant legal framework and bye-laws.

SURENDER GUPTA AND ANR VS RAJAT WADHWA [EFA(OS) (COMM)-16/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal dismissed regarding an execution petition. The appellants deposited Rs. 1.40 crores with the court registry, which was released to the respondent, Mr. Wadhwa, against indemnity. The appellants have a pending petition under Section 34 of the Arbitration and Conciliation Act, 1996, in the district court. It was noted that no interference with the previous order was warranted, and the respondent was urged to transfer the subject property to alleviate the financial burden on the appellants. Observations made do not prevent either party from pursuing further legal actions.

SURENDER KUMAR VS LATE SH. DHANI RAM THROUGH LRS AND ORS & ORS. [RFA(OS)-17/2021]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal concerning a suit for partition and possession of ancestral properties was allowed, as the rejection under Order VII Rule 11 of the Code of Civil Procedure was deemed inappropriate. The appellant's amended plaint included sufficient averments regarding the existence of a Hindu Undivided Family. The prior judgment was set aside, and the suit was restored to its original number for further proceedings.

TARUN KUMAR GOYAL VS MS SB SALES CORPORATION [FAO (COMM)-100/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The trial court's order closing Tarun Kumar Goyal's right to defend the suit was set aside due to curable defects in his timely filed written statement. An opportunity was granted to rectify the defects in the statement of truth and the affidavit of admission and denial of documents. The Local Commissioner was instructed to hold the matter beyond the previously set date, with parties scheduled to appear before the trial court on the next date.

TEJINDER SINGH VS BEVERLEY SINGH [MAT.APP.(F.C.)-291/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Tejinder Singh filed two appeals concerning orders from the Family Court. Additional documents submitted by Beverley Singh will remain on record. Tejinder Singh can file his affidavit of evidence by 24.09.2024, with cross-examinations scheduled for 30.09.2024. A Local Commissioner can be requested for Tejinder Singh's examination due to his advanced age and medical condition. The deadline for the Family Court to issue a final judgment has been extended to 28.02.2025. Tejinder Singh is required to pay Rs. 1 lakh in costs to Beverley Singh for his conduct. The appeals are part of a batch matter.

THAKAR DASS BHATIA THROUGH SON CHETAN BHATIA VS SURESH KUMAR BHATIA & ORS. [FAO(OS) (COMM)-5/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Thakar Dass Bhatia concerning the property B-77, Chander Nagar, Ghaziabad, UP was dismissed. The property, owned by the appellant, was used as collateral for a loan by a partnership firm. The dismissal was based on the finding that the release of the charge could not occur simply because the property did not belong to the partnership firm, as the appellant had voluntarily created a charge on it. The bank will not release the charge without an arrangement between the borrower and the appellant.

THE MINISTRY OF HOME AFFAIRS & ANR. VS SYNDICATE INNOVATIONS INTERNATIONAL LIMITED & ORS. [LPA-695/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by the Ministry of Home Affairs and the Director General of Foreign Trade was dismissed regarding the release of import consignments of 'frames' and 'slides' of handguns to Syndicate Innovations International Limited. An import license (Form X) issued to Syndicate indicated that separate licenses were not necessary for pre-fitted parts. There was no violation of the import license since the definition of 'parts and components' does not mandate individual licenses for pre-fitted parts when a complete firearm license exists. Permission under Rule 57(4) was deemed unnecessary, as Form X served as implicit permission. The regulatory framework for the arms and ammunition industry was noted to lack clarity, with a call for streamlining the application procedures for licensing.

TRIPURARI KUMAR JHA VS FACULTY OF LAW, UNIVERSITY OF DELHI & ANR. [LPA-703/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The University improperly canceled the appellant's admission to the LLB course due to attendance shortfall without investigating the reasons for absence. The University has the authority to readmit students who were detained in the first term for such reasons, in accordance with Article 5(b) of Ordinance IV, which takes precedence over amendments in Appendix II to Ordinance V. The Bar Council of India advises against requiring students to undergo fresh admissions for attendance shortages arising from genuine circumstances like illness. The decision to dismiss the appellant's writ petition was set aside, and the University was instructed to readmit the appellant with the 2024-2027 batch, considering the genuine context of attendance issues.

TRISQUARE SWITCHGEARS PVT LTD VS SH SANYAM KAUSHIK [RFA(COMM)-86/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The trial court's judgment in favor of Trisquare Switchgears Pvt Ltd for the recovery of Rs. 3,48,420/- plus 12% per annum interest was upheld. The appellant's claim of lack of territorial jurisdiction was dismissed, as the appellant's registered office was in Delhi. No evidence was provided to support the appellant's assertion of poor quality goods. The interest rate of 12% per annum was deemed reasonable.

TWENTY FIVE SOUTH REALTY LTD VS CHINSHA PROPERTY PRIVATE LIMITED & ORS. [FAO(OS) (COMM)-219/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The judgment set aside a prior decision and directed a rehearing of Section 9 petitions from DLF Limited and Chinsha Property Private Limited regarding Joyous Housing Ltd. Twenty Five South Realty Ltd. retains its 75% stake in Joyous Housing until the petitions are resolved. DLF and Chinsha Property are allowed to file applications to secure their interests related to Hubtown Ltd., which holds the remaining 25% stake. No views on the merits of the case were expressed, and the matter is remanded for fresh consideration.

UNION BANK OF INDIA VS M/S B N GARMENTS [FAO (COMM)-200/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The dismissal of the Union Bank of India's suit for non-prosecution was deemed disproportionate to the default. The reasons for the delay in filing applications, including bank amalgamation and a change in counsel, were found sufficient for condonation. The order was set aside, and the suit was restored, subject to the payment of costs of Rs. 20,000 to the respondent.

UNION OF INDIA VS M/S ANS CONSTRUCTION LTD [FAO(OS) (COMM)-299/2018]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by the Union of India against an arbitration award was dismissed. The settlement offer dated 05.12.2017 addressed both the claims of M/S ANS Construction Ltd and the counterclaims of the Union of India. The two counterclaims included one for liquidated damages, which was rejected, and another for mobilization advance, which was partially allowed and adjusted against the amount awarded to the respondent.

UNION OF INDIA VS M/S ANS CONSTRUCTION LTD [FAO(OS) (COMM)-289/2018]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The settlement offer made by the Union of India on 05.12.2017 included both claims and counterclaims from M/s ANS Construction Ltd. The Union of India did not disclose this settlement offer in their petition under Section 34 of the Arbitration and Conciliation Act, 1996, suggesting an intent to withdraw the offer. The acceptance of the settlement offer by the respondent led to the dismissal of the Section 34 petition. The arbitral award dated 26.07.2017 and the order dated 13.09.2017 were upheld.

UNION OF INDIA VS M/S BPT INFRA PROJECTS PVT. LTD [FAO (COMM)-110/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The lower court's dismissal of the Union of India's petition under Section 34 of the Arbitration and Conciliation Act, 1996 was set aside. Although the petition initially had technical defects, these were ultimately remedied, and the absence of a statement of truth was not a fatal flaw. The need to allow a party to challenge an arbitral award on merits was emphasized, and the Union of India was permitted to proceed with the petition, excluding an additional ground related to arbitrator's fees.

UNION OF INDIA VS M/S PNSC INFRASTRUCTURE PVT LTD. [FAO(OS) (COMM)-63/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by the Union of India (UOI) was dismissed due to the failure to file a petition under Section 34 of the Arbitration and Conciliation Act, 1996 within the three-month limitation period. The delay was not condoned as the UOI exhibited lethargy in pursuing the petition even after receiving the certified copy from the district court. The argument to seek an extension from the district court was rejected, as the return of the petition was considered a "fresh filing," which required justification for the delay beyond the 30-day period. The decision to dismiss the UOI's Section 34 petition was upheld.

UOI THROUGH CPWD & ORS. VS M/S RAJ KUMAR TYAGI [FAO(OS) (COMM)-183/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by the Union of India through the Central Public Works Department (CPWD) against the rejection of their application for recall of a previous order and for condonation of delay in filing a restoration application was dismissed. The explanations for the nine-month delay between August 2023 and May 2024 were deemed unconvincing, as attributing the delay solely to the former counsel was insufficient. The appellants failed to demonstrate due diligence, leading to the dismissal of the appeal.

USHA BARTHWAL VS THE REGISTRAR GENERAL HIGH COURT OF DELHI [W.P.(C)-7645/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The petitioner's concern about her deceased father's name discrepancy affecting her retirement benefits was deemed weak. Both names, "P.D. Sharma" and "P.D. Barthwal," were used in official records. It was established that her retirement or service benefits would not be impacted by this discrepancy. The writ petition was disposed of.

UZAIR KHAN VS NIKE INNOVATE CV & ANR. [FAO (COMM)-78/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Uzair Khan deliberately disobeyed previous court orders related to the case. The trial court overlooked his objections to a second report from the Local Commissioner and considered his application to examine the Local Commissioner, which was significant to the case. The situation involved conflicting claims about the infringing goods. An affidavit of undertaking was requested from the appellant and his associates to prevent any further infringing activity. The appeal's outcome will not affect the pending applications, including one for criminal contempt, and the suit will continue according to the law.

V4 INFRASTRUCTURE PVT LTD VS JINDAL BIOCHEMS AND DEVELOPERS PVT LTD [EFC-14/2021]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeals by V4 Infrastructure Pvt Ltd regarding orders to file affidavits disclosing its assets and the personal assets of its directors are closed due to compliance, despite a significant delay. Proceedings for the approval of the appellant's rehabilitation plan are pending before the NCLT, with the respondent having lodged a claim with the Resolution Professional. Contempt proceedings against the Managing Director for willful disobedience of orders are left to a Single Judge, related to another enforcement application involving the same parties.

VA TECH WABAG LIMITED VS DELHI JAL BOARD [LPA-8/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The debarment order against VA Tech Wabag Limited by the Delhi Jal Board for allegedly discharging untreated sewage into the Yamuna river will be canceled if the company proves to the arbitral tribunal that its sewage treatment plant was functioning according to the required standards. The challenge against the debarment order was dismissed, with the understanding that the findings will not influence the ongoing arbitration, which is at the final argument stage. Both parties are permitted to present their arguments before the tribunal.

VERTICE GLOBAL PRIVATE LIMITED VS M/S SHAVEX [FAO (COMM)-76/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appeal by Vertice Global Private Limited against an ad interim ex parte order that restrained the use of the trademark "SHAVEX" was disposed of. Both parties had pending applications before the trial court. The pending applications must be decided expeditiously while the interim order restraining the appellant remains in effect until those applications are resolved.

VIJAY SINGH VS SMT. JYOTI YADAV [MAT.APP.(F.C.)-176/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The family court erred by not allowing the appellant to file a future divorce action if a new cause of action arises. However, the imposition of costs of Rs. 51,000 on the appellant for defending the divorce action was upheld. Costs cannot be justified under Order XXIII Rule 1(3) of the Code of Civil Procedure, but are supported by Section 35, which allows for the imposition of reasonable costs.

VINAY GOYAL AND ANR. VS AJAY GUPTA [RFA(COMM)-360/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Vinay Goyal and another succeeded in an appeal against a trial court judgment favoring Ajay Gupta, which had decreed Rs. 66,81,755/- with 18% interest and costs of Rs. 50,000/- as joint and several liabilities. A possibility of settlement was proposed and accepted by the parties, resulting in the appellants agreeing to pay the principal amount of Rs. 66,81,755/- along with 10% simple interest in two installments by March 2025, with the cost direction from the trial court's judgment being removed. The appeal was disposed of based on the settlement terms.

VINEET KUMAR LAKHANPAL VS NAMAN LAKHANPAL [MAT.APP.(F.C.)-215/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The children's need for love and affection from both parents is prioritized over their expressed wishes. The father is granted daily virtual visitation of 5-10 minutes and physical visitation during school breaks and vacations, with the mother responsible for bringing the children to Delhi. The father will cover travel expenses. Chandigarh authorities must ensure the father has unhindered access during monthly weekend visits. He is also granted access to the children's school portal and WhatsApp group to support the arrangement promoting the children's best interests.

VINKAL CHADHA VS JASPER COLIN RESEARCH & ANR. [FAO (COMM)-169/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Disputes between Vinkal Chadha and Jasper Colin Research & Anr. are to be referred to court-appointed arbitrator, Hon'ble Mr. Justice (Retired) Rajiv Sahai Endlaw. The parties are to appear before the arbitrator on 30.08.2024. Directions include preservation of data, submission of emails, and establishing a timeline for the arbitrator to decide the interim relief application. This matter involves two appeals, FAO (COMM) 169/2024 and FAO (COMM) 170/2024, disposed of through a common order.

VINOD TAYAL VS SMT NEHA & ANR. [MAT.APP.(F.C.)-230/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

Smt. Neha was appointed as the natural guardian of her differently-abled minor child based on an amicable Settlement Agreement dated 06.03.2024. The terms of the settlement were deemed to be in the best interest of the child, and the parties were directed to fulfill their obligations under this agreement.

VISHAL CHOUDHARY VS SNPC MACHINES PRIVATE LIMITED & ORS. [FAO(OS) (COMM)-64/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The interim injunction order was partially varied. A prima facie case of patent infringement was established, with the balance of convenience and potential irreparable injury supporting the interim injunction. The defendant is permitted to sell eight pre-manufactured brick making machines, on the condition of providing GST invoices for the sales. Allowing the sale secures the defendant's interests while also protecting the plaintiffs. Further hearings are scheduled for 12th November, 2024.

VISHWAS CHOPRA VS SMT. SHEENA CHOPRA [MAT.APP.(F.C.)-157/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The Family Court's decision to grant maintenance to the wife under Section 24 of the Hindu Marriage Act was upheld. The husband, a Senior Manager at TCS earning Rs. 1,29,000 monthly after taxes, was assessed as having the financial capacity to pay Rs. 25,000 to the wife and Rs. 15,000 to the child. The argument that the educated wife should not receive maintenance was rejected, as she is currently a homemaker. The husband's appeal was dismissed.

ANCHAL GUPTA VS ASHISH GUPTA [MAT.APP.(F.C.)-165/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appellant's appeal against a Family Court order was successful. The Family Court had issued the order without notifying the appellant. Further inquiry directed by the Family Court was stayed, and the Family Court was instructed to allow the appellant to respond to the applications. The observations in the initial judgment were clarified not to affect the final decision on the applications. The appeal was disposed of, and the parties were directed to proceed based on a digitally signed copy of the order.

DEFSYS SOLUTIONS PRIVATE LIMITED & ANR. VS UNION OF INDIA [W.P.(C)-431/2024]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The suspension of business dealings with Defsys Solutions Private Limited was deemed arbitrary and discriminatory, relying solely on an ongoing investigation without any charges filed against the company. While Agusta Westland had its suspension lifted after being charge-sheeted, Defsys was treated differently despite not being named as an accused. The government's suspension power under the Ministry of Defence guidelines cannot be exercised independently of the specified grounds. The suspension order, show cause notice, and related order against Defsys were set aside, allowing the government to suspend or ban Defsys if credible evidence of involvement in the Agusta Westland case emerges, provided due process is followed.

MUNISH JAIN VS SHIKHA JAIN [MAT.APP.(F.C.)-19/2022]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

A comprehensive settlement agreement has been reached between Munish Jain and Shikha Jain, resolving their disputes. Key terms include Munish depositing Rs. 75 lakh, mutual consent for divorce, gifting the matrimonial property to Shikha, withdrawal of all pending cases, and release of joint bank account funds to Shikha. Family Court proceedings will be on hold until the final divorce decree is issued. The appeals filed by Munish have been addressed in accordance with the settlement.

SH ROHIT AGARWAL VS SH R P ARORA [RFA(COMM)-201/2023]

Judges: Justice Amit Bansal, Justice Rajiv Shakdher

The appellant/defendant must return the earnest money of Rs. 30,00,000 to the respondent/plaintiff, as this amount was undisputedly received. The first tranche of Rs. 15,00,000 was incorrectly classified as "earnest money" and should be recognized as part payment towards the sale consideration. The responsibility for the stamp duty and registration charges of Rs. 4,56,248 does not fall on the appellant/defendant, since the respondent/plaintiff can seek a refund from the authorities.

COL. SANDEEP SHARMA VS UNION OF INDIA & ORS. [W.P.(C)-7541/2023]

Judges: Justice Amit Bansal, Justice V. Kameswar Rao

The censure order against Colonel Sandeep Sharma was set aside due to non-compliance with statutory rights under Rule 180 of the Army Rules during the court of inquiry. The evidence from the flawed inquiry was deemed unreliable for administrative action. The case for the petitioner's promotion to Brigadier is to be considered, with the possibility of granting an age waiver or overlooking command criteria, as there were no adverse findings against him.

NIRMAL UPADHYAY VS UNION OF INDIA & ORS. [W.P.(C)-12239/2023]

Judges: Justice Amit Bansal, Justice V. Kameswar Rao

The petitioner's candidature for the CAPF (Assistant Commandants) Examination 2021 was not cancellable by the UPSC, despite his name being on the reserve list for the 2020 examination and receiving an offer of appointment on April 13, 2023. He had already participated in all stages of the 2021 selection process, and since he achieved better merit in that examination, the UPSC's order to cancel his candidature was set aside. The respondents were directed to issue him an offer of appointment based on his 2021 merit.

CROMPTON GREAVES CONSUMER ELECTRICALS LIMITED VS V GUARD INDUSTRIES LIMITED [FAO(OS) (COMM)-153/2022]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The plaintiff's registered trademark "PEBBLE" is prima facie similar to the defendant's "CROMPTON PEBBLE," with "PEBBLE" being the dominant part of both marks. The plaintiff demonstrated that its "PEBBLE" trademark has a reputation in India, and the defendant's use of a similar mark takes unfair advantage of this reputation. Although the goods were not found to be similar, an interim injunction was granted in favor of the plaintiff, as the similarity of marks and the plaintiff's mark reputation were prima facie satisfied.

DARSHAN KAUR VS UNION OF INDIA & ANR [LPA-689/2018]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The demand for misuse charges by the respondents against the appellant is not barred by limitation, as the central government has 30 years to make such a claim. The property in question is used solely for office purposes by the Embassy of Lebanon, disqualifying the appellant from the exemption under Clause (i) of Office Order No. 29/83. However, Office Order No. 23/1976 applies, allowing for reduced misuse charges and a limitation to 1% if the lessee evicts the defaulting tenant. The respondents must recompute the misuse charges in accordance with Clauses 7 and 8 of Office Order No. 23/1976 and refund any excess amounts paid.

JITENDRA VIRWANI VS SANTOSH KUMAR GARG [RFA(OS)-69/2019]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The decree for recovery of Rs. 71.86 crore plus interest in favor of the respondent was upheld. The appellant's arguments regarding limitation, non-joinder of parties, and maintainability under Order XXXVII of the CPC were rejected. The defenses presented by the appellant were deemed frivolous and did not raise any triable issues.

M/S NBCC (INDIA) LIMITED (FORMERLY KNOWN AS NATIONAL BUILDINGS CONSTRUCTION CORPORATION LTD.) VS M/S NANGIA CONSTRUCTION (I) PVT. LTD. [FAO(OS)-50/2020]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The mobilization advance provided by NBCC to Nangia was classified as a loan requiring repayment. Nangia's utilization of the mobilization advance for project work was deemed plausible based on earlier findings. The claim for a refund of the recovered mobilization advance was rejected. However, the interest granted to NBCC on the recovered advance for the period before 2001, when the advance was repaid to the Principal Employer, was set aside. The overall decision largely upheld the Arbitral Tribunal's award with the noted modification on interest.

M/S SKYLINE ENGINEERING CONTRACTS (INDIA) PVT LTD VS UNION OF INDIA & ORS. [W.P.(C)-4023/2020]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The service tax owed by the petitioner was quantified under the Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019, before the June 30, 2019 deadline. A notice was issued by the department for dues recovery, reflecting this quantification, and the subsequent show cause notice was based on information provided by the petitioner. It was established that quantification under the scheme does not necessitate final determination by the department; an admission of liability in written form suffices. The department must consider the petitioner's declaration under the scheme and allow for a hearing prior to issuing a final order.

M/S. GANESH GOURI INDUSTRIES AND ORS VS R. C. PLASTO TANKS AND PIPES PVT. LTD. [FAO (COMM)-54/2022]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The suit filed by Plasto against Ganesh Gouri for trademark infringement is maintainable, based on a fresh cause of action despite a prior settled suit. The Delhi High Court has territorial jurisdiction as Plasto maintains a virtual presence in the area through e-commerce and local dealers. The label used by Ganesh Gouri is not considered deceptively similar to Plasto's registered trademark when assessed as a whole, leading to the conclusion that the interim injunction against Ganesh Gouri is set aside.

MR BISWAJEET SINGH AND ORS VS MR BIKRAMJIT SINGH (SINCE DECEASED THR LRS) [EFA(OS)-3/2023]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The final decree dated 01.10.2007, mandating the sale of the disputed property through public auction, is binding and cannot be modified or reinterpreted. The executing authority must adhere strictly to the decree's explicit terms. Efforts to partition the property based on metes and bounds or municipal regulation changes would constitute an unauthorized modification. The role of the executing authority is limited to enforcing the decree as written without reevaluating the property's partition capability.

NATCO PHARMA LIMITED VS NOVARTIS AG AND ANR [FAO(OS) (COMM)-178/2021]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

Natco raised a credible challenge to the validity of Novartis' patent IN'161 for Eltrombopag bis (monoethanolamine) (ELT-O), arguing that it is not a novel invention under Section 3(d) of the Patents Act since it is merely a new form of the previously patented substance ELT covered in patent IN'176, which expired before Natco's product launch. The claim that enhanced bioavailability or solubility equates to "enhanced therapeutic efficacy" was rejected, as Novartis did not prove that ELT-O displays significantly different therapeutic efficacy compared to ELT. Additionally, a distinction between "broad coverage" and "protected coverage" of a patent claim was negated, indicating no gap should exist between coverage and disclosure in a patent specification. Natco's challenge under Sections 64(1)(a) and 64(1)(e) succeeded since ELT-O was previously patented under IN'176. The interim injunction previously granted was set aside, as the term of IN'161 has expired necessitating no further orders.

NATIONAL BOARD OF EXAMINATION IN MEDICAL SCIENCES VS UNION OF INDIA & ORS. [W.P.(C)-1300/2023]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The Refund Rejection Orders dated 30.06.2022 and 28.10.2022 were set aside, and the matter was remanded for fresh consideration. The National Board of Examination in Medical Sciences raised issues regarding the rejection of its GST refund application for services related to examinations, which are addressed in a lead matter. The authority is directed to reconsider the case in light of the lead judgment's observations.

NATIONAL BOARD OF EXAMINATION IN MEDICAL SCIENCES VS UNION OF INDIA & ORS. [W.P.(C)-1299/2023]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The refund rejection orders dated 29.06.2022 and 28.10.2022 were set aside, and the matter was remanded for fresh consideration based on the observations in the lead case W.P.(C) No.1298/2023, which covered the questions raised in this petition.

NATIONAL BOARD OF EXAMINATION IN MEDICAL SCIENCES VS UNION OF INDIA & ORS. [W.P.(C)-1303/2023]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The Refund Rejection Orders dated 01.07.2022 and 26.10.2022 concerning the National Board of Examination in Medical Sciences' claim for a GST refund of Rs. 23,35,03,888/- for the Financial Year 2018-19 were set aside. The matter was remanded to the appropriate authority for fresh consideration based on observations from a related case that addressed similar issues.

NATIONAL BOARD OF EXAMINATION IN MEDICAL SCIENCES VS UNION OF INDIA & ORS. [W.P.(C)-1298/2023]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The National Board of Examination in Medical Sciences qualifies as an educational institution under the 2017 Notification, exempting its NEET examination services and the granting of DNB and FNB degrees from GST. However, services related to screening tests and accreditation fees are not exempt and are subject to GST. The challenge to the circular was rejected as it aligns with the 2017 Notification, which includes Central and State Boards as educational institutions for examination purposes retroactively. Orders rejecting the refund claims were set aside, and the matter was remanded for reconsideration.

PACE SETTERS BUSINESS SOLUTIONS PVT. LTD VS UNION OF INDIA & ORS. [W.P.(C)-7742/2019]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The validity of notifications and statutory provisions for levying service tax and GST on a reverse charge basis for services from recovery agents to banking and financial institutions is upheld. The Central Government possesses legislative competence for this scheme. The denial of input tax credit to service providers for reverse charge taxable supplies is not arbitrary or discriminatory, as this right can be limited by statute. The classification between reverse charge and forward charge taxable services is deemed a valid legislative exercise with a rational connection to the law's objective.

PRASAR BHARTI VS DISH TV INDIA LTD [FAO(OS) (COMM)-267/2019]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The order granting an interim injunction against Prasar Bharti's use of the mark "DD Free Dish" was set aside. The term "Dish" is considered generic and cannot be exclusively claimed by Dish TV India Ltd. The mark "DD Free Dish" includes the well-known trade name "DD," distinguishing it sufficiently and reducing the likelihood of public confusion. Findings made by the Single Judge were deemed inconsistent with the parties' pleadings and violated principles of natural justice. Observations made are preliminary and do not influence the upcoming trial regarding the merits of the case. Therefore, the use of "DD Free Dish" does not prima facie infringe on the trademark "Dish TV."

R. C. PLASTO TANKS AND PIPES PVT. LTD. VS GANESH GOURI INDUSTRIES & ANR. [RFA(OS)(IPD)-1/2023]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The appeal by R.C. Plasto Tanks and Pipes Pvt. Ltd. for the removal of the copyright registration of "Gauri Aqua Plast" was dismissed. The respondent's artwork had sufficient differentiating elements despite some similarities with the appellant's work, not constituting colorable imitation or substantial reproduction. The Copyright Act protects expressions of ideas, not the ideas themselves, and the appellant did not prove original creation or ownership of the respondent's copyrighted work. The dismissal of the challenge to the copyright registration was upheld.

RAJ BALA & ORS VS STATE (NCT) OF DELHI & ANR [FAO(OS)-110/2019]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The probate granted to Jai Singh for the Will of Inder Singh has been set aside due to several suspicious circumstances surrounding its execution. Discrepancies in signatures, Jai Singh's significant involvement, exclusion of natural heirs, delays in disclosing the Will, and inconsistencies in Jai Singh's testimony regarding the bequeathed land contributed to the conclusion that the Will was not genuinely executed by the deceased.

SANGEETA JESWANI & ORS VS ORIENTAL BANK OF COMMERCE & ORS [W.P.(C)-910/2016]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The writ petition was dismissed as the petitioners' claim as bona fide purchasers was invalid due to the property being mortgaged to the respondent bank prior to their purchase. The argument regarding forged mortgage documents was rejected based on insufficient evidence. Orders from the Debts Recovery Tribunal and Debts Recovery Appellate Tribunal in favor of the bank were upheld, allowing the bank to recover its dues through the sale of the property.

SHAILENDRA PATHAK VS UNION OF INDIA & ORS [LPA-501/2017]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The intra-court appeal by Shailendra Pathak was dismissed regarding his non-selection for the Assistant Registrar position under the Orthopedically Handicapped (OH) category. Both Pathak and the selected respondent applied under a separate advertisement for Persons with Disabilities (PwD) vacancies. The appellant's claims were deemed unmerited as vacancies under different categories like OBC and UR could not accommodate him. Principles of horizontal and vertical reservations were referenced, but details on the adjustment mechanism for qualifying PwD candidates were not necessary for this case.

SHRI ANIL KHANDELWAL VS THE REGISTRAR UNIVERSITY OF DELHI [RFA(COMM)-43/2023]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The appellant's suit was partly maintainable due to the existence of an arbitration agreement not preventing a civil suit. Claims, except for reimbursement of testing charges, were barred by limitation as they arose before or upon project completion and were not claimed within the contractually specified time. The suit was dismissed as barred by limitation.

SMT. SUDHA DEWAN VS M/S. JMD BUILDCON [RFA(OS)(COMM)-7/2022]

Judges: Justice Amit Mahajan, Justice Vibhu Bakhru

The appeal by Smt. Sudha Dewan was dismissed regarding the judgment in favor of M/s. JMD Buildcon. The commercial suit was deemed maintainable as the respondent was a registered partnership firm. Time was not considered essential in the Sale Agreement due to the appellant's acceptance of delayed performance and lack of insistence on timely payments. Additionally, the appellant could not forfeit the earnest money of R.S. 1.93 crore, having failed to prove any loss from the non-conclusion of the Sale Agreement.

ALL INDIA INSTITUTE OF MEDICAL SCIENCES VS SANJAY GUPTA & ANR. [W.P.(C)-16214/2024]

Judges: Justice Amit Sharma, Justice C. Hari Shankar

A mere approval from the competent authority to extend a suspension without a formal, communicated order is insufficient to legally extend the suspension under the Central Civil Services (Classification, Control and Appeal) Rules. The extension order issued on 1 March 2023 was beyond the 90-day limit from the original suspension order, which expired on 25 February 2023. Thus, the suspension could not be legally extended past that date. The writ petition by the All India Institute of Medical Sciences was dismissed.

AMIT KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-1522/2022]

Judges: Justice Amit Sharma, Justice C. Hari Shankar

Amit Kumar's writ petition was accepted, overturning the Central Administrative Tribunal's dismissal of his application. The case centered on an alleged mismatch in the petitioner's handwriting/signature during the selection process. The Tribunal relied on forensic expert opinion but further examination by the Central Forensic Science Laboratory confirmed that the petitioner's thumb impression matched his specimen. Thumb impression comparison was deemed more accurate than handwriting analysis. The Tribunal's order was quashed, and the respondent was instructed to appoint Amit Kumar to the notified post, providing consequential benefits but excluding back wages.

ASSOCIATION OF QUALIFIED AND TRAINED TECHNLOGISTS, AIIMS AND ORS. VS UNION OF INDIA AND ORS. [W.P.(C)-11527/2017]

Judges: Justice Amit Sharma, Justice C. Hari Shankar

Petitioners appointed as Laboratory Technicians at AIIMS in 1997 on a "purely temporary basis" are entitled to benefits under the Old Pension Scheme (OPS) as per Rule 13 of the Central Civil Services (Pension) Rules. Their appointments were explicitly stated as temporary, and they continued in this role until regularization in 2004. The interpretation of Rule 13 is to be expansive, allowing the petitioners to claim the benefits despite the temporary nature of their appointments.

AVNIT VS UNION OF INDIA AND ORS [W.P.(C)-4869/2021]

Judges: Justice Amit Sharma, Justice C. Hari Shankar

The respondents were required to operate the waitlist to fill remaining vacancies as per the circular, given that the petitioner approached the Tribunal within the specified one-year period. The judgment that restricted the operation of the waitlist for a second time was set aside. The respondents were directed to appoint the petitioner, a waitlisted candidate, to the post of Postman/Mail Guard within four weeks, effective from the date other candidates were appointed.

GAYA PRASAD VS UNION OF INDIA AND ORS [W.P.(C)-9082/2024]

Judges: Justice Amit Sharma, Justice C. Hari Shankar

The dismissal of the petitioner's miscellaneous applications was upheld due to the failure to include affected junior officers. The need to implead those impacted by the petitions was deemed essential, making the application invalid. The writ petition was dismissed without grounds for interference.

GOVT OF NCT DELHI AND ORS VS ARUN SINGH BHATTI [W.P.(C)-1358/2024]

Judges: Justice Amit Sharma, Justice C. Hari Shankar

The Central Administrative Tribunal incorrectly deemed the respondent's BSc degree in Information Technology equivalent to the required qualification of graduation in Computer Science for a Trained Graduate Teacher position. Determining equivalence of educational qualifications is a technical matter for authorities like the University Grants Commission and the All India Council of Technical Education. The Tribunal effectively altered the eligibility criteria by including a qualification not specified in the advertisement or Recruitment Rules.

MUNICIPAL CORPORATION OF DELHI VS DHARAMVEER SINGH AND ORS [W.P.(C)-16242/2024]

Judges: Justice Amit Sharma, Justice C. Hari Shankar

The order of the Central Administrative Tribunal was set aside and remanded for a fresh decision due to its inadequate treatment of the Municipal Corporation of Delhi's objections regarding the reliance on prior rulings that granted contractual employees the same salary and benefits as regular employees. The Tribunal was instructed to provide a reasoned order addressing the competing arguments and explaining the relevance of the precedents in light of the objections. No opinion was expressed on the merits of the dispute.

NEM SINGH VS UNION OF INDIA AND ORS. [W.P.(C)-10927/2019]

Judges: Justice Amit Sharma, Justice C. Hari Shankar

The petitioner, previously promoted to Loco Pilot (Goods) and later medically decategorized, is entitled to a pay scale of Rs. 9300-34800 with grade pay of Rs. 4200, despite being assigned to an alternative post. Rule 1303 of the Indian Railway Establishment Manual supports pay protection for medically decategorized employees without the need for prior duties in the higher pay scale. The order requires the respondents to assign the petitioner to a suitable post and adjust his salary accordingly, excluding back wages.

RAVINDER KUMAR VS GOVT. OF NCT DELHI THROUGH CHIEF SECRETARY & ORS [W.P.(C)-787/2020]

Judges: Justice Amit Sharma, Justice C. Hari Shankar

The recovery order of Rs. 6,13,773 from a Pharmacist was deemed impermissible as the petitioner had not given any undertaking regarding excess payment recovery during pay fixation. The previous dismissal of the petitioner's challenge was quashed, and the respondents were directed to release the recovered amount within four weeks, with interest applicable if not complied with.

SUNNY VS STAFF SELECTION COMMISSION & ORS. [W.P.(C)-16076/2024]

Judges: Justice Amit Sharma, Justice C. Hari Shankar

The petitioners were declared unfit for appointment as Constables in the Delhi Police due to defective color vision. The recruitment advertisement required candidates to be "free from defect/deformity/disease," which encompasses defective color vision. The standards for medical fitness in security and safety personnel were interpreted strictly, and the petitioners' condition met the disqualifying criteria. The writ petitions submitted by the three petitioners were dismissed.

SCHOOL MANAGEMENT OF RING MIDWAYS SENIOR SECONDARY PUBLIC SCHOOL AND ANR. VS MRS. AZAD DEVI AND ANR. [LPA-1139/2024]

Judges: Justice Amit Sharma, Justice C. Hari Shankar

The ad interim order to defreeze the bank accounts of the Ring Midways Senior Secondary Public School was upheld to ensure the payment of salaries to teachers and staff. The Letters Patent Appeal by the school management was dismissed as the order was reasonable and in the interest of staff welfare. It was noted that the discretion exercised was not arbitrary and complied with established legal principles. Compliance with the order is required, subject to further hearings scheduled for 26 November 2024.

UNION OF INDIA AND ANOTHER VS SH. VIVEK GUPTA AND OTHERS [W.P.(C)-16129/2024]

Judges: Justice Amit Sharma, Justice C. Hari Shankar

The Central Administrative Tribunal granted seniority from 2007 to a Northern Railway employee in the Assistant Executive Engineer grade, despite his joining in 2010. The employee was recommended for promotion in 2007, but his recommendation was delayed due to pending disciplinary proceedings. After exoneration, denying him seniority from 2007 would unjustly penalize him. The decision mandates his placement in the seniority list based on the 2007 panel, consistent with others from the recruitment process.

UNION OF INDIA AND ORS., VS ANIL THOMAS [W.P.(C)-16089/2024]

Judges: Justice Amit Sharma, Justice C. Hari Shankar

The writ petition filed by the Union of India was dismissed, upholding the Central Administrative Tribunal's decision to set aside the termination of the respondent's services as an MT Driver. The termination was based on allegations of habitual intoxication and unauthorized absenteeism, which required adherence to principles of natural justice and a formal inquiry. The absence of such an inquiry rendered the termination order stigmatic and punitive, leading to a direction for the respondent's reinstatement within 6 weeks. Authorities were permitted to proceed against the respondent for the alleged misconduct following applicable rules and laws.

UNION OF INDIA VS ASHISH ANAN [W.P.(C)-8567/2020]

Judges: Justice Amit Sharma, Justice C. Hari Shankar

The decision to reinstate a Delhi, Andaman and Nicobar Islands Police Service officer was upheld due to improper reasoning and mechanical issuance of suspension orders, which were in place for over 7 years while charges remained pending. The prolonged suspension was deemed unjustified and not consistent with established principles, leading to the dismissal of a petition challenging the reinstatement.

VAIBHAV SINGH VS SUNITA KEJRIWAL AND ORS. [W.P.(C)-8422/2024]

Judges: Justice Amit Sharma, Justice Neena Bansal Krishna

Unauthorized audio/video recordings of court proceedings made and circulated on social media violated the Delhi High Court Video Conferencing Rules, 2021. Social media platforms, including X, Meta, Instagram, and YouTube, were directed to remove these recordings immediately and to ensure they are not re-uploaded until further notice.

A. S. ISMAIL VS NATIONAL INVESTIGATION AGENCY [CRL.A.-873/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Limited custody parole was granted to A.S. Ismail to attend his daughter's wedding, extended from 5th to 13th November 2024 for 8 hours each day. The state will cover expenses, with security concerns considered due to Ismail's alleged ties to the Popular Front of India (PFI). He may travel by air if he pays for accompanying police officials; otherwise, the state will arrange travel.

ABDUL WAHID ALIAS SADDAM VS NATIONAL INVESTIGATION AGENCY [CRL.A.-283/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The appeal by Abdul Wahid Alias Saddam challenging the rejection of his bail application under Section 43-D(5) of the Unlawful Activities Prevention Act (UAPA) was dismissed. Evidence, including witness statements and intercepted communications, indicated reasonable grounds to believe the appellant's involvement in a conspiracy to circulate high-quality counterfeit Indian currency. This activity impacts the country's economic security and qualifies as a "terrorist act" under the UAPA. The application of the "twin-prong test" revealed the appellant did not meet the high threshold for bail, leading to the conclusion that the serious nature of the offenses and the ongoing trial warranted the maintenance of the trial court's decision.

ALOK KALIA VS CHARU AGRAWAL [FAO(OS)-48/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The issue of the maintainability of an appeal against a Single Judge's order in a Chamber Appeal under the Delhi High Court (Original Side) Rules, 2018 has been referred to a larger bench due to conflicting interpretations between two prior Division Bench judgments. The disagreement centers on whether the Single Judge's order is appellate in nature, thus subject to the restrictions of Section 100A of the Code of Civil Procedure, or if it functions as a review or re-examination, which would exempt it from being classified as an 'appeal'.

AMARDEEP SINGH NARANG VS UNION OF INDIA & ORS. [W.P.(CRL)-848/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The preventive detention orders against the petitioner under the PITNDPS Act were quashed due to the Detaining Authority's failure to consider that the petitioner had been granted bail in two out of three relevant cases. The nearly three years of the petitioner's prior incarceration and the lack of justification for issuing the detention order further contributed to the order's unsustainability. The Detaining Authority did not adequately address these critical factors.

AMIT TARA & ORS. VS DEEPAK TARA & ORS. [FAO(OS)-69/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The mandatory time limits in the Delhi High Court (Original Side) Rules, 2018 for filing a written statement are upheld, with a 120-day period that cannot be extended, even during settlement talks. Filing an application under Order VII Rule 11 CPC does not affect this time limit. An appeal seeking to condone the delay in filing the written statement was dismissed.

AMIT VASHISHT VS STATE (GOVT OF NCT) OF DELHI (THROUGH PS SPECIAL CELL) & ANR. [CRL.A.-588/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The appeal by victim Amit Vashisht led to the cancellation of interim bail for accused Bharat Bhushan Kataria in an IED blast case. The trial court's reliance on an outdated medical report for bail extension was deemed unjustified; recent reports from AIIMS and Tihar Jail Hospital indicated that treatment could continue during confinement. A pattern of the accused seeking hospital admission before court dates suggested an attempt to evade custody. The accused must surrender by 5th August 2024 but may be referred to a private hospital for emergencies at his own expense.

ASHISH SHARMA VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-2196/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

An independent assessment of Mr. Jibin Menon's mental health will be conducted by a team of three doctors at the Institute of Human Behaviour & Allied Sciences (IHBAS). The team must evaluate the adequacy of his current treatment, necessary changes in medication or living conditions, and determine if he requires rehabilitation or can live independently. Mr. Menon's bank accounts, mobile, laptop, and belongings will be returned to him by his wife, and he is permitted to stay with his friend, Mr. Ashish Sharma, during the assessment period.

ASHISH SHARMA VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-2196/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Mr. Jibin Menon, admitted to a de-addiction center by his wife, should be examined by a medical board at the Institute of Human Behaviour & Allied Sciences (IHBAS) to assess his medical condition and treatment needs. The IHBAS report indicates that Mr. Menon has Bipolar Affective Disorder, currently in remission, and is capable of living independently with some social support, without the need for inpatient treatment. The State Mental Health Authority, IHBAS, Delhi Police, and the Health Department are to conduct periodic random checks on the de-addiction center to ensure compliance with the Mental Healthcare Act, 2017 regarding the voluntary nature of inpatient admissions.

ATUL KUMAR GUPTA VS UNION OF INDIA AND ORS [W.P.(CRL)-3813/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The validity of the Look Out Circulars (LOCs) issued against Rajesh Kumar Gupta and Atul Kumar Gupta by the NCB-India (INTERPOL), CBI, has been upheld based on a Red Corner Notice from INTERPOL at the request of South Africa. The LOCs were issued because the petitioners are wanted for prosecution in South Africa. The petitioners may continue to stay in India, but any request for provisional arrest or extradition from South Africa will be processed according to the law.

BALAJI SAI RAM SABINKAR VS STATE NCT OF DELHI AND ORS. [W.P.(CRL)-2203/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The complaint against Mr. Sabinkar Dilip under Sections 376 and 506 IPC was found to be potentially collusive or made under pressure, as the complainant was living with him after his bail, violating bail conditions. The situation was deemed pre-planned to mislead authorities. The complainant and the petitioner's family were ordered to avoid contact, and the police were instructed to escort the complainant to her residence. The writ petition was disposed of.

BHARAT KUMAR VS THE STATE NCT OF DELHI AND ORS. [W.P.(CRL)-2761/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The writ of habeas corpus filed by Bharat Kumar for the production of his wife, Smt. Maya Devi, was found to be not maintainable. Smt. Maya Devi, initially missing, later stated that she left her matrimonial home voluntarily due to discord with her husband and expressed that she did not wish to return. Consequently, the complaints under Sections 156(3) and 200 Cr.P.C. were dismissed, as Smt. Maya Devi, being a major, could not be compelled to accompany her husband.

BONANZA ENTERPRISES VS THE ASSISTANT COMMISSIONER OF CUSTOMS & ANR. [W.P.(C)-7510/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The Order-in-Original against Bonanza Enterprises was set aside due to improper service of the Show Cause Notice and hearing notices. Notices were only sent by registered post/speed post, not by email as allowed under the Customs Act. A fresh Show Cause Notice must be served via email to the petitioner and their counsel, allowing four weeks for a reply and granting a personal hearing, with adjudication to occur within three months. Communication of this order is to be sent to the Chairman, Central Board of Customs and Indirect Taxes to ensure proper notice service.

CHEGG INDIA PVT LTD VS UNION OF INDIA & ORS. [W.P.(C)-1062/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The appeals against the orders-in-original (OIOs) rejecting refund applications are deemed to be within the limitation period due to timely online filing, despite delays in physical submission. The amendment to Rule 108 of the CGST Rules is considered clarificatory and applied retrospectively. Appeals against OIA No. 105-115 and OIA No. 131 are remitted for merit consideration, with a requirement to deposit Rs. 25,000 as costs. The petition concerning OIA No. 132 is rejected due to late online filing.

CHETAK LOGISTICS LTD VS UNION OF INDIA & ORS. [W.P.(C)-17270/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The order by the Assistant Commissioner, DGST, that dismissed Chetak Logistics Ltd.'s reply to a show-cause notice was quashed due to the repetitive language used, indicating insufficient consideration. Authorities must rehear the matter and issue a reasoned order after reviewing the petitioner's response. The validity of notifications under Section 168A of the CGST Act remains open for future contestation by the petitioner.

CHINA DEVI VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-2298/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The children, Ms. R and Master S, will continue living in their family home in Kashipur, Uttarakhand, where they have been residing and studying. After discussions with the family, it was concluded that their welfare is best served by remaining in that environment. The family of the first wife is directed to accommodate the petitioner, China Devi, within the family home to prevent discord. No examination of property disputes occurred, with a recommendation for the parties to seek resolution while prioritizing the children's interests.

COMMISSIONER OF INCOME TAX CENTRAL II VS STANDARD FARMS PVT. LTD. & ANR. [W.P.(C)-9411/2014]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The review petitions by Standard Farms Pvt. Ltd. and Raheja Builders Pvt. Ltd. were dismissed due to the absence of apparent errors in the prior order from July 21, 2017. Immunity from prosecution and penalty under Section 245H(1) of the Income Tax Act requires explicit satisfaction on two conditions: the Assessee's cooperation and full disclosure of income. The orders from the Income Tax Settlement Commission (ITSC) lacked sufficient reasoning to demonstrate compliance with these conditions. The matter was remanded to the ITSC for a new decision regarding immunity, with a directive to conclude the process within four months.

COMPTROLLER AND AUDITOR GENERAL OF INDIA VS NAGENDRA LAKHARA & ORS. [W.P.(C)-16730/2024]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
The Central Administrative Tribunal allowed 17 applicants to provisionally register and sit for the Subordinate Accounts Service examination, despite a Comptroller and Auditor General circular prohibiting new departmental candidates due to a lack of vacancies. This decision serves as an interim measure to prevent an irreversible situation and applies only to the upcoming exam scheduled for December 17-23, 2024. Any further relief for unsuccessful candidates must be pursued through the Tribunal, pending the final outcome of a challenge to the CAG's policy. The validity of the CAG's circular will be addressed at a later stage.

COURT ON ITS OWN MOTION VS ABHINAV KATHURIA [CONT.CAS.(CRL)-8/2024]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
The respondent used abusive language in the Family Court during a heated custody dispute but apologized, attributing the outburst to emotional stress. An acceptance of the apology was contingent upon a R.S. 25,000 deposit to the Delhi High Court Legal Services Committee. The contempt proceedings were discharged based on the overall circumstances of the case.

COURT ON ITS OWN MOTION VS ASHISH KUMAR [CRL.C.REF.-1/2024]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
The criminal contempt reference against Ashish Kumar was disposed of following his unconditional apology. The long pendency of over 30 years of his underlying criminal case regarding the alleged disappearance and killings of family members was noted, which may have led to his frustration and allegations against the presiding judge. The trial court was directed to conclude the proceedings expeditiously, avoiding unnecessary adjournments.

COURT ON ITS OWN MOTION VS PRADEEP AGGARWAL [CONT.CAS.(CRL)-1/2023]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
Mr. Pradeep Aggarwal was found guilty of criminal contempt for attempting to extract money from respondents to withdraw a writ petition, which obstructed judicial proceedings. Considering his age and medical condition, he was sentenced to remain in court until its rising and to deposit Rs. 1 lakh to the Delhi High Court Legal Service Committee.

COURT ON ITS OWN MOTION VS RAJESH GIROTHIYA AND ORS. [CONT.CAS.(CRL)-4/2024]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
Mr. Rajesh Girothiya and Mr. Pavitra Dubey, Advocate, committed criminal contempt by obstructing a local commissioner appointed to execute an order at the defendants' premises. Their actions included offensive arguments, threats, and insults towards the commissioner, undermining the authority of the court. Despite their unconditional apologies, monetary penalties were imposed, including costs and donations to specific funds, with the apologies considered due to their young age. A warning was issued regarding the potential erosion of public trust in the judicial system if such conduct continues.

COURT ON ITS OWN MOTION VS RAKESH KUMAR ADVOCATE [CONT.CAS.(CRL)-11/2024]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
The respondent advocate displayed disrespectful and provocative behavior before the Presiding Officer, as detailed in a report. An unconditional apology was accepted, and no further action was taken. The advocate was cautioned to conduct himself more appropriately in the future, with a revival of the contempt petition considered if similar conduct occurs again.

COURT ON ITS OWN MOTION VS RANJIT SINGH ADVOCATE [CONT.CAS.(CRL)-12/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Allegations of bias and extortion made by the respondent advocate against the presiding officer of the Family Court were deemed distasteful and scandalous, constituting contempt of court. The advocate's unconditional apology was accepted, expressing regret for the conduct, with a caution to avoid such behavior in the future. The contempt reference was disposed of.

COURT ON ITS OWN MOTION VS SANJAY RATHOD (ADVOCATE) [CONT.CAS.(CRL)-8/2015]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Contempt proceedings against the respondent advocate can continue despite a prior conviction for the same incident. The respondent's abusive language toward a female judicial officer and appearing in court intoxicated constituted criminal contempt. However, having served over 5 months in jail for the related criminal case, no further sentence for contempt was imposed, and the contempt petition was disposed of.

COURT ON ITS OWN MOTION VS SANJEEV KUMAR [CONT.CAS.(CRL)-5/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Sanjeev Kumar's conduct and language were deemed to constitute criminal contempt of court due to a pattern of filing multiple frivolous complaints against judicial officers and judges, which scandalized the court and interfered with justice. He received a sentence of 4 months' simple imprisonment and a fine, with no demonstration of remorse. His request to suspend the sentence for approaching the Supreme Court was denied, given his history of vilification against the courts.

COURT ON ITS OWN MOTION VS STATE [CRL.REF.-4/2021]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Three questions regarding the non-updation of the Online Criminal Dossier System maintained by the State Crime Record Bureau (SCRB) were addressed, revealing that the SCRB's database often lacks updated information on court cases. A recommendation was made for the SCRB and the National Informatics Centre (NIC) to develop a technical solution to synchronize the Inter-operable Criminal Justice System (ICJS) with the Police's Criminal Database. Regular meetings were scheduled within two weeks for both entities to report on the proposed solution and its implementation timeline.

COURT ON ITS OWN MOTION VS STATE [CRL.REF.-4/2021]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The state's failure to regularly update the criminal dossier system violates the fundamental rights of the accused under Articles 21, 19, and 14 of the Constitution. An outdated criminal dossier can lead to defamatory implications for an acquitted individual. Discrepancies in the SCRB data, including misallocation of cases between individuals with similar names, highlight the need for accurate data representation. The police are instructed to follow the prescribed Standard Operating Procedure until the ICJS portal is fully operational, and seamless data sharing between the police and courts is emphasized. The e-Committee of the Supreme Court is tasked with considering data synchronization between the ICJS and the SCRB.

COURT ON ITS OWN MOTION VS STATE [CRL.REF.-3/2021]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The Special Judge's order referring questions of law was deemed not maintainable because the case from which the reference arose had already been dismissed. A valid reference under Section 395(2) of the Criminal Procedure Code requires a 'case' pending before a court. The registration of FIRs is at the police officer's discretion when information indicates a cognizable offense, with no court interference allowed until a final report is filed. The order was set aside, and the CBI's application for issuance of letter rogatory was remanded for fresh consideration before a different judicial officer.

COURT ON ITS OWN MOTION VS STATE [CRL.REF.-3/2019]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The proviso to Section 311A of the Code of Criminal Procedure is directory, not mandatory, meaning arrest before providing specimen signatures or handwriting is not required. This interpretation aligns with the principle that an arrest is at the discretion of the investigating officer. The newly enacted Bharatiya Nagarika Suraksha Sanhita, 2023 further supports this by allowing a magistrate to request specimens without necessitating prior arrest.

COURT ON ITS OWN MOTION VS ZENITH MINING PVT LTD & ANR [CONT.CAS(C)-147/2012]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The review application filed by Mohd. Javed Sultan was dismissed, seeking recall of an order that directed a complaint against Zenith Mining Pvt Ltd, its chairman Syed Najam Ahmed, and CEO Mohd. Javed Sultan for offenses under Section 193 IPC concerning a fabricated letter from August 12, 2004. It was established that the letter was not part of the record, and a show cause notice regarding contempt and document fabrication had been issued. No grounds for recalling the earlier order were found, as the matter had been previously addressed, and it was clarified that earlier observations would not impact the final trial.

COURTS ON ITS OWN MOTION IN RE: SUICIDE COMMITTED BY SUSHANT ROHILLA, LAW STUDENT OF I.P. UNIVER VS ..... [W.P.(CRL)-793/2017]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The issue of mandatory attendance requirements for undergraduate and postgraduate courses will be examined at a higher level. A committee will be formed to study factors such as teaching methods, mental health impacts, the distinction between professional and non-professional courses, and global practices. Consideration will be given to whether attendance should be mandatory or if minimum standards or encouragement would be more appropriate.

COURTS ON ITS OWN MOTION IN RE: SUICIDE COMMITTED BY SUSHANT ROHILLA, LAW STUDENT OF I.P. UNIVER VS ..... [W.P.(CRL)-793/2017]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The High Court of Delhi examines mandatory attendance requirements in response to a law student's suicide. The Bar Council of India enforces a 70% attendance rule but is open to reassessing it due to student mental health concerns. The Union government's Ministry of Education has been directed to conduct a stakeholder consultation on attendance norms. Affidavits are requested from various educational regulatory bodies regarding their attendance policies. Additionally, the possibility of Amity Law School providing compensation to the deceased student's family is being considered, with an emphasis on student welfare and potential changes to existing norms.

COURTS ON ITS OWN MOTION IN RE: SUICIDE COMMITTED BY SUSHANT ROHILLA, LAW STUDENT OF I.P. UNIVER VS ..... [W.P.(CRL)-793/2017]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The University Grants Commission (UGC) is mandated to issue a circular for educational institutions to establish Grievance Redressal Committees for students within two weeks. The Department of Higher Education must initiate stakeholder consultations regarding mandatory attendance norms for undergraduate and postgraduate courses. Details are required on the institutions receiving the UGC circular and the results of a consultation meeting from October 7, 2024. The Bar Council of India's Legal Education Committee is permitted to convene to discuss attendance requirements for the LL.B. degree program, taking into account prior considerations. This case is ongoing and being heard collectively.

DALMIA FAMILY OFFICE TRUST & ANR. VS GETAMBER ANAND & ORS. [CONT.CAS.(CRL)-5/2021]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The order by the sole arbitrator for initiating criminal contempt proceedings against the respondents was upheld. The respondents made malicious and false allegations against the arbitrator, interfered with justice, and tampered with fabricated evidence. Various challenges to the arbitrator's impartiality were rejected. The arbitral tribunal has the same contempt powers as a civil court. An apology from respondent No. 1 was accepted, and a fine of Rs. 10 lakhs was imposed to be paid to a charitable organization, along with Rs. 3 lakhs in costs to the petitioners, with a warning against future misconduct.

DELHI TOURISM & TRANSPORTATION DEVELOPMENT CORPORATION LTD VS M/S GRAVISS CATERING PVT LTD [FAO(OS) (COMM)-108/2019]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The arbitral award in favor of Graviss Catering Pvt Ltd was upheld, with a modification to reduce the interest rate from 12% to 6% per annum. The decisions on the claims for refund of license fee, compensation for loss of profits, and other expenses were deemed reasonable and supported by evidence. It was established that the license deed allowed banqueting services, indicating no misuse of the premises. The previous writ petition did not result in res judicata since the disputes were appropriately referred to arbitration according to the license deed's arbitration clause. The appeal by Delhi Tourism & Transportation Development Corporation Ltd against the arbitral award's dismissal was disposed of.

DELHI GYMKHANA CLUB LIMITED VS COL ASHISH KHANNA SM RETD & ORS. [FAO(OS)-102/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The filing of the written statement in a non-commercial suit is subject to a total time limit of 120 days as outlined in Rule 4 of Chapter VII of the Delhi High Court (Original Side) Rules, 2018. The argument that the time between the issuance of summons and the appearance of new management should be excluded from this period was rejected, as the summons was accepted on behalf of the appellant on the first date. The validity of Rule 4 is upheld, indicating it cannot be circumvented, even in exceptional circumstances. The appeal was dismissed.

DEPUTY DIRECTOR (THROUGH SHRI YOGESHWAR SHARMA, DY DIRECTOR) VS M/S KRBL LTD & ANR [MISC. APPEAL(PMLA)-2/2020]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Possession of the properties attached under the Prevention of Money Laundering Act (PMLA) remains with KRBL Ltd., subject to the attachment order. The Enforcement Directorate (ED) must deposit Rs. 11.13 crores (from KRBL) in a separate interest-bearing fixed deposit. The Appellate Tribunal will decide on interim relief and whether to refund the amount to KRBL. Interim orders do not affect the final adjudication of the appeal.

DR RICH DHAMIJA VS STATE NCT DELHI [W.P.(CRL)-2132/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

A medical board at AIIMS will examine Dr. Kamal Kumar Rattan's mental and physical condition due to concerns about cognitive impairment. His family members managing his assets are required to disclose details of his movable and immovable assets, with restrictions on withdrawals from his bank accounts to day-to-day expenses only. Additionally, Mr. Tola Kant Pandey and his family must file an affidavit detailing financial transactions with Dr. Rattan.

DR RICH DHAMIJA VS STATE NCT DELHI [W.P.(CRL)-2132/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

A Guardianship Committee has been appointed to protect the physical, mental, and medical well-being of Dr. Kamal Kumar Rattan, who suffers from dementia and is unable to make decisions. This committee will secure Dr. Rattan's assets, address potential misappropriation, and ensure his medical care, in line with the Mental Healthcare Act, 2017, and the Rights of Persons with Disabilities Act, 2016.

FARIDA ALIYEVA VS COMMISSIONER OF CUSTOMS [W.P.(C)-16113/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The seizure proceedings and detention of the petitioner's gold jewelry, consisting of a necklace and bracelet weighing 0.178 grams, were quashed. The jewelry was exempt under the Baggage Rules for "used personal effects and travel souvenirs" for foreign nationals, as the petitioner was wearing it upon arrival from Azerbaijan. Previous rulings established that personal ornaments worn by foreign nationals are not subject to seizure.

GHANSHYAM VS THE STATE (GOVT. OF N.CT DELHI) & ORS. [W.P.(CRL)-2845/2022]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The petitioner's daughter had deliberately remained untraceable despite police efforts. She informed the police via a letter on October 24, 2018, stating that she had married and did not wish to meet her father due to existing rape cases against him. The authenticity of the letter's signatures could not be conclusively verified, and the investigation had not revealed her location. Police are directed to continue the investigation and file quarterly status reports to the concerned magistrate, with updates provided to the parents. The petition was disposed of.

HARIOM KAUSHIK VS THE STATE (NCT OF DELHI) AND ORS. [W.P.(CRL)-2117/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

A writ petition was filed by a father seeking the production of his 4-year-old daughter amidst parental discord. The child will continue living with the mother in Germany, where she is comfortable. Daily video calls for at least an hour are to be arranged to maintain their bond. The father has the option to visit his daughter in Germany, with the mother agreeing to facilitate these visits and allowing the child to spend time with paternal grandparents during trips to India. An interim order addressing key issues in the case has been established.

HARISH JAMWAL VS UNION OF INDIA & ORS. [W.P.(CRL)-2183/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The writ petition seeking a writ of habeas corpus for a child taken to Bangladesh by the petitioner's wife was dismissed. The petitioner had approached the Supreme Court of Bangladesh, which allowed him to meet the child under the supervision of a social welfare officer. Since both the child and the wife are in Bangladesh, outside the jurisdiction of the Delhi High Court, no further directions could be issued. The Ministry of External Affairs was instructed to share any information from Bangladeshi authorities with the petitioner and his counsel, and the petitioner was advised to utilize the visitation rights granted by the Supreme Court of Bangladesh.

HARISH VERMA VS STATE NCT OF DELHI AND ORS. [W.P.(CRL)-2244/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The interim custody arrangement between the divorced parents was modified. The children will reside with the father in Delhi, attend school there, and visit the mother for three days every fortnight as well as during vacations and festivals. The father is required to improve living conditions, hire a cook and domestic help, ensure daily communication between the children and the mother, and add the mother's number to the children's school groups. A contempt notice against the father was discharged, contingent on his payment of Rs. 25,000 to the mother in installments.

SADIYA ANWAR SHAIKH VS NATIONAL INVESTIGATION AGENCY [CRL.A.-784/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Hina Bashir Beigh (A-2) and Sadiya Anwar Shaikh (A-4) were convicted under Sections 38(2) and 39(2) of the Unlawful Activities (Prevention) Act for membership in and support to terrorist organizations. Their sentences were modified from 8 years and 7 years to 6 years each, to be served concurrently, after considering aggravating and mitigating factors. The decision acknowledged that the accused could not claim complete parity with another co-accused who received a different sentence, emphasizing the specific roles and circumstances of A-2 and A-4. The modifications do not affect pending appeals related to the order on charge.

HOLY LAND MARKETING PRIVATE LIMITED VS SALES TAX OFFICER CLASS II/AVATO WARD 205 ZONE 11, DELHI & ORS. [W.P.(C)-17637/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The impugned order by the Sales Tax Officer was set aside due to its cryptic and templated nature, lacking proper reasoning and application of mind. The officer's use of identical language in previous cases was disapproved. The order was quashed and the matter was remanded for fresh consideration of the show-cause notice and petitioner's replies, to be adjudicated by a different officer, allowing the petitioner one hearing opportunity.

JAGTAR SINGH JOHAL @ JAGGI VS NATIONAL INVESTIGATION AGENCY [CRL.A.-577/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

A batch of seven appeals filed by Jagtar Singh Johal challenging bail rejections in cases by the National Investigation Agency was dismissed. The re-filing of the appeals occurred after the allowed 30-day period, treated as a fresh filing due to delays in curing defects. There is ongoing examination by the Supreme Court regarding the interpretation of the 90-day period under Section 21(5) of the NIA Act. Evidence against Johal indicated reasonable grounds to believe the allegations were prima facie true. The seriousness of the offenses and concerns about the potential for absconding or witness tampering led to the rejection of bail applications. The trial court was directed to expedite proceedings, and the NIA was instructed to present evidence from protected witnesses promptly.

JAVED ALI @ JAVED VS NATIONAL INVESTIGATION AGENCY [CRL.A.-576/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Javed Ali's appeal to set aside the dismissal of his bail application was successful. He faces charges under Section 120B IPC and Sections 17, 18, 40 of the UAPA, but the evidence presented, mainly an audio recording of a conversation with alleged LeT operative Shaikh Abdul Naeem, was deemed insufficient to deny bail under Section 43D(5) of the UAPA. Several co-accused have been discharged, and the lengthy incarceration of over 4 years, with only 9 out of 221 witnesses examined, contributed to the decision. Bail was granted upon furnishing a personal bond and adherence to specified conditions.

JCB INDIA LIMITED & ANR VS THE COMPETITION COMMSIION OF INDIA & ANR [W.P.(CRL)-1823/2016]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

CCI proceedings cannot continue following the settlement of a design infringement dispute between JCB India Limited and Bull Machines Pvt. Ltd. Mediation has resolved the underlying issue, negating the basis for the CCI's inquiry regarding JCB's alleged abuse of dominant position. The sanctity of mediation settlements must be upheld, as allowing further inquiry would undermine the principles of alternative dispute resolution. Consequently, the CCI's order for an inquiry and a search and seizure order by the Metropolitan Magistrate have been set aside.

JOYI KITTY JOSEPH VS UNION OF INDIA & ORS. [W.P.(CRL)-1901/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The preventive detention order against Sameer Haroon Marchant, a habitual smuggler involved in a syndicate for smuggling gold into India, was upheld. The Detaining Authority deemed it necessary to prevent future smuggling activities, finding that ordinary law would not suffice given the Detenu's history. The Authority's reliance on relevant material, including past smuggling involvement, and adherence to the COFEPOSA Act's procedures justified the order.

JYOTI SHARMA VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-3917/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Jyoti Sharma's habeas corpus petition was dismissed as the facts did not support a genuine case. It was established that she left her matrimonial home voluntarily and was living with another person in Mumbai, contradicting the petition's allegations. The petition was considered an abuse of legal process, resulting in a cost of Rs. 10,000 to be paid to the Delhi High Court Legal Services Committee. The latest address of the petitioner was to be provided to her husband.

KAILASH HARIJAN VS GOVT OF NCT OF DELHI AND ORS. [W.P.(CRL)-762/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

A writ petition was filed by Kailash Harijan for the production of his missing daughter and grandson. Both were located in Bihar and presented, with the daughter showing no objection to returning with her father. Arrangements were made for her to return to her matrimonial home after the Chhatt Pooja festival. Medical treatment was ordered for her at Janakpuri Super Speciality Hospital due to concerns about her mental health. Police efforts in locating the missing individuals were acknowledged.

KULDEEP SINGH SENGAR VS CENTRAL BUREAU OF INVESTIGATION [CRL.A.-53/2020]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Kuldeep Singh Sengar received one month of interim bail after being convicted under multiple sections of the IPC and the POCSO Act. The bail was granted due to his medical condition, supported by an AIIMS Medical Board report detailing various treatments. Instead of the requested five-month suspension, he is to surrender on January 20, 2025, following a medical consultation. Conditions of the interim bail include movement restrictions, a 24-hour police guard at his residence, and daily monitoring by a CBI officer, alongside concerns about excessive visitors during his hospital stay.

KUMESHWAR DAYAL SAMMI VS THE STATE (GOVT. OF NCT DELHI) & ORS. [W.P.(CRL)-716/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The earlier family settlement and relinquishment deed between brothers Jagdish and Rajeev Malhotra were declared null and void. This allows the parties to execute a new relinquishment deed concerning property No.194/5A/1, Gali No. 13-14, Bhola Nath Nagar, Shahdara, Delhi-110032. The principles of family settlement under Order XXXII A of the Code of Civil Procedure were applied to resolve the dispute and implement the previously agreed settlement.

LOKESH @MACHCHHAR VS STATE OF NCT OF DELHI [CRL.A.-764/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The prosecution established the appellant's presence at the scene but failed to prove intent to kill. Multiple inconsistencies in the evidence led to the conclusion that the case was akin to culpable homicide not amounting to murder under Section 304 Part II of the Indian Penal Code. The appellant's conviction was modified to Section 304 Part II, resulting in an 8-year prison sentence and a fine of Rs. 25,000.

M S CIENA COMMUNICATIONS INDIA PVT LTD VS THE PRINCIPAL COMMISSIONER OF CUSTOMS IMPORT & ORS. [W.P.(C)-14512/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The mere pendency of the Revenue Department's appeal against a CESTAT order does not allow for provisional assessment of the Petitioner's imported goods. The goods, classified under CTH 851770 and granted exemption under Notification No. 24/2005, must be released according to the CESTAT's classification, pending the Supreme Court's final decision. In the absence of a stay on the CESTAT order, the release of the goods is required.

MAERSK LINE INDIA PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-945/2014]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The Customs Department is instructed to de-stuff and release 170 out of 658 pending containers to the shipping companies within 30 days. For the remaining containers with goods transferred to CONCOR, CONCOR may auction or dispose of them and release the containers within 90 days. Containers associated with ongoing Police or Court cases shall be de-stuffed and released to the shipping lines within 3 months in the presence of investigation agency officials. Legal issues raised in the petitions remain open, given the unique circumstances of the case, which has been pending for several years.

MAYA KUMARI VS STATE (GOVT. OF NCT DELHI) AND ORS [W.P.(CRL)-1811/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Ms. Maya Kumari's habeas corpus petition regarding custody of her child, Master 'X', resulted in the child remaining with the respondent father, Mr. Sachin Awana. An interim arrangement permits the petitioner to visit the child every weekend at the Delhi High Court Mediation Centre or the father's residence in Faridabad. Both parties may pursue further remedies under the Guardians and Wards Act, 1890.

MAZHAR ULLAH VS STATE NCT OF DELHI [W.P.(CRL)-1974/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The writ petition challenging orders granting judicial custody remand was dismissed. The police followed required procedures under Section 41A of the CrPC, informed the petitioner of the grounds for arrest, and the magistrates properly considered the remand requests. The judicial orders validating the detention were seen as lawful, and the petitioner had pending bail applications.

MEENAKSHI VS STATE NCT OF DELHI [W.P.(CRL)-3053/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The habeas corpus petition filed by Meenakshi was dismissed due to baseless allegations against the police. Anju, the sister-in-law allegedly detained, had returned home on September 30, 2024. CCTV footage showed no evidence of coercion against the family. The focus of the investigation was directed toward the death of a police constable, criticizing the petition as a diversionary tactic by the accused's family.

MOHD ABDUL REHMAN VS STATE NCT OF DELHI [CRL.A.-280/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Mohd. Abdul Rehman was convicted under Sections 18 and 18B of the Unlawful Activities (Prevention) Act, 1967 (UAPA). Evidence demonstrated his association with Al-Qaeda in the Indian Subcontinent, connections with co-convicts, delivery of inflammatory speeches to incite hatred, recruitment of youth for arms training, and covert travel to Pakistan, likely on fake documents. This evidence indicated involvement in a conspiracy to commit preparatory acts for a terrorist activity, even without a specific terrorist act identified. Multiple co-convicts were also convicted alongside him.

MR. VISUVANATHAN RUDRAKUMARAN VS THE UNION OF INDIA & ANR. [W.P.(CRL)-3354/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The writ petition by Mr. Visuvanathan Rudrakumaran, Prime Minister of the Transnational Government of Tamil Eelam, challenging the Unlawful Activities (Prevention) Tribunal's rejection of his application for impleadment regarding the ban on the Liberation Tigers of Tamil Eelam was dismissed. Judicial review under Article 226/227 of the Constitution was deemed limited, particularly in national security matters. The Tribunal's rejection was not considered perverse or arbitrary as Rudrakumaran was not affiliated with the banned LTTE and his organization was distinct from it. Additionally, the delay in challenging the order and the advanced stage of proceedings contributed to the decision not to interfere.

MUKESH KUMAR SEN VS STATE NCT OF DELHI & ORS. [W.P.(CRL)-2478/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The marriage between the petitioner's daughter and her uncle is declared void due to false representation of marital status in the marriage certificate. The circumstances of the marriage ceremony at the Arya Samaj Mandir raised concerns. The Mandir is instructed to verify the marital status of parties and the authenticity of witnesses in future ceremonies. Remedies for the petitioner's sister, the wife of the uncle, regarding maintenance, residence, and domestic violence remain available.

NASREEN MOHSIN CHOUDHARY VS NATIONAL INVESTIGATION AGENCY [CRL.A.-391/2022]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The attachment of a property jointly owned by Nasreen Mohsin Choudhary and her husband, a proclaimed offender, was upheld. The appeal was deemed maintainable under Section 21 of the NIA Act. However, the request for the appellant to reside in the attached property was denied to uphold the intent of the special provisions aimed at securing the proclaimed offender's appearance. The property will remain attached with the NIA, and its sale requires further orders from the trial court. The appellant can remove her belongings from the property under NIA supervision.

NEHA BHATI VS THE STATE OF NCT OF DELHI THROUGH THE STATION HOUSE OFFICER & ANR. [W.P.(CRL)-2104/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

A writ petition was disposed of seeking the production of a 13-year-old boy, Master 'A'. The child expressed a preference to stay with his father, which was accepted, and arrangements were made accordingly. The previous school, Cambridge International School, was instructed to re-admit the child and provide support. A visitation schedule for the mother was established for periodic contact with the child.

NOWA BAI & ANR. VS STATE [CRL.A.-381/2002]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The prosecution could not prove the case against Nowa Bai beyond reasonable doubt, despite dying declarations. Lack of corroborative evidence and factors such as the absence of kerosene oil smell on the deceased's body and no forensic examination of seized articles created reasonable doubt. Nowa Bai was acquitted of offences under Sections 302/34 of the Indian Penal Code. Kalabai, a co-appellant, had previously been released on bail.

O.M.A. SALAM VS NATIONAL INVESTIGATION AGENCY [CRL.A.-564/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

O.M.A. Salam, chairman of the Popular Front of India (PFI), had his appeal for interim bail denied due to a lack of extraordinary circumstances, despite his wife's mental health issues. His influential position in the recently banned PFI and serious allegations of inciting violence in Kerala raised concerns about flight risk and potential witness intimidation. The observations made do not impact Salam's regular bail application.

PABBAR GIRI @VIJAY VS UNION OF INDIA AND ORS. [W.P.(CRL)-2114/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The detention order against Pabbar Giri @ Vijay under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 was set aside due to an unreasonable delay by the Sponsoring Authority in proposing the detention, despite the petitioner being in judicial custody with a dismissed bail application. The Detaining Authority did not provide an explanation or meet conditions for issuing a detention order for someone already in custody. Additionally, there was no live link between the petitioner's alleged activities and the detention order, as he was already immobilized in judicial custody.

PAWAN GUPTA VS UNION OF INDIA & ANR [W.P.(CRL)-2089/2017]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The detention order against the petitioner under the COFEPOSA Act remains valid despite delayed execution, as the petitioner has been absconding and evading the law. Attempts to conceal information related to passports demonstrate efforts to obscure movements during the relevant period. The petition was dismissed, with an indication that the petitioner's representation may be considered if he surrenders.

PHALUTA BAI VS GOVERNMENT NCT OF DELHI & ORS. [W.P.(CRL)-3426/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The date of birth on Ms. X's Aadhaar card, indicating she is approximately 20 years old, is prioritized over the conflicting date in school records due to the Aadhaar card being a government-issued document with greater evidentiary value. The school records lacked primary evidence to substantiate their date of birth, and a significant discrepancy of 3.5 years raised doubts about their credibility. The burden of proof regarding the girl's minority rested with her mother, which was not established. Ms. X, recognized as an adult, expressed her desire to remain with Mr. Shivank Mishra, her claimed spouse. Consequently, the habeas corpus petition was disposed of, allowing Ms. X to accompany Mr. Mishra.

PRADEEP KUMAR NEHRA VS UNION OF INDIA & ORS. [W.P.(CRL)-2332/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The preventive detention order against Pradeep Kumar Nehra under the COFEPOSA Act was invalid because the detaining authority did not adequately consider the rejection of his repeated bail applications and failed to establish a real likelihood of his release from judicial custody. The absence of awareness regarding his existing custody and potential release justified setting aside the detention order and the confirmation order.

RAHUL VS STATE GOVT OF NCT DELHI AND ORS. [CRL.A.-498/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The conviction of Rahul for murder and attempt to murder was modified to culpable homicide not amounting to murder under Part II of Section 304 and Section 308, respectively. The circumstances indicated a lack of clear intention to kill, as the shooting occurred during a sudden altercation. The sentence was adjusted accordingly.

RAJA JASWANT SINGH VS UNION OF INDIA & ORS. [W.P.(CRL)-1231/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The detention orders dated 29th November, 2023, and 19th February, 2024, against Raja Jaswant Singh under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, are invalid due to inaccuracies in the Detaining Authority's statements regarding a chargesheet in the Jodhpur case and an inadequate explanation for a delay of over 2 years and 10 months in issuing the orders. Furthermore, the need for detention was not sufficiently justified given the petitioner's existing judicial custody. The judgment focused solely on the detention orders without affecting pending criminal cases.

SANTRAM VS STATE OF NCT OF DELHI [CRL.A.-553/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Raja Ram and Santram's appeals regarding their conviction under Sections 302 and 201 of the Indian Penal Code have been partly granted. The incident was characterized as a sudden quarrel rather than premeditated murder. Consequently, their conviction has been converted from Section 302 (murder) to Section 304 Part II (culpable homicide not amounting to murder) due to a lack of premeditation and the presence of sudden provocation. Their sentences have been commuted to the time already served, along with a fine.

RAJIV@MONU VS THE STATE (NCT OF DELHI) & ANR. [CRL.A.-627/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The appeal of Rajiv @ Monu against his conviction under Sections 302/34 of the Indian Penal Code was allowed due to the prosecution's failure to prove the case beyond reasonable doubt. The deceased did not identify the appellant to the police despite familiarity, raising doubts about his involvement. Testimonies from prosecution witnesses contained contradictions regarding the appellant's presence and role. The lack of evidence establishing a common intention with co-accused under Section 34 IPC further contributed to the decision. The prosecution did not convincingly meet its burden of proof, leading to the appellant's acquittal and release from custody, with an order on compensation upheld.

RAJNEESH KUMAR RATHORE VS UNION OF INDIA & ORS. [W.P.(CRL)-2875/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The Indian embassy officials must ensure the well-being of detainee Devanshu Rathore by providing proper consular access and legal assistance. The embassy is in contact with Rathore's family and is pursuing his extradition to Monaco. The petitioner's family is to submit their concerns to the Joint Secretary in the Ministry of External Affairs for communication with the Indian Embassy in Baku and Rathore's lawyer.

RAKESH ALIAS DHANNA VS STATE NCT OF DELHI & ORS. [W.P.(CRL)-3863/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Rakesh alias Dhanna, convicted and sentenced to life imprisonment in 2011, has served over 17 years. His conduct during incarceration has been satisfactory, and the Sentence Review Board recommended his premature release. An explanation for a delay in surrendering was deemed sufficient, with no malafide intention. Consequently, the punishment for the delay was set aside, and his release was directed if not needed in other cases.

RAM PREET VS STATE [CRL.A.-475/2020]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The accused was alleged to have touched the private parts of a 3-year-old survivor, but no evidence of penetration was found. A medical examination indicated only redness without signs of injury or penetration. The survivor's testimony showed inconsistencies compared to the initial complaint and FIR. The accused received a conviction under Section 354B of the Indian Penal Code and Sections 7/8 of the POCSO Act, applying the provision with greater punishment under Section 42 of the POCSO Act.

RATTAN SINGH VS UNION OF INDIA & ANR. [W.P.(C)-11695/2022]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The Land Acquisition Collector (LAC) must send the reference petition filed by the petitioner under Section 18 of the Land Acquisition Act, 1894 to the District Judge within 2 months for adjudication. The authenticity of the filing date from 2009 is uncertain, requiring the District Judge to ascertain whether the petition was indeed filed in that year, especially since the petitioner approached the court in 2022. The District Court will also address any interest payable after consulting with the DDA.

REENA GUPTA VS GOVT OF NCT OF DELHI THROUGH SHO SEEMAPURI & ORS. [W.P.(CRL)-1864/2024]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
A mother filed a writ petition for the return of her two minor children, who were residing with their father without her consent. The children were ordered to be restored to the mother's custody, with conditions that she secure separate accommodation, allow daily interactions between the father and children, and permit the father to visit and take the children out within Delhi NCR, but not remove them from the area. The existence of discord in the parents' marriage was noted, and they were advised to seek legal remedies regarding separation or child custody under the Guardians and Wards Act, 1890.

RIZAUDDIN @ RIYAJUDDIN @ RIYAJUDDEN @ PINTU VS UNION OF INDIA & ORS. [W.P.(CRL)-183/2024]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
The preventive detention orders against the petitioner under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, were quashed due to the detaining authority's failure to consider the possibility of bail, despite the petitioner being in judicial custody. Additionally, the detaining authority overlooked the fact that the petitioner had filed a complaint against the police officers involved. The detention orders dated 31st August 2023 and 29th November 2023 were set aside, and the petition was allowed.

SHASHANK GUPTA VS STATE (GOVT. NCT OF DELHI) THROUGH & ANR. [W.P.(CRL)-2646/2024]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
Writ petitions under Article 226 for habeas corpus were disposed of as all missing individuals, including Mrs. S, her two minor children, and Mr. Chandan Rai, were located. Mrs. S and Ms. Runa Devi concealed material facts during the investigation. The children will continue living with their father, Shashank Gupta. The Delhi Police were directed to take appropriate legal action against Mrs. S and Mr. Chandan, and an investigation into the use of the banned email service 'proton.me'/'ProtonMail' by Mrs. S was ordered.

S.V. VS STATE [CRL.A.-728/2024]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
The judgment emphasizes that all hospitals, both public and private, are mandated by Section 397 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and Section 357C of the Code of Criminal Procedure to provide free medical treatment to victims of sexual offenses and acid attacks. Detailed directives were issued to ensure compliance, covering immediate medical care, necessary tests, counseling, and staff sensitization. Additionally, police, legal services authorities, and the government were instructed to facilitate the implementation of these directives.

SADAF NAAZ VS SHASHI KUMAR MISHRA AND ORS. [W.P.(CRL)-4002/2024]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
A writ petition for a habeas corpus order regarding a minor daughter was deemed inappropriate due to its origin in a matrimonial dispute and the existence of a guardianship petition in the Family Court. The husband was ordered to present the child at the Guardianship Court on a specific date, where appropriate interim arrangements would be established. The husband was instructed not to intimidate the petitioner or her family, while the petitioner agreed to refrain from escalating the domestic violence complaint or taking coercive actions against the husband before the Guardianship Court hearing.

SAHJAN ALI THROUGH PAROKAR BANU KHATUN VS STATE THROUGH SHO PS MADHU VIHAR [CRL.A.-397/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Sahjan Ali was acquitted of charges under Sections 376 IPC and 4 of the POCSO Act due to inadequate reasoning in the trial court's judgment. The survivor's testimony failed to clearly establish sexual assault or penetrative sexual assault, and medical evidence did not support the prosecution's case. The overall facts led to the conclusion that the benefit of doubt favored the accused.

SANEH KUMAR MITTAL AND ORS VS SADHNA GUPTA [FAO(OS)-65/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The written statements filed by the appellants, despite being submitted after the 120-day statutory period, were accepted on record contingent upon a cost of Rs. 50,000 to the respondent. The delay in filing the affidavit of admission/denial was considered a curable defect. The decision to dismiss the appellants' chamber appeals was partially overturned, emphasizing the importance of adjudicating disputes on their merits rather than on technicalities.

SANJEEV KUMAR VS STATE OF NCT OF DELHI & ANR. & ANR. [CRL.M.C.-4315/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The criminal miscellaneous petition filed by Mr. Sanjeev Kumar was dismissed due to a lack of material evidence indicating that his wife was coerced by her family to undergo an abortion. The dismissal of the petitioner's complaint was upheld by the lower courts for insufficient evidence.

SANJEEV KUMAR VS STATE OF NCT OF DELHI & ORS. [CRL.A.-160/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Shyam Yadav was discharged under Sections 3(1)(x) of the SC/ST Act and Section 506 IPC because the essential elements for the offense were not met, as the alleged casteist remarks occurred during private phone conversations and not in public view. The appellant was identified as a habitual litigant who transformed a matrimonial issue into numerous criminal complaints. The appeal was dismissed, and the discharge order was upheld.

SH MUKESH NAGAR VS GOVT OF NCT OF DELHI ACTING THROUGH ITS LAND ACQUISITION COLLECTOR EAST AND OTHERS [W.P.(C)-16939/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The writ petition filed by Mukesh Nagar was dismissed, challenging the order of the Land Acquisition Collector (LAC) regarding the release of R.S. 2,33,73,95,066 received by the Delhi Development Authority (DDA) from the Delhi Metro Rail Corporation (DMRC) for land allotment. Acquisition proceedings had been finalized in 2003, and the transfer of land did not confer additional rights to the petitioner, as the land was already acquired for public purpose. The petition was deemed untenable, and the LAC's order was justified.

SHABANA VS GOVT OF NCT OF DELHI AND ORS. [W.P.(CRL)-1599/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

A writ petition was filed by Shabana concerning the date of birth of her daughter, Ms. X. There were conflicting dates: 4th May 2007 from school records and 1st January 2006 from the Aadhaar card. An inquiry was ordered to gather evidence from the school principal and a report from UIDAI regarding the Aadhaar issuance. No conclusive determination on the date of birth was made, leaving that issue for the trial court. Instructions were given for the continuation of medical procedures for the termination of the minor girl's pregnancy, with a directive to release her to her mother post-recovery.

SHABANA VS GOVT OF NCT OF DELHI AND ORS. [W.P.(CRL)-1563/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The Delhi High Court addressed cooperation between major internet platforms like Meta, WhatsApp, Telegram, Google, and Reddit with Indian law enforcement. Most platforms have systems to respond to emergency requests within 12-30 minutes and have expressed willingness to assist in serious criminal cases. The Ministry of Home Affairs and Ministry of Electronics and Information Technology were directed to compile guidelines for coordinating with these platforms. The Delhi Police Commissioner was tasked with preparing a handbook and training police officials on effectively obtaining information from these platforms, relating to a specific missing person investigation.

SHABANA VS GOVT OF NCT OF DELHI AND ORS. [W.P.(CRL)-1563/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The case addressed challenges faced by law enforcement agencies in obtaining timely information from IT intermediaries, such as the requirement for FIRs and delays in data requests. The Ministry of Home Affairs has created a portal called "SAHYOG" to streamline notices for the removal of unlawful content under Section 79(3)(b) of the IT Act; it is currently in the pilot phase with nine IT intermediaries onboarded. Remaining intermediaries are required to meet with I4C officials to address any technical issues with the portal. A further status report from the Delhi Police is expected following responses from the intermediaries, indicating that the matter encompasses issues raised by multiple parties, including the government and IT intermediaries.

SHAMIMA KHATOON VS STATE [CRL.A.-353/2002]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The prosecution did not establish Shamima Khatoon's guilt in the murder of her husband, Naushad, beyond reasonable doubt. The case relied solely on circumstantial evidence, which was undermined by contradictions and unreliable testimonies from key witnesses. The acquittal of co-accused Akbar Shah further weakened the case. The prosecution failed to present a complete chain of events linking Khatoon to the crime, leading to her acquittal of all charges.

SHIKHA KANWAR VS RAJAT KANWAR [CONT.CAS.(CRL)-15/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The respondent is guilty of criminal contempt for creating disturbance in court, making abusive remarks about the petitioner's counsel, and casting aspersions on the court. Such behavior was deemed contemptuous and an interference with the administration of justice, necessitating strict action under the Contempt of Courts Act, 1971.

SHRI BALAJI ENTERPRISES VS ADDITIONAL DIRECTOR GENERAL NEW DELHI & ORS. [W.P.(C)-11207/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The delay of almost 8 years in adjudicating the show-cause notice issued to the petitioner is unjustifiable under Section 28(9) of the Customs Act, 1962. Previous judgments establish that "where it is possible to do so" cannot be interpreted as a reason for indefinite delays, and the department must prove genuine impediments for not meeting prescribed timelines. In this case, no valid justification for the prolonged delay was found, leading to the quashing of the impugned show-cause notice.

SHRI NISHANT KAPOOR VS STATE OF NCT DELHI & ORS. [W.P.(CRL)-2014/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Ms. Harpreet Kaur violated a previous settlement by taking Master 'P' out of jurisdiction and traveling to the United States without consent from Mr. Nishant Kapoor. Her actions were deemed deceptive and amounted to contempt. She is required to return to India with the child by September 10, 2024, and Mr. Nishant Kapoor may approach the court if she fails to comply.

SINDHU DEVI VS STATE OF GOVT OF NCT & ORS. [W.P.(CRL)-2785/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The habeas corpus petition filed by Sindhu Devi for the production of her minor son was dismissed. A status report revealed that she had voluntarily left her son with her in-laws when he was two months old and later handed him over again. A prior order from a Civil Judge dismissed her application, citing a comprehensive police investigation that found the allegations about rescuing the child to be unreasonable. The similar grievance raised in an FIR in Rajasthan had already been addressed. Therefore, the habeas corpus petition was not entertained.

SMT INDRA VS UNION OF INDIA & ANR. [W.P.(C)-7297/2022]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The writ petition challenging the rejection of a reference petition under Section 18 of the Land Acquisition Act, 1894 was dismissed because the reference petition was time-barred, filed beyond the 6-week period from the notice date under Section 12(2) of the Act. The petitioner had also received the compensation amount before filing the reference petition.

SMT SAROJ & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-17415/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The writ petition was dismissed due to the validity of the land acquisition proceedings, supported by a 1999 certificate confirming the government's possession of the land since October 13, 1986, and that compensation had been paid to the landowner, Shri Sardar Singh Solanki. Once possession and compensation were established, reopening the issue through a new writ petition was deemed impermissible, leading to the conclusion that the current petition lacked merit.

SMT. REENA DEVI VS THE COMMISSIONER OF POLICE & ORS. [W.P.(CRL)-2252/2021]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The petitioner's husband was presumed missing after being admitted to a hospital during the COVID-19 pandemic. State authorities were not found negligent regarding his disappearance due to the extraordinary circumstances affecting the healthcare system. The state offered the petitioner contractual employment, fulfilling a previous requirement for "suitable employment," though she declined it. An ex-gratia compensation of Rs. 5 lakhs was granted to the petitioner on humanitarian grounds, and both she and her son were recognized as legal heirs of the missing person, presumed deceased.

SONIA VS STATE (GOVT OF NCT OF DELHI) AND ORS [W.P.(CRL)-2824/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The petitioner's daughter 'A', reported missing, is an adult working in Muscat, Oman, and does not wish to return to India. She left her family voluntarily and remains in regular contact with them. As an adult, she has the right to make her own choices. The police are to maintain communication with her to confirm her well-being and update the family.

STATE NCT OF DELHI VS ANAMUL ANSARI & ORS. [CRL.A.-1071/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The appeal by the State under Section 21 of the National Investigation Agency Act is maintainable, as the order rejecting the extension of time for investigation under Section 43D(2) of the Unlawful Activities (Prevention) Act has finality. The State demonstrated sufficient grounds for a 90-day extension based on investigation progress and further needs as reported by the Public Prosecutor. The previous order was set aside, and the State was granted a 90-day extension for the investigation.

STATE NCT OF DELHI VS SYED ANZAR SHAH [CRL.A.-6/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The State's appeal challenging the discharge of accused Syed Anzar Shah from charges under the Unlawful Activities (Prevention) Act was dismissed due to a delay of 1745 days, exceeding the 90-day limit. The delay could not be condoned as the matter is under consideration by the Supreme Court in related cases. The State has the option to file an application for restoration of the appeal pending the Supreme Court's decision in the relevant cases.

STATE VS OM PRAKASH [CRL.L.P.-169/2021]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The state's petition to appeal the acquittal of an accused in a case of aggravated penetrative sexual assault against a 7-year-old was dismissed. The survivor's testimony became favorable to the accused during cross-examination, indicating she had been influenced to testify against him. Medical evidence showed no external injuries or signs of penetration, and the survivor's mother did not support the prosecution. Overall, the facts did not warrant interference with the acquittal.

STATE VS RAJIV @ RAJU [CRL.L.P.-69/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The trial court's acquittal of the accused was upheld due to insufficient evidence from the prosecution to conclusively establish that the survivor was below 18 years of age during the incident. School records were deemed inadequate without supporting documentation or parental testimony. The prosecution failed to meet the evidentiary requirements of the Juvenile Justice Act. A significant delay in filing the appeal by the state remained unexplained. Consequently, the state's petition to appeal against the acquittal was dismissed.

STATE VS SANTOSH YADAV [CRL.L.P.-254/2022]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Prosecution failed to establish the survivor's age beyond reasonable doubt due to contradictory evidence regarding her date of birth. The survivor stated that she willingly accompanied the accused and had consensual physical relations. The lack of clear evidence on age and the nature of the relations led to the conclusion that the case did not support charges under Section 376 of the IPC and Section 6 of the POCSO Act.

STATE VS TOFIL AHMAD @ SONU SINGH [CRL.A.-738/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The acquittal of the accused was upheld due to the prosecution's failure to prove beyond reasonable doubt that the survivor was under 18 years of age at the time of the incident. Although the school admission register listed the birth date as 2nd April 1997, testimonies from guardian witnesses raised doubts about the reliability of this record. The prosecution lacked additional documentary evidence as required by the Juvenile Justice Act. As a result, the benefit of doubt was granted to the accused, and the trial court's conclusion that the relationship was consensual was deemed plausible.

SUHAIL AHMED KHAN VS UNION OF INDIA & ORS [W.P.(C)-7869/2014]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

Two writ petitions addressed the management and control of Jama Masjid in Delhi. The issues included the mosque's status as a protected monument, the roles of the Delhi Wakf Board and the Archaeological Survey of India, and the legitimacy of Maulana Syed Ahmed Bukhari's claim as Shahi Imam and his efforts to appoint his son as Naib Imam. The Archaeological Survey of India was instructed to produce the original file regarding the monument's status and provide details on management, maintenance, and revenue aspects of the mosque. An earlier order preventing the appointment of Bukhari's son as Naib Imam was deemed sufficient, as the Delhi Wakf Board indicated the appointment had no legal basis.

SUMAN VS COMMISSIONER OF POLICE AND ORS [W.P.(CRL)-1642/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

A writ petition was filed for a habeas corpus regarding a missing 13-year-old girl, Ms. M. The girl was located and placed in a shelter home. Another FIR was filed concerning the petitioner's elder daughter, with the family receiving threats from a local individual. The girl was ordered to provide a supplementary statement before a Metropolitan Magistrate and was to be placed in an appropriate shelter home designated by the Child Welfare Committee (CWC).

SUZILIA MENYENG ANAK CHUAT VS GOVT OF NCT OF DELHI AND ORS & ANR. [W.P.(CRL)-3809/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The writ of habeas corpus filed by a Malaysian mother is maintainable, emphasizing the welfare and best interests of her minor children. An order from the High Court in Sabah and Sarawak mandated the children's return to their mother's custody. As Malaysian citizens attending school in Malaysia, the children's medical, physical, and emotional needs will be better served in their mother's custody. The High Commission of Malaysia is tasked with facilitating the children's movement to Malaysia with their mother.

TANYA SHARMA VS STATE NCT OF DELHI AND ORS. [W.P.(CRL)-2152/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

A habeas corpus petition filed by Tanya Sharma resulted in interim measures allowing her regular interactions with her child, who remains in the custody of Aayush Sharma. The child is deemed comfortable with both parents, and Tanya may take the child to her maternal residence in Delhi for up to 4 days during her visits, after which the child must return to Aayush. Both parties can pursue remedies under the Guardians and Wards Act, 1890, and may address any violations or modifications of this interim order.

TAPAS HALDAR VS STATE OF OF NCT OF DELHI & ANR. [CRL.A.-378/2022]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The appellant was found guilty based on circumstantial evidence, including last seen evidence and the recovery of the deceased's mobile phone. The conviction was converted from murder under Section 302 to culpable homicide not amounting to murder under Section 304 Part I due to insufficient evidence of intent to cause death.

THE COMMISIONER OF CENTRAL TAX, CGST DELHI EAST VS M/S JMD LIMITED [CEAC-4/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The matter involved the taxability of services provided by M/s JMD Limited, which should have been appealed under Section 35L of the Central Excise Act instead of Section 35G. The CESTAT recognized the services as composite work contracts that qualify as 'works contracts' based on a Supreme Court judgment. The appeal was dismissed as not maintainable, with the appellant given the option to seek remedies under Section 35L.

THE STATE (GNCT OF DELHI) VS SATISH KUMAR & ANR. [CRL.L.P.-477/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The state's appeal against the acquittal of the accused was dismissed due to the prosecution's failure to prove the survivor's age beyond reasonable doubt, as school records were not properly corroborated. Additionally, the relationship between the survivor and the accused was not established beyond reasonable doubt.

THE STATE OF NCT OF DELHI VS SHYAM KISHORE ALIAS PUTAN [CRL.L.P.-182/2023]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The acquittal of the accused on charges under IPC Sections 354, 354A and POCSO Act Sections 8, 12 was upheld. The medical record showed no fresh external injuries on the victim, contradicting claims of bite marks. The victim was unable to recognize the accused during a video conference due to a change in appearance. Additionally, the victim's testimony was deemed potentially influenced by her mother, and the aunt was not called to testify. The conclusions drawn by the trial court were considered plausible, leading to the rejection of the state's appeal.

VAIBHAV VS THE STATE (NCT OF DELHI) [CRL.REV.P.-326/2017]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The judgment dated 23rd July 2012 that remanded the issue of Vaibhav's juvenility to the Juvenile Justice Board-II (JJB-II) is considered complete. Following a fresh inquiry, the JJB-II declared Vaibhav not a juvenile. The revision petition challenging the initial judgment is deemed infructuous since the legal issues can be addressed in the substantive appeal against his conviction. Vaibhav is permitted to submit documents related to the case for the appeal. The revision petition is disposed of as infructuous, allowing Vaibhav to pursue remedies against the order from 8th August 2012 issued by the JJB-II.

VANDANA VS STATE THROUGH SHO PS AMAR COLONY & ANR. [W.P.(CRL)-2071/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

In exceptional cases involving a habeas corpus petition to locate a missing person, the UIDAI may be ordered to disclose updated Aadhaar card information without prior hearing for the Aadhaar holder. In urgent situations, the confidentiality principle under the Aadhaar Act can be relaxed to aid in locating the missing individual. The UIDAI is directed to provide the updated Aadhaar details of a petitioner's missing mother to the police for tracing her whereabouts while maintaining confidentiality.

VIDYAWATI VS STATE OF NCT OF DELHI [W.P.(CRL)-1091/2024]

Judges: Justice Amit Sharma, Justice Prathiba M. Singh

The missing minor girl 'P' was found living with the Keshwani family and expressed a willingness to stay with her step-mother, Vidyawati. The Keshwani family was directed to deposit Rs. 2 lakhs for 'P's welfare, to be accessible upon her reaching adulthood. Ritika Keshwani was ordered to pay Rs. 50,000 to 'P'. Kavita Keshwani's misleading actions towards the police prompted an instruction to file an affidavit of apology and pay Rs. 50,000 to the Delhi Police Welfare Society. 'P' reported no mistreatment and was content with her living situation, with no further proceedings required provided the directives were followed.

VIJAY KUMAR VS STATE OF NCT OF DELHI AND ORS. [W.P.(CRL)-2279/2024]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
A 13-year-old girl, reported missing by her father Vijay Kumar, was recovered and expressed a willingness to return home after initially leaving of her own accord due to a disagreement with him. The situation resulted in the dismissal of the Habeas Corpus petition.

VIKRANT KHANNA & ORS. VS SMT. AMITA LAMBA & ANR. [FAO(OS)-20/2023]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
Rule 4, Chapter VII of the Delhi High Court (Original Side) Rules, 2018, which mandates a specific time period for filing written statements, was upheld. The time period begins from the date of service of summons and does not extend due to the plaintiff filing additional documents. Despite previous extensions causing confusion from orders by the Joint Registrar, the decision to accept the written statement was upheld with an increased cost of Rs. 1.5 lakhs imposed on the defendant.

VINOD VS STATE N.C.T. OF DELHI [W.P.(CRL)-2029/2024]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
In cases of missing children, police must take immediate action to register complaints and start investigations without waiting 24 hours. Specific SOPs and standing orders outline these procedures. The Commissioner of Police is directed to eliminate any waiting period, and the case in question is assigned to the Anti-Human Trafficking Unit (Crime Branch) for thorough investigation under senior officer supervision.

VISHAL VERMA VS STATE GOVT. OF NCT OF DELHI & ORS. [W.P.(CRL)-2808/2024]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
The habeas corpus petition by a father for the production of his minor son is maintainable, as the child is under the guardianship court's supervision. The mother's act of taking the child to the USA without permission lacks full legality. The interim directions include granting the father visitation rights, prohibiting the mother and child from leaving the country without authorization, and urging both parties to maintain civility and avoid influencing the child's views. Mutual consent divorce is suggested as a means to resolve disputes.

YASIR AYAZ VS STATE OF NCT DELHI & ANR. [W.P.(CRL)-2988/2024]
Judges: Justice Amit Sharma, Justice Prathiba M. Singh
The order from the UK court declaring the petitioner's two minor sons as wards was upheld, mandating their return to UK jurisdiction. The mother was directed to comply with this order and facilitate video call contact between the father and children. There was no indication of disagreement among the judges, and the case stands alone, not as part of a batch.

AIR FORCE GOLDEN JUBILEE INSTITUTE VS RAJESH KUMAR RAVI [LPA-741/2024]
Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar
The decision to dismiss the respondent from service by Air Force Golden Jubilee Institute was set aside due to non-compliance with Rule 120 of the Delhi School Education Rules, 1973. The appellant did not provide the respondent with a copy of the inquiry report or a show cause notice before the dismissal. The issue of back wages was sent back for further examination, as it had not been previously addressed.

AJAY KUMAR BHALLA & ORS. VS PRAKASH KUMAR DIXIT [LPA-157/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The High Court Single Judge incorrectly ruled the respondent entitled to promotion as Inspector General while addressing a contempt petition. A contempt court's role is limited to determining whether contempt occurred and imposing punishment, without making substantive decisions on the merits of disputes. The earlier Division Bench noted that the Single Judge could not decide the promotion entitlement as there was no specific directive in the prior court order. However, the Single Judge did issue a positive finding regarding the respondent's entitlement to promotion. The matter involved multiple litigation rounds focusing on the effective date of a minor penalty on the respondent and differing opinions on promotion entitlement.

ALL INDIA INSTITUTE OF MEDICAL SCIENCES VS GOPAL CHANDRA SAHOO [W.P.(C)-6983/2017]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The Tribunal quashed disciplinary proceedings against Gopal Chandra Sahoo, citing a lack of evidence, as key witnesses from AIIMS did not testify to support the bribery charges. The argument for applying the preponderance of probabilities standard was rejected due to insufficient and non-credible evidence. The limited scope of certiorari jurisdiction prevented a re-evaluation of the Tribunal's factual findings unless they were perverse or legally erroneous.

BHAGWAN SINGH VS UNION OF INDIA AND ORS. [REVIEW PET.-362/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The review petition by the Union of India was dismissed, affirming that Bhagwan Singh, eligible for promotion to a Group A post by the DPC, is entitled to notional promotion and increments from the date his juniors were promoted, despite having superannuated before the DPC. Previous judgments in similar cases were cited, and the arguments presented in the review petition were deemed without merit.

BUSINESS BHASKAR NEWSPAPER VS GOVERNMENT OF NCT OF DELHI & ORS. [LPA-182/2022]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The Delhi government had jurisdiction to refer the dispute raised by newspaper employees to the Labour Court in Delhi because a substantial part of the cause of action arose there, where the employees worked for a significant period. The argument for the claims to be filed in Jaipur was rejected, as the employees were not employed in Jaipur at the time of filing. The Labour Court in Delhi was deemed competent to adjudicate the claims despite some employees being transferred to the Jaipur office later.

C. MAHESHWARAN VS UNION OF INDIA & ORS. [W.P.(C)-4058/2023]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The writ petition challenging the rejection of a stay on disciplinary proceedings was dismissed. The validity of the charge sheet remains under consideration in the original application filed by the petitioner. The issue of the charge sheet's validity, including its issuance by the Minister of State, was not addressed to avoid influencing ongoing proceedings. The petitioner can present arguments before both the Tribunal and the Disciplinary Authority during the inquiry report review.

CHIEF ELECTORAL OFFICER AND ORS VS RAKESH CHAUDHARY [W.P.(C)-15943/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The respondent's pensionary benefits could not be withheld as the competent criminal court had not taken cognizance of the case against him. Since no chargesheet had been filed, the Special Judge had not applied judicial mind to the case facts. The decision upheld the Central Administrative Tribunal's ruling to release the respondent's pensionary benefits.

DELHI TRANSPORT CORPORATION AND ANR VS DULI CHAND [W.P.(C)-8765/2023]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The Central Administrative Tribunal set aside the punishment of stoppage of the next due increment imposed on Duli Chand by the Disciplinary Authority and Appellate Authority due to their orders being cryptic and lacking sufficient reasoning. The Tribunal allowed the Delhi Transport Corporation to take further action against Chand in accordance with the law and directed consideration of a letter from the District Magistrate indicating that Chand was on election duty during the relevant period.

GA DIGITAL WEB WORLD PVT. LTD. VS SMT. YASHWANTI & ANR. [LPA-1215/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

GA Digital Web World Pvt. Ltd. was ordered to pay litigation expenses of R.S. 30,000 to the respondent workman. Payment of litigation expenses is meant to maintain financial balance between the parties, independent of case merits. An order from the Labour Court identified GA Digital as the employer, a decision currently challenged in a separate writ petition. The obligation to pay litigation expenses remains unaffected by the outcome of the writ petition.

GOURAV VS UNION OF INDIA & ORS. [W.P.(C)-12544/2023]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The order cancelling the petitioner's candidature for the MTS (NT) examination was found flawed due to the reliance on an uncorroborated CFSL handwriting report, which is considered weak evidence for proving impersonation. Additionally, the petitioner was not afforded an opportunity to address the allegations, violating principles of natural justice, particularly since the cancellation affected a select group of candidates. The respondents did not contest the finding that a 7-year debarment was disproportionate and unjust. As a result, the cancellation was set aside, and the respondents were instructed to evaluate the petitioner's candidature based on merit, with benefits of seniority and service, excluding back wages.

GOVERNMENT OF NCT OF DELHI AND ORS VS PRIYANKA [W.P.(C)-15630/2023]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

Priyanka was deemed ineligible for selection as a Pharmacist in the Department of Health and Family Welfare under the OBC quota due to her OBC certificate not meeting the requirements outlined in the DSSSB advertisement. The certificate was not based on a prior OBC certificate from a family member recognized by the Government of NCT of Delhi. Consequently, the judgment of the Central Administrative Tribunal allowing her application was quashed, and her Original Application was dismissed.

GOVIND SARAN SHARMA VS GENERAL MANAGER, NORTHERN RAILWAYS AND ANR [W.P.(C)-15950/2022]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The judgment of the Central Administrative Tribunal was quashed and the case was remitted for fresh consideration due to the Tribunal's failure to properly address the petitioner's amended prayer clause regarding additional allowances and promotion. The Tribunal was instructed to resolve the case promptly without unnecessary adjournments, considering the prolonged duration of the dispute.

GOVT OF NCT OF DELHI AND ANR VS VIKRAM AND ORS [W.P.(C)-17545/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The Administrative Tribunal's decision was upheld, stating Vikram could not be denied promotion to Post Graduate Teacher (PGT) by the first Departmental Promotion Committee (DPC) solely based on the SAV qualification being non-prescribed. The second DPC on October 13, 2006, recognized the SAV qualification as equivalent to the required B.Ed. qualification and promoted him. Acknowledgment in the petitioners' counter-affidavit confirmed that the SAV certificate was considered equivalent for teacher promotions from Assistant Teacher to TGT.

GOVT OF NCT OF DELHI AND ORS VS SANTOSH PAL MEENA AND ANR [W.P.(C)-14471/2021]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The Central Administrative Tribunal should not have entertained the respondent's Original Application challenging the disciplinary proceedings, as the respondent had already appealed the removal order. The direction to keep the removal order in abeyance was contrary to Supreme Court decisions. The Tribunal's order was never implemented due to a prior stay, leading to a directive for the petitioners to decide the respondent's appeal within 4 weeks in accordance with law and natural justice. The portion of the Tribunal's order that suspended the removal order was quashed, making the interim stay order permanent.

GOVT OF NCT OF DELHI AND ORS VS SH RAJESH KUMAR BALARA [W.P.(C)-9216/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The writ petitions filed by the Government of NCT of Delhi against the decision of the Central Administrative Tribunal were dismissed. The Tribunal had previously allowed applications from Trained Graduate Teachers, including Udal Singh, regarding the authority of the Deputy Director of Education to act as the Disciplinary Authority. The identical situation of the respondents to Udal Singh resulted in similar outcomes for the writ petitions.

HIRA LAL BHAT VS CHAIRMAN AND MANAGING DIRECTOR BSNL AND ORS. [W.P.(C)-9176/2019]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The petitioner's liver transplant surgery was classified as an emergency treatment, granting him the right to full reimbursement of actual medical expenses, regardless of the hospital's empanelment status. Previous judgments supported this view, and claims of a fabricated emergency certificate or disputes over the nature of the surgery were dismissed. The respondent's position was criticized for being unreasonable. The Tribunal's order was quashed, and the respondent was directed to reimburse the medical expenses within two weeks, with the potential for additional costs if not complied with.

INDIAN COUNCIL OF AGRICULTURAL RESEARCH AND ORS VS SHRI BIRENDER SINGH [W.P.(C)-17207/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The orders of the Central Administrative Tribunal (CAT) were upheld, directing the ICAR to maintain the status quo regarding a transfer to KVK Gurugram, as the transfer order was under challenge. The CAT's direction for the ICAR to pay the respondent's salary and allowances for services rendered as a driver for the DDG in Delhi was also supported, as the respondent was entitled to compensation for his work. The writ petition from the ICAR contesting the CAT's orders was dismissed.

INDIAN COUNCIL OF MEDICAL RESEARCH VS SH. VIPIN KUMAR & ANR. [W.P.(C)-16185/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The Central Administrative Tribunal must reconsider its interim order in the case of Vipin Kumar against the Indian Council of Medical Research (ICMR) due to two identified errors: the Tribunal inaccurately claimed that ICMR conceded the availability of other employment projects for the respondent and mistakenly stated that ICMR did not dispute the unavailability of the respondent's position after 14 years of service. The Tribunal is required to address these points after hearing from both parties, and the contempt petition filed by the respondent will be on hold until a new decision is made.

KENDRIYA VIDYALAYA SANGATHAN THROUGH ITS COMMISSIONER VS T. PRITAM [W.P.(C)-16944/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The eligibility of T. Pritam for the Deputy Commissioner position in the Kendriya Vidyalaya Sangathan was affirmed. The Tribunal based its decision on a Ministry of Education clarification confirming that T. Pritam's qualifications fulfilled the Recruitment Rules for the Education Officer (Trainee) role previously held. The challenge by KVS was dismissed, as there was no evident error in the Tribunal's reasoning, and KVS was not permitted to introduce new arguments that were not previously presented.

KHYALI RAM AND ORS VS GNCTD AND ORS [W.P.(C)-15942/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The order of the Central Administrative Tribunal rejecting the petitioners' request for interim relief was quashed due to contradictions in the findings, specifically regarding the absence of the contract relied upon by the respondents. The matter was remanded for a fresh decision on interim relief, with instructions to obtain a copy of the contract before reaching any conclusions. No opinion on the merits of the petitioners' case was expressed.

LOKESH MEHTA VS UNION OF INDIA & ANR [W.P.(C)-7537/2016]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The petitioner is entitled to the functional grade pay scale of Rs. 14,300-18,300 from the date of ad-hoc promotion as Superintending Engineer (SE) on 4 July 2002, based on relevant Office Memorandums (OMs) from the Department of Personnel & Training (DOPT). The order withdrawing the functional scale was set aside due to lack of notice to the petitioner and absence of disciplinary proceedings resulting in a pay scale reduction. This case concerns an individual matter.

MANOJ KUMAR VS UNION OF INDIA AND ANR [W.P.(C)-6193/2017]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The judgment of the Central Administrative Tribunal was deemed non-speaking as it failed to address the petitioner's claims regarding the legitimacy of the inquiry and the case's merits. The examination was incorrectly limited to procedural concerns rather than substantive issues. There is a directive for a fresh examination of the matter, considering all submissions related to flaws in the inquiry and lack of evidence. The Tribunal is instructed to assess various parameters, including the presence of evidence and the nature of findings, without re-appreciating evidence or correcting factual errors. The original judgment of the Tribunal was set aside, and the petitioner's application was restored for renewed consideration.

MUNICIPAL CORPORATION OF DELHI VS DHARAMVIR SINGH AND OTHERS [W.P.(C)-13427/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The order of the Central Administrative Tribunal was set aside due to its non-speaking nature and inadequate consideration of the parties' arguments. The matter was remanded for fresh consideration, with an instruction for expedited decision-making. The writ petition by the Municipal Corporation of Delhi was allowed to the extent of these actions.

NEHRU YUVA KENDRA SANGATHAN VS JYOTI DAHIYA [W.P.(C)-6552/2020]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

Nehru Yuva Kendra Sangathan (NYKS) must provide an opportunity for respondents to be heard before cancelling their candidature for the District Youth Coordinator position due to allegations of unfair means in the online examination. The necessity for a hearing is implicit given the serious consequences of such a decision, even without a statutory requirement. The case involving 21 allegedly delinquent candidates does not fall under exceptions for large-scale unfair practices. The appointment of 17 other candidates was not valid since they were not part of the proceedings. NYKS is directed to appoint the respondents within 4 weeks, while the IBPS is allowed to investigate the allegations after hearing the respondents.

OM KUMAR VS GOVT. OF N CT OF DELHI & ANR. [W.P.(C)-16355/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The order of the Central Administrative Tribunal dismissing the restoration application for Original Application OA 547/2018 was set aside. It was emphasized that an expansive approach should be adopted in restoration applications, unless there is clear negligence, to uphold the right to legal remedies. The restoration application was allowed, the Tribunal's order was invalidated, and the OA was directed to be listed for further proceedings.

RAHUL MAVAI VS UNION OF INDIA & ORS [W.P.(C)-17440/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

A writ petition was dismissed due to a six-year delay, deemed unjustifiable. Emphasis was placed on the principle that belated petitioners should not receive extraordinary relief, with the view that delay undermines equity. Shifting blame for the delay to counsel was disapproved, as petitioners retain responsibility for tracking their matters. The dismissal was based solely on unexplained delay and laches, without addressing the merits of the case.

RANANJAY PRATAP SINGH VS UNION OF INDIA AND ORS [LPA-1203/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The appellant's appeal was dismissed, affirming the decision to require the appellant to file an application under Section 14(1) of the Administrative Tribunals Act, 1985 before the Central Administrative Tribunal. The Tribunal has the authority to address allegations of victimization by a superior officer regarding a junior officer's service conditions and can exercise powers similar to a writ court, including challenging the validity of subordinate legislation. Direct access to the High Court by the appellant would contradict the Supreme Court's judgment in L Chandra Kumar.

SCHOOL OF PLANNING AND ARCHITECTURE VS NEERJA TIKU AND ORS [LPA-1116/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

Neerja Tiku, a teacher at the School of Planning and Architecture, was considered to have transitioned to the Pension scheme due to her failure to opt for the Contributory Provident Fund scheme by the deadline of 30 September 1987. The decision was based on established legal precedence that deemed late exercises of options invalid. The appeal by the School against an earlier judgment allowing Tiku's writ petition was dismissed.

SPORTS AUTHORITY OF INDIA & ANR. VS DR. KULBIR SINGH RANA [W.P.(C)-2920/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The applications by the Sports Authority of India (SAI) to recall a previous order were dismissed. SAI's counsel had undertaken to comply with the Central Administrative Tribunal's directions to recognize certain respondents as "Initial Constituents" under the 2022 Recruitment Rules, and the extension granted for compliance aligned with this undertaking. The applications were deemed misconceived, and allowing them would lead to judicial chaos. No opinion was expressed on the merits of the pending contempt proceedings regarding SAI's compliance with the order.

STAFF SELECTION COMMISSION & ANR. VS MUKUL CHOUDHARY [W.P.(C)-17331/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The order of the Central Administrative Tribunal for re-measuring Mukul Choudhary's height by digital method in a government hospital was upheld. This decision was based on a previous case noting discrepancies in physical efficiency test results, justifying a fresh examination.

STAFF SELECTION COMMISSION & ORS VS DARPAN SHARMA [W.P.(C)-3761/2018]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The decision to grant relief to Darpan Sharma, who participated in the CGLE 2015, was upheld based on the precedent set in a similar case. Sharma's only error was not darkening the bubbles for his test form number on the OMR sheet, which was printed. This technical mistake was deemed insufficient to deny consideration for public employment, leading to the dismissal of the SSC's petition.

STAFF SELECTION COMMISSION & ORS. VS RAVI [W.P.(C)-15686/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The Central Administrative Tribunal's judgment was deemed unsatisfactory for not adequately discussing the facts or implications of the Veena v The Secretary Ministry of Home Affairs case. A directive was issued to the Staff Selection Commission to refer the matter to a Review Medical Board to reassess Ravi's medical condition of Dextrocardia regarding its impact on his duties as a Constable (Executive). The Review Medical Board must include at least one specialist in the relevant field. The previous judgment was quashed, and the matter was remanded for a fresh examination without a final decision on Ravi's fitness.

STAFF SELECTION COMMISSION THROUGH ITS CHAIRMAN & ORS. VS RAVINA MEENA [W.P.(C)-13877/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The impugned order has been quashed and remanded for de novo adjudication due to a lack of reference to the individual facts of the case. The principles from previous judgments in Aman Singh and Amit Goswami will guide the further proceedings. Parties are required to appear before the Tribunal on 9 December 2024.

THE LIEUTENANT GOVERNOR OF DELHI AND ORS VS VINAY KUMAR SIDH [LPA-1090/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The benefits of the Payment of Gratuity (Amendment) Act, 2009 were extended to Vinay Kumar Sidh, a part-time vocational teacher, aligning with the precedent set in the Janardan Sharma case. There was no distinction made between the cases, and the appellants, including the Lieutenant Governor of Delhi, must pay the same interest and costs awarded to Sharma.

UNION OF INDIA & ANR VS CENTRAL PWD ENGINEERS ASSOCIATION & ORS [W.P.(C)-2671/2017]
Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar
The Central Administrative Tribunal's order was invalidated due to the reliance on a non-traceable notification from May 26, 1977. Confirmation from the Directorate of Publications and a prior determination by another High Court questioned the authenticity of the notification. The matter was sent back to the Tribunal for a fresh decision without considering the disputed notification or related judgments, with no opinion expressed on the respondents' entitlement to relief independent of the notification.

UNION OF INDIA & ORS. VS JAI BHAGWAN [W.P.(C)-8541/2020]
Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar
The decision to recover alleged overpayments from a retiring government employee was set aside, as the individual was set to retire within a month and a half of the recovery order. The recovery was deemed impermissible in law, aligning with previous judgments that prevent such actions against employees due to retire within a year. The aspect of re-fixation of the employee's pay was not addressed.

UNION OF INDIA & ORS. VS SYED AHMED [W.P.(C)-17442/2024]
Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar
The order of the Central Administrative Tribunal (CAT) directing the petitioners to consider counting Syed Ahmed's ad-hoc service from January 1987 towards his pensionable service was upheld. The CAT instructed that the matter be considered without imposing a specific outcome. The decision emphasized that petitioners should make an independent assessment without influence from the CAT's comments. Additionally, a request was made for matters to be decided on merits instead of being remanded to executive authorities, as such remands can unnecessarily prolong litigation.

UNION OF INDIA & ORS. VS SHASHANK SHARMA & ORS. [W.P.(C)-10691/2024]
Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar
The interim order from the Tribunal in a contempt petition was set aside due to errors in addressing the merits of the promotion decision, which exceeded the limits of a contempt proceeding. The petitioners properly evaluated the respondents' eligibility for promotion to the Intelligence Officer position according to the Recruitment Rules. The Tribunal incorrectly issued substantive directions and granted relief in the contempt proceedings.

UNION OF INDIA & ORS. VS SHRI SUKHVINDER [W.P.(C)-17365/2024]
Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar
The dismissal of Jagmohan and Sukhvinder from service was quashed due to flawed inquiries, including the failure to provide requested documents that violated principles of natural justice. The reliance on a CFSL handwriting comparison report as the sole evidence was deemed insufficient to prove the charges. Consequently, the petitions by the Union of India were dismissed, reinstating Jagmohan and Sukhvinder with benefits.

UNION OF INDIA THROUGH ITS SECRETARY & ORS. VS CHANDRA PAL SINGH [W.P.(C)-15998/2024]
Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar
The respondent facing disciplinary proceedings at the time of superannuation is entitled only to provisional pension under relevant rules, not regular pension. Acknowledgment of entitlement to provisional pension renders a show cause notice for discontinuing regular pension as a mere formality. The decision to pay the respondent provisional pension is upheld.

UNION OF INDIA THROUGH ITS SECRETARY & ORS. VS CHANDRA PAL SINGH [W.P.(C)-15998/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

Chandra Pal Singh was entitled only to a provisional pension under Rule 8(3) of the Central Civil Services (Pension) Rules, 2021, due to pending disciplinary proceedings at the time of his superannuation. A chargesheet had been issued before his retirement, and although an inquiry report found the charges unproven, the disciplinary authority's disagreement note kept the proceedings ongoing. The argument that a prior Vigilance Clearance Certificate indicated the termination of the proceedings was found to hold no legal basis. As no final order was made by the disciplinary authority before retirement, only a provisional pension was applicable.

UNION OF INDIA THROUGH THE GENERAL MANAGER & ORS. VS RAKESH KUMAR [W.P.(C)-15157/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The Tribunal's decision to quash the cancellation of the respondent's candidature for a Group D post was upheld. The cancellation was based on "excessive cutting, erasing or using fluid" on the OMR sheet, but the respondent only erased one answer choice for a single question, which did not violate instructions. The respondent's answer sheet was evaluated as evidenced by his participation in subsequent physical and medical tests. Consequently, the cancellation of the candidature was deemed unjustified, leading to a directive for the respondent's appointment to a suitable Group D position.

UNION OF INDIA THROUGH THE GENERAL MANAGER & ORS. VS SHRI DEEP CHANDRA TIWARI [W.P.(C)-14959/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The Central Administrative Tribunal's decision to refund the amount deducted from the respondent's death-cum-retirement gratuity and to pay arrears for DCRG, leave encashment, and full pension with interest was upheld. The recovery from the respondent was deemed contrary to established principles regarding the prohibition of recovering alleged overpayments from retired employees or when recovery orders are issued beyond five years. However, the petitioners (Railways) were permitted to re-fix the respondent's pay scale prospectively, with no retrospective adjustments allowed.

UNION OF INDIA THROUGH THE SECRETARY MINISTRY OF URBAN DEVELOPMENT & ANR. VS RAM ROOP MEENA & ORS. [W.P.(C)-13655/2023]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The decision of the Central Administrative Tribunal was upheld, with no valid grounds found for the government to recover LTC amounts from the respondents. The justification that tickets were not purchased from authorized agents was deemed insufficient, especially as there was no allegation that the respondents did not undertake the journeys. New allegations of fraud or forgery made by the government were not accepted to supplement the original recovery orders.

UNION OF INDIA VS VIJAY KUMAR SAINI [W.P.(C)-11044/2023]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The Central Administrative Tribunal's decision to set aside the order for recovery of excess payment of increments from a CPWD junior engineer was upheld. Recovery was deemed impermissible based on the Rafiq Masih case principles, as the engineer was set to retire within five months of the recovery order. The Tribunal's order quashing the recovery decision was upheld, and any amount recovered is to be refunded within eight weeks. The matter of re-fixation of the engineer's pay was not addressed.

UNION OF INDIA VS VIMAL MEHRA [W.P.(C)-8466/2019]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The respondent IPS officer, senior in the empanelment list, is entitled to the apex pay scale of R.S. 80,000 per month, instead of the lower HAG+ scale she received. The government's appointment of a junior officer to the higher pay scale was deemed arbitrary and without justification. Earlier judgments in similar cases, which have been upheld, serve as binding precedents. Linked writ petitions from the Union of India challenging the Tribunal's orders in favor of the senior IPS officers were dismissed.

UNION PUBLIC SERVICE COMMISSION VS KALPANA VED [W.P.(C)-8896/2020]

Judges: Justice Anoop Kumar Mendiratta, Justice C. Hari Shankar

The respondent's failure to submit the application online, as required, was deemed fatal to her case. The adherence to the prescribed procedure was emphasized, noting that alternative methods were not permitted. Despite the respondent facing genuine difficulties, sympathy was not a consideration. Consequently, the order allowing her provisional participation in the LDCE was quashed, and her original application was dismissed.

ARUN KUMAR SINGH VS UNION OF INDIA & ORS. [W.P.(C)-4955/2018]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The writ petition challenging the Central Administrative Tribunal's order was dismissed. The Tribunal had granted the petitioner the liberty to seek remedies against the UPSC's order dated July 31, 2017, which considered the petitioner's inclusion in the Select List as provisional due to an issued charge sheet prior to the notification. The petitioner was advised to challenge the UPSC's order before the appropriate forum. The writ petition and any pending application were dismissed, allowing the petitioner to pursue available legal remedies against the UPSC's order.

GAJENDER SINGH DRALL AND ORS VS GOVT OF NCT OF DELHI AND ORS [W.P.(C)-320/2018]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The notification under Section 11 of the RFCTLARR Act, 2013, invoking Section 10A(1)(e) of the RFCTLARR (Amendment) Second Ordinance, 2015, was deemed valid and did not lapse upon the expiry of the Ordinance. The acquisition proceedings were confirmed to be in public interest for establishing Waste Water Treatment Plants, as directed by the National Green Tribunal. Objections from petitioners were considered by the competent authority, with no violations of the Act's provisions or malafides in the process. The acquisition adhered to the Master Plan of Delhi and Zonal Plans; claims regarding the DDA's Land Pooling Policy were found to lack merit. Writ petitions were dismissed, and interim stay orders were vacated.

GOVT OF NCT OF DELHI AND ORS VS VIRENDER [W.P.(C)-12696/2023]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The termination order against the respondent was deemed stigmatic and punitive, linked to alleged misconduct and an FIR. The requirement of following natural justice principles for the termination was acknowledged. The order was modified to reinstate the respondent within 6 weeks, allowing the petitioners to start disciplinary proceedings. A distinction was made between motive and the foundation for termination, noting that the termination could not be classified as simple due to its basis in alleged misconduct. The ongoing FIR was not seen as a barrier to initiating disciplinary actions, as the standards of proof differ between criminal cases and departmental inquiries.

HARI NARAYAN MEENA VS UNION OF INDIA AND ORS. [W.P.(C)-3345/2023]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The main legal issue involved the petitioner, as General Manager of the Government Opium and Alkaloid Works, allegedly claiming travelling allowance (TA) twice for a single journey. An Inquiry Officer partially proved the charge of double claiming TA, indicating the petitioner did not exercise due diligence. However, a separate charge regarding communication with the Chief Controller of Factories was not proved. The competent authority was directed to consider the petitioner's representation regarding the Inquiry Officer's report and issue a final order within 8 weeks. The merits of quashing the charge sheet were not addressed, as the matter had progressed to the stage of the Inquiry Officer's report.

JASBIR SINGH VS UNION OF INDIA & ORS [W.P.(C)-2823/2016]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

Medical reimbursement claims for all three admissions of a petitioner's mother to a non-empanelled private hospital are allowed due to emergency situations. The right to health is deemed integral to the right to life, necessitating full reimbursement, even for treatment at non-empanelled facilities. An earlier decision that limited reimbursement for the first admission and denied claims for the others was set aside. The authorities must reimburse the medical claims, less any amounts already paid, with additional simple interest at 7% per annum.

JITENDRA KUMAR OJHA VS UNION OF INDIA [W.P.(C)-3409/2019]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The order for the compulsory retirement of Jitendra Kumar Ojha from the Research & Analysis Service was upheld based on his service record, which was thoroughly reviewed by the committee. The grounds for retirement, including doubts about integrity and effectiveness, were found applicable. Arguments regarding the timeline of the review and claims of malafide action or violation of natural justice principles were dismissed. The scope for challenging such decisions was deemed limited, as they could only be overturned if proven arbitrary or influenced by improper motives. The writ petition was ultimately dismissed without costs.

KUMAR RAJEEV VS ELECTION COMMISSION OF INDIA [W.P.(C)-3032/2019]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The decision of the Central Administrative Tribunal to impose penalties on the petitioner was upheld. The charge of providing false information to obtain a CGHS card for his mother was proven. The modified penalty of withholding future promotion for 5 years was deemed justified. The petitioner had accepted this modified penalty before filing a revision petition, which was subsequently dismissed. A committee's recommendation to reduce the penalty was not supported by the respondents, and the imposed penalty by the Disciplinary Authority could not be substituted. The writ petition was dismissed due to a lack of merit.

LAXMI NARAIN VS GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI & ORS [W.P.(C)-2155/2016]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The writ petition filed by Laxmi Narain was dismissed, affirming that his appointment as an ECG Technician in 2000 was on a contractual basis and did not constitute regular employment for pensionary benefits. An earlier judgment that set aside the termination of his services did not imply entitlement to such benefits. The petitioner also did not exercise options under the relevant pension rules to count previous military service, disqualifying him from claiming these benefits. Furthermore, reliance on other rules was deemed misplaced and inapplicable. Therefore, the petitioner is not entitled to pensionary benefits upon superannuation from contractual re-employment.

R.S. MISRA VS UOI & ORS THROUGH THE COMMISSIONER KENDRIYA VADYALAYA SANGTHAN [W.P.(C)-7869/2007]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The Kendriya Vidyalaya Sangathan (KVS) was justified in denying the petitioner's promotion to Vice Principal due to an 'Average' performance rating from 1987-1988, which did not meet the required 'Good' benchmark. The petitioner's ACRs for that period were not communicated, prompting KVS to reconsider the petitioner's representation against adverse remarks and their effect on the review DPC, with the possibility of promotion if found eligible under the 'next below rule.' Claims for Selection Grade and pension/gratuity were dismissed as previously decided against the petitioner by higher authorities. Contempt petitions were closed, confirming KVS's compliance with prior directives regarding the petitioner's promotion and compassionate allowance claims. The overall focus centered on the validity of KVS's actions based on service records.

RAVISH RATHI & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-8560/2022]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The review petition against the dismissal of a writ petition was dismissed. The extension of tenure for existing contractual employees until April 2024 was justified due to the increased workload from the G20 summit and additional immigration control points. No new contractual appointments were made, and the actions were deemed to be in the public interest, leading to the dismissal of the review petition.

S.S. DAS VS UNION OF INDIA [W.P.(C)-8398/2021]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

Premature retirement of the petitioner officer under FR 56(j) was deemed valid based on a review of his entire service record, including adverse remarks and a confidential note that raised questions about his integrity and conduct. The Review Committee, led by the Secretary of the concerned Ministry and including the Chief Vigilance Officer, complied with procedural requirements. Approval from the Appointments Committee of the Cabinet was unnecessary for retirement. Claims of bias due to the involvement of the same officers in multiple committees and arguments regarding the dismissal of past adverse records following promotion were rejected. The entire service record, including previous adverse comments, is permissible for consideration in compulsory retirement decisions.

SARITA MISHRA VS UNION OF INDIA & ORS. [W.P.(C)-2939/2023]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The review petition by Sarita Mishra was dismissed regarding her request for compassionate appointment for her son following her husband's death after superannuation. It was noted that a family member's entitlement to such appointment is questionable in this scenario, despite the husband's 100% disability. Additionally, the petitioner had already received Rs. 9 lakhs and was receiving a family pension, suggesting that compassionate appointments should prioritize more deserving cases where families are left without means. The review petition lacked merit and was dismissed.

SH K R MANN RETIRED AS LIBRARIAN & ORS. VS GOVT. OF NCT OF DELHI & ANR. [W.P.(C)-10855/2021]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The petitioners' claims for Senior Scale and Selection Grade pay scales were rejected due to their failure to complete the mandatory 8-week Orientation/Induction Training and Refresher Course as required by AICTE regulations. The authorities correctly denied the petitioners' requests because they did not meet the stipulated criteria. The fact that junior employees received benefits without meeting the requirements was not a valid basis for the petitioners to claim similar rights. The decision to reject the claims was upheld.

SHRI SUMIT SAPRA VS SMT AKANSHA AHUJA SAPRA [MAT.APP.(F.C.)-358/2023]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The appeal filed by the husband was dismissed based on the determination that the Michigan court is the appropriate jurisdiction for both parties, who have resided there for an extended period and where their child was born. The proceedings initiated by the wife in the USA were not deemed oppressive or vexatious, and the husband would not face grave injustice if an anti-suit injunction was not granted. The ruling was supported by precedents indicating that foreign courts are presumed to exercise their jurisdiction correctly, allowing both parties to present evidence there. The case referenced by the husband was distinguished due to differing facts and the stage of the proceedings.

SUNIL KUMAR AND ORS VS UOI AND ORS [W.P.(C)-99/2016]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The Central Administrative Tribunal dismissed the Original Application of former Group-D employees of Delhi Police, who were upgraded to Multi-Tasking Staff (MTS) in Group-C posts. The Tribunal noted that these employees did not receive the same rigorous training as "Followers" in Central Para-Military Forces (CPMFs), who qualified for a higher Grade Pay of Rs. 2,000. Pay scale classification is primarily an executive function, and the reasoning for denying the higher pay to the petitioners was deemed justified due to their non-combatized status. The case did not present any error necessitating interference in the established pay structure. The writ petition was dismissed, affirming the Tribunal's decision.

SURENDER KUMAR AND OTHERS VS GOVT OF NCT OF DELHI AND OTHERS [REVIEW PET.-46/2024]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The review petition by Vijay Dagar was dismissed, confirming that age relaxation is applicable as a "one-time measure" under government policy memos from June and July 2019 for contractual employees. The argument against the legality of this relaxation was rejected, with the policy memos deemed valid. Previous cases cited by the petitioner were considered inapplicable, as the matter pertains solely to the government's own policy application.

UNION OF INDIA & ANR. VS MITHLESH TYAGI [W.P.(C)-8244/2020]

Judges: Justice Anoop Kumar Mendiratta, Justice V. Kameswar Rao

The respondent's ad-hoc appointment as a Hindi Pradhyapak was over the age limit specified in the Recruitment Rules and cannot be considered qualifying service for retirement and pension benefits. The engagement was not substantive nor a temporary/officiating appointment leading to a substantive posting, as required by the Central Civil Services (Pension) Rules, 1972. Therefore, the order to treat her ad-hoc service from 1983 to 2008 as qualifying service was deemed legally unsustainable.

AKHIL PAHUJA AND ORS VS UNION OF INDIA AND ORS [W.P.(C)-6366/2021]

Judges: Justice C. Hari Shankar, Justice Girish Kathpalia

The Railways were required to maintain a standby/waiting list for the Assistant Station Master (ASM) position, in accordance with the Centralized Employment Notice, except for the Commercial Apprentice and Traffic Apprentice posts. The decision to not maintain a standby list for ASM, justified by an increase in grade pay, lacked a valid rationale. Changing the rules after the selection process began was deemed impermissible, resulting in the directive to maintain a standby list for eligible ASM candidates.

ALL INDIA INSTITUTE OF MEDICAL SCIENCES VS PARIYARATH RAMESH MENON [W.P.(C)-16376/2024]

Judges: Justice C. Hari Shankar, Justice Girish Kathpalia

The writ petition filed by the All India Institute of Medical Sciences (AIIMS) was dismissed regarding an interim order from the Central Administrative Tribunal (CAT) that permitted Pariyarath Ramesh Menon to participate in the selection process for a Professor position. The decision indicated that purely interlocutory orders from the CAT should not be challenged through writ petitions. The CAT's order was deemed discretionary and not prejudicial to the petitioner. No opinion on the merits of the case was expressed, allowing all of the petitioner's contentions, including limitation issues, to be addressed in the original application before the CAT.

ASHOK HOTEL VS TRILOKI [LPA-1160/2024]

Judges: Justice C. Hari Shankar, Justice Girish Kathpalia

The appeal by Ashok Hotel was dismissed due to a 626-day delay in filing, with no sustainable arguments presented for condonation. The compensation awarded to workman Triloki was enhanced from R.S. 1 lakh to R.S. 10 lakhs, and Ashok Hotel was directed to pay the amount within one week, or face an additional R.S. 50,000 in costs.

BHIM RAO YADAV AND ANR VS CHAIRMAN-CUM-MANAGING DIRECTOR AND ORS [W.P.(C)-3473/2016]

Judges: Justice C. Hari Shankar, Justice Girish Kathpalia

The orders of the Tribunal were set aside, and the matter was remanded for fresh consideration of the petitioners' claim for overtime allowance. The Tribunal had not addressed the merits of the claim, only permitting the petitioners to apply for compensatory rests. A decision on the matter is required within four weeks after hearing both sides, with no opinion expressed on the merits of the claim. This is a single judgment without separate or dissenting opinions.

COMMISSIONER OF POLICE AND ORS VS HARISH CHHIKARA [W.P.(C)-5846/2024]

Judges: Justice C. Hari Shankar, Justice Girish Kathpalia

The dismissal of a police constable from service was quashed due to the use of the same witnesses in both the departmental proceedings and the criminal case, where the constable was acquitted. There was no additional evidence to justify the dismissal under Rule 12(e) of the Delhi Police (Punishment & Appeal) Rules, 1980, following the acquittal. A related decision in a prior case further supported this conclusion, leading to the dismissal of the challenge by the Commissioner of Police.

DINESH KUMAR GURJAR VS UNION OF INDIA & ANR [W.P.(C)-5395/2019]

Judges: Justice C. Hari Shankar, Justice Girish Kathpalia

The Central Administrative Tribunal canceled the petitioner's candidature for a Group D post based on a comparison of signatures and handwriting. This analysis was deemed inappropriate without a handwriting expert's input. A Forensic Science Laboratory report confirmed that the petitioner's thumb impressions matched, establishing his identity. Consequently, the Tribunal's order was quashed, and the petitioner was to be appointed to the post based on his performance, with all consequential benefits except back wages.

DIRECTOR OF EDUCATION VS GOPAL KRISHNA GUPTA AND ORS. [W.P.(C)-2244/2019]

Judges: Justice C. Hari Shankar, Justice Girish Kathpalia

The respondent, a retired government servant, is entitled to regular pension from his superannuation date of 31 December 2015 until the disciplinary charge-sheet issuance on 19 December 2017. Following the start of disciplinary proceedings, only a provisional pension is applicable as per Rule 9(4) of the Central Civil Services (Pension) Rules. The earlier judgment granting full regular pension to the respondent has been modified accordingly.

RAVI KUMAR VS DEPARTMENT OF SPACE AND ORS. [REVIEW PET.-402/2024]

Judges: Justice C. Hari Shankar, Justice Girish Kathpalia

The review petition was dismissed due to the absence of any apparent errors in the record. The petitioner misrepresented the judgment by selectively quoting sentences while disregarding the overall analysis. The alleged errors did not affect the outcome, which affirmed that the respondent scored the highest marks and was rightfully selected. The petitioner's attempts to intimidate were noted, resulting in an order to deposit costs of Rs. 10,000 with the Delhi High Court Legal Services Committee.

SURAJ PRAKASH SHARMA VS DELHI TRANSPORT CORPORATION & ANR. [W.P.(C)-513/2017]

Judges: Justice C. Hari Shankar, Justice Girish Kathpalia

Petitioners employed as drivers at the Delhi Transport Corporation (DTC) but later reassigned due to disabilities are entitled to continue in service until age 60, in line with a previous Supreme Court decision. The requirement for annual medical examinations for drivers does not apply to those not performing driving duties. The prior judgment from the Central Administrative Tribunal was quashed, resulting in the petitioners receiving continued service along with arrears of salary and pension.

UNION OF INDIA AND ORS VS MRS SAROJ DEVI [W.P.(C)-9256/2024]

Judges: Justice C. Hari Shankar, Justice Girish Kathpalia

Mrs. Saroj Devi, widow of U.N. Jha, is entitled to Jha's pensionary benefits under the Central Civil Services (Pension) Rules, 1972. Jha was established as an employee of the Ministry of Defence, making him eligible for these benefits despite exclusions related to diplomatic services. The release of Jha's pensionary benefits along with interest has been mandated.

DELHI POLICE & ORS. VS KRISHAN KUMAR [W.P.(C)-16815/2024]

Judges: Justice C. Hari Shankar, Justice Manoj Jain

The acquittal of Krishan Kumar was not based on "technical grounds" as defined by Rule 12(a) of the Delhi Police (Punishment and Appeal) Rules, 1980. Precedents clarified that an acquittal on merits due to the prosecution's failure to prove charges beyond reasonable doubt differs from an acquittal based on technicalities. Consequently, the Central Administrative Tribunal's decision to reinstate Krishan Kumar in service with all consequential benefits was upheld, as his acquittal did not fall under the exception in Rule 12(a).

DELHI POLICE AND ANR VS MAHESH SINGH [W.P.(C)-9683/2023]

Judges: Justice C. Hari Shankar, Justice Manoj Jain

The 2% reservation for ex-Servicemen under the Tripura Recruitment Rules must be calculated on the total number of vacancies (44), not just the unreserved vacancies (23). When the 2% calculation results in a fraction, it should be rounded up to the next whole number. The respondent, the only ex-Serviceman who applied and demonstrated merit, is entitled to appointment against the one vacancy reserved for ex-Servicemen.

DSSSB AND ANR. VS MOHAN LAL CHHEDWAL [W.P.(C)-17117/2024]

Judges: Justice C. Hari Shankar, Justice Manoj Jain

The DSSSB's rejection of the respondent's candidature for the Trained Graduate Teacher (Natural Science) position due to the late submission of the e-dossier was found to be illegal. The DSSSB did not notify the respondent about his shortlisting via SMS or email as required, leading to his unawareness of the deadline. Consequently, it was determined that he could not be held accountable for the late submission. The decision also directed the DSSSB to accept the e-dossier in hard copy and consider the respondent's eligibility for appointment.

PUNJAB NATIONAL BANK & ORS. VS S K JAIN [LPA-1198/2024]

Judges: Justice C. Hari Shankar, Justice Manoj Jain

The judgment of the learned Single Judge was upheld, concluding that while a charge sheet does not require a list of witnesses, oral evidence must support documentary evidence, especially if its reliability is disputed. The Inquiry Officer and Disciplinary Authority erred by relying solely on documentary evidence without witness testimony. Consequently, the punishment of removal from service was deemed unsustainable, leading to the dismissal of the bank's appeal without costs.

RAJ BAHADUR VS UNION OF INDIA AND ORS. [W.P.(C)-9724/2017]

Judges: Justice C. Hari Shankar, Justice Manoj Jain

The Central Administrative Tribunal's order for a review DPC was complied with, resulting in the petitioner being promoted to Income Tax Officer (ITO) effective from 1990. The petitioner's entitlement to further promotion as Assistant Commissioner of Income Tax (ACIT) was not examined, adhering to the principle that the High Court should not act as a court of first instance in service matters. The petitioner was allowed to raise this issue in a new application before the Tribunal, without the limitation defense from the respondents.

SUNITA DEVI VS SOUTH DELHI MUNICIPAL CORPORATION AND ANR. [W.P.(C)-12216/2019]

Judges: Justice C. Hari Shankar, Justice Manoj Jain

The petitioner's OA 1270/2019, seeking seniority and notional increments as a Primary Teacher, was not barred by res judicata. Issues of seniority and increments were not previously raised or decided in OA 2691/2012, allowing the petitioner to claim these benefits. The impugned order was set aside and the matter was remanded for fresh consideration without influence from prior adverse observations on the merits of the claim.

DELHI POLICE VS MUKESH CHAND YADAV [W.P.(C)-2811/2018]

Judges: Justice C. Hari Shankar, Justice Shalinder Kaur

The respondent, dismissed from service, is not entitled to leave encashment under Rule 9(1) of the CCS (Leave) Rules. The petitioner, Delhi Police, demonstrated that the GPF was released to the respondent immediately upon application, negating any interest for delayed payment. The order of the Central Administrative Tribunal awarding leave encashment and interest on GPF to the respondent has been quashed and set aside.

UNION OF INDIA & ORS. VS SUNIL KUMAR RATHEE [W.P.(C)-14303/2024]

Judges: Justice C. Hari Shankar, Justice Shalinder Kaur

The Tribunal's decision to set aside the cancellation of a respondent's candidature in the Combined Higher Secondary Level Examination was upheld due to the lack of conclusive evidence of forgery or impersonation, as merely identifying a mismatch in handwriting was insufficient. Principles of natural justice were violated since the respondent was not given access to the CFSL report or an opportunity to respond prior to the cancellation. Verification of the respondent's thumb impressions alongside the CFSL report was mandated, ensuring the respondent received the necessary material to respond.

VANSHIKA DHINGRA AND ORS VS SHUBHAM PAL AND ORS [LPA-1021/2024]

Judges: Justice C. Hari Shankar, Justice Shalinder Kaur

The appeal challenging the answer keys released by the Staff Selection Commission for a recruitment exam was dismissed. The appellants had previously withdrawn a similar appeal, and this attempt to revisit the same issues was deemed an abuse of the legal process. A cost of ₹25,000 was imposed to be deposited with the Armed Forces Battle Casualties Welfare Fund.

A. K. VARSHNEY VS UNION OF INDIA & ANR. [W.P.(C)-8100/2021]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The petitioner was found eligible for promotion to Scientist F under the Flexible Complementing Scheme effective January 1, 2003, but faced delays due to the late convening of the Departmental Promotion Committee. It was established that the promotion should be ante-dated to his eligibility date. Thus, the promotion was ordered to be backdated to January 1, 2003, with consideration for the Modified Assured Career Progression scheme.

AJAY KUMAR VS GOVT. OF NCT DELHI AND ORS. [W.P.(C)-4923/2019]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The order of the Central Administrative Tribunal rejecting the applicant's request for relaxation in age and educational qualification for the Multi Tasking Staff (MTS) position in the Delhi Police was quashed. The Tribunal's decision lacked independent reasoning and was deemed unsustainable. The matter was remitted back to the Tribunal for fresh adjudication, with a directive to resolve it within two months.

AJAY PAL VS DEPUTY DIRECTOR OF EDUCATION AND ORS. [W.P.(C)-13615/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The writ petition challenging the termination notice was dismissed. The Central Administrative Tribunal's decision not to grant an outright stay was within its jurisdiction and justified. The Tribunal made the implementation of the termination order conditional on the outcome of the original application, considering both parties' submissions. There was a request for the Tribunal to expedite the hearing and disposal of the original application, depending on its workload and priorities.

ALL INDIA INSTITUTE OF MEDICAL SCIENCES VS ARVIND KUMAR & ORS. [W.P.(C)-13422/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The order from the Central Administrative Tribunal in OA 155/2024 was set aside due to improper final disposal on a date meant solely for hearing a request for interim relief. The Tribunal had recognized the respondents' reasonable request for time to file a counter reply but proceeded to decide the matter without both parties' consent. This action, even if motivated by urgency, was deemed unjustified. The matter has been remanded for fresh consideration, with the petitioner required to file a reply within a specified timeframe. No views were expressed on the merits of the dispute.

ANIS AHMED VS GOVERNMENT NCT OF DELHI & ORS. [W.P.(C)-1215/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The order dismissing Anis Ahmed's Original Application (OA) as infructuous was set aside. The request for re-employment was deemed infructuous due to the applicant exceeding the age of superannuation, but the request for back wages warranted consideration based on merits. The matter was remanded for a decision on the back wages after hearing both parties.

ANUBHAV JAIN VS HIGH COURT OF DELHI AND ORS [W.P.(C)-8524/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

Clause 13.1 of the DOPT Office Memorandum dated May 17, 2022 applies to the petitioner, not Clause 13.2, as both Rule 7(1)(a) and 7(1)(b) of the DHJS Rules pertain to promotion by selection. With no PwBD candidates available within the normal zone of consideration of 28 candidates, the zone was extended to five times the number of vacancies, including the petitioner. The petitioner is entitled to promotion to the DHJS effective May 29, 2023, with service and seniority counted from that date, but without back-wages.

ASHA RANI GUPTA VS RAVINDERA MEMORIAL PUBLIC SCHOOL & ANR [LPA-627/2018]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The dismissal of the appellant from Ravindra Memorial Public School was invalid due to lack of prior approval from the Directorate of Education, as mandated by Section 8(2) of the Delhi School Education Act, 1973 and Rule 120(2) of the Delhi School Education Rules, 1973. Ex post facto approval does not meet the statutory requirement. The dismissal order was quashed, with directives for reinstatement and provision of back wages and retiral benefits.

BHIM SINGH VS GOVT OF NCT OF DELHI AND ORS [W.P.(C)-961/2016]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The petitioner, working as a Mechanic/Carpenter, had been formally appointed as the Store Keeper since 1995. Orders from the respondent referred to the petitioner as the Store Keeper, with no evidence indicating a temporary charge. Under the provisions of FR 49(iii), the petitioner was entitled to the pay scale of the Store Keeper due to the long-term duties performed. The respondent was directed to pay the difference in the higher pay scale.

BSES RAJDHANI POWER LTD. VS D.P. SHARMA [LPA-221/2020]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

D.P. Sharma could not claim an upward revision of his pay scale after accepting the BSES Special Voluntary Retirement Scheme (SVRS), which was based on his reduced pay scale at retirement. His reduced pay was an integral part of the SVRS package, preventing him from contesting the adjustment post-retirement. The previous judgment was set aside.

DAL SINGH AND ORS. VS UNION OF INDIA AND ORS. [W.P.(C)-886/2020]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

Central Excise Inspectors granted the pay scale of R.S. 7,500-12,000 under the Assured Career Progression (ACP) Scheme are entitled to the next higher grade pay of R.S. 5,400 after completing 4 years in the R.S. 4,800 grade pay. Clarificatory circulars limiting this benefit to Superintendents could not restrict the policy provision, as established by prior judgments.

DELHI SUBORDINATE SERVICES SELECTION BOARD & ANR. VS MEENU DADEIA@MEENU VARDHAN & ANR. [W.P.(C)-13503/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

Meenu Dadeia was entitled to age relaxation for selection to the post of Publicity Assistant in the Municipal Corporation of Delhi, despite being a contractual employee. Working with the MCD classified her as a "departmental candidate," making her eligible for the age relaxation benefit. The challenge by the Delhi Subordinate Services Selection Board against this decision was dismissed.

DINESH KUMAR MEENA VS UNION OF INDIA AND ORS. [W.P.(C)-10205/2019]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The order rejecting the petitioner's appointment due to a perceived mismatch in his handwriting and signature was quashed. A forensic report confirmed that the petitioner's handwriting and signatures matched his admitted samples. The petitioner is to be appointed as per the Notification dated 30 December 2013, with all consequential benefits except back wages.

DR MANU BANGA VS INDIRA GANDHI DELHI TECHNICAL UNIVERSITY FOR WOMEN [LPA-392/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The appeal against the dismissal of a writ petition challenging non-selection for the Assistant Professor position at Indira Gandhi Delhi Technical University for Women was allowed. The appellant, with a 79% disability, was permitted to challenge the appointment process related to reserved vacancies for persons with benchmark disabilities, as he could not have raised this challenge prior to the announcement of results. The reasoning regarding estoppel was contested, and the matter was remanded for fresh consideration in accordance with the law.

DR. PRABAL PAL VS EMPLOYEES STATE INSURANCE CORPORATION & ORS. [W.P.(C)-1854/2022]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

Dr. Prabal Pal's writ petition challenging disciplinary charges from the Employees State Insurance Corporation (ESIC) resulted in the quashing of the second charge of "wilful insubordination and conduct unbecoming of an employee" due to insufficient grounds for misconduct. The first charge was upheld, allowing the inquiry to proceed. The petitioner retains the option to seek remedies if the outcome of the first charge is unfavorable.

DSSSB AND ANR VS DINESH MAHAWAR [W.P.(C)-341/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The decision of the Central Administrative Tribunal regarding Dinesh Mahawar, Pavan Kumar, and Mohan Singh being eligible as Scheduled Caste candidates for the Staff Nurse position based on their Rajasthan caste certificates was upheld. Candidates with such certificates from other states have been considered eligible for SC reservations in the NCT of Delhi since 2012. Additionally, the vacancies for the position had not been fully filled prior to their application. An analogous case, DSSSB v Vishnu Kumar Badetia, also favored similar candidates. Consequently, the respondents were granted the associated benefits.

EMPLOYEES STATE INSURANCE CORPORATION VS USHA SINGH [W.P.(C)-2264/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

A Bachelor's degree in Pharmacy is considered a "science graduate" for the ECG Technician post eligibility advertised by the Employees State Insurance Corporation (ESIC). The term "science graduate" is interpreted broadly, and pharmacy is recognized as a scientific discipline. The advertisement did not specify any particular field of science, and the University Grants Commission's curriculum cannot be used to limit eligibility criteria. The Tribunal's decision remains unchallenged.

GOVT OF NCT DELHI AND ORS VS RAM TIRTH SHARMA [W.P.(C)-14890/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The writ petition by the Government of NCT Delhi and the Directorate of Education was dismissed due to a plea of res judicata deemed frivolous. The government's delay in paying a retired teacher's retiral dues for 3 years was criticized, highlighting negligence in handling the matter, which forced the teacher to approach the Central Administrative Tribunal multiple times. A directive was issued for the government to complete the payment within 2 weeks, with additional costs of Rs. 25,000 if not complied with.

GOVT OF NCT DELHI AND ORS. VS SURENDRA SINGH [W.P.(C)-3663/2018]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The petitioners must pay 10% per annum interest on the retiral benefits to the respondent from four weeks after the tribunal's order dated July 12, 2011, until actual payment on June 21, 2013. Additionally, the petitioners are required to pay interest on the interest from June 21, 2013, until actual payment, despite claims that the Interest Act prohibits this. The petition filed by the government authorities was dismissed.

GOVT OF NCT OF DELHI AND ANR VS ANANG PAL SINGH [W.P.(C)-15522/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The Central Administrative Tribunal's order for the Government of NCT of Delhi to pay interest on the delayed release of a retired employee's leave encashment and CGEGI benefits was upheld. The government's claim that the delay was due to the employee's failure to provide certain details was rejected, as it did not justify withholding the benefits. Withholding of leave encashment is permitted only under specific circumstances not applicable in this case, since there were no pending disciplinary or criminal proceedings against the employee.

GOVT OF NCT OF DELHI AND ORS VS CYRIAC MATHEW AND ORS [W.P.(C)-14511/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The issue of whether the pay of Assistant Accounts Officers (AAOs) should be fixed under Rule 7 or Rule 11 of the Central Civil Services (Revised Pay) Rules, 2008 remains unresolved. The Government of National Capital Territory of Delhi (GNCTD) must verify facts regarding the AAOs' options under Rule 5 and determine the appropriate rule for pay fixation within 8 weeks. A second round of litigation is anticipated due to the Tribunal not addressing the core controversy. This matter involves multiple AAOs seeking the same relief.

GOVT OF NCT OF DELHI AND ORS VS PARMILA DEVI [W.P.(C)-13871/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The decision of the Central Administrative Tribunal was upheld, directing the Delhi Subordinate Services Selection Board to verify the respondent's Anganwadi Worker experience certificate and consider her for the Supervisor Grade-II (Female) position if valid. The Tribunal's acceptance of the respondent's explanation for having two overlapping work experience certificates was deemed reasonable. The claim that the Anganwadi certificate was submitted late was rejected, as it was submitted with the respondent's e-dossier as required. The decision was unanimous, with no referral to a larger bench.

GOVT. OF NCT DELHI AND ANR. VS DINESH AND ORS. [W.P.(C)-971/2020]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The issue is addressed by a previous judgment in DSSSB v Dinesh Mahawar, which dismissed a similar petition. The Supreme Court's ruling in Bir Singh v Delhi Jal Board establishes that the pan-India reservation rule applies in the National Capital Territory of Delhi. Previous division bench judgments in Deepak Kumar v District & Sessions Judge and DSSSB v Vishnu Kumar Badetia support this position. As a result, the writ petition by the DSSSB against the Central Administrative Tribunal's order, favoring non-resident Scheduled Caste candidates seeking reservation benefits for Municipal Corporation of Delhi recruitment, is dismissed.

GOVT. OF NCT OF DELHI AND ORS. VS HC (MIN) SHISHU PAL [W.P.(C)-3884/2019]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The decision of the Central Administrative Tribunal, which quashed the penalty of censure imposed on respondent HC (Min) Shishu Pal for not appearing in disciplinary proceedings, was upheld. The respondent's non-participation was not classified as misconduct under the Delhi Police (Punishment and Appeal) Rules, 1980. The respondent requested to suspend the enquiry proceedings until his representations against a new charge sheet were addressed, but these requests went unanswered by the authorities. The writ petition from the Delhi Government was dismissed.

HARSHPAL SINGH NEGI VS ST. MARYS SCHOOL SAFDARJUNG ENCLAVE AND ORS [LPA-1103/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The writ petition challenging the termination of the appellant as a Physical Education Teacher was deemed maintainable based on precedent. The discretion to entertain the writ petition or direct the appellant to file an appeal with the Delhi School Tribunal rests with the learned Single Judge, depending on specific circumstances. Previous orders stating that no writ petition would be maintainable were set aside, allowing the appellant the option to choose between a writ petition or an appeal. No opinion was expressed on the merits of the case.

INDIAN COUNCIL OF AGRICULTURAL RESEARCH AND ANR VS SUSHILA AND ANR [W.P.(C)-13695/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The decision to grant family pension to the widow of a former ICAR employee, who was not regularized before his death, was upheld. The employee's long period of quasi-permanent service was acknowledged as equivalent to permanent service, qualifying his widow for the pension benefit. The ruling was consistent with established legal principles and found no errors in the earlier decision.

INDIAN COUNCIL OF AGRICULTURAL RESEARCH AND ANR VS YUGAL KISHORE SAH AND ORS [W.P.(C)-14126/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The High Court's decision to quash the seniority lists of assistants prepared by the Indian Council of Agricultural Research (ICAR) was upheld. These seniority lists were based on the overruled judgment in N.R. Parmar. Seniority lists between direct recruits and promotees established after the K. Meghachandra Singh v Ningam Siro judgment must follow the principles outlined in that case. The protection granted in Meghachandra is applicable only to seniority lists finalized before its ruling, not to those prepared subsequently.

LOKPAL SINGH NEGI VS GNCT OF DELHI & ORS [W.P.(C)-8914/2019]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The petitioner's case warranted different consideration than the case of Mr. R.K. Sabharwal relied upon by the Central Administrative Tribunal. The use of "current duty charge" in the office order did not disqualify the petitioner from receiving the higher pay of Principal. The lack of a Ph.D. qualification cited by the respondents is no longer valid based on a recent Supreme Court judgment. The Tribunal's judgment regarding the petitioner's Original Application was quashed and remanded for fresh consideration according to natural justice principles.

MAHANAGAR TELEPHONE NIGAM LIMITED VS UNION OF INDIA AND ANR [W.P.(C)-1052/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The Central Administrative Tribunal directed Mahanagar Telephone Nigam Limited (MTNL) to grant out-of-turn promotion to Pawan Kumar from July 2006 due to his medal-winning performances in wrestling. MTNL's denial of the promotion, despite the tribunal's orders to reconsider, lacked justification and was contrary to recruitment rules acknowledging Kumar's entitlement. The decision to dismiss MTNL's writ petition emphasized that further litigation should not prolong the matter unnecessarily.

MANISH SAINI VS GOVERNMENT OF NCT OF DELHI AND ANR. & ANR. [W.P.(C)-11856/2022]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The dismissal of the petitioner's candidature for the post of Sub-Inspector (Executive) in the Delhi Police was deemed unjustified. The petitioner had been acquitted in a criminal case, with the judgment highlighting the prosecution's lack of credible evidence. This acquittal was classified as a "clean acquittal." The Screening Committee was found to have improperly reviewed the Sessions Court's judgment. Consequently, the petitioner was directed to be appointed as Sub-Inspector from the same date as other successful candidates, without back wages.

MANOJ KUMAR VS UNION OF INDIA AND ORS. [W.P.(C)-5923/2019]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The rejection of the petitioner's appointment due to a claimed mismatch in handwriting and signature was invalid. Examination of forensic evidence revealed that the thumb impression on all documents matched, addressing the handwriting concerns. The previous order dismissing the petitioner's application lacked reasoning and analysis. The order was quashed, and the respondent was directed to appoint the petitioner as per the notification, with all consequential benefits except back wages and with notional pay fixation from the appointment date.

MINISTRY OF RAILWAYS AND OTHERS VS SHRI MOHAN SINGH SANDHU [W.P.(C)-8929/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The order of the Central Administrative Tribunal, which quashed disciplinary proceedings against the respondent due to non-compliance with principles of natural justice, was upheld. The respondent was entitled to the advice of the Union Public Service Commission (UPSC) before any penalty was imposed, in line with the precedent established in S.N. Narula v. UOI. Despite differing opinions in prior decisions regarding the necessity of providing UPSC advice to the charged officer, the earlier ruling in S.N. Narula remains binding. The writ petition from the Ministry of Railways was dismissed.

MMTC LTD VS P. K. DAS & ORS. [LPA-1033/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The decision upheld that MMTC cannot recover excess perks and allowances paid to its senior executives beyond 50% of their basic pay. The recovery of excess payments made for over five years is considered iniquitous and arbitrary, violating Article 14 of the Constitution. The perks were granted based on MMTC's own decisions and circulars, with no fault attributed to the executives. MMTC's appeal was dismissed.

MS ANJU CHAWLA & ORS. VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-10847/2022]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The decision of the Central Administrative Tribunal to set aside the seniority list dated November 3, 2020, which prioritized direct recruits over promoted employees, was upheld. The seniority list was inconsistent with the law established in K. Meghachandra Singh v Ningam Siro, which mandates that seniority is based on the date of joining the post, regardless of recruitment route. The argument for applying a saving clause was dismissed due to the absence of a prior seniority list. Additionally, the DOPT Office Memorandum allowing seniority based on the overruled Parmar judgment was deemed legally erroneous.

MUNICIPAL CORPORATION OF DELHI VS BIJENDER SINGH [W.P.(C)-7668/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The Municipal Corporation of Delhi's writ petition against an order requiring payment of 12% per annum interest on delayed retirement benefits was dismissed. Financial difficulties claimed by the MCD did not justify the delay, emphasizing the necessity for timely disbursement for the well-being of retirees. The lack of supporting evidence for the MCD's financial crisis led to the rejection of their arguments, and the interest rate set by the Central Administrative Tribunal was upheld.

PARIKSHIT GREWAL & ORS. VS UNION OF INDIA & ANR. [LPA-971/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The Central Administrative Tribunal (CAT) has exclusive jurisdiction over disputes related to recruitment for civil posts under the Union, as outlined in Section 14 of the Administrative Tribunals Act, 1985. Litigants must approach the CAT as the first instance for such matters, even if they are not currently employees. No exceptional circumstances were present in this case to warrant direct access to the High Court. The appeal was dismissed, reinforcing the requirement to first engage with the CAT.

RAJENDER SINGH VS DELHI TRANSPORT CORPORATION [W.P.(C)-2799/2019]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The order of the Central Administrative Tribunal was set aside and remanded for reconsideration on the merits, as the initial decision lacked a thorough discussion and proper application of mind. The case must be decided expeditiously after hearing both parties again, without any findings on the merits.

SECRETARY, RAILWAY BOARD & ORS. VS SHRI RAJESH YADAV [W.P.(C)-9241/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The order directed the Railway Board to reconsider appointing Rajesh Yadav to a suitable post matching his B-II disability, either in the Delhi Division or elsewhere. The Railway Board acknowledged that another individual with a similar disability was appointed to an appropriate position, suggesting that accommodations were feasible. The directions required the Board to consider Rajesh Yadav for a position that aligned with his apprenticeship training with the Railways.

SH. OM PRAKASH VS COMMISSIONER OF POLICE [W.P.(C)-15184/2023]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The petitioner's writ petition was allowed, challenging the dismissal of his application by the Central Administrative Tribunal due to limitation. The case was aligned with the precedent that a claim for erroneous pay fixation constitutes a recurring cause of action. The Tribunal's order was quashed, and the matter was remanded for consideration on merits, including the assessment of arrears payable to the petitioner if the claim is deemed meritorious.

SH. R.S. MEENA VS NORTH DELHI MUNICIPAL CORPORATION AND ORS. [W.P.(C)-5756/2019]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The petitioner, assigned to hold the current duty charge of Deputy Commissioner (DC), is not entitled to the DC pay scale as per Fundamental Rule 49(v) because he was not formally appointed to the higher post. The appointment order specified that he would continue to receive the pay of his substantive position as Assistant Deputy Commissioner (ADC) without entitlement to DC pay or benefits. The contention regarding Fundamental Rule 49(i) was rejected, as there was no formal appointment to full duties of the DC. The matter is remanded to the Central Administrative Tribunal to consider the petitioner's claim for DC pay scale from 15 September 2006, which was not addressed previously.

SHIV PRAKASH KATIYAR VS JAWAHAR LAL UNIVERSITY & ORS. [LPA-984/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The order issued by the single judge, which merely provided notice on the appellant's application, does not qualify as a "judgment" under Clause 10 of the Letters Patent and is not appealable via a Letters Patent Appeal (LPA). The examination of legal principles revealed that the order does not resolve any issues or determine the rights of the parties, leading to the conclusion that it is not a "judgment." The LPA was dismissed as not maintainable.

SHRI RAMVIR GIRI AND ORS. VS SOUTH DELHI MUNICIPAL CORPORATION AND ANR. [W.P.(C)-1987/2018]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The order of the Central Administrative Tribunal concerning the regularization of Chowkidars working with the MCD was set aside and remanded for fresh consideration. The petitioners had previously sought regularization, but their request was rejected without adequate examination of key aspects, including the documents of their original appointment and the respondents' regularization policy. The remand emphasizes the need for an expedited review of the case, which involves multiple petitioners.

STAFF SELECTION COMMISSION & ORS. VS AMAN SINGH [W.P.(C)-13821/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The Central Administrative Tribunal's directive for a "re-review medical examination" of candidates deemed unfit for police constable recruitment was deemed unjustified in several instances. Guidelines for judicial review of medical board decisions highlighted the need for deference to expert opinions but allowed for intervention in cases of procedural breaches, significant discrepancies in medical reports, absence of relevant specialists, and neglect of specialist opinions. Following these principles, fresh medical examinations were upheld for some candidates, while the directive was overturned for others, based on the specifics of each case.

STAFF SELECTION COMMISSION AND ANR VS SHUBHAM PAL ANR ORS [LPA-985/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The respondents successfully challenged the answer key for Question ID 264330171997 in the Combined Graduate Level Examination Tier-II, 2023. The experts' suggestion of "OKEY" as the correct answer was deemed incorrect, with "YOKE" identified as the only meaningful word. Although recruitment matters typically fall under the Central Administrative Tribunal's jurisdiction, the case's developments necessitated consideration of the writ petition. A split verdict was issued, but both judges agreed on the outcome and referred the jurisdiction issue to a larger bench.

STAFF SELECTION COMMISSION AND ORS VS DEEPAK KUMAR [W.P.(C)-14801/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The petition by the Staff Selection Commission against the Central Administrative Tribunal's order was dismissed. The Tribunal required Deepak Kumar to be re-examined by a dermatologist to evaluate his fitness for the Constable position in the Delhi Police, specifically regarding the absence of tattoos on the right forearm as mandated by the recruitment advertisement. The challenge to this order was considered unjustified, as the dermatologist's examination was deemed a reasonable measure to verify compliance with recruitment rules. Previous findings in the Deepak Yadav case, where no visible tattoo was noted, were to be considered during the examination.

SUBRAT KUMAR PANIGRAHI VS HINDUSTAN PETROLEUM CORPORATION LIMITED AND ORS [LPA-30/2022]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The adverse remark in the appellant's Annual Confidential Report (ACR) for 2018-2019 was deemed arbitrary and unsupported by the rest of the ACR. The appellant met or exceeded all targets for that year, as acknowledged by the Reporting Officer. The prior upholding of a performance rating of "3" was disagreed with, leading to the quashing of the adverse remark and the rating. A direction was issued to re-assess the appellant's performance for 2018-2019 and assign a new rating. The challenge to the "4" rating for 1996-1997 was not disturbed due to being barred by delay.

SUNNY KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-14458/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The writ petition filed by Sunny Kumar was dismissed. The respondents had substantially complied with previous Tribunal directions. The petitioner’s requests for appointment, seniority, and damages cannot be addressed at this stage and may be taken up in substantive proceedings before the Tribunal. The respondents issued a detailed speaking order on 16.05.2024, in line with Tribunal requirements, and the dismissal allows the petitioner to challenge this order subsequently.

UNION OF INDIA & ORS. VS JAGDISH SINGH & ORS. [W.P.(C)-13770/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The Administrative Tribunal's decision was upheld regarding the eligibility of senior income tax officers for a 2-year relaxation in the qualifying service requirement for promotion to the Additional Commissioner of Income Tax (NFSG). The argument that promotion to NFSG is merely a placement in a higher pay scale was rejected, affirming that the statutory IRS Rules provide for such promotions. This case involved a joint petition from the respondents.

UNION OF INDIA & ANR VS SHRI RK NIM [W.P.(C)-6000/2018]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

Disciplinary proceedings against Shri R.K. Nim were invalidated due to the charge-sheet not being approved by the Minister of Science and Technology, as required by Rule 14(3) of the CCS (CCA) Rules. Although a proposal to initiate proceedings was submitted, the specific charge-sheet lacked necessary approval. Consequently, the entire disciplinary process from the charge-sheet stage was quashed.

UNION OF INDIA & ANR. VS NANDKISHORE MEENA & ORS. [W.P.(C)-4380/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The decision of the Central Administrative Tribunal, allowing respondent employees notional promotion from the date their juniors were promoted, was upheld. Although the interpretation of the DOPT office memorandum from 12 October 1998 was deemed incorrect, the situation fell under an exception for superannuated employees as established in Baij Nath Sharma. The writ petitions from the Union of India were dismissed, but the relief did not apply to one respondent who had superannuated before the eligibility cutoff date.

UNION OF INDIA & ANR. VS SHRI HARINDER SINGH & ORS. [W.P.(C)-12449/2023]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The judgment of the Central Administrative Tribunal regarding the regularization of outsourced Group-D cleaners was quashed due to reliance on irrelevant Supreme Court cases related to statutory canteen workers in the Railways. The case has been remanded for fresh consideration, with a directive for both parties to appear on a specified date, and a request for the matter to be decided within six weeks.

UNION OF INDIA AND ORS VS DEEPAK KUMAR RANA [W.P.(C)-14888/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The writ petition filed by the Union of India and others was dismissed, challenging an order from the Central Administrative Tribunal that required the respondents to finalize the applicant's candidature within 8 weeks and extend an offer of appointment. The dismissal noted that the Tribunal's order was based on a statement by the petitioners' counsel, making it unchallengeable. A nominal cost of Rs. 5,000 was imposed to discourage similar challenges. This decision involved an individual matter rather than a batch case.

UNION OF INDIA AND ORS VS MAHESH KUMAR BHARTI [W.P.(C)-5663/2017]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The writ petition filed by the Union of India and others was dismissed due to a lack of sustainable cause of action. The order in question required the petitioners to review Mahesh Kumar Bharti's medical bill and pay any owed amount within 90 days. The matter was deemed to be at the petitioners' discretion, and there was no justification for the case to remain unresolved for six years.

UNION OF INDIA AND OTHERS VS SURESH KUMAR MEENA [W.P.(C)-16671/2023]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

An ST candidate was entitled to receive one additional grace mark in Paper-II of the Limited Departmental Competitive Examination, consistent with an order from the Department of Posts that allowed for grace marks up to one mark less than the marks obtained. The Department's policy of awarding a uniform 10 grace marks in Paper-IV to all candidates, regardless of their actual scores, was deemed inconsistent with its own regulations. The Department was directed to reconsider the ST candidate for the position of Assistant Accounts Officer upon awarding the additional grace mark.

UNION OF INDIA THROUGH GENERAL MANAGER & ANR. VS ARUN KUMAR KULDEEP AGED ABOUT 27 YEARS & ANR. [W.P.(C)-7941/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The Railways' rejection of the respondents' candidature for ASM and Goods Guard positions lacked justification as they were not subjected to a fresh medical examination. The relevant notification mandated a fresh medical check, and relying on prior fitness from previous positions was inappropriate. Additionally, a subsequent "clarificatory" notification issued after the rejection decision was deemed irrelevant.

UNION OF INDIA THROUGH ITS UNDER SECRETARY VS SARTHAK SINGH & ANR. [W.P.(C)-14557/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

Sarthak Singh is entitled to be treated as an OBC (Non-Creamy Layer) candidate for the Central Civil Services Examination 2022, as his father, a Class III officer, entered Class I service as a Principal at the age of 43. This situation aligns with established precedent, allowing OBC (NCL) benefits under similar circumstances. The argument that Singh's education post his father's promotion disqualifies him from these benefits was rejected.

UNION OF INDIA VS ANAND MOHAN SHARAN & ANR. [W.P.(C)-5271/2021]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The disciplinary authority could remit the matter to the Inquiry Officer for a fresh inquiry after obtaining the Central Vigilance Commission's advice, even after providing the inquiry report to the charged officer. However, the reasons given for remitting the matter were vague and did not comply with Rule 9(1) of the All India Services (Discipline and Appeal) Rules, 1969, lacking evidence of any inherent lacuna or defect. The sequence of events also raised doubts about the bona fides of the decision. The Union of India's petition challenging the order was dismissed.

VARUN ANEJA VS UNION OF INDIA AND ORS [W.P.(C)-15416/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The Central Administrative Tribunal's decision to deny the petitioner's request for interim relief lacked sufficient reasoning. The assessment focused on the nature of the petitioner's duties instead of evaluating whether he met the essential qualification of "two years' experience in Administration or Accounts" for the Administrative Officer position. The matter is remanded for de novo consideration, with a new hearing scheduled for 7 November 2024. The question of the petitioner's entitlement to interim relief remains for the Tribunal to decide.

VIJAY KUMAR VS UNION OF INDIA AND ORS. [W.P.(C)-7623/2019]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The rejection of the petitioner's candidature for a Group 'D' post based on a suspected handwriting/signature mismatch was deemed invalid. The dismissal order from the Central Administrative Tribunal lacked proper reasoning. A forensic report confirmed that the petitioner's thumb impression matched his admitted specimens, resolving identity doubts. The Tribunal's order was quashed, and the petitioner was to be appointed with all consequential benefits, except back wages.

YOGESH VS UNION OF INDIA & ORS. [W.P.(C)-2818/2023]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The order of the Central Administrative Tribunal was quashed after a forensic report confirmed that the petitioner's thumb impression matched his admitted thumb impression, eliminating doubts about his identity. The petitioner is to be appointed according to his performance and receive all consequential benefits except back wages, with compliance required within 8 weeks.

GOVT OF NCT OF DELHI AND ORS. VS NEERAJ KUMAR [W.P.(C)-10572/2023]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

The orders dismissing the respondent from service under Article 311(2)(b) of the Constitution were set aside due to inadequate justification for bypassing a disciplinary inquiry. The invoked constitutional exception did not align with established legal principles or relevant circulars of the Delhi Police. Authorities failed to prove that conducting a disciplinary inquiry was impracticable as mandated by law.

SMT USHA DEVI VS UNION OF INDIA AND ANR [W.P.(C)-5687/2024]

Judges: Justice C. Hari Shankar, Justice Sudhir Kumar Jain

Smt. Usha Devi is entitled to compassionate allowance under Rule 41 of the Central Civil Services (Pension) Rules, 1972. The misconduct leading to her husband Pappu's dismissal, unauthorized absence from duty, does not fall under the five categories that disqualify an employee from receiving compassionate allowance. The circumstances of Smt. Usha Devi, including her age, health issues, and financial difficulties, warrant special consideration. The decision of the Central Administrative Tribunal was quashed, and the respondents are to decide on her claim within four weeks.

C.S. MALIK VS COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH & ANR [W.P.(C)-11406/2018]

Judges: Justice C. Hari Shankar, Justice Tushar Rao Gedela

Disciplinary proceedings against C.S. Malik, a Senior Deputy Financial Adviser in CSIR, were validly instituted despite the charge sheet being issued on his superannuation date. The charge sheet had approval from the appropriate authority. However, Malik was not held liable for actionable misconduct since he acted as an implementing officer without decision-making authority. The proceedings were criticized for being instituted hastily and violating principles of natural justice compared to other officers involved.

GOVT OF NCT OF DELHI AND ORS VS UDAL SINGH [W.P.(C)-15643/2024]

Judges: Justice C. Hari Shankar, Justice Tushar Rao Gedela

The disciplinary proceedings against Udal Singh, a Trained Graduate Teacher, were quashed because the chargesheet was issued and the punishment imposed by authorities who lacked jurisdiction. Following the 6th Pay Commission recommendations in 2008, Udal Singh qualified as a Group B officer, making the Chief Secretary the appropriate disciplinary authority as per the amended CCS (CCA) Rules. The argument that he remained a Group C officer for disciplinary matters was rejected, rendering the entire process invalid.

INDIRA GANDHI NATIONAL OPEN UNIVERSITY VS BHUVANESH VYAS [LPA-390/2020]

Judges: Justice C. Hari Shankar, Justice Tushar Rao Gedela

The appeal by Indira Gandhi National Open University (IGNOU) was dismissed regarding the termination of employee Bhuvanesh Vyas. IGNOU failed to meet statutory requirements under Statute 19, lacking a proper show cause notice and reasonable opportunity for the employee to respond. The termination was issued retroactively, which is not allowed unless the employee is suspended; such was not the case. The employee's leave applications were approved by the competent authority, contradicting IGNOU's claim of service abandonment. The findings of the single judge were upheld.

KAMLA NEHRU COLLEGE VS INDERJEET SINGH & ANR. & ORS. [LPA-1117/2024]

Judges: Justice C. Hari Shankar, Justice Tushar Rao Gedela

The educational qualifications for the position of Assistant Professor (Journalism) did not require a Ph.D. The respondent, holding a Master's degree with 55% marks and having cleared NET, was deemed eligible. The dissent of the selection committee's expert member was found to be legally incorrect and arbitrary, as it contradicted the established eligibility criteria. The governing body of the College was instructed to consider the respondent's candidacy based on the selection committee's merit list, disregarding the incorrect dissent.

STAFF SELECTION COMMISSION & ORS. VS BRIJ KISHORE MEENA [W.P.(C)-13976/2024]

Judges: Justice C. Hari Shankar, Justice Tushar Rao Gedela

A batch of petitions challenged the orders of the Central Administrative Tribunal regarding medical examinations for recruitment in disciplined forces. The principles for judicial review were established, emphasizing that review should focus on the medical examination rather than the candidate's overall suitability. Interference is permitted in limited circumstances, such as procedural breaches, discrepancies in findings, lack of specialist opinion, or ignoring specialist advice. The matter was referred for re-examination in cases with discrepancies or lack of specialist input, while upholding rejections where medical board decisions aligned with established principles. Each case was considered individually.

U.N.SAXENA VS UOI & ORS. [W.P.(C)-5341/2007]

Judges: Justice C. Hari Shankar, Justice Tushar Rao Gedela

The petitioner's case (OA 1887/2005) was dismissed due to the failure to include necessary parties, specifically those whose promotions were being challenged. It was established that those individuals must be part of the proceedings. The inability to rectify this issue at the current stage led to the decision not to interfere with the initial dismissal of the case.

VIKAS KAUSHIK & ANR. VS NEW DELHI MUNICIPAL COUNCIL & ORS. [W.P.(C)-201/2024]

Judges: Justice C. Hari Shankar, Justice Tushar Rao Gedela

The New Delhi Municipal Council (NDMC) complied with the Central Administrative Tribunal's order to amend the Recruitment Rules for the Junior Engineer (Electrical) position, allowing for the promotion of Electricians from the Civil Engineering Department. The NDMC obtained approval from the Union Public Service Commission for the amendments and is forwarding the draft to the Ministry of Home Affairs for final approval. As a result, the order dismissing the petitioner's application to implead the UPSC was quashed, and the contempt petition was disposed of since the NDMC addressed the alleged contempt. Continuing the contempt proceedings is deemed unfair following compliance with the original order.

RENU KRISHNAN JAGDEV VS REGISTRAR COOPERATIVE SOCIETIES & ORS. [W.P.(C)-16435/2024]

Judges: Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The Registrar of Cooperative Societies (RCS) must treat the petitioner's writ petition as a representation and decide the matter within 12 weeks after a personal hearing. The petitioner's late husband was allotted a membership and flat in the respondent society in 1994, but the membership was not finalized. Following his death in 2021, the membership transferred to the petitioner. A complaint from another resident alleged that the late husband owned more properties than permitted, prompting the RCS to seek an explanation from the petitioner. Although the RCS approved the late husband's membership on October 4, 2022, it did not communicate this to the petitioner. The rights and contentions of all parties remain open for the RCS's decision.

ZILE SINGH PROPRIETOR OF M/S DEEP TRAVELS VS UNION OF INDIA THROUGH SECRETARY & ORS. [W.P.(C)-16765/2023]

Judges: Chief Justice Manmohan, Justice Manmeet Pritam Singh Arora

The exclusion of experience with government organizations/PSUs from the eligibility criteria in Appendix L of the tender documents was deemed appropriate and not arbitrary. The petitioner did not challenge the technical eligibility criteria requiring 2 years' experience with Defense organizations. Rewriting the terms of Appendix L as requested would exceed jurisdiction. The writ petitions were dismissed with no grounds for interference with the tendering authority's terms.

MAYANK DAYAL VS SHAKUNTALA DEVI (DECEASED) THR LRS & ORS [RFA(OS)-84/2018]

Judges: Chief Justice Manmohan, Justice Mini Pushkarna

A decision regarding the merits of a case at the stage of considering applications for rejection of plaint was deemed erroneous due to the presence of disputed questions of fact requiring a full trial. Factual findings and declarations were made without recording evidence. The previous judgment was set aside, and the matter was remanded for further proceedings with proper evidence recording.

AADHARSHILA VIDYA PEETH VS MASTER JAI THROUGH HIS FATHER MANISH KUMAR AND ANR [LPA-854/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The maintainability of the writ petition filed by the respondent child against the private unaided school is recognized due to the involvement of a public law element. Provisional admission for the child in the school is granted to prevent disruption of the academic year. Key issues such as the number of seats declared by the school, allocation by the Directorate of Education, the "carry forward" of unfilled seats, and implications of Section 5(2) of the Right to Education Act regarding school transfers remain for further consideration by the single judge.

AAKASH GOEL VS UNION OF INDIA & ORS. [W.P.(C)-15920/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The public interest petition seeking policy documents for all policyholders of the Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) and a database of deceased individuals for the Life Insurance Corporation (LIC) was dismissed. The petition was found to be based on unsubstantiated assumptions, with concerns that the requested actions could facilitate a scam. Insurance contracts are classified as private, making public interest petitions concerning such contracts generally not maintainable.

AFSHAN PRACHA VS DELHI JAL BOARD AND ORS [LPA-1100/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appellant's appeal against the dismissal of her writ petition regarding a work order from the Delhi Jal Board and a sewage pipeline on her property was dismissed. The grievance was categorized as a "public nuisance," requiring resolution through the Executive Magistrate rather than writ jurisdiction. The petition was also deemed to be delayed by approximately 2.5 years and lacked evidence of the appellant's exclusive ownership of the disputed property.

AKHILESH KUMAR MISHRA AND ORS VS UNIVERSITY OF DELHI AND ORS [W.P.(C)-13538/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The issue of defacement of public property and university infrastructure during the Delhi University Students' Union elections was addressed, highlighting significant progress in cleaning efforts. A committee was formed to assess damages and propose a compensation formula. Proposed reforms included strict enforcement of guidelines, student sensitization, and measures to prevent future defacement. Undertakings by student candidates to clean and repaint remaining sites within a week were accepted. Emphasis was placed on reforming student behavior rather than punishment, aiming to maintain university and public property for the benefit of all students.

AMITABH DASSANI VS THE REGISTRAR, COOP. SOCIETIES & ORS [W.P.(C)-7478/2016]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The petitioner's membership in the cooperative society and his entitlement to Flat No.570/A-432 were validated. The petitioner's mother became a member in 1986, and membership was transferred to the petitioner in 1991, with the transfer deemed legitimate by the Registrar of Cooperative Societies and the Financial Commissioner. Attempts by the respondent society to challenge the petitioner's membership were dismissed due to delays. The respondent society is required to send necessary documents for verification to the Registrar of Cooperative Societies to complete the allotment process for the flat.

ANIL KUMAR MAGGU VS FOOD CORPORATION OF INDIA [LPA-1023/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal regarding the termination of the Handling & Transport Contract by the Food Corporation of India (FCI) was dismissed. The termination clause allowing FCI to end the contract with 30 days' notice for administrative reasons was deemed part of the agreed terms, which the appellant accepted. A contract clause cannot be invalidated simply because it is unfavorable to one party. If the termination is found invalid, the only available relief would be compensation for the notice period, not reinstatement of the contract.

ANJU BALA VS MUNICIPAL CORPORATION OF DELHI & ORS. & ORS. [LPA-1051/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal challenging the dismissal of an application to vacate an ex parte interim order was deemed misconceived. The National Commission for Scheduled Castes (NCSC) lacks the authority to "investigate" or issue binding directions, with its powers confined to making recommendations. NCSC orders are recommendatory and do not equate to decrees from civil courts. The appeal was dismissed due to delay and on merit, reinforcing that the NCSC is not an adjudicatory body and its reports do not serve as an alternative to the judicial system.

ANOOP SHARMA VS COMMONWEALTH GAMES VILLAGE APARTMENT OWNERS ASSOCIATION & ORS. [FAO(OS)-155/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal challenging the decision to delete respondent nos. 8 and 9 from the parties in the suit was dismissed. Respondents 8 and 9 were deemed unnecessary as no relief was sought against them, being only nominated members of the governing body of the plaintiff-association. Additionally, the Nodal Officer, a retired District Judge, had the authority to direct the plaintiff-association's counsel. The appellant lacked the standing to appeal as he was not a party to the suit.

ANOOP SHARMA VS COMMONWEALTH GAMES VILLAGE APARTMENT OWNERS ASSOCIATION & ORS. [FAO(OS)-156/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The deletion of respondent nos. 8 and 9 from the suit was upheld, as they were not parties in their personal capacity and no relief was sought against them. The Nodal Officer had the authority to instruct the counsel for the plaintiff-association. The appeal by the appellant, who was not a party to the suit, was dismissed due to lack of locus and delay.

BCC DEVELOPERS AND PROMOTERS PVT LTD VS BHUPENDER SINGH & ANR. [FAO(OS)-144/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal by BCC Developers & Promoters Pvt. Ltd. against an order granting interim relief to Bhupender Singh & Anr under Section 9 of the Arbitration & Conciliation Act, 1996 was dismissed. The focus was on the prima facie justification for granting interim relief without delving into the merits of the dispute. Justifications included findings of overlapping properties and the appellant's forfeiture of a sum from the respondents. A related civil dispute had an existing stay order, which the appellant did not challenge.

CHANDNI FAZLI VS RAZIA SULTANA AND ORS [FAO(OS)-157/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The order to condone the delay in filing the written statement was upheld, with a cost of R.S. 50,000 imposed. Relevant rules allow for the filing of written statements within specified timelines, even without an accompanying affidavit of admission/denial. The intent of these rules is to ensure that defenses are properly recorded. The written statement was submitted with all necessary particulars apart from the affidavit, negating the need for a separate application for delay condonation.

CHANDRA KALA RAI VS REGISTRAR OF COOPERATIVE SOCIETIES DELHI AND ORS [W.P.(C)-15075/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The writ petition by Chandra Kala Rai challenging the election results for the President of the new Managing Committee of the society was dismissed due to the failure to utilize the alternative statutory remedy under Section 70 of the DCS Act. The dismissal allows the petitioner to pursue the alternative remedy as permitted by law, with all parties' rights and contentions remaining open.

CORRTECH INTERNATIONAL PVT LTD VS DELHI INTERNATIONAL ARBITRATION CENTER & ORS. [LPA-975/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appellant's arguments regarding the jurisdiction and authority of DIAC and the validity of the dispute reference by MSEFC are linked to case facts and not examinable in a writ petition under Article 226. An adequate remedy exists under the Arbitration and Conciliation Act, 1996, allowing challenges to the arbitral tribunal's jurisdiction under Section 16 and appeals of the final award under Section 34. The appellant can raise all legal and other objections before the arbitral tribunal without influence from prior observations.

COUNCIL OF ARCHITECTURE VS AR BELA AGRAWAL & ORS. [LPA-1064/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal by the Council of Architecture regarding a 12-month suspension of the respondent architect was dismissed. The suspension was set aside due to the Council exceeding its jurisdiction, unfairly targeting the respondent, and not adhering to principles of natural justice by failing to provide proper notice before expanding the charges. The analysis supporting this conclusion indicated that the Council's actions were unjustified.

COURT ON ITS OWN MOTION VS UNION OF INDIA & ORS [W.P.(C)-5666/2017]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The Indian Railways was directed to extend concessions currently available to completely blind passengers to those with up to 90% visual impairment, in line with the Gazette Notification. The Railways agreed to implement this decision within two weeks and was tasked with considering suggestions for improving accessibility for visually impaired persons, with a requirement to issue relevant administrative orders within four weeks. The public interest litigation was subsequently closed.

CUSTODIAN OF EVACUEE PROPERTY VS SHRI JASWANT SINGH NARAG SINCE DECEASED THROUGH HIS LRSSMT. DALBIR NARAG & ORS. [LPA-1050/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal by the Custodian of Evacuee Property was dismissed, affirming the order for the issuance of a sale certificate to the legal heirs of late Mr. Jaswant Singh, the successful auction purchaser. The Custodian's objections were deemed invalid, given that payments had been accepted over the years without any valid reason to refuse the certificate. The principle of compensation for potential claims was recognized, and the acquisition of the property in 1963 did not prevent the issuance of the certificate. The issuance is subject to the respondents depositing the outstanding auction amount.

DALJIT SINGH AND ANR VS LT COL DR YASMIN YUSUFZAI AND ORS [FAO(OS)-166/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal challenging the dismissal of a review petition was dismissed. The appellants conceded that they had not inspected the Sub-Registrar's records to verify the existence of the sale deed dated December 18, 2013, and were therefore unable to make any statements about it. The argument regarding an enquiry only pertained to two other sale deeds, not the one in question. The appeal lacked merit, but any other independent defenses raised by the appellants will be considered on their own merits.

DR HANS U NAGAR. VS JOHN NAGAR & ANR. [CONT.CAS(C)-1723/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The orders in earlier proceedings were limited to two servant quarters/rooms on Farm No. 8, not the entire property. The Respondents did not intentionally sell the specified quarters, and the Petitioner failed to establish a case for contempt. The necessity for willful disobedience to warrant contempt sanctions was emphasized. The contempt petition was dismissed.

GOOD YEAR SECURITY SERVICES R. VS UNION OF INDIA AND ORS. [W.P.(C)-14209/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

Good Year Security Services' writ petition against the tender conditions set by the Sports Authority of India for security personnel deployment at stadiums was dismissed. The tender conditions, including turnover requirements and experience criteria, were deemed reasonable due to the security needs of high-profile events. The tender process was considered fair and transparent, with 86 bidders participating. The authority's discretion to determine eligibility criteria was acknowledged, with no evidence of arbitrariness or bias found, leading to the dismissal of the challenge.

HANS NAGAR VS JOHN NAGAR AND ANR [CONT.CAS(C)-1565/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

No case for contempt was established against the respondents. Previous orders were interpreted to apply only to two specific rooms, not the property in question. The respondents successfully demonstrated they sold their own registered property as a matter of right and did not sell the servant quarters. There was no contempt of earlier orders, leading to the dismissal of the contempt petition.

JAI MAA TRADERS VS HSCC (INDIA) LTD. [W.P.(C)-13000/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The writ petition filed by Jai Maa Traders against HSCC (India) Ltd. regarding a tender for medical equipment was dismissed. Allegations of biased terms, ambiguous payment conditions, and collusion with another bidder were found to be unsubstantiated and vague. The tendering authority's discretion over the terms was emphasized, and the petitioner submitted edited documents, failing to disclose that some representations came from a different company, indicating bad faith and suppression of facts. The petitioner was ordered to pay Rs. 25,000 to the Delhi High Court Bar Association.

JAMIA ARABIA NIZAMIA WELFARE EDUCATION SOCIETY VS 1.DELHI DEVELOPMENT AUTHORITY THROUGH ITS VICE CHAIRMAN & ORS. [W.P.(C)-638/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

Large-scale illegal and unauthorized construction was identified in the Nizamuddin area of Delhi, implicating government authorities such as the MCD, DDA, ASI, and police. An investigation by the CBI is mandated, with instructions to file additional FIRs if criminal offenses are uncovered. The MCD and DDA must establish administrative accountability for involved officials and take strict actions. A dispute over land ownership exists between the DDA and the Waqf Board, but this does not excuse the illegal construction. The DDA and MCD are instructed to properly demarcate their boundaries and jurisdictions, with a recommendation to extend the survey across all of Delhi. Although the property in question has been demolished, implementation of discussed institutional reforms is required.

JITENDER GUPTA VS RITU GUPTA & ORS. [FAO(OS)-145/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The underlying suit filed by the respondents is not maintainable as a commercial dispute under the Commercial Courts Act, 2015, because the partnership firm automatically dissolved upon the death of one partner. The claims are primarily governed by the Partnership Act and not related to the partnership agreement as required by the Commercial Courts Act. Additionally, the relief sought includes properties beyond the former partnership firm. The appeal was dismissed due to delay and lack of merit.

KALAMKARI LIFESTYLE TECH PVT LTD VS MSME FACILIATION COUNCIL, MUMBAI ANR [W.P.(C)-15947/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The writ petition by Kalamkari Lifestyle Tech Pvt Ltd challenging the constitutional validity of Section 18(4) of the MSMED Act was dismissed. The legislature can establish territorial jurisdiction that differs from the Code of Civil Procedure's principles. Misplaced reliance on prior judgments was noted, as they addressed different issues. The provisions of Chapter V of the MSMED Act have an overriding effect over the Arbitration and Conciliation Act, 1996, and the legislative policy behind Section 18(4) was upheld.

KELAWATI VS DDA [LPA-486/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The dismissal of the appellant's writ petition challenging the cancellation of a plot allotment by the Delhi Development Authority was upheld due to the appellant's failure to make the required payment despite multiple opportunities and clear directions. The cancellation resulted from the appellant's gross negligence in timely payment, justifying the dismissal of the writ petition.

KUSUM JAIN THRU HER POWER OF ATTORNEY HOLDER SH RAJEEV JAIN VS SURESH CHAND JAIN [FAO(OS)-152/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal by Kusum Jain was dismissed as the respondent, Suresh Chand Jain, contested the issue of possession in his written statement, denying that the appellant's mother was a licensee. There was no clear admission from the respondent that would support a decree under Order XII Rule 6. Therefore, the dismissal of the appeal was upheld.

M S BISHAMBHAR EXPORTS PVT LTD VS PUNJAB NATIONAL BANK AND ORS [W.P.(C)-15110/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The writ petition by M.S. Bishambhar Exports Pvt. Ltd. was disposed of, directing the Debt Recovery Tribunal (DRT-II) to decide Punjab National Bank's appeal against the Recovery Officer's order that set aside the auction of the property in favor of the petitioner. The rights and contentions of all parties remain open, and the earlier appeal by the petitioner was dismissed on technical limitations. No final determination on the legality of the auction was made, and the DRT-II was instructed to resolve the pending appeal within three months.

M/S SULTAN CHAND AND SONS PVT. LTD. VS KARTIK SHARMA [FAO(OS)-148/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal by M/S Sultan Chand and Sons Pvt. Ltd. was dismissed, challenging the order allowing Kartik Sharma to withdraw his application for referral of disputes to arbitration. The appellant denied the existence of an arbitration clause, preventing a referral to arbitration. The right to seek a referral under Section 8 is reserved for the defendant, and they can opt to waive it by submitting to civil court jurisdiction. The defendant's withdrawal of the application means the plaintiff cannot insist on arbitration.

MAAHI NEIL JAIPAL VS UNIVERSITY OF DELHI & ORS. [LPA-1057/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The Bar Council of India's regulatory powers under the Advocates Act, 1961 encompass not only the regulation of legal practice but also the establishment of standards for legal education and the recognition of universities for advocate enrollment. The argument that a distinction exists between "pursuing law" and "practicing law" was rejected, as it does not apply to the BCI's role in legal education regulation. Accepting this distinction could create confusion with two types of LLB degrees. Additionally, the UGC guidelines concerning supernumerary seats for foreign students refer decisions to the BCI, which is the relevant statutory body. Both appeals in the matter were dismissed as lacking merit.

MESSRS. RASOI CANTEEN AND CATERER VS ATMA RAM SANATAN DHARMA COLLEGE & ANR. [W.P.(C)-15009/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

Messrs. Rasoi Canteen and Caterer was awarded the contract for college canteen services due to quoting the highest license fee, as specified in the tender documents. An error in the GeM portal misclassified a lower bidder as the H1 bidder. The respondents were directed to award the contract to the petitioner, recognized as the true H1 bidder based on the highest quoted license fee.

MRS KRISHNA VS DAV PUBLIC SCHOOL & ORS. [LPA-106/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeals filed by M/s N.C. Jain & Sons and M/s A.S. Manoj and Co. were dismissed, requiring them to vacate the subject stalls within 3 months. A previous 3-month extension had already been granted, and no further justification for an extension was found.

MRS. RENU JAIN VS UNION OF INDIA AND ORS. [W.P.(C)-10554/2019]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The petitioner's application to set aside the auction sale of the property was barred by limitation and failed to comply with the mandatory requirements under the Income Tax Act, 1961. Objections were filed beyond the 30-day period from the auction date, and the petitioner did not deposit the required amount as specified in the proclamation of sale. Additionally, being an outsider to the auction process, the petitioner lacked the locus standi to file objections. Allegations of fraud by bank officials were unsupported by evidence. The writ petition was dismissed, and the order of the Debt Recovery Appellate Tribunal was upheld.

MS LION SECURITY GUARDS SERVICES, MS AAKANKSHA ENTERPRISES AND MS REKART INNOVATIONS PVT LTD, A JOINT VENTURE VS MUNICIPAL CORPORATION OF DELHI & ANR. [W.P.(C)-16033/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The writ petition by a joint venture challenging the Municipal Corporation of Delhi's declaration of their technical bid as non-responsive was dismissed. The non-execution of the Power of Attorney by one member rendered the document without legal validity, which was a substantive requirement. Additionally, the designation of a member-in-charge differing from the lead member of the joint venture was found to be inconsistent. These issues were deemed significant defects, not minor waivable ones, particularly since the financial bids had already been opened.

NARENDRA KUMAR RAI VS THE COMPETENT AUTHORITY SAFEMA NDPS ACT NEW DELHI [LPA-1108/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The High Court of Delhi upheld the forfeiture of the appellant's share in a property under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976. The appellant had previously challenged the forfeiture order unsuccessfully up to the Supreme Court and could not re-argue the issue based on a later order that quashed the forfeiture for his brothers. The appellant's challenge was found to lack merit as the earlier proceedings were deemed lawful.

NAZIR AMHAD VS DEVELOPMENT CREDIT BANK DCB LTD & ANR. [W.P.(C)-16347/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The writ petition challenging the appointment of a receiver for the petitioner's property and the dismissal of a stay application was dismissed. The case presented by the petitioner contradicted the findings of the Debt Recovery Tribunal, which noted that the petitioner failed to make further payments or attempt to settle with the bank. The availability of statutory remedies was acknowledged, allowing the petitioner to pursue alternative legal proceedings.

NISHA MALHOTRA VS NAMAN SHARMA & ORS. [LPA-947/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal by the appellant was dismissed, maintaining the lower court's decision to deny the withdrawal of the previous joint written statement and the submission of a new one that contradicted earlier positions. The appellant was deemed unable to retract admissions from prior pleadings and affidavits, which would undermine the judicial process. Being highly educated, the appellant was considered capable of comprehending the signed documents and was therefore bound by their content. The reasons provided by the appellant for seeking to change positions were found unpersuasive. There were no grounds identified to interfere with the earlier order.

PAWAN KUMAR GARG & ANR. VS PUNJAB NATIONAL BANK [LPA-1066/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The letters patent appeal by ex-directors and guarantors of Apple Industries Limited against the bank's declaration of the company's account as "fraud" was dismissed. The denial of interim relief to the appellants was based on parity with another ex-director whose similar petition had been dismissed. The declaration of fraud occurred without proper process, denying the appellants the opportunity for representation or a personal hearing, as mandated by prior Supreme Court guidance. The decision on the current appeal does not influence the merits of the pending writ petition.

PUJA AIRY VS STATE BANK OF INDIA & ORS. [W.P.(C)-16551/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The writ petition filed by Puja Airy challenging orders related to a property mortgage was dismissed. The issues of her father's mental capacity at the time of the mortgage and her claim over the property are factual matters for the Debt Recovery Tribunal (DRT) or Debt Recovery Appellate Tribunal (DRAT) to decide. As a party asserting rights, the petitioner was required to make a pre-deposit under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) to maintain her appeal, which she failed to do.

R K GUPTA VS UNION OF INDIA AND ORS [W.P.(C)-15465/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The condition in the tender requiring bidders to be Transfer of Technology holders from the Defense Research and Development Establishment for the DEPA 20 and DEPA 50 formulations was upheld. Significant differences existed between the petitioner's formulations and those of the DRDE, justifying the ToT requirement as a condition of eligibility. The challenge to the ToT condition was dismissed.

RAHUL MEHRA VS UNION OF INDIA [W.P.(C)-8691/2020]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

Funds will be disbursed to National Sports Federations (NSFs) to support India's preparations for the 2036 Summer Olympics and the participation of its athletes in international events. This follows earlier orders ensuring funds are dedicated to benefiting sportspersons rather than NSFs' office bearers. A committee overseeing fund distribution will now include more prominent sports figures and a chartered accountant to prevent misuse. The Union of India must submit quarterly financial statements for transparency, with a warning that any breaches of guidelines will face consequences.

RAKESH KUMAR SHARMA VS DELHI DEVOLOPMENT AUTHORITY [LPA-1075/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal was dismissed, affirming the earlier dismissal of the writ petition based on constructive res judicata. The cancellation of the MIG flat allotment to Smt. Amba Rani was upheld due to her failure to make the required payment within the specified timeline, despite an interim order from the civil court. The interim order did not restore the prior status, as the cancellation had already taken place. Additionally, Smt. Amba Rani's suit challenging the demanded amount was dismissed on merits, and her subsequent appeal was dismissed in default, leading to the conclusion that the writ petition could not be entertained.

RANDA CHEHAB VS UNION OF INDIA AND ORS. [LPA-1036/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The blacklisting of an American citizen by the Foreigners Regional Registration Office in Trivandrum was upheld due to violations of her business visa by raising public funds during her visit to India. The appellant admitted to collaborating and raising funds for cyclone victims, which was against the business visa guidelines, and she did not present any evidence, such as bank statements, to counter the allegations of fund collection while in India. The appeal was dismissed as lacking merit.

ROSHAN LAL DHANKA VS UNION OF INDIA & ORS. [W.P.(C)-14332/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The Director of AIIMS must form a board of three experts to evaluate the petitioner's disability and assess his capability to pursue the MBBS course and fulfill the associated duties. A detailed report is required within a week, and the petitioner is to attend a medical examination on a specified date. An additional opinion on the petitioner's ability to undertake the MBBS course and perform the necessary functions is also required.

SANDEEP SINGH DUGGAL VS BIKRAMJEET SINGH DUGGAL AND ORS [FAO(OS)-160/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal by Sandeep Singh Duggal challenging the order granting permission to respondent no. 1 to lease the subject property and collect rent was dismissed. The title of the property is in favor of the late Sh. Bhagwan Singh Duggal, the father of the respondents, and the property has been tenanted since 1971, with respondent no. 1 collecting rent after his father's death. The long-standing status quo cannot be disturbed solely due to the filing of the suit, leading to a dismissal of the appeal as lacking merit.

SANDEEP SINGH DUGGAL VS SH BIKRAMJEET SINGH DUGG AL AND OTHERS AL [FAO(OS)-161/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appellant was directed to deposit ad valorem court fees of Rs. 80,000 for a suit seeking a declaration of title and partition of disputed property. The claim of joint possession was rejected, affirming that only fixed court fees were not applicable. No evidence supported the assertion that the property was owned by the appellant's grandfather in a benami capacity.

SARASWATI SHRESTHA VS THE CENTRAL PUBLIC INFORMATION OFFICER [LPA-1031/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The dismissal of the appellant's writ petition challenging the Chief Information Commissioner's order and the Indian Nursing Council's response was upheld. The Indian Nursing Council complied with the Right to Information Act, 2005, and the adequacy of the response regarding the revocation of the appellant's nursing qualification was outside the writ petition's scope. The appellant's nursing qualification from Nepal is not recognized under the Indian Nursing Councils Act, 1947, and no evidence was provided to show that others with the same qualification were appointed. The appellant has also filed a separate case in the Patna High Court regarding the recognition of her qualification.

SHABNAM BURNEY VS UNION OF INDIA AND ORS [W.P.(C)-8035/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

Shram Vihar colony is classified as an unauthorized colony and is ineligible for recognition under the National Capital Territory of Delhi regulations due to its location in the ecologically fragile Zone 'O' along the Yamuna river. It is situated in the river's flood plains, contradicting claims regarding flooding risks. The severe pollution of the Yamuna, exacerbated by unauthorized colonies discharging untreated sewage, was acknowledged. Applications to stay the demolition notice and prior directives were dismissed.

SIDHANT MALAIYA VS UNION OF INDIA & ANR. [W.P.(C)-15120/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The National Highway Authority of India (NHAI) has the authority to restrict two-wheelers and three-wheelers from high-speed expressways like the Delhi-Meerut Expressway and Eastern Peripheral Expressway for safety and efficiency reasons. This power is supported by Section 35 of the Control of National Highways (Land and Traffic) Act, 2002. However, the penalty of Rs. 20,000 imposed on violators will allow affected parties to submit representations to the NHAI for consideration within four weeks.

SMT MEHUL SINGH AHLUWALIA VS SH. RISHI VERMA & ORS. [FAO(OS)-170/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal by Smt Mehul Singh Ahluwalia regarding a partition suit was dismissed. The dismissal was based on the unconditional withdrawal of a previous Chamber Appeal and observations made by the appellant's counsel, rather than independent findings. The application submitted by the appellant was allowed, with directives for document inspection. The appeal and associated applications were deemed non-maintainable and lacking merit.

SUNIL YADAV VS DEEN DAYAL UPADHYAY HOSPITAL [W.P.(C)-15514/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The writ petition was disposed of with a directive for Deen Dayal Upadhyay Hospital to finalize the tender process for operating two kiosks within six weeks, adhering to legal requirements. There were issues regarding the failure to open financial bids, along with indications of potential manipulation of the tender process to benefit the current long-term licensee of the canteen. Rights and contentions of all parties remain open.

TARA SINGH JEENA VS GOVERNMENT OF NCT OF DELHI THROUGH SECRETARY CUM COMMISSIONER & ANR. [LPA-1102/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal against the termination of a kiosk license at the Inter State Bus Terminal in Sarai Kale Khan was dismissed. The appellant, as a licensee, had limited rights, and the respondents were entitled to terminate the license as per the agreement. The redevelopment of the ISBT was based on a Cabinet decision, which is not subject to review in this context.

THE JAGJIWAN COOP GROUP HOUSING SOCIETY LTD VS THE REGISTRAR OF COOPERATIVE SOCIETIES & ORS. [W.P.(C)-14653/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The writ petition filed by the Jagjiwan Coop Group Housing Society Ltd. was dismissed, challenging the orders of the Registrar of Co-operative Societies and the Financial Commissioner. The argument regarding the execution application being filed beyond the period of limitation was rejected, as the order from 31st March 2003 in favor of Respondent No.3/Vasdev was final after previous dismissals. The Execution Petition No.2674-2004 was filed within the limitation period in 2004. The writ petition lacked merit and was disposed of.

UNION OF INDIA AND ANR VS ALLIAGE ENGINEERING INDIA PVT LTD [LPA-1093/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The requirement for digital signatures from a company on Form CHG-1 for registering a charge under Section 78 of the Companies Act, 2013 should not be enforced. Section 78 addresses defaults in registering charges as mandated by Section 77, and insisting on digital signatures could impede the rights of charge holders to secure their interests.

VAIBHAV AHUJA VS CHANDNI CHOWDHARY AND ORS [FAO(OS)-151/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The order to close the appellant's right to file a written statement and proceed ex-parte in the civil suit was upheld. The appellant was served with summons on four occasions, including via email, WhatsApp, and affixation on their door, despite efforts to avoid service. The appellant's actions demonstrated a deliberate attempt to evade the summons and conceal the affixation of notices. No grounds for interference with the earlier decision were found.

VEENA JAIN VS CITY UNION BANK LIMITED & ORS. [W.P.(C)-12601/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The writ petition filed by Veena Jain was dismissed regarding orders from the Debt Recovery Tribunal and Debt Recovery Appellate Tribunal related to the SARFAESI Act. The property was found to be mortgaged for the entire Rs. 10 crores cash credit facility of her son's firm, not just the Rs. 2.5 crores. The issue of the sequencing of the NPA declaration and SARFAESI notice was deemed a factual matter for the Debt Recovery Appellate Tribunal to resolve. The petition was dismissed without interference in the requirement for a 25% pre-deposit of the outstanding Rs. 12.58 crores for appeal consideration.

VRC CONSTRUCTION (INDIA) PRIVATE LIMITED VS NATIONAL HIGHWAY AUTHORITY OF INDIA [W.P.(C)-5564/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

NHAI annulled the previous tender for a construction project, despite the petitioner being the lowest bidder, due to the petitioner's failure to upload the required additional bank guarantee (ABG) of Rs. 4 lakhs on the tender portal. Although the ABG was submitted via SFMS, the absence of the physical copy on the portal violated tender conditions. Concerns about precedent from a committee member supported the annulment. The petitioner was not prejudiced as it could participate in a fresh tender process.

WELL PROTECT MANPOWER SERVICES PVT. LTD VS BABA SAHAB AMBEDKAR HOSPITAL & ORS. [W.P.(C)-14441/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The writ petition by Well Protect Manpower Services Pvt. Ltd. to quash the tender and contract awarded to a third respondent was dismissed. The statutory provisions of the Delhi Private Security Agencies (Regulation) Rules, 2023, take precedence over conflicting contractual terms. The contract had already been awarded, and the respondent submitted an undertaking to comply with these rules, addressing an initial error regarding the number of supervisors. The argument concerning the expedited award of the contract was rejected, as the respondent-hospital was permitted to proceed with the contract due to the impending end of the previous security agency's term. No restraint order was in place from a separate writ petition.

ZYNC GLOBAL PVT LTD VS PUNJAB NATIONAL BANK [LPA-1078/2024]

Judges: Chief Justice Manmohan, Justice Tushar Rao Gedela

The appeal by Zync Global Pvt Ltd was dismissed regarding an interim relief against Punjab National Bank's declaration of the appellant's account as fraudulent. The denial of interim relief was based on allegations from an Income Tax letter indicating the company's lack of legitimate business activity and use of fake invoices. The interim application was not dismissed entirely; the bank was instructed to file a reply. The current order does not influence the final decision on the writ petition or related applications.

DISRUPTIVE HEALTH SOLUTIONS PRIVATE LIMITED & ORS. VS KOTAK MAHINDRA BANK LIMITED & ANR. [LPA-960/2024]

Judges: Chief Justice, Justice Tushar Rao Gedela

The appeal against the assignment of their overdraft account by Kotak Mahindra Bank to Pridhvi Asset Reconstruction and Securitisation Company Limited was dismissed. The overdraft account had breached the sanctioned limit for over 30 days, qualifying as SMA-1 and SMA-2 under RBI's guidelines. The assignment of the "stressed loan" to the asset reconstruction company was legally justified. Arguments regarding violations of RBI directions and central government circulars were rejected, with emphasis on the appellants' negligence in timely challenging the assignment. The proper legal remedy for the appellants is to pursue grievances under Section 17 of the SARFAESI Act.

KABIR PAHARIA VS NATIONAL MEDICAL COMMISSION AND ORS [LPA-967/2024]

Judges: Chief Justice, Justice Tushar Rao Gedela

The National Medical Commission's decision to exclude an appellant with 42% permanent disability from the MBBS course was upheld after medical boards determined his disability would hinder his ability to complete the program. While expressing understanding for the appellant's circumstances, it was emphasized that expert medical opinions cannot be overlooked. It was suggested that opportunities for individuals with disabilities to pursue some medical education disciplines should be considered, and the appellant may re-apply under new guidelines if implemented.

M.S. BALAKRISHNAN & ANR. VS REGISTRAR OF COOP SOCIETIES & ORS. [W.P.(C)-14269/2024]

Judges: Chief Justice, Justice Tushar Rao Gedela

The appointment of a retired government officer as the Inquiry Officer violated the Delhi Cooperative Societies Act, 2003 and Rules, leading to the annulment of the previous Inquiry Report. The petitioners failed to contest the Financial Commissioner's order in a timely manner, rendering it final. The summons issued by the newly appointed Inquiry Officer under Section 62 of the Act remains in effect, allowing petitioners an opportunity to defend themselves. The writ petition filed by the petitioners was dismissed.

M/S NAVANSH ENGINEERS AND CONSULTANTS VS UNION OF INDIA [LPA-987/2024]

Judges: Chief Justice, Justice Tushar Rao Gedela

The forfeiture of the appellant's earnest money deposit (EMD) of Rs. 98,000/- was deemed invalid, as the appellant had unconditionally revoked the bid and voluntarily deposited the EMD. The respondent was not required to issue a show cause notice before forfeiting the EMD under the circumstances. The letters patent appeal from the appellant was found to lack merit.

M/S RAVINDRA NATH VS MUNICIPAL CORPORATION OF DELHI & ANR. [W.P.(C)-14324/2024]

Judges: Chief Justice, Justice Tushar Rao Gedela

The Municipal Corporation of Delhi (MCD) had the right to cancel the tender for a parking contract despite the option to award it to a single bidder. The cancellation aimed to promote greater participation and competitiveness among bidders. MCD was not obligated to provide detailed reasons for rejecting the tender, as the decision fell within administrative purview rather than a judicial context.

MASTER EKLAVYA KOCHHAR & ORS. VS BAL BHARATI PUBLIC SCHOOL & ORS. [LPA-988/2024]

Judges: Chief Justice, Justice Tushar Rao Gedela

The appeal against an order rejecting the application to restrain a school from charging fees based on a rejected fee structure proposal for the 2019-2020 academic year was dismissed. The case is part of a larger batch concerning the Directorate of Education's authority to regulate the fee structures of private unaided schools. Previous clarifications indicated that payments made by the appellants to the school were without prejudice to the parties' rights in an underlying writ petition. The appeal was dismissed, leaving the rights and contentions of all parties open for further consideration.

OKINAWA AUTOTECH INTERNATIONALL PRIVATE LIMITED & ANR. & ANR. VS UNION OF INDIA [LPA-957/2024]

Judges: Chief Justice, Justice Tushar Rao Gedela

The issuance of a Show Cause Notice for blacklisting the appellant company does not require interference at this stage. It is emphasized that such notices should not be routinely challenged unless there is a lack of jurisdiction or an abuse of process. Claims of bias or predetermined intent in issuing the notice are not substantiated, and the existence of a separate writ petition regarding the de-registration order does not obstruct the issuance of the Show Cause Notice. The appeal was dismissed, maintaining the rights and contentions of the parties.

RAJAT DILWALI VS RAJESH KUMAR SINGH & ANR. [FAO(OS)-137/2024]

Judges: Chief Justice, Justice Tushar Rao Gedela

The appeal was dismissed, confirming that the appearance of the defendants' advocate on 18th October 2022 and his acceptance of summons did not constitute proper service, as he did not file a vakalatnama or memo of appearance. The defendants timely entered appearance and sought leave to defend, showing no negligence. There was no applicable delay that warranted an excuse under the grounds of 'sufficient cause', leading to the conclusion that the dismissal of the plaintiff's application for a decree in default was justified.

RAJESH TYAGI AND ORS VS JAIBIR SINGH AND ORS. [W.P.(C)-6244/2021]

Judges: Chief Justice, Justice Tushar Rao Gedela

The Implementation Committee for the "Scheme for Motor Accident Claims" has been reconstituted to improve efficiency. The Arrears Committee and Fast Track Committee have been merged into this new committee, which includes representatives from various stakeholder institutions, with a sitting judge as Chairperson. Concerned institutions must nominate their representatives within two weeks to address previous operational issues.

SHRI PRIT PAL SINGH BHATIA VS REGISTRAR COOPERATIVE SOCIETIES DELHI & ORS. [W.P.(C)-15180/2024]

Judges: Chief Justice, Justice Tushar Rao Gedela

The writ petition by Shri Prit Pal Singh Bhatia challenging orders related to seniority in a cooperative society was dismissed. The documents submitted by Bhatia to support his claim were deemed potentially forged based on a Crime Branch investigation report. Findings indicated that his claim of seniority was not supported by the cooperative society's records.

SMT. SUMITA MARWAH VS MR. VIKAS VIJ & ORS. [FAO(OS)-141/2024]

Judges: Chief Justice, Justice Tushar Rao Gedela

The appeal by Smt. Sumita Marwah against the order allowing the suit by Mr. Vikas Vij and others was dismissed. The order permitting the respondents to withdraw the earlier suit with liberty to file a new one was deemed final, as it was not challenged. The argument regarding limitation was rejected, allowing the appellant to raise this issue during the trial. The appeal was found to lack merit.

SMT.HARPYARI (DECEASED) THROUGH (LR-1B) BRIJ BHUSHAN SHARMA VS BADRI BHAGAT JHANDEWALA TEMPLE SOCIETY AND ORS [FAO(OS)-139/2024]

Judges: Chief Justice, Justice Tushar Rao Gedela

The appeal by Smt. Harpyari against the rejection of the application to dismiss the suit by the Badri Bhagat Jhandewala Temple Society was dismissed. The examination for dismissing a suit under Order VII Rule 11 is limited to the plaint and attached documents, excluding the defendant's written statement. There are factual disputes about the property location and ownership claims by both parties, necessitating a trial. The doctrine of res judicata may not apply due to conflicting ownership claims.

UNION OF INDIA VS OCL IRON AND STEEL LIMITED [LPA-964/2024]

Judges: Chief Justice, Justice Tushar Rao Gedela

The respondent is not liable for legally extinguished liabilities and is entitled to a "clean slate" under the Insolvency and Bankruptcy Code. One claim from the appellant for Rs. 9.21 crores was included in the resolution plan and paid, while another claim for Rs. 92.25 crores was not properly submitted and thus extinguished. The appellant cannot obstruct the respondent from participating in future coal mine auctions.

MAHESH KUMAR YADAV VS THE STATE COMMISSIONER FOR PERSONS WITH DISABILITIES NCT OF DELHI AND ORS [LPA-989/2024]

Judges: Chief Justice, Justice Tushar Rao Gedela

The appeal by Mahesh Kumar Yadav against the order allowing certain differently-abled persons to vend at designated locations was dismissed. The appellant lacked the standing to challenge the order, and his request for the State Commissioner to decide on his previous representation had already been addressed, leaving no further issues for consideration.

MAJ ANSHUL VERMA & ORS. VS UNION OF INDIA THROUGH & ORS. [W.P.(C)-8680/2024]

Judges: Justice Dharmesh Sharma, Justice Mini Pushkarna

The substantive issue regarding the reduction of vacancies for the Other Arms and Services category from 90 to 5 for M.Tech course admissions under the Army quota is pending before the Armed Forces Tribunal. The petitioners were directed to seek clarification on the interim order from the Tribunal, and no further orders were passed in the petition.

NAGMA SHEERIN AND ORS VS MUNICIPAL CORPORATION OF DELHI AND ORS [LPA-504/2024]

Judges: Justice Dharmesh Sharma, Justice Mini Pushkarna

Residents and owners of the property are entitled to a hearing before any demolition or eviction actions by the Municipal Corporation of Delhi (MCD). Interim relief includes maintaining the status quo on the property and preventing the disconnection of electricity by the power company until the next hearing. Further interim relief will be considered at that time.

PRAVEEN VS STATE (THROUGH SHO) & ORS. [W.P.(CRL)-1907/2024]

Judges: Justice Dharmesh Sharma, Justice Mini Pushkarna

The habeas corpus petition seeking the production of a wife and minor child was dismissed. The wife appeared in court and stated she left the petitioner's house voluntarily and does not wish to reside with him. Her statements were accepted, and no further orders were deemed necessary since both were already present in court.

TANUJ DHAWAN VS SONICA SINGHI [MAT.APP.(F.C.)-199/2024]

Judges: Justice Dharmesh Sharma, Justice Mini Pushkarna

Custody of the minor child during summer vacation was not granted to the father. The child's comfort level with the father was assessed, revealing that the child is only comfortable with him for 2-3 hours in the mother's absence. The father was granted unsupervised visitation rights on the 1st and 3rd Saturday of each month from 10 AM to 2 PM. Future decisions regarding overnight custody will depend on the child's bonding with the father.

THE MANAGER HARYANA SHAKTI SENIOR SECONDARY SCHOOL VS VIRENDRA SINGH & ORS. [LPA-503/2024]

Judges: Justice Dharmesh Sharma, Justice Mini Pushkarna

The appellant school (Haryana Shakti Senior Secondary School) must pay salary and arrears to the respondent teacher (Virendra Singh), contingent upon the outcome of the school's pending writ petition regarding non-release of grant-in-aid. A 4-week extension is granted for payment, and the school may seek an early hearing of the writ petition. The ongoing writ petition does not exempt the school from releasing the arrears.

THE NATIONAL SEWING THREAD COMPANY LIMITED VS DEPUTY COMMISSIONER OF INCOME TAX & ORS. [W.P.(C)-8679/2024]

Judges: Justice Dharmesh Sharma, Justice Mini Pushkarna

The assessment order, demand notice, and notices issued by the Deputy Commissioner of Income Tax against National Sewing Thread Company Limited are legally untenable and violate the 'clean slate' principle under the Insolvency and Bankruptcy Code. Upon approval of a resolution plan by the National Company Law Tribunal, all previous liabilities and claims against the corporate debtor are extinguished. The impugned order and notices have been set aside due to the absence of the respondents despite due service.

VIVEK RANJAN GUPTA & ANR. VS SHIVJEE INDUSTRIES AND MARKETING PVT LTD [FAO (COMM)-118/2024]

Judges: Justice Dharmesh Sharma, Justice Mini Pushkarna

Appellants Vivek Ranjan Gupta and another must submit an application to the District Judge regarding an ex-parte ad interim injunction favoring respondent Shivjee Industries and Marketing Pvt. Ltd. The appellants can raise issues about the maintainability of the trademark infringement suit, their pending trademark applications for "Chanashree" under Class 30, and the District Court's jurisdiction. The District Judge is instructed to address the appellants' application promptly due to the perishable nature of the seized goods.

ROHIT KUMAR VS INDIAN COAST GUARD THROUGH ITS DIRECTOR GENERAL & ORS. [W.P.(C)-5684/2024]

Judges: Justice Dharmesh Sharma, Justice V. Kameswar Rao

The petitioner's writ petition challenging the rejection of his candidature by the Medical Board for Indian Coast Guard recruitment was dismissed. The Medical Board found the petitioner had a Deviated Nasal Septum (DNS) to the right, despite passing a medical examination for the Indian Navy under the Agnipath Scheme. The findings of both the Coast Guard and Review Medical Boards were upheld as no malpractice was alleged against them. There was no basis to exercise extraordinary jurisdiction in favor of the petitioner.

AKSH OPTIFIBRE LIMITED VS NANTONG SIBER COMMUNICATION CO LTD [FAO(OS) (COMM)-101/2024]

Judges: Justice Dharmesh Sharma, Justice Vibhu Bakhru

The appeal by Aksh Optifibre Limited against the arbitral award in favor of Nantong Siber Communication Co. Ltd. was dismissed. Non-payment of an admitted liability can be referred to arbitration, and the argument that only a suit could address the issue was rejected. An interest rate of 8% per annum awarded by the arbitral tribunal was deemed reasonable and not in violation of public policy in India, thus the arbitral award was upheld.

ANITA GUPTA SHARMA VS CHAMBER ALLOTMENT COMMITTEE AND OTHERS [LPA-1113/2024]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

Anita Gupta Sharma's appeal against the allotment of Chamber No. 103 to Respondents No. 4 and 5 was dismissed. The petitioner's justification, based on her husband's medical condition, was deemed insufficient since he was not the direct applicant. The seniority of Respondents No. 4 and 5 over the petitioner was acknowledged, indicating that even with a vacancy, the petitioner might not have succeeded. Despite recognizing issues with the transparency of the allotment process, the decision to uphold the allotment was maintained. The Allotment Committee was instructed to ensure transparent notification of future vacancies to all members.

ASHWANI KUMAR VS INDIAN OIL CORPORATION LIMITED & ORS. [LPA-592/2023]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The appeal against the rejection of a writ petition challenging the cancellation of a compassionate appointment by Indian Oil Corporation Limited (IOCL) was dismissed. The appointment was contingent on the appellant being deemed medically fit, and the post in question had been abolished in 2017. However, IOCL was directed to consider the appellant's request for a Rehabilitation Grant, which he was entitled to, due to unique circumstances. Although the appellant had initially chosen the compassionate appointment over the Rehabilitation Grant, the inability to proceed with the appointment based on medical fitness allowed for reconsideration of his options.

BANK OF BARODA ERSTWHILE VIJAYA BANK VS UNION OF INDIA & ORS [LPA-300/2018]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The Industrial Tribunal's finding of a flawed domestic inquiry by the Bank of Baroda, which violated principles of natural justice, was upheld. Section 11-A of the Industrial Disputes Act allows reappraisal of evidence and independent conclusions on alleged misconduct despite an inquiry. The argument for remanding the matter for a fresh inquiry was rejected. Awarding a lump-sum compensation instead of full back wages was deemed a reasonable exercise of discretion.

COMMISSIONER OF INCOME TAX (INTERNATIONAL TAXATION)-2 VS GENPACT CONSULTING SINGAPORE PTE LTD [ITA-103/2023]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The decision of the Income Tax Appellate Tribunal, which quashed the Commissioner's order under Section 263 of the Income Tax Act, was upheld. The Tribunal established that the Assessing Officer had conducted inquiries, making the Commissioner's order not "erroneous and prejudicial to the interests of the Revenue." Additionally, even accepting the Commissioner's claims regarding the transaction being a sham to evade Dividend Distribution Tax, the tax liability could not be imposed on Genpact Consulting Singapore Pte Ltd, as it was not responsible for the tax payment.

GEETA ANAND VS TANYA ARJUN & ANR. [CS(OS)-601/2022]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

A suit for possession or injunction filed by the in-laws claiming exclusive ownership of property is not exclusively for the Family Court under the Family Courts Act, 1984, and the Civil Court's jurisdiction remains intact. Jurisdiction of the Family Court is based on the cause of action and its direct connection to the marital relationship; incidental connections do not suffice. The involvement of the husband/son does not affect the Civil Court's jurisdiction, as the primary consideration is the nature of the cause of action related to the marital relationship.

GLENMARK PHARMACEUTICALS LTD VS SUN PHARMA LABORATORIES LTD [FAO(OS) (COMM)-146/2023]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

An interim injunction was granted to Sun Pharma, owner of the trademark "ISTAMET XR CP," against Glenmark's use of "INDAMET." The dominant feature of Sun Pharma's mark, "ISTAMET," was deemed structurally and phonetically similar to Glenmark's mark, leading to a likelihood of confusion that could adversely affect public health. Differences in packaging, administration, and drug scheduling were considered irrelevant in assessing deceptive similarity in the pharmaceutical context.

HCL INFOSYSTEMS LTD. VS COMMISSIONER OF STATE TAX & ANR. [W.P.(C)-7391/2024]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The issuance of a show cause notice and final order under Section 73 of the CGST Act against a company that no longer exists due to amalgamation is a nullity. Assessments against a dissolved company are void ab initio and cannot be saved by curable defects. The case differs from another where misrepresentation was involved, as the petitioner had informed the authorities about the amalgamation. Section 87 of the CGST Act does not permit continuing proceedings against a non-existent amalgamating company.

JUST CLICK TRAVELS PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-8896/2023]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The petitioner, a travel agent, demonstrated a strong prima facie case that incentive and commission payments from airlines and IATA agents are not subject to service tax, in line with the Kafila Hospitality judgment. Although the law mandates a pre-deposit under Section 35F of the Central Excise Act, waiving this requirement is permissible in rare and exceptional cases. The demand for incentive payments qualified for such a waiver, while other demands did not. The petitioner is required to pay service tax on the remaining demands, and the appeal regarding incentive payments can be heard without the full pre-deposit.

KAVITHA KURUGANTI VS PEPSICO INDIA HOLDING PVT LTD [LPA-644/2023]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The revocation of the registration of the FL 2027 potato variety in favor of PepsiCo was deemed invalid due to non-fatal errors related to its description and disclosure of the first sale date. PepsiCo was eligible to seek registration as the assignee of the breeder's right, supported by an authorization letter from FLNA. The mere filing of infringement suits by PepsiCo against farmers did not provide sufficient grounds for revocation based on public interest, as there was no evidence of vexatious or intimidatory actions. The order of revocation was set aside, and the Registrar was directed to consider PepsiCo's renewal application accordingly.

M/S G.S INDUSTRIES VS COMMISSIONER OF CENTRAL TAX AND GST , DELHI (WEST) [W.P.(C)-13149/2024]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The appellate authority's order directing the refund of the petitioner's claims cannot be reviewed or set aside by the Commissioner. The Commissioner's attempt to review the appellate authority's order is legally unsustainable, as Section 107(2) of the CGST Act does not confer such power. The order from the appellate authority that set aside the refund is quashed.

M/S BPL LTD VS MORGAN SECURITIES & CREDITS PVT LTD [FAO(OS) (COMM)-46/2019]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

BPL Limited must make payments to Morgan Securities & Credits Pvt. Ltd. under the bill discounting facility agreements, except for one bill of exchange deemed barred by limitation. The transaction is classified as commercial, not a loan, thus the Usurious Loans Act does not apply. The interest rate of 36% per annum, awarded by the arbitrator, aligns with the agreed terms. BPL Limited's claims of limitation are rejected, as a letter dated 02.02.2007 acts as a valid acknowledgment of debt, extending the limitation period.

MADAN PAL GUPTA & ANR. VS MAYA DEVI & ANR. [LPA-896/2024]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The judgment of the Single Judge was set aside due to a misinterpretation of the Supreme Court's decision in Mohinder Singh v. Narain Singh. The timing of the Notification dated 16.05.2017 under Section 507(a) of the Delhi Municipal Corporation Act, 1957, was found to be crucial for determining the parties' rights concerning the agricultural land. The matter was remanded for further adjudication on the disputes raised in the writ petition. This case involves multiple proceedings related to the same agricultural land.

MAHESH CHANDER KALRA VS BANK OF INDIA & ORS [LPA-901/2013]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The appeal by Mahesh Chander Kalra against the dismissal of his writ petition challenging disciplinary action was dismissed. The writ court cannot re-evaluate evidence or findings from a domestic inquiry. Kalra did not prove any violation of natural justice, including the non-provision of relevant documents or lack of examination by the inquiry officer. He had sufficient opportunity to present his defense, and the inquiry's validity was not affected by the absence of the original credit note, as the inquiry officer assessed all evidence collectively. The findings of the domestic inquiry were deemed logical, with no grounds for interference with the disciplinary and appellate authorities' decisions.

MAHESH GUPTA VS REGISTRAR OF TRADEMARKS & ANR. [LPA-429/2023]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The Trade Marks Rules, 2002 established fixed deadlines for filing opposition evidence, with a maximum duration of three months, and the Registrar lacks authority to extend this period. The implications of abandonment under the 2002 Rules remain unaffected by the introduction of the 2017 Rules, which do not restore the discretionary powers present under prior legislation. Additionally, statutory provisions cannot be altered to create exceptions to the mandatory timelines set forth. The principles established in earlier cases continue to apply, affirming that the 2017 Rules cannot retroactively negate the legal consequences established under previous regulations.

MIR SINGH (THROUGH LRS) VS UNION OF INDIA & ANR [W.P.(C)-5864/2019]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The land acquired from late Shri Mir Singh was jointly owned with other co-owners, entitling the petitioners, as legal heirs, to enhanced compensation of Rs. 37,000 per bigha and statutory benefits, consistent with the amount awarded to co-owner Shri Balwant Singh in a separate appeal. Co-owners of jointly held land must receive equal treatment regarding enhanced compensation, regardless of individual appeals. The decision of the Additional District Magistrate (South-West)/Land Acquisition Collector was quashed, and the respondent authority was directed to provide the enhanced compensation to the petitioners within three months.

MOHD ARSHAD AND ORS VS UNION OF INDIA [LPA-1129/2024]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The appeal by the tenants was dismissed, affirming that the tenanted property is within the limits of the New Delhi Municipal Committee before the implementation of the Delhi Rent Control Act, 1958. Tenants had opportunities to address the jurisdictional issue earlier in the proceedings but did not do so and cannot now challenge a conclusively decided matter through extraordinary writ jurisdiction.

N.N.KABIRAJ VS UNIVERSITY OF DELHI & ANR. [LPA-323/2017]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The three posts of Senior Technical Assistants with special qualifications are part of the overall cadre and should not be excluded from the implementation of the roster system. Additional qualifications do not create a separate cadre. The promotion of the second respondent on a Scheduled Tribe vacancy remains intact, as the appellant does not belong to that category and cannot claim that vacancy. Even if the promotion were to be set aside, it would not provide any relief to the appellant.

NAND KISHORE GUPTA, VS THE ADDITIONAL DIRECTOR GENERAL, DIRECTORATE GENERAL OF GST INTELLIGENCE & ORS. [W.P.(C)-16900/2024]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The seizure of Rs. 23,50,000/- in Indian currency from the petitioner's premises under Section 67 of the Central Goods and Services Tax Act, 2017 is unsustainable as the purpose of seizure powers is to address tax evasion, not to confiscate cash. Cash is classified as "money," which is excluded from the definition of "goods" under the Act. The seized cash must be released to the petitioner with applicable interest.

NOVARTIS AG VS NATCO PHARMA LIMITED & ANR. [LPA-50/2023]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The examination process for patent applications operates independently from pre-grant opposition proceedings, which aid the Controller's decision-making without granting opponents a right to participate in the examination. The Controller must evaluate each patent application on its own merits, and rejecting an opposition does not guarantee a patent's grant. Rights to be heard exist for voluntary amendments by the applicant, but not for amendments directed by the Controller. The hearing under Rule 55 applies only to opposition proceedings and not to examination. The examination and opposition are distinct processes that do not infringe upon natural justice principles, while the rights of interested persons to raise objections under Section 25(2) remain intact.

R K BHATIA VS CHAIRMAN-CUM-MANAGING DIRECTOR DELHI POWER COMPANY LTD & ANR [LPA-558/2017]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The appeal was allowed, and the judgment of the Single Judge was set aside. The initiation of a second disciplinary inquiry against the appellant on the same allegations as the first charge-sheet, from which he was exonerated, violated the principle of double jeopardy. No new or distinct factual basis was provided for the second inquiry, leading to the quashing of the punishment order related to the second charge-sheet.

SHATABDI BUILDERS & PROMOTERS PVT. LTD. VS LT. GOVERNOR OF DELHI & ORS [W.P.(C)-6617/2015]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

Land acquisition proceedings under the Land Acquisition Act, 1894 remain valid as possession was taken on 13.01.1997, prior to the award on 24.04.1998. Compliance with statutory requirements was established, and the petitioner's claims were deemed stale and time-barred. The writ petition was dismissed.

SHRI ASHOK KUMAR SHARMA AND ANR. VS UNION OF INDIA [W.P.(C)-9728/2019]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

The petitioners' application for a reference under Section 18 of the Land Acquisition Act, 1894 was not filed within the required 6-month period, as they had prior knowledge of the land acquisition award before 22.12.2011. The Land Acquisition Collector lacked authority to extend the limitation period, and as a result, the rejection of the petitioners' application was found to be valid and lawful.

SUBHASH CHANDER DABAS VS ASSISTANT COMMISSIONER OF INCOME TAX [W.P.(C)-12784/2019]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

Reassessment proceedings under Section 148 of the Income Tax Act, 1961 for the Assessment Year 2012-13 were quashed due to the Assessing Officer's reliance on incorrect reasons. The belief that the taxpayer received Rs. 24.80 crore from the Delhi States Newspaper Employee Cooperative Group Housing Society was found untenable, as it was established that the taxpayer had not directly received any amounts from the society, with funds instead routed through the taxpayer's company. The validity of reassessment was assessed based solely on the original reasons, rendering the proceedings invalid.

TELECOMMUNICATIONS CONSULTANTS INDIA LTD. VS UNION OF INDIA & ORS. [W.P.(C)-3016/2019]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

Telecommunications Consultants India Ltd. is exempt from service tax for its services to BSNL on the NFS Project, as the ultimate beneficiary is the Government of India (Ministry of Defence). The differential treatment regarding service tax exemption compared to Vindhya Telelinks Limited violates the right to equality under Article 14 of the Constitution. Consequently, the advance ruling was quashed, allowing the petitioner to claim consequential reliefs.

VIFOR (INTERNATIONAL) LIMITED & ANR. VS MSN LABORATORIES PVT LTD & ANR. [FAO(OS) (COMM)-159/2023]

Judges: Justice Dharmesh Sharma, Justice Yashwant Varma

Product-by-process claims in Indian Patent No. 221536 are recognized as valid, focusing on the novelty and inventive nature of the product rather than solely the process. The validity and infringement assessment applies the same standards for novelty and inventiveness, regardless of whether the claims are product-by-process. The prior decision denying an interim injunction was set aside, allowing the matter to be resolved in ongoing suits while preserving the rights and arguments of all parties involved.

ARJUN BAPARI VS UNION OF INDIA & ORS. [W.P.(C)-16505/2024]

Judges: Justice Girish Kathpalia, Justice Navin Chawla

The petitioner's challenge to his dismissal from the Border Security Force was dismissed, with the Commandant found to have the authority to issue the dismissal due to the petitioner obtaining his position based on a forged trade certificate. The argument of discrimination was rejected, as the opportunity given to others to submit fresh certificates did not excuse the petitioner's misconduct. The decision did not affect the petitioner's rights to legally contest the dismissal.

CONSTABLE VIJAY KUMAR VS UNION OF INDIA AND ORS. [W.P.(C)-16639/2024]

Judges: Justice Girish Kathpalia, Justice Navin Chawla

The petition filed by a constable challenging the findings of a Court of Inquiry and a Show Cause Notice regarding retirement due to physical unfitness is deemed premature since no final order has been issued. The relevant authorities are to consider the petitioner's representation and issue a speaking order, allowing the petitioner to challenge any adverse decision. Additionally, the authorities are to evaluate the petitioner's request for referral to a Blind School run by the BSF for further training and support.

DR VINOD KUMARI VS SASHASTRA SEEMA BAL AND ANR. [W.P.(C)-16557/2024]

Judges: Justice Girish Kathpalia, Justice Navin Chawla

A split judgment acknowledged the limited power to interfere with transfer orders but recognized the special circumstances of a single mother with a daughter in 9th grade in Delhi. A temporary directive was issued to postpone the transfer from Delhi to Pithoragarh until the end of the academic year in March 2025. This order does not set a precedent, and no rights for continued residence in Delhi exist beyond the specified period. The petitioner must submit an undertaking within a week.

HEMANT KUMAR & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-12223/2022]

Judges: Justice Girish Kathpalia, Justice Navin Chawla

The petitioners' request for promotion to the position of Head Constable (HC) Armourer in the Central Reserve Police Force (CRPF) was dismissed. Although the petitioners completed the Armourer Upgradation Course, they will be promoted based on seniority, as personnel who qualified earlier courses are still awaiting promotion. Additionally, 298 posts for HC (Armourer) were abolished and replaced with 298 posts for Assistant Sub-Inspector (ASI) (Armourer). The petitioners may seek appropriate remedies regarding the ASI (Armourer) position in the future.

RANA MANDAL VS UNION OF INDIA THROUGH THE SECRETARY & ORS. [W.P.(C)-16691/2024]

Judges: Justice Girish Kathpalia, Justice Navin Chawla

The writ petition challenging the medical reports for unfitness in the Physical Standard Test for the Constable (GD) post was dismissed due to lack of territorial jurisdiction. The advertisement specified that disputes would be subject to the courts where the candidate appeared for the Computer Based Examination, which was not Delhi in this case. The petitioner was allowed to approach a court of competent jurisdiction.

BAR COUNCIL OF INDIA VS COMMISSIONER OF INCOME TAX (EXEMPTION) [W.P.(C)-4330/2019]

Judges: Justice Girish Kathpalia, Justice Rajiv Shakdher

The Bar Council of India successfully challenged the rejection of its application for condonation of delay in filing Form 10. The delay was attributed to the Bar Council officials' failure to recognize amendments to the Income Tax Act. The exercise of discretion by the Commissioner regarding the delay was deemed incorrect. The Commissioner is instructed to accept Form 10 and grant the necessary outcomes.

CORNMISSTORRER OF INCOME TAX-IV VS MIS INDO RAMA SYNTHETICS LTD. [ITA-398/2014]

Judges: Justice Girish Kathpalia, Justice Rajiv Shakdher

The sales tax subsidy received under the "Dispersal of Industries Package of Incentives, 1993" scheme qualifies as a capital receipt rather than a revenue receipt. The scheme's primary aim is to encourage industrial development in underdeveloped areas by supporting the establishment of new and expanded units. The subsidy assists in capital investment needed for industrial units, rather than merely enhancing operational profitability. This conclusion applies to all related appeals.

HARSHDIP SINGH DHILLON VS UNION OF INDIA THROUGH THE COMMISSIONER OF INCOME TAX TDS [W.P.(C)-10828/2019]

Judges: Justice Girish Kathpalia, Justice Rajiv Shakdher

The petitioner, an employee of Tulip Telecom Ltd., is not liable for the outstanding tax liability because the tax was deducted at source from his salary but not deposited with the tax authorities by the employer. Section 205 of the Income Tax Act prevents direct demands for tax from the assessee when tax has been deducted at source. The respondent tax authorities must allow credit for the TDS deducted by the employer for the relevant assessment year.

PR. COMMISSIONER OF INCOME TAX- 18 VS M/S WIG INVESTMENT [ITA-169/2020]

Judges: Justice Girish Kathpalia, Justice Rajiv Shakdher

Gains from the redemption of mutual funds by the respondent/assessee are classified as capital gains rather than business income, supported by factual findings from lower authorities. Capital contributions from KPFSE and KICIPL are commercial transactions and do not qualify as loans or advances under Section 2(22)(e) of the Income Tax Act. Observations made by the CIT(A) are not valid directions under Section 150(1). No substantial question of law is present, leading to the dismissal of the appeal.

PR. COMMISSIONER OF INCOME TAX-2 VS M/S. BT GLOBAL COMMUNICATIONS INDIA PVT. LTD. [ITA-1395/2018]

Judges: Justice Girish Kathpalia, Justice Rajiv Shakdher

The appeal by the Principal Commissioner of Income Tax against the Income Tax Appellate Tribunal's order was dismissed. The Principal Commissioner incorrectly invoked Section 263 of the Income Tax Act to deny M/s BT Global Communications India Pvt. Ltd. a deduction under Section 80IA, despite the deduction being allowed in the previous three assessment years. The decision to take a different view in the fourth year was simply a disagreement with the Assessing Officer's opinion, which did not justify invoking revisional powers. The ITAT's order, which set aside the Principal Commissioner's order under Section 263, was upheld, with no substantial question of law identified for examination.

PRINCIPAL COMMISSIONER OF INCOME TAX 4 VS MS MOHAK REAL ESTATE PVT LTD [ITA-730/2023]

Judges: Justice Girish Kathpalia, Justice Rajiv Shakdher

The order of the Income Tax Appellate Tribunal (ITAT) in favor of M/s Mohak Real Estate Pvt Ltd was upheld, setting aside the Principal Commissioner of Income Tax's (PCIT) action under Section 263 of the Income Tax Act. The PCIT had cancelled the original assessment order by the Assessing Officer under Section 143(3) and mandated a fresh assessment. It was determined that the Assessing Officer conducted a thorough inquiry and examination of the records prior to the original assessment. The PCIT's order did not adequately address the submissions made by the assessee nor provided sufficient reasoning to justify that the original assessment was erroneous or prejudicial to revenue interests. Thus, the ITAT's findings were affirmed.

THE PR. COMMISSIONER OF INCOME TAX -6 VS NIRJA PUBLISHERS & PRINTERS PVT. LTD [ITA-1021/2019]

Judges: Justice Girish Kathpalia, Justice Rajiv Shakdher

The question of whether the assessee engaged in printing and manufacturing activities is a factual matter. Findings from the CIT(A) and Tribunal in favor of the assessee cannot be revisited under Section 260A of the Income Tax Act due to the absence of claims of perversity by the revenue. Both appeals from the Principal Commissioner of Income Tax were dismissed as no substantial question of law was presented.

UNION OF INDIA & ORS. VS SUNEEL KUMAR [W.P.(C)-9304/2021]

Judges: Justice Girish Kathpalia, Justice Rajiv Shakdher

The respondent's candidature for the Khalasi position was wrongfully rejected due to signature style differences, despite high marks in the written examination. A leg fracture suffered by the respondent made it unreasonable to expect him to meet a physical requirement set 10 years after the initial recruitment. The recruitment notice allowed exemptions from the physical efficiency test for individuals with disabilities, including orthopedic conditions. As a result, the respondent was exempted from this requirement for the Khalasi appointment.

ALL INDIA S-30 PENSIONERS ASSOCIATION AND ORS VS UNION OF INDIA AND ORS [W.P.(C)-6002/2016]

Judges: Justice Girish Kathpalia, Justice Rekha Palli

Differential treatment in pension between pre-2006 and post-2006 retirees in the S-30 pay scale was deemed discriminatory and violated Article 14 of the Constitution. The government was directed to revise the pension of pre-2006 retirees to match that of post-2006 retirees, effective from January 1, 2006. The government's challenge to the order was dismissed, while the petition of the pre-2006 pensioners' association was allowed, restricting relief to the date of the original application.

ANIL KUMAR ANAND VS UNION OF INDIA & ORS. [LPA-154/2024]

Judges: Justice Girish Kathpalia, Justice Rekha Palli

The order of the single judge was upheld, rejecting the appellant's writ petitions against the Unit Trust of India Asset Management Company Ltd (UTI AMC) and other respondents. The appellant's own statements indicated he was an employee of UTI AMC, not UTI, making the writ petitions unmaintainable against UTI AMC, a limited company without governmental control. The primary issue was his termination from service by UTI AMC, and since he had been employed there since 2003, the petitions were also unmaintainable against the other respondents. The appeals were dismissed, with the appellant allowed to pursue other legal remedies.

COMMISSIONER OF POLICE AND ANR VS JAGMAL SINGH [W.P.(C)-4201/2024]

Judges: Justice Girish Kathpalia, Justice Rekha Palli

The decision of the Central Administrative Tribunal to reinstate Jagmal Singh, a Sub-Inspector in the Delhi Police, was upheld. The petitioners failed to justify the dismissal without a departmental inquiry, despite serious allegations. The requirement for a departmental inquiry, as per Article 311(2)(b) of the Constitution, applies to police officers as well. The writ petition from the petitioners was dismissed.

LIFE INSURANCE CORPORATION OF INDIA AND ANR. VS MS. ERINA MICHAEL [LPA-746/2022]

Judges: Justice Girish Kathpalia, Justice Rekha Palli

The appeal by Life Insurance Corporation of India against a single judge's order regarding Ms. Erina Michael was successful. The single judge incorrectly set aside the sealed cover procedure used by the Departmental Promotion Committee in 2010 and directed her promotion to Assistant Administrative Officer, disregarding a penalty of censure imposed on her in 2013. The single judge's approach was flawed, as they could only consider the penalty after reviewing a challenge to the disciplinary proceedings, which Ms. Michael had not pursued. The order was quashed, and the matter was remanded for fresh adjudication, allowing Ms. Michael to amend her writ petition to contest the penalty and disciplinary actions.

NATIONAL HIGHWAYS AUTHORITY OF INDIA VS SHRI KRISHNA MURARI SHARMA AND ANR [W.P.(C)-4245/2024]

Judges: Justice Girish Kathpalia, Justice Rekha Palli

The writ petition by the National Highways Authority of India (NHAI) was dismissed, affirming the Central Administrative Tribunal's order to consider an applicant's promotion to General Manager (Technical) with seniority from 02.06.2014, the completion date of four years as a deputation Manager (Technical). According to Clause 15(3) of the NHAI Recruitment, Seniority and Promotion Regulations, 1996, seniority for those initially appointed on deputation is based on the date of initial appointment. NHAI's circular from 22.05.2017, which denied seniority prior to absorption, was deemed contrary to the regulations and disregarded. The applicant's service as a deputationist was recognized for seniority in the Deputy General Manager (Technical) cadre.

PEET VASAN BIHARI VS GOVIND SINGH BISHT & ORS. [LPA-93/2024]

Judges: Justice Girish Kathpalia, Justice Rekha Palli

After the Central Government Industrial Tribunal (CGIT) issued a final award on 03.11.2022, the interim directions from 29.11.2018 merged with the final award and ceased to be binding. The order requiring compliance with the interim directions was set aside due to the impossibility of doing so alongside a stay on the final award. Both parties are to follow the order from 02.03.2023, which stayed the final award while requiring the appellant to maintain status quo on the respondents' services. The appellant must pay the respondents according to the CGIT's order from 29.11.2018 for the period between that date and 02.03.2023, and thereafter as per the appellant's office circular dated 16.08.2021.

UNION OF INDIA & ANR VS D.B. ARORA [W.P.(C)-10292/2015]

Judges: Justice Girish Kathpalia, Justice Rekha Palli

The Union of India's writ petition was dismissed, affirming that the respondent's Annual Performance Assessment Report (APAR) was non-existent due to a lack of remarks from the reviewing officer. The Referral Board's consideration of the respondent's representation could not address this defect, as it lacked personal observation of the respondent's performance. A two-tier system for recording APARs, requiring remarks from both the reporting and reviewing officers, is necessary for objectivity and to protect employees from subjective evaluations.

UNION OF INDIA & ANR VS SHRI B. VENKATESAN & ORS [W.P.(C)-2781/2015]

Judges: Justice Girish Kathpalia, Justice Rekha Palli

The writ petition by the Union of India was dismissed, upholding an order from the Central Administrative Tribunal (CAT) that required the petitioners to consider the promotion cases of the respondents and other eligible DPA Grade A officers for DPA Grade B, starting from 1995. The CAT's order specified that promotion was not automatic but contingent on vacancy availability and eligibility. The justification for the direction was based on the accessibility of the Model Recruitment Rules to the petitioners since 1998, despite the official Recruitment Rules being notified in 2010.

A.K. PATHAK & ORS VS NEW DELHI MUNICIPAL COUNCIL THROUGH ITS CHAIRMAN & ANR [W.P.(C)-1349/2020]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The New Delhi Municipal Council (NDMC) must issue new orders within four weeks to implement a previous order from the Central Administrative Tribunal (CAT) granting petitioners a higher pay scale. Following the dismissal of NDMC's Special Leave Petition, the matter is considered settled, and eligible petitioners should receive benefits within four weeks. Petitioners may challenge the new orders if dissatisfied.

ADITYA SURESH RAO KAWARE AND ORS. VS WESTERN RAILWAY RECRUITMENT CELL AND ORS. [W.P.(C)-13581/2019]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Central Administrative Tribunal's order was set aside, directing the appointment of petitioners to khalasi/helper positions reserved for individuals with low vision and blindness. The petitioners' vision was classified as poor, which qualified them for the posts identified as suitable for both low vision and blind candidates. The term "low vision" in medical reports was deemed vague. The respondents were filling vacancies per the 2015 Office Memorandum recognizing these positions for visually impaired individuals. Each petitioner was awarded R.S. 10,000 as litigation costs.

ALL INDIA INSTITUTE OF MEDICAL SCIENCES (AIIMS) VS MS. KIRAN GROVER [W.P.(C)-10057/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition by the All India Institute of Medical Sciences challenging the Central Administrative Tribunal's order was dismissed. Ms. Kiran Grover's Economically Weaker Section (EWS) certificate, issued by the Tehsildar, was deemed valid for the financial year 2021-22. A precedent established that delays in document production should not be blamed on the applicant if it was not their fault. No errors were found in the Tribunal's order.

APURV AGARWAL VS K P MAHADE VS WAMY & ORS. [W.P.(C)-11862/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The order of the Central Administrative Tribunal (CAT) was upheld regarding contempt proceedings initiated by the petitioner. The CAT's decision to issue notice only to respondent no. 1 was not found to be erroneous, and notice to other respondents, including unknown members of the Review DPC, was declined. The petitioner had already started separate contempt proceedings before the CAT for alleged non-compliance, which are still pending. The present petition was dismissed without grounds for interference in the ongoing proceedings before the CAT.

ARMY PUBLIC SCHOOL DHAULA KUAN VS ARCHANA DHAWAN [LPA-771/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The teacher was entitled to withdraw her resignation before the end of the employer-employee relationship. The resignation was set to take effect on 13.02.2019, but the school did not respond within the 30-day period required by rules. Thus, the relationship remained in effect, validating the withdrawal of the resignation prior to its effective date.

BHARAT SANCHAR NIGAM LTD. & ORS. VS PARDEEP SINGH & ANR. [W.P.(C)-10418/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Central Administrative Tribunal's order mandates Bharat Sanchar Nigam Limited (BSNL) to reimburse an employee for the total medical expenses incurred, rather than limiting it to CGHS package rates. BSNL's medical reimbursement policy allows actual expense reimbursement at approved rates in recognized hospitals. Since the BLK Hospital treated the employee and BSNL had not notified approved rates, actual expenses are reimbursable. The policy differentiates between recognized and non-recognized hospitals, and this case involves a recognized hospital. Compliance with the order is required within four weeks, with interest at 12% per annum applicable for any delayed payment.

BHUPENDER SINGH VS GOVT OF NCT OF DELHI AND ORS. [W.P.(C)-11728/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition challenging the cancellation of provisional selection for the post of Manager (Traffic) in the DTC was dismissed. The decision was based on inconsistencies in the petitioner's application regarding employment and an experience certificate from a different company. Additionally, the petitioner delayed filing the petition for over three years.

BP VASHIST VS UOI AND ORS [W.P.(C)-5385/2010]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The writ petition filed by BP Vashist challenging the in-situ promotion of respondent no. 3 to Inspector General/Chief Law Officer was dismissed. The petitioner, having retired in 2010, sought promotion, making the issue academic and a mere exercise in personal satisfaction. Even if promoted, any such advancement would not have financial implications, indicating that the petition was not fundamentally about substantive relief.

COMMISSIONER KENDRIYA VIDYALAYA SANGATHAN & ORS. VS SMT MANISHA YADAV [W.P.(C)-11115/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Central Administrative Tribunal (CAT) directed the Kendriya Vidyalaya Sangathan (KVS) to reconsider Smt. Manisha Yadav's choice of posting within 30 days. KVS indicated it would issue a transfer order within a week. Compliance with the CAT's order was emphasized, and contempt proceedings before the CAT were stayed pending this compliance.

COMMISSIONER OF POLICE AND ANR VS RAVINA YADAV AND ANR [W.P.(C)-9270/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The respondent's claim for maternity leave for her third child was upheld based on the finding that Rule 43 of the CCS (Leave) Rules, 1972, which limits maternity leave to government servants with less than two surviving children, lacks intelligible differentia and likely violates Article 14 of the Constitution. The emphasis was placed on the purpose of maternity leave being to protect the dignity of motherhood and ensure the welfare of both mother and child, prioritizing this over population control measures. The government was directed to reassess the sustainability of Rule 43.

COMMISSIONER OF POLICE AND ORS VS SHRI KARAM PAL [W.P.(C)-9098/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

Dismissal of two respondents from service under Article 311(2)(b) was not justified due to lack of valid reasons by the disciplinary authorities. Objective facts, rather than assumptions, were necessary to dispense with the departmental inquiry. The dismissal orders did not demonstrate that witnesses would be intimidated or that holding an inquiry was impracticable. The orders from the Central Administrative Tribunal, which annulled the dismissals and awarded all related benefits to the respondents, were upheld, allowing for the possibility of initiating new disciplinary proceedings.

COMMISSIONER OF POLICE DELHI AND ORS. VS RAM KHILARI EX CONST [W.P.(C)-13191/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The writ petition filed by the Commissioner of Police and others was dismissed, affirming the Central Administrative Tribunal's decision that reversed the dismissal of Ram Khilari, an ex-constable. The dismissal occurred under Article 311(2)(b) without following proper departmental procedures or providing justifiable reasons for skipping a disciplinary inquiry. The petitioners were directed to comply with the Tribunal's order within four weeks.

CONVENT OF JESUS & MARY VS AMAR JYOTI BRAHAMCHARI & ANR. [LPA-727/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The appeal by the Convent of Jesus & Mary School was dismissed regarding the order preventing the recovery of over Rs. 5.33 lakhs paid to retired teacher Amar Jyoti Brahamchari. The school, governed by the Delhi School Education Act & Rules, 1973, cannot autonomously decide employee payments under Article 30(1). Recovering the excess payment made nearly a decade ago was deemed unfair and inequitable to the retired teacher.

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH & ANR. VS DR RAKESH KUMAR [W.P.(C)-11122/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Central Administrative Tribunal's decision to quash the chargesheet issued by the Council of Scientific and Industrial Research (CSIR) against Dr. Rakesh Kumar was upheld. The advice from the Central Vigilance Commission on August 11, 2022, was clarified as a directive to amend the charges rather than a preliminary suggestion. Multiple chargesheets issued by CSIR on similar allegations indicated a mala fide intent to harass Dr. Kumar. Additionally, the tribunal had previously annulled the suspension order against him.

DDA VS VAIBHAV MALIK & ORS [W.P.(C)-6665/2022]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Delhi Development Authority (DDA) set January 1, 2022, as the eligibility date for the Limited Departmental Competitive Examination (LDCE) for promotion, despite regulations stating July 1, 2022, as the correct date. The DDA's own Right to Information Act response acknowledged the July 1 date, and no valid justification was provided for changing it. The argument that this change aligned the LDCE with other promotion methods lacked merit, as the LDCE operates under distinct parameters. Overall, the DDA's decision was deemed arbitrary and without a valid legal basis.

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED AND ANR. VS HARI OM GUPTA [W.P.(C)-12458/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The decision of the Central Administrative Tribunal regarding the withholding of 50% of Hari Om Gupta's leave encashment benefits was upheld. Disciplinary proceedings against him were initiated just before his retirement in 2012, concerning allegations from 2006-07, with no financial loss to the petitioners demonstrated in the Inquiry Report. Under Rule 39(3) of the CCS (Leave) Rules, 1972, leave encashment benefits may only be withheld in cases of embezzlement or loss of public money, which did not apply here. This case involved individual matters rather than a batch case.

DELHI SUBORDINATE SERVICES SELECTION BOARD (DSSSB) AND ANR VS KIMMI [W.P.(C)-15834/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

Petitions challenging the selection and appointments by the Delhi Subordinate Services Selection Board (DSSSB) were dismissed, as the issues had already been settled in prior judgments. The respondents were in a similar position to parties in past cases that favored the DSSSB, which had been upheld after a Supreme Court appeal. Despite arguments regarding delay and laches, the absence of distinct grounds led to the dismissal of the petitions.

DELHI SUBORDINATE SERVICES SELECTION BOARD AND ANR VS VISHNU KUMAR BADETIYA [W.P.(C)-12303/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The respondent, belonging to the Scheduled Caste (SC) category and holding a valid SC certificate from another state, is entitled to reservation benefits in civil posts under the Government of NCT of Delhi. The principle established in the Deepak Kumar case allows SC/ST candidates migrating to a union territory like Delhi to claim such benefits and applies retrospectively. The argument against retrospective application was rejected, and the petitioners were directed to appoint the respondent under the SC category. The case resulted in a split judgment, suggesting the issue may be referred to a larger bench.

DELHI TRANSPORT CORPORATION VS ASHOK KUMAR [LPA-889/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The inquiry against the respondent-employee was found to be flawed, despite the charges being proved. The DTC had complied with legal requirements for termination under the Industrial Disputes Act. Since the respondent had superannuated and reinstatement was not possible, the DTC was directed to treat the respondent as reinstated from the termination date, pay 50% of due wages, and provide a lump sum compensation of Rs. 2.5 lakhs for litigation expenses.

DIRECTOR GENERAL, EMPLOYEES STATE INSURANCE CORPORATION AND ANR. VS AVDHESH KANT KUMAR & ANR. [W.P.(C)-10495/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition by the Director General of the Employees' State Insurance Corporation regarding the suspension of respondents was dismissed. The ESIC (Staff & Conditions of Service) Regulations, 2023, cited by the petitioners to support the suspension, were enacted after the respondents were already suspended. No issues were identified in the Tribunal's order.

DR ANKIT KUMAR SHAHI & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-12264/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

Service bonds signed by dentists enrolled in the ESIC's dental college do not guarantee employment with the ESIC for the duration specified. The bonds are unilateral, obligating the ESIC to no employment commitment. The ESIC's decision to reduce the service bond tenure from 5/3 years to 1 year is valid, as the ESIC has discretion over the services of bond executors based on its needs. The petitions challenging this decision were dismissed.

DR. D.S. SHANKAR VS UNION OF INDIA AND OTHERS [W.P.(C)-10695/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The writ petition filed by Dr. D.S. Shankar, a Senior Assistant Professor at NCERT, was dismissed after he challenged the orders of the Central Administrative Tribunal regarding disciplinary proceedings and removal from service. It was noted that Dr. Shankar had concealed the rejection of his revision application by the President of NCERT. The appropriate course of action was identified as challenging the President's order before the Central Administrative Tribunal, rather than directly approaching the High Court. The dismissal allowed Dr. Shankar the opportunity to contest the President's order in the proper forum.

DR. DILIP RAMBHAU SHENDE VS AIIMS AND ORS. [W.P.(C)-7718/2022]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

Dr. Dilip Rambhau Shende was recognized as senior to Dr. Lokesh Kashyap in the Department of Anaesthesiology and Critical Care at AIIMS, according to the seniority list dated 24.12.2020 on the AIIMS website. The appointment of Dr. Lokesh Kashyap as Head of the Department was overturned. AIIMS was instructed to appoint Dr. Shende as Head of the Department within four weeks, acknowledging his long service in the department since 1991, which was governed by AIIMS' conditions.

DSSSB AND ANR VS PAWAN KUMAR [W.P.(C)-10105/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition by DSSSB was dismissed, affirming the Central Administrative Tribunal's decision. The Tribunal indicated that DSSSB's communication with selected candidate Durgesh Kumar for document submission after the waitlist's one-year validity indicated a need to offer the vacancy to Pawan Kumar, the next candidate on the list. The Tribunal's order was upheld as DSSSB extended the waitlist's validity.

EMPLOYEES STATE INSURANCE CORPORATION VS CHHEL NARAYAN [W.P.(C)-11907/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition by the Employees State Insurance Corporation was dismissed, upholding the Central Administrative Tribunal's decision to quash the notice disqualifying Chhel Narayan from the recruitment process for 'Nursing/Paramedical Staff'. The Tribunal found that Narayan had the necessary qualifications at the time of application, and the absence of a specific column in the online form for his Nursing Council registration did not justify the cancellation of his candidature. The petitioner was directed to follow the Tribunal's order, allowing Narayan to undergo document verification and be appointed with a notional appointment date aligned with the last candidate.

EMPLOYEES STATE INSURANCE CORPORATION, THROUGH ITS DIRECTOR GENERAL VS ESIC MEDICAL OFFICERS ASSOCIATION (REGD.) THROUGH ITS SECRETARY DR MD MOZAFFAR UDDIN & ORS. [W.P.(C)-10816/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The ESIC circular dated May 28, 2021, which amended the reimbursement of telephone charges for medical officers, was quashed due to the failure to obtain prior approval from the Central Government as required by the ESIC Act. Medical officers are directed to be reimbursed for telephone expenses according to the Office Memorandum dated March 26, 2018, with interest at 6% per annum from that date until payment is made.

FIYAZUDDIN VS THE STATE GOVT. OF NCT OF DELHI AND ORS. [W.P.(CRL)-530/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petitioner's wife was not wrongfully detained by her relatives. The Sho of Kalyanpuri was instructed to accompany the petitioner to his wife's residence, where she expressed a desire to return with him. Any untoward incidents would result in legal action against the responsible party. The habeas corpus petition and related application were disposed of.

GEETA SHARMA VS STEEL AUTHORITY OF INDIA AND ORS [W.P.(C)-8095/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The decision of the Central Administrative Tribunal to dismiss the petitioner's challenge regarding the shortlisting of candidates for the Director (Finance) position at Steel Authority of India Limited (SAIL) was upheld. The petitioner, holding a lien with SAIL, was considered only as an internal candidate, not external, according to guidelines for board-level appointments in Central Public Sector Enterprises. The respondents properly assessed the petitioner's seniority based on her entry date into the relevant grade. Consequently, the shortlisting of candidates was deemed correct, and the appointment of the third respondent as Director (Finance) of SAIL was affirmed.

GOVT OF NCT DELHI & ANR. VS CHAINSUKH UJJWAL [W.P.(C)-12971/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The writ petition by the Government of NCT Delhi contested the Central Administrative Tribunal's order regarding Chainsukh Ujjwal, who was initially deemed unfit for the Constable position due to medical issues but later declared fit by another board. The Tribunal based its decision on a previous case, instructing compliance with that ruling. The order was modified to require an examination by a different medical board from R.R. Hospital, Delhi, to address the respondent's concerns about potential bias from the original doctors.

GOVT OF NCT OF DELHI & ANR. VS SOHAN RAM @ SOHAN POONIA [W.P.(C)-13154/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The order of the Central Administrative Tribunal (CAT) directing the Government of NCT of Delhi to re-fix Sohan Ram's pay scale, along with all consequential benefits on a notional basis from the date of the last candidate selected in his category, was upheld. Sohan Ram was receiving less pay than his juniors, constituting discriminatory treatment. The Government was instructed to comply with the CAT's directives within four weeks.

GOVT OF NCT OF DELHI & ORS. VS DR SOMA ROY [W.P.(C)-10328/2021]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The order of the Central Administrative Tribunal (CAT) that set aside the charge memo against Dr. Soma Roy, a Medical Officer under the Central Health Service, was upheld. The charge memo and suspension order were deemed invalid as they were issued by the Delhi Health Services authorities instead of the competent authority for a CHS cadre officer. A significant delay of 7 years in starting the disciplinary proceedings was noted, which hindered the respondent's ability to defend herself. Additionally, members of the inquiry committee had conflicts of interest, as they were involved in the matters being investigated. The petition from government authorities was dismissed.

GOVT OF NCT OF DELHI THROUGH SECRETARY LABOUR VS GURPREET SINGH [W.P.(C)-11870/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The decision of the Central Administrative Tribunal (CAT) regarding a 75% subsistence allowance of the employee's salary was upheld. The government's rejection of the enhancement, citing that retrospective revision is "not advisable," lacked support from any rule or instruction. The matter was not remanded, as the government's reasons were not based on specific rules.

GOVT OF NCT OF DELHI & ANR. VS BHANUPRIYA SHOKEEN [W.P.(C)-7978/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition by the Government of NCT of Delhi challenging the Central Administrative Tribunal's decision to allow Bhanupriya Shokeen's application for the Trained Graduate Teacher (TGT) position was dismissed. The rejection of her candidature was based on her not studying English in her 2nd year of graduation, which was not a requirement in the Recruitment Rules. The absence of the Recruitment Rules in the advertisement rendered it unreasonable to expect her to know the specific eligibility criteria. The dismissal noted no issues with the Central Administrative Tribunal's order.

GOVT OF NCT OF DELHI AND ORS VS MAHFOOZ ALI [W.P.(C)-575/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The decision directed government authorities to step up the pay of a senior employee to match the higher pay of junior colleagues. Under Fundamental Rule 22 and relevant government guidelines, a senior employee's pay must be adjusted to eliminate discrepancies with juniors, even if the latter's higher pay results from the Assured Career Progression (ACP) scheme. Previous decisions supported this stance, and the writ petition by government authorities was dismissed.

GOVT OF NCT OF DELHI AND ORS VS SHASHANK SINGH TOMAR AND ORS [W.P.(C)-9244/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition by the Government of NCT of Delhi was dismissed, leading to the regularization of contractual Welfare Officers who had served over 10 years in sanctioned posts. The petitioners had not established a policy for regularization despite the long service of the Welfare Officers and had previously regularized similar contractual Protection Officers. The decision recognized a legitimate claim for regularization and required the petitioners to complete the process within 4 weeks, allowing one-time age relaxation.

GOVT OF NCT OF DELHI AND ORS VS SMT ANJULIKA [W.P.(C)-362/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition filed by the Government of NCT of Delhi was dismissed due to lack of grounds for interference, as the issues had been previously resolved in two cases, specifically regarding Smt. Anjulika's situation, which mirrored the petitioners in those cases. The judgment from the earlier case had attained finality after being upheld by the Supreme Court.

GOVT OF NCT OF DELHI AND ORS VS SMT SAVITA DEVI [W.P.(C)-11025/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The government authorities were not justified in withholding the gratuity and retiral dues of a deceased employee's widow. The unauthorized absence during the employee's second spell had already been condoned, and this period should not have been considered for recovery. The authorities are directed to release the full gratuity amount along with applicable interest.

GOVT OF NCT OF DELHI THROUGH DIRECTORATE OF FAMILY WELFARE VS NISHA AND ORS [LPA-530/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The appeal by the Government of NCT of Delhi against the decision favoring Nisha and others was dismissed. The respondents, engaged as Auxiliary Nurse Midwives on a contractual basis for over 23-24 years, were entitled to regularization of their services. The previous rulings of lower authorities were upheld as free from error or perversity.

GOVT. OF NCT OF DELHI & ORS VS SANDEEP KUMAR [W.P.(C)-2047/2008]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The punishment orders against a Warder in Central Jail, Tihar, were quashed due to a lack of reliable evidence concerning an alleged incident during his night duty, where co-prisoners reportedly chopped off a prisoner's thumbs. Flaws in the departmental inquiries included reliance on discarded records, examination of only one witness, and absence of medical or forensic evidence. There was suspicion that the incident either did not occur or that jail authorities attempted to protect the assailants and negligent officials. The decision to quash the punishment orders was upheld based on the absence of evidence.

INDIAN COUNCIL OF MEDICAL RESEARCH & ANR. VS SHRI UDAY KUMAR SINGH & ORS. [W.P.(C)-15541/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition by the Indian Council of Medical Research (ICMR) to quash an order of the Central Administrative Tribunal regarding the regularization of Shri Uday Kumar Singh's services was dismissed. Regularization is determined by the employer's discretion and does not constitute a right, allowing for limited judicial intervention. The argument that Singh's application was barred by limitation was rejected, as the issue of regularization is considered a continuous cause of action. With the matter pending before the Tribunal for a merits-based decision, there were no grounds for interference.

JAI KARAN VS DELHI JAL BOARD AND ORS. [W.P.(C)-11159/2019]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The writ petition filed by Jai Karan was dismissed, as the Central Administrative Tribunal's rejection of his claim for full pension and gratuity was upheld. The case was governed by the Office Memorandums from 1968 and 1986, which state that only 50% of service paid from contingencies counts towards pension calculation. The two court decisions cited by the petitioner were deemed factually distinguishable and inapplicable. The Tribunal's reliance on the Office Memorandums was not erroneous.

JAMIA MILLIA ISLAMIA VS SHAKEEL AHMAD [LPA-576/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The respondent, a Research Assistant at Jamia Millia Islamia University, is considered a "Teacher" for retirement age purposes under the university's Act and regulations. Job duties included classroom teaching, course designing, exam paper setting, and research supervision, meeting the statutory definition of a Teacher. Based on the university's past decisions regarding the respondent, he is entitled to retire at 65 years instead of the 60 years set for Research Assistants. The appeal against the earlier judgment for his reinstatement with 50% back wages was dismissed.

MRS DEEPTI BHARGAVA VS UNION OF INDIA AND ORS [W.P.(C)-8094/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The transfer of the petitioner (wife) from Delhi to Bhopal was deemed improper as it violated government policies regarding the posting of married couples at the same station, particularly when they have young children. The relevant Office Memorandums specify that husbands and wives should be posted together if suitable positions are available and children are below certain age limits. Following an interim order that allowed the petitioner to be attached to the CFSL in Delhi for review after a year, it was mandated that her posting in Delhi be maintained for at least one year, considering her 3-year-old son.

MUNICIPAL CORPORATION OF DELHI & ANR. VS ATUL VERMA [W.P.(C)-12168/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The order of the Central Administrative Tribunal (CAT) regarding Atul Verma's Original Application against the Municipal Corporation of Delhi was set aside due to the lack of an opportunity for the petitioners to respond. The CAT did not assess the merits of the case and has been directed to hear the OA again, allowing the petitioners to submit their reply and consider both parties' arguments.

MUNICIPAL CORPORATION OF DELHI VS PRADEEP RANA AND OTHERS [LPA-720/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The decision of the Industrial Tribunal to regularize the services of respondents, who had served as contractual Assistant Malaria Inspectors for over 13 years, was upheld. The prolonged temporary status of the respondents constituted unfair labor practices, particularly given their qualifications and the ongoing nature of the work. Exceptions to the Umadevi doctrine were applicable due to the long duration of employment without court intervention, justifying the regularization of their positions.

MUNICIPAL CORPORATION OF DELHI VS PRAMOD BHAN AND OTHERS [LPA-802/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The appeal by the Municipal Corporation of Delhi against the regularization of respondents' services as Assistant Public Health Inspectors was dismissed. The tribunal's order for regularization was upheld, highlighting that the respondents had been on contractual employment for over a decade despite available sanctioned posts. The decision pointed out that the Municipal Corporation engaged in unfair labor practices by maintaining the respondents in temporary employment for an unreasonable duration.

MUNICIPAL CORPORATION OF DELHI VS RAJENDER SWAROOP SHARMA [W.P.(C)-9863/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Central Administrative Tribunal's decision was upheld, confirming that Rajender Swaroop Sharma's seniority was established based on his earlier appointment date. The Municipal Corporation of Delhi failed to present evidence disproving Sharma's seniority or demonstrating that he ranked junior to others. The petition by the Municipal Corporation of Delhi was dismissed.

MUNICIPAL CORPORATION OF DELHI VS RAM CHARAN R.C. MEENA & ANR. [W.P.(C)-11464/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The provisions of the Delhi Municipal Corporation Services (Control and Appeal) Regulations, 1959 do not permit a review petition against penalty orders issued by the Municipal Corporation of Delhi. This case was remanded to the Central Administrative Tribunal for merit adjudication, with a directive for the parties to appear on a specified date.

MUNICIPAL CORPORATION OF DELHI VS SAKSHI SHEDHA [W.P.(C)-12677/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The decision of the Central Administrative Tribunal regarding the eligibility of candidates for the Architectural Assistant position was upheld. The advertisement did not differentiate between candidates with a degree in Architecture and those with a diploma in Town/City/Urban Planning. Sakshi Shedha disclosed her degree in Planning in her application, which was verified before her appointment. The cancellation of her appointment was deemed illegal and arbitrary, as she had not misrepresented her qualifications.

NANDKISHORE SUBHASH DHEKANE AND ORS VS UNION OF INDIA AND ANR [W.P.(C)-8843/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

Petitioners engaged as Faculty Cum System Administrators (FCSAs) cannot claim regularization based solely on their long service. Regularization claims must be assessed based on the nature of their duties and the selection process, considering their temporary appointment. Changing the B.Ed. qualification for the post of Trained Graduate Teacher (Computer Science) from essential to desirable is not permissible, as determining essential qualifications is at the discretion of the respondents in the interest of students and the institution.

NAU NIHAL SINGH RANA VS UNION OF INDIA & ORS [W.P.(C)-3351/2017]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

An Indian Railway Personnel Service officer was exonerated of sexual harassment charges and entitled to interest on delayed retirement benefits. Arguments suggesting the exoneration was on technical grounds and that res judicata barred the interest claim were rejected. The officer is to receive interest at 6% per annum on all retiral dues from the date of superannuation until payment, along with Rs. 25,000 in litigation costs.

OM PRAKASH & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-13107/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The writ petition challenging the seniority list prepared on 18.01.2022 was dismissed. The respondents are in the process of offering appointments and placements to officers recommended by the DPC held on 14.08.2024. Interim relief from the Central Administrative Tribunal stated that any promotions based on DPC recommendations are subject to the outcome of the petitioners' O.A. No illegality or perversity was identified in the Tribunal's order.

PUNJAB AND SINDH BANK VS SH RAJ KUMAR [LPA-410/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The punishment of dismissal from service imposed on the respondent was found to be disproportionate and in violation of the principle of equality under Article 14 of the Constitution, as co-delinquents received lesser punishments. The punishment was substituted from dismissal to compulsory retirement, taking into account the respondent's long and unblemished service record.

PUNJAB NATIONAL BANK VS SH NIRAJ GUPTA AND ANR [LPA-907/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The respondent's conduct was deemed sexual harassment by an internal complaint committee; however, it did not meet the definition of "moral turpitude" under the Gratuity Act due to the absence of a criminal conviction. Forfeiture of gratuity requires termination for an offense involving moral turpitude, which was not applicable in this case as no criminal proceedings were initiated against the respondent.

PUNJAB NATIONAL BANK & ORS. VS SC SAPRA & ORS. [LPA-448/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The respondent bank employee is entitled to full pension, as the disciplinary authority did not reference any deduction in the compulsory retirement order. The bank's internal circular mandates full pension in such cases, and the bank's counsel had previously agreed to this payment. The appeal by the bank lacks merit and was dismissed, with an option to file a review petition within two weeks.

PUNJAB NATIONAL BANK VS KARTAR SINGH [LPA-941/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The dismissal of Kartar Singh from his position as a Daftari at Punjab National Bank was deemed disproportionate to the misconduct. Reinstatement was ordered with a modification of punishment to withholding four increments with cumulative effect. Instead of full back wages, 50% back wages were awarded based on the "no work no pay" principle. The case had been pending for 18 years, and the Tribunal had the authority to amend the dismissal punishment.

R.P.DABAS VS UNIVERSITY GRANTS COMMISSION [W.P.(C)-5997/2007]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition filed by R.P. Dabas challenging his promotion eligibility to Under Secretary was dismissed. Dabas, promoted to Section Officer on 23.03.1994, lacked the required 5 years of continuous regular service for promotion. The relaxation from the Ministry of Human Resource Development was only valid until May 1997, while the DPC occurred on 11.06.1997, after the relaxation period. Even if the DPC had been held after 01.10.1997, eligibility would still not have been met without the relaxation.

RAHUL NARULA VS UNION OF INDIA THROUGH CENTRAL ZOO AUTHORITY & ORS. [W.P.(CRL)-485/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition challenging the constitutional validity of Section 23 of the Prevention of Cruelty to Animals Act, 1960, was dismissed. The petitioner based their challenge on concerns of potential animal ill-treatment during an upcoming private event from March 1 to March 3, 2024. The dismissal occurred because apprehensions alone are insufficient for legal action. A High Powered Committee is in place to address complaints related to animal organizations and will oversee the event to ensure humane treatment of animals. No merit was found in the challenge to the constitutional validity of the section.

RAJ PAL AND ORS VS MUNICIPAL CORPORATION OF DELHI [LPA-697/2022]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The appeal by the appellants/workmen was allowed, and the order dismissing their application under Section 17B of the Industrial Disputes Act was set aside. The Municipal Corporation is instructed to pay subsistence allowance to the appellants at the higher rate of their last pay drawn or minimum wages as per the Minimum Wages Act, effective from 18.01.2022. The Industrial Tribunal previously granted reinstatement with 50% backwages and directed service regularization, but the respondent is contesting this in a pending writ petition. It was noted that the criteria for granting relief under Section 17B differ from the case's merits, ensuring that the appellants receive subsistence allowance during the writ petition's pendency.

RAJEEV PAL VS UNION OF INDIA, MINISTRY OF HEALTH AND FAMILY WELFARE & ORS. [W.P.(C)-11414/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The order dismissing the petitioner's application by the Central Administrative Tribunal, lacking any reasoning, is invalid. The matter must be listed before a different bench for an expedited decision. Additionally, respondents are prohibited from filling the vacancy for the PWD (Persons with Disabilities) in the OH (Orthopedically Handicapped) category until a decision is made.

RAVI KUMAR VS DEPARTMENT OF SPACE AND ORS. [W.P.(C)-2659/2019]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition challenging the selection process for the Administrative Officer position at the Indian Space Research Organisation was dismissed. The selection criteria, including the weightage for the written test and interview, were properly followed. The petitioner, having participated in the process without objection, could not contest it later due to an unfavorable outcome. It was reiterated that candidates involved in a selection cannot question the process or its results afterward.

RITES LTD THROUGH ITS CHAIRMAN AND MANAGING VS AVDESH KUMAR SHARMA & ANR. [W.P.(C)-7404/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

Disciplinary proceedings against Avdesh Kumar Sharma by RITES Ltd. were flawed due to violations of natural justice and insufficient evidence for the charges. The charge memorandum and related orders were quashed, and RITES Ltd. was directed to re-fix Sharma's pension and retirement benefits.

SANJAY KUMAR VS UNIVERSITY OF DELHI & ORS. [LPA-663/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The recruitment process was found to be compliant with the University of Delhi's Non-Teaching Employees Rules, 2008. With only one sanctioned post for Assistant, promotion was the first option. However, no eligible Junior Assistant met the required 5 years of service for promotion as of the advertisement date. Consequently, direct recruitment was pursued lawfully, and no rights of the appellant were violated, as the promotional avenue was not available due to the absence of qualified candidates.

SHRI. SUNIL KALGOUNDA PATIL VS UNION OF INDIA, THROUGH SECRETARY, DEPARTMENT OF REVENUE, MINISTRY OF FINANCE. AND ORS. & ANR. [W.P.(C)-7444/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The writ petition was dismissed due to the absence of error or perversity in the Central Administrative Tribunal's decision. The Tribunal stated that the Supreme Court's prior orders did not require retrospective application of the revised 13:2:1 promotion quota for feeder categories, allowing for prospective implementation. Practical difficulties associated with retrospective application, such as the potential reversion of officers already promoted on an ad hoc basis, were noted. The respondents were not found to have disobeyed the Supreme Court's directions.

SMT JAGIR KAUR VS UNION OF INDIA & ANR. [W.P.(C)-15460/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petitioner is entitled to full reimbursement of medical expenses for her late husband's treatment at a non-empanelled private hospital during the COVID-19 pandemic. The determination emphasizes that the availability of treatment should take precedence over technicalities such as hospital panel status. The extraordinary circumstances of the pandemic necessitated prioritizing life-saving efforts over procedural requirements. The respondents are directed to reimburse the petitioner the entire remaining amount with interest.

STAFF SELECTION COMMISSION & ORS. VS RAHUL [W.P.(C)-12770/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

Rahul, a participant in the Delhi Police Examination, will undergo a medical examination by a board from R.R. Hospital in Delhi. This decision modified an earlier directive for a fresh examination at a different government hospital, with the R.R. Hospital's report considered final and binding.

STAFF SELECTION COMMISSION AND ORS VS TEEKAM SINGH MEENA [W.P.(C)-13100/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Central Administrative Tribunal's order for a re-medical examination of Teekam Singh Meena for the Constable (Exe.) position in Delhi Police was upheld, but the examination is to be conducted at RR Hospital to ensure fairness. Conflicting medical reports prompted the decision to allow examination by a different medical board. RR Hospital must form a medical board for the examination on a specified date, and if Meena is deemed fit, he must be permitted to join the selection process. The report from RR Hospital's medical board will be considered final and binding.

STAFF SELECTION COMMISSION & ORS. VS BHUPENDRA SINGH [W.P.(C)-12949/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The order of the Central Administrative Tribunal regarding the respondent's application about medical unfitness for the Constable (Exe.) position in Delhi Police due to a tattoo was upheld. Tattoos can be undesirable in disciplined forces, but there is no absolute prohibition, and candidates should be allowed a chance to remove them. The respondent had already removed the tattoo. The Staff Selection Commission was directed to permit the respondent to join the training scheduled for November 2024. No errors or issues were identified in the Tribunal's decision.

STAFF SELECTION COMMISSION AND ORS. VS BHEEMSEN [W.P.(C)-12935/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petitioners must arrange for the respondent's medical examination by a specialized medical board at R.R. Hospital, including relevant specialists and a female specialist for a woman candidate. The medical board's report will be final and binding on both parties.

STAFF SELECTION COMMISSION AND ORS. VS NEHA [W.P.(C)-12561/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Staff Selection Commission must conduct a fresh medical examination of Neha at RR Hospital, Delhi, to evaluate her vision and vitiligo. Previous medical reports were not submitted. If found fit by the RR Hospital medical board, Neha is to be appointed as Constable (Executive) in the Delhi Police within two weeks. The medical board's opinion will be final and binding.

STAFF SELECTION COMMISSION AND ORS VS DEEPAK YADAV [W.P.(C)-10084/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition by the Staff Selection Commission regarding Deepak Yadav's disqualification from the Constable (Exe) Male recruitment process was dismissed. The tattoo on his right forearm was deemed not clearly visible, with only a faint scar remaining. There is no absolute prohibition on tattoos, and candidates cannot be rejected solely based on them if they are not visible. The Staff Selection Commission was directed to allow Yadav to join the second batch of training within a week due to unfilled vacancies.

STAFF SELECTION COMMISSION THROUGH ITS CHAIRMAN NORTHERN REGION & ORS. VS AJAY KHATRI [W.P.(C)-12651/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The writ petition by the Staff Selection Commission was dismissed, upholding the Central Administrative Tribunal's order in favor of Ajay Khatri. A prior judgment involving a candidate with a faded tattoo was cited, where the tattoo was deemed not clearly visible. The matter of medical fitness standards is typically not subject to judicial review; however, the circumstances differed from a previously referenced case. The petitioners were instructed to permit the respondent to join the next available training batch, with seniority recognized from the currently ongoing training.

STAFF SELECTION COMMISSION VS AMITABH YADAV & ORS. [W.P.(C)-12508/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The writ petition by the Staff Selection Commission was dismissed, upholding a consent order from the Central Administrative Tribunal. The order directed the Commission to recognize the candidature of respondent no. 1 as belonging to the OBC category, allocate him a service based on merit and preference, and ensure he receives the associated benefits. The petitioner must comply with this order within four weeks.

SWETA TIWARI VS STATE GOVT. OF NCT OF DELHI & ORS. [W.P.(CRL)-519/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

Habeas corpus proceedings are not for examining the legality of a child's custody; however, the welfare of the minor is the primary consideration. A 7-month-old child, who needs to be breastfed, should be in the mother's custody. The father is directed to hand over custody to the mother, while the final custody determination remains open for resolution in an appropriate forum under applicable law.

THE COMMISSIONER OF POLICE & ORS. VS OM PRAKASH & ANR. [W.P.(C)-11276/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The decision of the Central Administrative Tribunal to set aside the dismissal orders against the Head Constable was upheld. It was concluded that the reasons for bypassing a regular departmental inquiry lacked sufficiency. Valid and objective reasons must be recorded by the Disciplinary Authority before invoking Article 311(2)(b) for dismissal without inquiry, with the mere registration of an FIR and ongoing criminal investigations not deemed sufficient. The Commissioner of Police was directed to ensure proper reasoning is provided in future dismissal cases without inquiry, with the potential for heavy costs if not adhered to.

THE STATE COUNCIL OF EDUCATION RESEARCH TRAINING AND ORS VS MS HEMLATA [W.P.(C)-10065/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The decision granted Ms. Hemlata regular promotion to Senior Stenographer effective from her ad-hoc promotion date of 09.12.2003, rather than the later date of 21.06.2017. Arguments regarding the absence of a vacant post and the revision of recruitment rules were rejected. It was established that Ms. Hemlata was discriminated against compared to similarly situated employees who were regularized from their ad-hoc promotion dates.

THE UNION OF INDIA & ORS. VS VITTAL RATHLA & ORS. [W.P.(C)-10508/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Central Administrative Tribunal directed the Union of India to consider the promotion of Chemists in the Geological Survey of India to Superintending Chemist for the year 2020, as they became eligible after completing the required residency period. The Tribunal noted the lack of clarity regarding the Cadre Review process that decreased the sanctioned strength for the position from 80 to 50. It instructed the convening of a Departmental Promotion Committee to grant promotions based on eligibility. The subsequent review upheld this decision, noting no errors in the Tribunal's order.

5**UNION OF INDIA & ANR. VS VIKAS [W.P.(C)-12765/2024]**

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The decision of the Central Administrative Tribunal to quash the rejection of the respondent's candidature for a Group 'D' post was upheld. Although the respondent violated certain examination instructions, the relevant instructions indicated that cancellation of the OMR sheet applied only to specific violations, which did not include the respondent's actions. No other grounds of cheating or malpractice were established against the respondent. The petition was dismissed, and compliance with the Tribunal's order was mandated within four weeks.

UNION OF INDIA & ORS. VS MANOJ JOSHI [W.P.(C)-10424/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Central Administrative Tribunal's order to consider Manoj Joshi and Prashant Gupta for promotion to Senior Technical Assistant was upheld, despite their lack of the minimum qualifications. The respondents possessed degrees in Computer Science and Engineering, which were deemed to imply the necessary lower qualifications. The matter involved two writ petitions heard together.

UNION OF INDIA & ORS. VS SHRI SUKHVINDER [W.P.(C)-13635/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The writ petition by the Union of India and others was dismissed, affirming the Central Administrative Tribunal's order for the reinstatement of Shri Sukhvinder as a Postal Assistant/Sorting Assistant. The case was deemed similar to a prior judgment where termination based solely on an unproven forensic report regarding OMR sheet discrepancies was considered unjustified without a proper departmental inquiry. The petitioners were instructed to reinstate the respondent and provide consequential benefits within four weeks.

UNION OF INDIA & ORS. VS SUMIT KUMAR [W.P.(C)-10152/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petitioners were not justified in subjecting the respondent to a second medical examination after he was already deemed medically fit in 2014. No plausible reasons were provided for the two-year delay before the second examination, which led to the respondent being declared unfit. The lapse should not adversely affect the respondent, necessitating a fresh medical examination to confirm his fitness for the Trackman position under the A-2 or below category, with an accompanying offer of appointment.

UNION OF INDIA AND ORS VS PRADEEP KUMAR [W.P.(C)-11335/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition filed by the Union of India was dismissed, and the order of the Central Administrative Tribunal was upheld, which set aside the respondent's dismissal under Rule 14(ii) of the Railway Servants (Discipline & Appeal) Rules, 1968. The disciplinary authority failed to provide written reasons for not conducting a regular departmental inquiry before the dismissal, and the necessary conditions for invoking Rule 14(ii) were not met.

UNION OF INDIA SECRETARY & ANR. VS SATISH MANHA & ORS. [W.P.(C)-16329/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petitions by the Union of India were dismissed, upholding the Central Administrative Tribunal's order to resolve pay scale anomalies for Program Officers and Staff Artists stemming from a 2015 directive. Arguments for comparing highest and lowest posts in each cadre and justifications for restructuring based on a separate Supreme Court ruling were rejected. The Union of India must address the anomalies and restructure the Program Officers cadre within 6 weeks, with potential contempt of court for non-compliance.

UNION OF INDIA & ANR. VS VED PRAKASH [W.P.(C)-9322/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

Ved Prakash is entitled to the same financial upgradation benefits under the Assured Career Progression scheme as his junior Raj Pal. The argument that Raj Pal's case is not a binding precedent was rejected. Earlier orders granting Ved Prakash these benefits were based on consent from the petitioners' counsel. He was found to be unfairly receiving a lower salary than Raj Pal. The petitioners must re-fix and release Ved Prakash's pension and other benefits within four weeks.

UNION OF INDIA & ORS. VS SH. PAWAN KUMAR [W.P.(C)-11926/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The High Court of Delhi dismissed a writ petition filed by the Union of India, confirming an order from the Central Administrative Tribunal that partly favored Sh. Pawan Kumar. The petition was identical to issues previously addressed by the CAT, which had reinstated the applicants. The court noted that the petitioners terminated the respondent's services without adhering to principles of natural justice, specifically by not providing the forensic science laboratory report or a show-cause notice prior to termination.

UNION OF INDIA & ORS. VS VISHVAMBHAR SINGH [W.P.(C)-13037/2023]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The respondent, initially appointed as an Extra Departmental Delivery Agent and later selected as a Postman through a competitive examination, is entitled to pensionary benefits and leave encashment. The definition of "consequential benefits" in public law includes not only back wages but also retiral benefits such as pension and leave encashment. When reinstatement occurs, the employee is entitled to continuity of service, notional pay fixation, and pensionary benefits, regardless of terminology used in previous orders.

UNION OF INDIA & ORS. VS YOGESH KUMAR [W.P.(C)-13271/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The decision of the Central Administrative Tribunal in favor of Yogesh Kumar was upheld. The rejection of his candidature for the Assistant Station Master position was deemed unjustified due to insufficient medical examination at the time of initial appointment. The notification for the General Departmental Competitive Examination and the Indian Railway Medical Manual indicated that earlier medical assessments could not disqualify him for promotion, especially since re-examination was permitted before advancement to a higher medical category. The petition by the Union of India was dismissed, with no errors found in the Central Administrative Tribunal's order.

UNION OF INDIA AND ANOTHER VS SATISH KUMAR AND OTHERS [W.P.(C)-11793/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Central Administrative Tribunal's decision to grant temporary status to daily wagers for regularization was upheld. The respondents were denied employment on the date the 1993 DoPT Scheme was issued, but had been continuously working for over 22 years, meeting the requirement of one year of continuous service. Their engagement after the Scheme's issuance and sponsorship by the employment exchange supported their case for regularization. The Umadevi judgment did not apply, as they were not considered back-door entrants. Compliance with the Tribunal's order is required within six weeks.

UNION OF INDIA AND ANR VS ASHOK KUMAR DHIMAN [W.P.(C)-12472/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Central Administrative Tribunal directed the Union of India and Northern Railways to pay interest on the delayed payment of Ashok Kumar Dhiman's leave encashment benefits. This decision was based on the principle that pension and gratuity are valuable employee rights, and delays in their settlement warrant interest penalties. The petition by the Union of India and Northern Railways was dismissed.

UNION OF INDIA AND ANR. VS YASHPAL GARG AND ORS. [W.P.(C)-4817/2018]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition by the Union of India and the Ministry of Home Affairs challenging orders of the Central Administrative Tribunal was dismissed. The government has a constitutional obligation to ensure timely promotion consideration for eligible employees. The direction to complete the overdue cadre review of the AGMUT Cadre within 6 months and fill the resultant vacancies for the year 2015 was upheld. Arguments against giving retrospective effect to the cadre review were rejected.

UNION OF INDIA AND ORS VS AJAY KUMAR CHAUDHARY [W.P.(C)-10058/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The decision of the Central Administrative Tribunal to set aside the punishment imposed on Ajay Kumar Chaudhary was upheld. The Tribunal observed that the Central Vigilance Commission found two senior officers, M. Nautiyal and Ved Prakash, to have more serious roles in the matter but chose to exonerate them while punishing Chaudhary alone. This disparity in treatment was deemed inequitable, leading to a directive for re-examination of Chaudhary's case in light of the exoneration of the other officers.

UNION OF INDIA AND ORS VS SANJEEV KUMAR & ANR. [W.P.(C)-15248/2022]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

Termination of services for Sanjeev Kumar and Dhirender Singh was deemed stigmatic and could not stand without a proper departmental inquiry. The termination was based on allegations of impersonation and misconduct, necessitating an opportunity for the respondents to defend themselves. Arguments regarding compliance with prior Supreme Court directives were rejected, emphasizing that a departmental inquiry is still required for stigmatic terminations. Forensic reports cited as evidence were not validated by expert testimony, and no criminal complaints were filed, casting doubt on the allegations. The Central Administrative Tribunal's order for reconsideration and adherence to natural justice principles was upheld.

UNION OF INDIA AND ORS. VS SH. SHISHIR DUTT [W.P.(C)-888/2020]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Review DPC's decision to deem the respondent unfit for promotion, despite an upgraded APAR, violated a previous order from January 2019. The Tribunal's directions in contempt proceedings, which allowed the petitioners another opportunity to hold a Review DPC, were set aside due to a lack of assessment on potential wilful disobedience. The respondent received permission to revive the contempt petition to address the non-compliance issue.

UNION OF INDIA AND ORS. VS SUBHASH KUMAR GHOSH AND ORS. [W.P.(C)-6587/2015]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The writ petitions filed by the Union of India were dismissed regarding the placement of railway accounts employees from Clerk Grade-I to Accounts Assistant in 1987. This placement was categorized as a financial upgradation rather than a promotion, allowing the respondents to receive ACP/MACP benefits without it counting as a promotion. The CAT's orders were upheld, with no identified errors in the decision regarding similar cases.

UNION OF INDIA THROUGH THE GENERAL MANAGER NORTHERN RAILWAYS & ORS. VS RAVI [W.P.(C)-11905/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The order of the Central Administrative Tribunal mandating a review DPC and consideration of the respondent's upgraded APAR for 2017-2018 regarding promotion to Staff and Welfare Inspector was upheld. Key points included the significance of APARs for employee performance assessment, the necessity of communicating below benchmark gradings to employees with an opportunity for representation, and the requirement to consider revised APARs even post-selection panel formation. The decision emphasized compliance with these directives within four weeks.

UNION OF INDIA VS GURJINDER PAL SINGH & ANR. [W.P.(C)-10703/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The order from the Central Administrative Tribunal, which set aside the compulsory retirement of Gurjinder Pal Singh under Rule 16(3), is valid. The inquiry committee's reconstitution regarding the suicide of Rahul Sharma was deemed improper and harassing. The review of Singh's service record was incomplete, considering only the last five years rather than the entire service. Additionally, multiple FIRs against Singh had stayed proceedings, and the compulsory retirement decision was made hastily, circumventing ongoing departmental proceedings. The petition by the Union of India regarding a related matter involving 33 IPS officers was dismissed.

UNION OF INDIA, THROUGH, THE GENERAL MANAGER & ANR. VS NITESH KUMAR [W.P.(C)-11982/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The writ petition filed by the Union of India was dismissed, affirming that Nitesh Kumar's use of a marked ball pen did not warrant automatic cancellation of his OMR sheet according to the rules. No other instances of cheating or malpractice were established against him. The judgment was unanimous on the key issues.

UNION PUBLIC SERVICE COMMISSION VS S.M. KESHKAMAT & ANR. [W.P.(C)-10350/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Departmental Promotion Committee (DPC) considered an incomplete Annual Performance Appraisal Report (APAR) for the year 2018-2019, ignoring the second part from 27.10.2018 to 31.03.2019. According to Department of Personnel and Training (DoPT) guidelines, all APARs for a given year must be evaluated together, and an unreviewed APAR is deemed incomplete and excluded from promotion considerations. A review DPC is required to reassess the respondent's case for promotion to Principal Commissioner Income Tax, focusing on the complete APAR/ACR for the year 2014-15.

UNION PUBLIC SERVICE COMMISSION VS SHRI RAJENDER SINGH & ORS. [W.P.(C)-14573/2022]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The petition by the Union Public Service Commission (UPSC) challenging the Central Administrative Tribunal's orders for Rajender Singh was dismissed. The Tribunal directed UPSC to forward Singh's case for a post under the Physically Handicapped (PH) category, despite his medical unfitness for the previously allotted IRSSE post. UPSC's role concluded with the referral of Singh's case to the Ministry of Railways, which holds the responsibility for the final decision.

UOI VS DR. CHANDER PRAKASH & ANR [W.P.(C)-8387/2008]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The disciplinary authority's disagreement with the inquiry officer's findings regarding retired IPS officer Dr. Chander Prakash lacked validity due to insufficient reasoning for each charge and reliance on extraneous materials outside the inquiry record, which impaired the respondent's defense. Additionally, the imposition of a 50% pension cut was invalid as rules mandate recording reasons when imposing post-retirement penalties. The petition by the Union of India was dismissed.

UOI VS U.R.KAPOOR & ANR. [W.P.(C)-120/2009]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The decision to quash the disciplinary proceedings against the Additional Commissioner, Sales Tax-IV, was upheld due to allegations being presumptive and based on conjecture. The government's actions were deemed arbitrary, violating Article 14 of the Constitution. Even if the respondent lacked jurisdiction over the dealer's revision petition, the absence of a challenge from the concerned authority led to the order's finality, negating claims of illegality.

UPSC VS SHUBHAM SHARMA [W.P.(C)-12129/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Central Administrative Tribunal directed the Union Public Service Commission (UPSC) to verify the Economically Weaker Section (EWS) certificate submitted by the respondent. The UPSC indicated that 28 candidates were provisionally selected and allowed to rectify minor deficiencies, while the respondent was not afforded the same opportunity. Unclear circumstances regarding the rectification process for 8 EWS candidates were noted. The matter has been remanded back to the Tribunal, which is instructed to include the selected candidates as parties and to hear and decide the case afresh without bias from previous orders.

VALLABHBHAI PATEL CHEST INSTITUTE VS GIRIDHARI PAL AND ANR [LPA-538/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

Promotion to Senior Technical Assistant (STA) was granted to Giridhari Pal, effective July 21, 2016. The STA position required direct recruitment, but no candidates were appointed despite an advertisement in 2008. Giridhari Pal had been receiving the STA pay scale since 2012 under the MACP scheme. The promotion was justified based on a circular issued in 2016 regarding the vacant STA post, rejecting the argument that approval of modified Recruitment Rules in 2018 was necessary.

VIJAY KAUSHIK VS COMMISSIONER OF POLICE [W.P.(C)-7241/2020]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The orders of the Central Administrative Tribunal regarding the petitioner's non-selection for the Sub-Inspector (Male) position in the 2007 recruitment examination were upheld. The petitioner lacked an indefeasible right to appointment, and the respondent was not required to fill all notified vacancies. Claims about unfilled vacancies and parity with departmental candidates were deemed unjustified. The petitioner's misconduct in misrepresenting facts was noted, leading to the dismissal of the petition.

VINOD KUMAR SHARMA AND ORS VS UNION OF INDIA AND ANR [W.P.(C)-17291/2022]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The order of the Central Administrative Tribunal was set aside, resulting in the quashing of the termination of contractual nursing officers' services at government hospitals. Despite not meeting eligibility criteria due to their long service, these petitioners should receive preference in regular recruitment for vacant posts, based on a government circular for health professionals serving during COVID-19 duty. The respondents are instructed to regularize the services of eligible petitioners and consider the remaining petitioners for appointment in other hospitals against available vacancies.

VISHAV BANDHU GUPTA VS UNION OF INDIA AND ORS. [W.P.(C)-1522/2018]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

Vishav Bandhu Gupta was dismissed from service due to unauthorized absence from duty from November 1998 to June 2000 and making scandalous statements against the government to the media. The examination of proportionality in administrative law indicated that the dismissal was appropriate given the severity of the misconduct. No lesser penalty would have been suitable, and the disciplinary authority's decision was affirmed. The writ petition was dismissed.

YESHPAL SINGH AND ORS. VS UNION OF INDIA AND ORS. [W.P.(C)-10760/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The Ministry of Home Affairs' rejection of the Border Security Force's proposal to amend the 2011 recruitment rules was deemed erroneous. The Ministry was previously instructed to accept the proposal and amend the rules to align with a 2010 office memorandum, enabling petitioners to be considered for promotion under the 1999 rules. Although a Supreme Court appeal was pending, the petitioners were promoted under the 2011 and 2023 rules. The current directive requires the respondents to decide on the petitioners' promotion requests based on the 2015 judgment within six weeks and communicate the decision in writing.

AAFTAB AMIN POONAWALA VS STATE GOVT OF NCT OF DELHI [W.P.(CRL)-875/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

Aaftab Amin Poonawala, facing trial under Sections 365/302/201 IPC, is permitted to be unlocked for 8 hours daily with other inmates but will remain in a solitary cell at night for safety. His current confinement, which includes 24-hour security, is based on a previous order, and he has denied any perceived threat during the day. Jail authorities are instructed to adjust his confinement conditions accordingly.

UNION OF INDIA & ORS. VS SH NANDAN KUMAR [W.P.(C)-12028/2024]

Judges: Justice Girish Kathpalia, Justice Suresh Kumar Kait

The writ petition filed by the Union of India was dismissed, upholding the Central Administrative Tribunal's order that partly allowed Nandan Kumar's challenge against his termination as Postman. The termination was based on an adverse CFSL report regarding signature verification. The petitioners did not contest the finality of previous tribunal orders concerning similar cases. The lack of opportunity for Kumar to respond to the CFSL report before his termination violated principles of service jurisprudence, leading to the dismissal of the petition without identifying any error in the Tribunal's order.

MURARI LAL SHARMA VS UNION OF INDIA AND ORS. [W.P.(C)-6555/2024]

Judges: Justice Girish Kathpalia, Justice V. Kameswar Rao

The petition by Murari Lal Sharma, challenging the findings of a Summary Court Martial from 1992, was dismissed due to being time-barred under Section 15 of the Armed Forces Tribunal Act, 2007. The cause of action arose in 1992-1993, and prior litigations on the same issue had also been denied, making the current petition subject to res judicata. The petition lacked merit and was dismissed without costs.

NARESH KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-7359/2024]

Judges: Justice Girish Kathpalia, Justice V. Kameswar Rao

The petitioner's claim for disability pension was partially allowed, receiving 20% (rounded off to 50%) for a disability of PIVD L4-L5, aggravated by air force service. Claims for primary hypertension and pre-diabetes were denied, as they were not found to be attributable to or aggravated by air force service, with obesity identified as a contributing factor.

UTTAM SAMADDER VS THE UNION OF INDIA THR. SECRETARY HOME AFFAIR, GOVERNMENT OF INDIA & ORS. [W.P.(C)-6404/2024]

Judges: Justice Girish Kathpalia, Justice V. Kameswar Rao

The petitioner, who resigned from the Border Security Force after 10 years and 7 months of service, is not entitled to pensionary benefits or gratuity. According to the Supreme Court's ruling in Union of India v. Rakesh Kumar, BSF personnel who resign before completing 20 years of service cannot receive pensions under the CCS Pension Rules, 1972. Rule 26 of these rules mandates forfeiture of past service upon resignation, and the BSF Rules, 1969, do not provide additional pension rights. Previous judgments cited by the petitioner were deemed inapplicable, leading to the conclusion that the claimed pensionary benefits are not available.

VIVEK KUMAR SINGH & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-5832/2022]

Judges: Justice Girish Kathpalia, Justice V. Kameswar Rao

The "clean record" requirement in the recruitment rules for the Limited Departmental Competitive Examination (LDCE) in the Central Industrial Security Force (CISF) was identified as problematic and requires re-examination by the Ministry of Home Affairs. In the disciplinary proceedings against a petitioner, natural justice was violated due to the lack of access to witness statements, leading to the cancellation of a "Censure" penalty. The distinction between promotion methods—seniority quota lacking the "clean record" condition while LDCE does—was deemed illogical. The Ministry of Home Affairs was directed to review the "clean record" stipulation and issue appropriate guidelines within 12 weeks, with provisions for the petitioners to benefit from any new guidelines if applicable to their cases.

ABR EMERALD LLP VS THE OFFICIAL LIQUIDATOR & ANR. [CO.APP.-11/2024]

Judges: Justice Girish Kathpalia, Justice Vibhu Bakhru

The appeal by ABR Emerald LLP to set aside the e-auction process for the sale of property belonging to Golden Gate Industries Ltd. was dismissed. The auction process was deemed conducted properly, and the price obtained considered adequate. A subsequent higher offer from a non-participant was not a valid reason to refuse confirmation of the sale, as it could discourage bona fide bidders. The appellant's offer was not significantly higher, and the successful bidder met all conditions, including required deposits.

PRABHAT SHARMA VS MUNICIPAL CORPORATION OF DELHI AND ORS [W.P.(C)-3570/2024]

Judges: Justice Girish Kathpalia, Justice Vibhu Bakhru

The seizure of the petitioner's goods by the Municipal Corporation of Delhi was legal. The petitioner engaged in vending activities in a no-vending zone, allowing the MCD to remove him and seize his goods under relevant sections of the Delhi Municipal Corporation Act, 1957. The provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, concerning prior notice and site allocation, did not apply because the petitioner had not received a Certificate of Vending. The challenge to the seizure was dismissed, confirming the MCD's authority to act against unlawful vending.

INDUS TOWERS LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-14710/2024]

Judges: Justice Girish Kathpalia, Justice Yashwant Varma

Telecommunication towers are classified as movable property under the CGST Act, invalidating the denial of input tax credit for their purchase. The specific exclusion of "telecommunication towers" from "plant and machinery" definitions does not imply they are immovable. Show cause notices issued under the incorrect assumption that telecom towers are immovable have been quashed. The matter involved three separate writ petitions.

DR GEETANJALI AGGARWAL VS DR MANOJ AGGARWAL [MAT.APP.(F.C.)-126/2019]

Judges: Justice Jasmeet Singh, Justice Rekha Palli

Orders under Section 12 of the Guardians and Wards Act, 1890, regarding visitation or interim custody of a child are appealable under Section 19(1) of the Family Courts Act, 1984. The appellate provisions of the Family Courts Act operate independently from other statutes, meaning that labeling an order as "interlocutory" does not affect its appealability. Such orders significantly impact the rights of the parties and the welfare of the child, thus cannot be dismissed as mere procedural or interlocutory. The appealability is based on the nature of the order rather than its nomenclature. Previous decisions stating that these orders are not appealable have been overruled.

RAVI MOHAN KAUL VS STATE / GOVT OF NCT OF DELHI & ORS [W.P.(C)-12991/2019]

Judges: Justice Jasmeet Singh, Justice V. Kameswar Rao

The review petition by Ravi Mohan Kaul was dismissed. His original requests in the writ petition were met with the DDA mutating the property in his name and the issuance of a joint share certificate by the respondent housing society. The demand for an enhanced refundable security deposit of Rs. 24,750 for permanent membership in the Vasant Vihar Club was found valid under the modified rules at the time of his eligibility. Kaul did not present sufficient grounds for review, such as new evidence or errors, and has the option to contest the society's order through appeal or revision, which he is already pursuing.

KARAN S THUKRAL VS THE DISTRICT & SESSIONS JUDGE & ORS [W.P.(C)-6082/2019]

Judges: Justice Manmeet Pritam Singh Arora, Justice Manmeet Pritam Singh Arora

Centralized filing and mandatory e-filing have been implemented in all district courts in Delhi. The grim condition of record rooms prompted a directive for Principal District and Sessions Judges to expedite and monitor the weeding out of records. Quarterly progress reports are required, with a future date set for compliance review.

COURT ON ITS OWN MOTION VS UNION OF INDIA AND ORS [W.P.(C)-8548/2017]

Judges: Justice Manmeet Pritam Singh Arora, Justice Prathiba M. Singh

The Delhi government and the Ministry of Health and Family Welfare must sign a Memorandum of Understanding (MoU) by January 5, 2025, to implement the PM-ABHIM Scheme in Delhi, similar to its implementation in 33 other states/UTs. Disagreements between the Delhi Health Department and the Minister's office regarding a Health Management Information System (HMIS) were noted. The National Informatics Centre (NIC) and the Centre for Development of Advanced Computing (C-DAC) are required to submit representations on the HMIS by January 10, 2025. The MoU signing is to proceed regardless of any Model Code of Conduct, benefiting Delhi's citizens.

MAHARANI BAGH CO-OPERATIVE HOUSE BUILDING AND WELFARE SOCIETY LTD., & ANR. VS UNION OF INDIA& ORS. [W.P.(C)-13190/2024]

Judges: Justice Manmeet Pritam Singh Arora, Justice Prathiba M. Singh

A Special Task Force (STF) will be established to oversee the cleaning and maintenance of the Taimoor Nagar drain, chaired by the Chief Engineer of the Irrigation and Flood Control Department. The STF's responsibilities include demolishing illegal constructions, removing encroachments, desilting and cleaning the drain, constructing a boundary wall, and coordinating with other agencies. The Delhi Jal Board must submit a status report on sewage treatment plants, and both the Delhi Jal Board and Municipal Corporation of Delhi are tasked with repairing manholes in Defence Colony. The successful bidder for the Mundka storm water drain reconstruction must be present at the next hearing, with further matters scheduled for review in January 2025.

ASSOCIATION OF RADIO & TELEVISION ENGINEERING EMPLOYEES & ANR VS UNION OF INDIA & ORS [W.P.(C)-5043/2019]

Judges: Justice Manmeet Pritam Singh Arora, Justice V. Kameswar Rao

The petition by the Association of Radio & Television Engineering Employees to modify an interim order was dismissed. The Association claimed it could represent its members under CAT rules, but the respondents argued that the Association lacks recognition, preventing the extension of relief to its members. While an association can join individual employees, members not named in the application cannot receive relief. The respondents clarified that no amounts were being recovered from any employee, including the Association's members, leading to the dismissal of the petition.

DELHI METRO RAIL CORPORATION LTD AND ANR. VS MR. RAJENDER SINGH [W.P.(C)-11247/2017]

Judges: Justice Manmeet Pritam Singh Arora, Justice V. Kameswar Rao

The review petition filed by Mr. Rajender Singh was dismissed after challenging the earlier order that set aside the Central Administrative Tribunal's decisions in favor of the respondent. The review petition was deemed an attempt to re-argue the merits of the case, which does not qualify as a valid reason for review. The decision by the DMRC's Competent Authority to initiate a fresh recruitment process instead of operating the shadow panel was upheld.

UNION OF INDIA VS DR SUCHITA NINAWE [REVIEW PET.-33/2024]

Judges: Justice Manmeet Pritam Singh Arora, Justice V. Kameswar Rao

The review petition was dismissed due to a lack of grounds for review. The allegations regarding the findings in paragraphs 18.3 and 19 of the previous judgment were deemed not to reveal any apparent errors. The assertion that the Rafiq Masih judgment was implicitly considered in the S.P. Singh case was rejected since it was not referenced in the judgment. Additionally, arguments challenging the recovery order dated 31.12.2021 on merit were not permitted for consideration for the first time in the review petition.

ANIL KUMAR MOKHARIA VS UNION OF INDIA AND OTHERS [W.P.(C)-11177/2023]

Judges: Justice Manoj Jain, Justice Navin Chawla

The review petition by Anil Kumar Mokharia was allowed after his writ petition was previously dismissed. The rejection of his employment opportunity in the armed forces was deemed inappropriate based solely on suspicions regarding flap-less refractive eye surgery. The AIIMS medical board found no evidence of flap-based surgery, and the possibility of flap-less surgery alone was insufficient grounds for disqualification. The petitioner must be considered for the next recruitment batch with age relaxation and recognition of his previous merit, but will not receive pay or allowances for the intervening period.

PUNJAB NATIONAL BANK VS POONAM CHUGH [LPA-280/2024]

Judges: Justice Manoj Jain, Justice Rekha Palli

The bank's argument to deny pension benefits to the respondent due to insufficient funds in her OD account was rejected. The respondent had opted for the pension scheme, making it the bank's duty to ensure salary deductions were carried out from her account, irrespective of the account type. The claim of estoppel by the bank was dismissed, as the respondent's interest could be protected by adjusting provident fund amounts against the pension arrears. The bank was instructed to pay the due pension arrears to the respondent.

UNION OF INDIA AND ANR VS SYED SAJID ALI [W.P.(C)-10592/2017]

Judges: Justice Manoj Jain, Justice Rekha Palli

The Central Administrative Tribunal's order was upheld, directing the Union of India to recognize the respondent's suspension from 29.09.2000 to 08.12.2004 as on duty, granting full pay and allowances. The suspension was linked to impending disciplinary proceedings, not the later criminal case that led to the respondent's conviction in 2012. The suspension was voluntarily revoked in 2004, establishing it was not associated with the criminal matter. The outcome of the disciplinary proceedings resulted in a minor penalty, entitling the respondent to full pay and allowances for the suspension period under relevant rules.

ALI MOHAMMED VS DG CISF AND ORS [W.P.(C)-5137/2023]

Judges: Justice Manoj Jain, Justice Sanjeev Sachdeva

CISF transfer policy guidelines require consideration of vacancy availability, new inductions, and operational needs. A petitioner, eligible for a posting in North Sector, was informed that personnel can be assigned anywhere based on force requirements. The petitioner's request for intervention was unsupported by evidence of malafide intent or exceptional circumstances. The writ petition challenging the transfer order was dismissed, with a four-week timeframe provided for the petitioner to report to the new posting in the West Sector, adjacent to the home sector.

CHIRANJIVI PRADHAN VS UNION OF INDIA AND ORS [W.P.(C)-9733/2023]

Judges: Justice Manoj Jain, Justice Sanjeev Sachdeva

The petitioner's dismissal from the Central Reserve Police Force (CRPF) was challenged on the grounds that he was a juvenile at the time of the alleged offence. Under the Juvenile Justice (Care and Protection of Children) Act, 2000, he was not required to disclose past criminal involvement. Juvenile criminal records are meant to be obliterated to support reintegration into society. The petitioner is to be reinstated with all consequential benefits.

EX.NAVIK.CK. SANTOSH KUMAR VS UOI & ORS. [W.P.(C)-19142/2006]

Judges: Justice Manoj Jain, Justice Sanjeev Sachdeva

The dismissal of the petitioner from the Indian Coast Guard was upheld based on adherence to the Coast Guard (Discipline) Rules, 1983. The petitioner admitted to stealing Rs. 3,000 from a colleague's ATM card, with corroborating evidence from the victim's statement. There was no violation of natural justice, as the petitioner was given adequate opportunity to defend himself. The punishment of dismissal was found proportionate to the misconduct, leading to the dismissal of the writ petition.

MD PARVEJ ALAM VS UNION OF INDIA & ORS. [W.P.(C)-14682/2023]

Judges: Justice Manoj Jain, Justice Sanjeev Sachdeva

The petitioner, a juvenile during the alleged offense in 2000, was not legally obliged to disclose this information in his 2006 CRPF application. Juvenile criminal records cannot be used against individuals for employment to promote their reintegration into society. The petitioner's omission was deemed bona fide, leading to the annulment of the departmental inquiry against him.

NIGUDE ASHOK DASHARATH & ORS VS UNION OF INDIA & ORS [W.P.(C)-3445/2020]

Judges: Justice Manoj Jain, Justice Sanjeev Sachdeva

The writ petitions filed by the Second-in-Command (2IC) officers of the Central Reserve Police Force (CRPF) led to the conclusion that excluding posts held by Assistant Commandants (STS) and IPS officers on deputation from the calculation of "Senior Duty Post" (SDP) for Non-Functional Selection Grade (NFSG) was erroneous. A directive was issued to recalculate the NFSG by including these posts in the SDP. Insufficient data prevented an increase of the SDP ceiling from 30% to 100% as a one-time measure, and the petitioners were advised to submit a representation for consideration.

PADAM SINGH BAGGA VS UNION OF INDIA AND ORS [W.P.(C)-8906/2022]

Judges: Justice Manoj Jain, Justice Sanjeev Sachdeva

The petitioner's compulsory retirement due to a plural marriage during the subsistence of his first marriage will take effect from a prospective date according to the ITBP Rules. His regular service from recruitment until actual relief from duties will be counted for pension and other retiral benefits. The petition was dismissed as withdrawn, with the decision based on the specific facts of the case.

RAKESH KUMAR BHARTIYA VS UNION OF INDIA, THROUGH ITS SECRETARY, MINISTRY OF HOME AFFAIRS & ANR. [W.P.(C)-8500/2021]

Judges: Justice Manoj Jain, Justice Sanjeev Sachdeva

The respondents were not justified in processing the petitioner's previous resignation request, which had been clearly declined when they asked for a fresh application with specific details. The Central Civil Services (Pension) Rules, 1972, do not prohibit an employer from allowing withdrawal of resignation, even after acceptance, and under the Sashastra Seema Bal Act, 2007, resignation requires Central Government approval. Since the initial resignation was not processed and no fresh application was submitted, the respondents cannot act on the previous application. The order accepting the petitioner's resignation was set aside, and he is to be deemed in service with all consequential benefits.

SHANGHAI ELECTRIC GROUP CO. LTD. VS RELIANCE INFRASTRUCTURE LTD [FAO(OS) (COMM)-213/2022]

Judges: Justice Manoj Jain, Justice Sanjeev Sachdeva

The appeal by Shanghai Electric Group Co. Ltd. against the dismissal of its petition under Section 9 of the Arbitration Act was allowed due to jurisdiction based on the location of Reliance Infrastructure Ltd.'s assets in Delhi. Reliance Infrastructure failed to assure that sufficient assets were available to satisfy a Singapore International Arbitration Centre award, and evidence indicated the dissipation of substantial assets without court permission, suggesting intent to evade the award. Consequently, Reliance Infrastructure is restrained from selling, transferring, or encumbering its assets valued at US$ 135,320,728.42, subject to existing charges.

TELASULA ANIL KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-5061/2023]

Judges: Justice Manoj Jain, Justice Sanjeev Sachdeva

A confirmed employee of the Indian Coast Guard was denied a "No Objection Certificate" (NOC) to apply for a job outside the organization. The reason given for the denial was the employee's status under probation; however, this was deemed unsustainable since the employee was already confirmed. Being on probation for a promotional post does not prevent the issuance of an NOC. The Coast Guard was instructed to issue the NOC to the employee for the external job application.

THE EMPLOYEES STATE INSURANCE CORPORATION VS ANIL KATYAL & ORS. [W.P.(C)-12135/2023]

Judges: Justice Manoj Jain, Justice Sanjeev Sachdeva

The petitions by the Employees' State Insurance Corporation (ESIC) and direct recruits were dismissed, upholding the quashing of seniority lists for Social Security Officer/Branch Managers Grade-II/Superintendents. The seniority lists created under the N.R. Parmar judgment were considered non-final due to immediate challenges, and subsequent principles from K. Meghachandra Singh required redrawing the seniority lists according to those guidelines.

VASUDEV PANCHAL VS UNION OF INDIA AND ORS. [W.P.(C)-12228/2019]

Judges: Justice Manoj Jain, Justice Sanjeev Sachdeva

The dismissal of a Sashastra Seema Bal member was deemed invalid due to the improper consideration of his depression and mental illness during disciplinary proceedings. The punishment of dismissal was seen as disproportionate, and the authorities failed to provide necessary care and rehabilitation as required under the Mental Healthcare Act, 2017. Orders dismissing the petitioner were set aside, and reinstatement with all consequential benefits was mandated.

YASSH DEEP BUILDERS LLP VS SUSHIL KUMAR SINGH [FAO(OS) (COMM)-48/2023]

Judges: Justice Manoj Jain, Justice Sanjeev Sachdeva

The arbitration clause in the Collaboration Agreement designating Delhi as the venue is interpreted as an exclusive jurisdiction clause, establishing Delhi as the juridical seat of arbitration. Consequently, Delhi courts hold exclusive jurisdiction over proceedings related to disputes from the Collaboration Agreement, despite the subject property being in Haryana. The venue clause takes precedence over the general jurisdiction clause in the agreement.

SUNNY VS STATE OF NCT DELHI AND OTHERS [W.P.(CRL)-1820/2024]

Judges: Justice Manoj Jain, Justice Sudhir Kumar Jain

Ms. Pragati Dubey, having surpassed 18 years of age according to school records, can choose her own path, including marrying the petitioner. Her parents and relatives must not interfere in her decisions. The police are to ensure the safety and security of Ms. Dubey and the petitioner if necessary.

VAIBHAV SHARMA VS STATE OF NCT OF DELHI & ORS [W.P.(CRL)-1871/2024]

Judges: Justice Manoj Jain, Justice Sudhir Kumar Jain

A writ petition for habeas corpus filed by Vaibhav Sharma for his 8-year-old son was dismissed. The child was produced in court and living with his mother, indicating no illegal detention. The parties were experiencing matrimonial discord, and the petitioner had other ongoing legal proceedings related to marriage and maintenance. As there was no wrongful detention, no further orders were necessary. The father and his family were permitted to meet the child for one hour outside the courtroom with mutual consent.

A.S. VS THE STATE (NCT OF DELHI) [CRL.A.-361/2021]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The life sentence of the appellant, convicted under Section 6 of the POCSO Act for aggravated penetrative sexual assault, was reduced to the time already served, exceeding 12 years. Factors considered included family circumstances, good conduct in prison, and the minimum sentence under the pre-amended Section 6. The appellant was ordered to pay a fine of Rs. 10,000 and would be released if not needed in any other case.

ABDUL SUBHAN QURESHI VS STATE (NCT OF DELHI) [CRL.A.-417/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Abdul Subhan Qureshi's appeal for bail was granted after nearly 5 years of custody, which is close to half of the maximum 7-year sentence for his charges under multiple sections of the Indian Penal Code and the Unlawful Activities (Prevention) Act. Co-accused have been granted bail, and the trial is in the evidence stage with 53 witnesses. The bail is contingent on conditions, and violation could result in cancellation.

ABDUL WAHID SAIT VS NATIONAL INVESTIGATION AGENCY [CRL.A.-184/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The appellant's appeal for interim bail to assist his wife during her laparoscopic cholecystectomy surgery was dismissed. The wife's condition was deemed non-life-threatening and not exceptional enough to grant bail. However, it was directed that the appellant be granted six-hour custody parole on the day of the surgery, with him responsible for travel and escort expenses.

ABUBACKER E VS NATIONAL INVESTIGATION AGENCY [CRL.A.-623/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Abubacker E.'s criminal appeal was dismissed after the trial court denied him bail in a case involving charges under the Indian Penal Code and the Unlawful Activities (Prevention) Act. The investigation agency's evidence, including statements from protected witnesses, indicated his involvement in a conspiracy to commit terrorist acts, radicalize youth, organize terrorist camps, and fund such activities. Arguments about lack of specific overt acts and membership in a previously lawful organization were rejected. The statutory bar under the Unlawful Activities (Prevention) Act was applicable, and the trial court had made arrangements for the appellant's medical treatment. No infringement of fundamental rights was identified to warrant bail.

AJAY PASWAN VS THE STATE NCT OF DELHI AND ORS. [W.P.(CRL)-1636/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ petition seeking the release of a wife and son from alleged illegal custody was dismissed. The police report indicated that the minor wife left home willingly in 2022 and subsequently visited the police station with her infant son to request the closure of the missing person case. Her statement recorded under Section 164 Cr.P.C. confirmed her marriage to the petitioner and the birth of their child. Given her status as a minor, allegations under Section 376 IPC and Section 6 of the POCSO Act were made against the petitioner. No further orders were deemed necessary, leading to the disposal of the petition.

AJAY VS STATE AND OTHERS [W.P.(CRL)-954/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The wife, a major, expressed her desire to be with her husband, leading to the conclusion that no further action is necessary. It was stated that the parents and relatives of both parties should not interfere or create any disturbances in their lives, resulting in the disposal of the petition.

AJVENDER VS STATE THROUGH SHO PS BINDA PUR & ANR. [W.P.(CRL)-684/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The police have made significant efforts to locate the petitioner's missing daughter, including obtaining call detail records, conducting raids, and searching for new SIM cards and mobile transactions. Despite these efforts, the girl remains missing. The respondent-State is required to submit fortnightly progress reports on the investigation to the Metropolitan Magistrate, with copies provided to the petitioner. If the missing girl is found, she must be presented before the Metropolitan Magistrate promptly, and the petitioner and his family will be informed.

AMAN KUMAR YADAV VS STATE & ORS. [W.P.(CRL)-668/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The petitioner's wife, Shaheen Fatima, appeared via video call and expressed her desire to live with her parents, stating it was her own choice not to return to the petitioner. Being an adult, she has the right to make her own decisions. No further orders or registration of an FIR against the respondents were necessary.

AMARJEET VS STATE GOVT. OF N.C.T. OF DELHI [CRL.A.-755/2002]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Amarjeet was convicted for the murder of Sumitra Devi under Section 302 IPC based on her credible and reliable dying declarations. Sumitra consistently stated that Amarjeet poured kerosene oil on her, set her on fire, and pushed her down the stairs. These declarations were supported by medical evidence and the recovery of incriminating materials. It was established that she was in a fit mental and physical condition to make these statements. The conviction resulted in an order for Amarjeet to surrender and serve the remainder of his life sentence.

AMBRISH RADHESHYAM TIWARI VS STATE GOVT OF NCT OF DELHI & ORS. [W.P.(CRL)-81/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The adult wife of the petitioner expressed her desire to live with her parents instead of returning to her husband. As she made this decision independently, no further action was necessary regarding the habeas corpus petition. The state was directed to ensure her safe return to her native place, and the petitioner was advised against causing any disturbances. Both parties were informed of their right to seek legal recourse as appropriate.

AMIT VASHISHT VS STATE (GOVT OF NCT) OF DELHI (THROUGH PS SPECIAL CELL) & ANR. [CRL.A.-975/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The appeal CRL.A. 975/2023 filed by Amit Vashisht was disposed of, directing the trial court to consider the application for interim bail extension for respondent No. 2 based on medical grounds. A comprehensive evaluation of medical records is necessary, with the possibility of obtaining further medical reports before making a decision on the extension.

AMMAR ABDUL RAHIMAN VS NATIONAL INVESTIGATION AGENCY [CRL.A.-79/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The appeal against the dismissal of a bail application was successful due to insufficient evidence to establish a prima facie case under Sections 38 and 39 of the Unlawful Activities (Prevention) Act. Although the appellant displayed a radical mindset and accessed extremist material, mere possession does not prove membership or support for a terrorist organization. Intent to further the organization's activities was not demonstrated. The statutory bar on bail under Section 43D(5) of UAPA applies only if relevant offences are established, which was not the case here. The appellant was ordered to be released on bail under conditions deemed appropriate by the trial court.

ANIL KUMAR VS STATE (GNCT OF DELHI) [W.P.(CRL)-189/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The police were inadequate in investigating the disappearance of the petitioner's son. The case was transferred to the District Investigation Unit (DIU) in Rohini District, with an order for the DIU to submit monthly status reports to the Metropolitan Magistrate and to keep the petitioner informed of any developments regarding the missing person. There was no evidence of disagreement among the judges, indicating this was an individual case.

ANITA DEVI VS STATE [W.P.(CRL)-3693/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A 16-year-old minor daughter expressed in her Section 164 statement that she married a person named Bhola and wishes to remain with him. When asked if she wanted to go with her parents, she refused, stating she wants to stay in a shelter home until reaching adulthood and then live with her husband. Based on her statements and current circumstances, no further orders were deemed necessary.

ANJARI KHATOON VS STATE (NCT) OF DELHI [W.P.(CRL)-3321/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The police were directed to transfer the investigation of the petitioner's missing daughters and grandchild to the Anti-Human Trafficking Cell of the Crime Branch. An FIR had already been registered under Sections 363/365 IPC, and the investigation was ongoing. The Crime Branch was instructed to file monthly status reports with a copy to the petitioner's counsel, and the police were required to provide the FIR copy to the petitioner's counsel.

ARSADI KHATOON VS STATE [W.P.(CRL)-516/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A habeas corpus petition was filed by the mother of a minor child rescued from a jewelry shop for alleged child labor violations. Authorities provided a status report on the rescue operation, registration of an FIR, and the child's placement in a shelter home by the Child Welfare Committee (CWC). The mother was advised to approach the CWC for custody of her son, as it is the appropriate legal forum for such matters. No ruling was made on the child's employment or the rescue's legality.

ARUN MISHRA VS THE STATE GNCT OF DELHI & ORS. [W.P.(CRL)-346/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A writ petition was filed by Arun Mishra for a habeas corpus order regarding his missing son and to register an FIR against the alleged perpetrator. State authorities reported extensive efforts to trace the son with no results. Police are instructed to submit monthly status reports to the Metropolitan Magistrate and to promptly inform the petitioner and produce the son if any information is uncovered.

ASHOK KUMAR VS THE STATE OF NCT OF DELHI AND ORS. [W.P.(CRL)-1463/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The investigation into the case of the missing minor son of Ashok Kumar will be transferred from the local police to the Anti-Human Trafficking Unit (AHTU) of the Crime Branch due to inadequate investigation by the local police. The AHTU is required to file monthly status reports, provide updates to the petitioner, and ensure that any findings regarding the missing boy are communicated and that he is produced before the Metropolitan Magistrate.

AYAN ANSARI VS STATE (GNCT OF DELHI) AND ANR [W.P.(CRL)-542/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

In a habeas corpus petition for child custody, the welfare of the minor child is the primary concern. A 15-year-old girl, Miss 'A', accused her step-father of sexual assault, resulting in his arrest. The girl's brother was permitted to apply to the Child Welfare Committee for her custody, with guidance for the CWC to consider the brother as a suitable guardian, as it was believed Miss 'A's welfare would be better served living with him.

BIBI TARANNUM VS STATE GOVT OF NCT OF DELHI [W.P.(CRL)-1390/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Bibi Tarannum sought the return of her minor daughter, a 14-year-old victim of sexual assault by her brother. An FIR was filed under Sections 376 IPC and 6 POCSO Act, with the case transferred to Araria, Bihar. The victim underwent medical termination of pregnancy as directed by the Child Welfare Committee (CWC) and was placed in a Child Care Institution due to her mother's pressure on her to protect the accused. The CWC will decide on custody after considering both sides and the child's best interests.

BILAL AHMAD MIR ALIAS BILAL MIR ALIAS BILLA VS NATIONAL INVESTIGATING AGENCY [CRL.A.-53/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The sentences for offenses under Section 121A of the Indian Penal Code and Section 23 of the Unlawful Activities (Prevention) Act were modified from life imprisonment to 10 years of rigorous imprisonment. Mitigating factors considered included the appellants' young age, clean antecedents, remorse, and early guilty pleas. The initial maximum sentence lacked adequate reasoning, and a more balanced approach was deemed necessary, factoring in the possibility of reform. Other sentences imposed by the trial court were upheld, reflecting a consideration of both deterrence and reformation in sentencing.

CHANDER SINGH VS STATE [CRL.A.-574/2002]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Hanuman and Chander Singh were convicted under Section 324/34 IPC for voluntarily causing hurt with dangerous weapons. Their conviction under Section 302/34 IPC was altered to Section 304 Part II IPC due to lack of evidence for premeditation or intent to kill, as injuries were inflicted on non-vital areas. They were sentenced to time already served for the Section 304 Part II/34 IPC offense and ordered to pay a fine to the deceased's legal representatives and the injured victim.

COURT IN ITS OWN MOTION VS S GURUMURTHY [CONT.CAS.(CRL)-17/2018]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Contempt proceedings against various respondents for publishing statements about a sitting judge were closed after the initiators offered unconditional apologies, which were accepted. Other respondents asserted that their articles were expressions of freedom of speech without intent to disrespect the court. This led to the decision to close the proceedings, as continuing the case was deemed unnecessary.

COURT ON ITS OWN MOTION VS NARENDER BHUTANI [CONT.CAS.(CRL)-9/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The unconditional apology from the respondent for remarks made in written submissions was accepted, and the contempt proceedings were discharged. The apology and the respondent's undertaking were deemed satisfactory. The respondent's wife is prohibited from referring to the remarks in the future.

COURT ON ITS OWN MOTION VS STATE [W.P.(CRL)-3044/2017]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The Delhi Prosecutors Welfare Association raised concerns regarding the working conditions of public prosecutors in Delhi. The Government of National Capital Territory of Delhi must provide technological devices valued at Rs. 80,000, consider incentives for prosecutors with higher qualifications, grant an annual dress/robe allowance of Rs. 10,000, ensure adherence to the court calendar, consider a special security allowance, create digital law libraries, improve office space, complete a cadre review of public prosecutors within 6 weeks, and provide a camp office allowance of Rs. 1.25 lakhs every 5 years. There is an emphasis on addressing these issues to support public prosecutors in their role within the criminal justice system.

COURT ON ITS OWN MOTION VS STATE OF NCT OF DELHI [CRL.REF.-2/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

In POCSO cases, when a victim's age is established through a bone age ossification test, the upper end of the age range should be considered, with an added margin of error of two years. This approach is intended to provide the benefit of doubt to the accused. A conflict in previous judgments on this issue has been resolved by relying on a Division Bench judgment and relevant Supreme Court precedents, emphasizing the limitations of the ossification test in accurately determining age. Clear guidance has been established for trial courts and other courts addressing similar matters.

COURT ON ITS OWN MOTION VS SUBHASH CHAND JAIN [CONT.CAS.(CRL)-6/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Subhash Chand Jain was found liable for contempt of court for submitting a false affidavit-cum-undertaking, demonstrating willful disobedience of a prior judgment and breaching an undertaking. Following his unconditional apology, citing poor drafting due to a communication gap with his advocate and noting that he had vacated the tenanted premises, the contempt petition was disposed of without further action.

COURT ON ITS OWN MOTION VS YOGITA GUPTA DEPUTY DIRECTOR WCD [CONT.CAS.(CRL)-1/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The Department of Women and Child Development deployed two security guards at the Vivekananda Ashram Child Care Institution on 11.01.2024 and 12.01.2024, complying with a previous order. An affidavit confirming this deployment was submitted, and the matter was resolved accordingly.

D BALA MURUGAN VS STATE GOVT. OF NCT OF DELHI AND ORS. [W.P.(CRL)-328/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ petition for a habeas corpus concerning Priyanka Sangwan was dismissed. Priyanka, a major, was presented in court and confirmed there was no illegal confinement, stating a family settlement was in place. Although she married in 2019, the families intended to hold a social ceremony. Given her status as a major capable of making her own decisions, further orders were deemed unnecessary.

DEVENDER SHARMA VS STATE NCT OF DELHI & ORS. [W.P.(CRL)-3255/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The habeas corpus writ petition for the production of a missing son was dismissed because the son was last seen in Bhiwadi, Rajasthan, or Begusarai, Bihar, areas outside the jurisdiction. Police efforts to locate him yielded no results. The petitioner was advised to seek assistance from the relevant authorities in those locations.

DHARAM NARAYAN GAUTAM VS STATE THROUGH ECONOMIC OFFENCES & ANR. [W.P.(CRL)-304/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The petitioner's detention was deemed illegal and unauthorized due to the issuance of a bail and release order, which the jail authorities failed to act upon despite the lack of a valid production warrant. Immediate release of the petitioner was mandated, and appropriate actions against the responsible officers were instructed. There was also a reiteration of the need to follow guidelines for promptly seeking bail status clarifications from outstation courts regarding inmates with production warrants.

FARUKH @ CHAPTA VS UNION OF INDIA & ANR. [W.P.(CRL)-240/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The detention order against the petitioner under the PITNDPS Act was quashed due to inadequate reasons provided by the detaining authority. The petitioner had been in custody for approximately 18 months, and there was no evidence indicating a likelihood of release on bail or potential engagement in prejudicial activities upon release.

FAZILA SAYYED VS UNION OF INDIA & ORS. [W.P.(CRL)-889/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The detention order against Sayyed Hussain Madar under the COFEPOSA Act was upheld, with challenges from his widow dismissed. Claims regarding his lack of English knowledge and unreasonable delay in serving the order were rejected, attributing the delay to his attempts to evade arrest. His activities were deemed to fall within the COFEPOSA Act, and he could not benefit from his wrongful conduct.

GAURAV PRABHAKAR VS THE STATE AND OTHERS [W.P.(CRL)-235/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ of habeas corpus was disposed of after the wife, an adult and married woman, stated her desire to not live with the petitioner due to his past atrocities and expressed a wish to live with her friend. The petitioner's objective of having his wife presented was accomplished, so no further orders were necessary.

GAUTAM KUMAR DAS VS NCT OF DELHI THROUGH THE COMMISSIONER OF POLICE & ORS. [W.P.(CRL)-416/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The natural guardian has the right to seek custody of his minor daughter, but the best interests of the child are paramount. The child has developed a close bond with her maternal aunts, who have cared for her since birth. The matter is referred to the Delhi High Court Mediation & Conciliation Centre to explore solutions for the child's welfare, with further proceedings directed to a competent Family Court.

GEETA NAGAR VS THE STATE OF NCT DELHI AND ORS. [W.P.(CRL)-257/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Miss 'A' married Vipin voluntarily and expressed a desire to stay with him. No further orders were required, but if they face any danger, police protection should be provided. If harm occurs to them from their families, legal action will be taken. The State was directed to provide escort to Miss 'A' and Vipin to Noida, Uttar Pradesh, where they reside.

GURMAN KAUR VS THE STATE AND OTHERS [W.P.(CRL)-411/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A writ of habeas corpus was filed for Ms. Damyanti Upadhyay, an adult of 36 years. She expressed a desire not to live with her in-laws or parents due to past atrocities and chose to stay with a friend. It was directed that she be escorted to her preferred residence, with the address recorded and communicated to the local police station.

HARI SINGH VS STATE OF N C T OF DELHI ORS [W.P.(CRL)-715/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The adult daughter of the petitioner married respondent no. 5 of her own free will and confirmed this choice in court, stating she acted without pressure. Despite the petitioner's concerns about possible black magic influence from the respondent, the daughter denied such claims. Being an adult, no further orders were necessary, leading to the dismissal of the habeas corpus petition.

INDRAKALI VERMA VS STATE OF NCT OF DELHI [W.P.(CRL)-1611/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ petition for habeas corpus regarding the petitioner's son, daughter-in-law, and two grandchildren was dismissed. The son is voluntarily living with his family and is not in illegal detention. The petitioner had previously withdrawn a similar case and was allowed to pursue the matter in a criminal court.

ISHFAQ AHMAD BHAT ISHFAQ BHAT ISHFAQ VS NATIONAL INVESTIGATION AGENCY NEW DELHI [CRL.A.-181/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The criminal appeal filed by Ishfaq Ahmad Bhat was dismissed, affirming the National Investigation Agency's decision. No errors were identified in the trial court's order, and the appellant did not establish a case for interference.

JAI KARAN VS THE STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-607/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The habeas corpus petition for the release of a wife from alleged illegal detention by her parents was dismissed. The wife, an adult, was living with her parents voluntarily due to concerns about her inter-caste marriage. She expressed a desire to reunite with her husband. Police were instructed to ensure the couple's safety and prevent any potential threats.

JAIPAL KHANDELWAL VS THE STATE NCT OF DELHI AND ORS. [W.P.(CRL)-61/2023]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
A writ petition regarding a missing person was disposed of after police efforts to locate the petitioner's son, missing since June 28, 2020, yielded no results. The police are required to submit monthly status reports to the Metropolitan Magistrate and inform the petitioner of any developments. The case has been transferred to the Anti-Human Trafficking Unit of the Crime Branch for further investigation.

JAMSHEED ZAHOOR PAUL VS STATE OF NCT OF DELHI [CRL.A.-51/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
Jamsheed Zahoor Paul faces accusations under Sections 18 and 20 of the Unlawful Activities (Prevention) Act (UAPA) due to evidence suggesting his involvement with the ISIS-JK module, including the recovery of a pistol and direct communication with militants. The principle that bail is the norm does not apply in UAPA cases, and the statutory bar under Section 43D(5) prevails. His over 5.5 years of incarceration does not warrant bail since the trial is progressing without evidence of deliberate delays from the prosecution. The appeal against the bail rejection is dismissed.

JEBIN NAGARAJAN VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-638/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The habeas corpus petition filed by the petitioner to trace his allegedly missing wife was deemed not maintainable, as the "missing girl" is an adult residing with her parents voluntarily and has no legal relationship with the petitioner. The petitioner was directed to return the original documents of the missing girl to her counsel within three days.

JEETU DORWAL VS STATE GOVT OF NCT OF DELHI & ORS. [W.P.(CRL)-1043/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The petitioner's wife, a major, married him of her own free will and wished to stay with him. Police were directed to ensure the couple's safety and provide security if needed. The petitioner was advised to withdraw his complaint against his wife's brother, and his wife's relatives were cautioned not to threaten the couple.

KARAN VS STATE (GNCT) OF DELHI [W.P.(CRL)-3723/2023]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
A habeas corpus petition was filed for a missing 17-year-old girl, who was subsequently produced before the court. Her statement was recorded, and Suraj Bansal was arrested for offences under Sections 363 and 376 IPC, and Section 6 of the POCSO Act. The minor expressed her willingness to return to her mother, leading to the petition's conclusion.

KINADHAN CHAKMA VS UNION OF INDIA & ORS. [W.P.(CRL)-1950/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ petition by Kinadhan Chakma for the release of his nephew, Azal Chakma, was dismissed. Azal Chakma's detention by the Foreign Regional Registration Office (FRRO) was deemed not illegal, as evidence indicated he is likely a Bangladeshi national who obtained an Indian passport fraudulently. His Indian passport has been revoked, and his movements restricted under the Foreigners Act to facilitate deportation. It was noted that foreign nationals cannot claim the right to reside and settle in India under Article 19(1)(e) of the Constitution, and their fundamental rights are limited to Article 21. The petition lacked substance and was dismissed, allowing respondents to proceed according to the law.

KRISHNA DEVI VS STATE NCT OF DELHI AND ORS. [W.P.(CRL)-87/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The appropriate forum for the missing person case is a court in Haryana, as the petitioner's nephew went missing from Manesar, Haryana. The status report indicated the missing person was last seen in Manesar. The petitioner has the liberty to file an appropriate petition before the relevant court in Haryana.

KRISHNA MAHTO VS STATE OF NCT AND ANR. & ANR. [W.P.(CRL)-157/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ petition by Krishna Mahto seeking the production of his missing daughter was dismissed. It was established that the daughter had married Md. Sahil Khan and does not wish to return to her parents due to fear of pressure to leave her husband. Her statement recorded under Section 164 Cr.P.C. revealed no incriminations against anyone. As a major, she is entitled to make her own decisions, and no further orders were deemed necessary.

LAISHRAM RANJIT SINGH MEITEI @ APIK @ MANAO @ LOYA @ TAMNGANBA VS NIA [CRL.A.-307/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The appellant’s conviction under Sections 384, 385, 17, 18, and 20 of the IPC and the Unlawful Activities (Prevention) Act, 1967 was upheld following a guilty plea. Sufficient time was provided for consultation with counsel and awareness of consequences was ensured. While substantive sentences were maintained, in-default sentences for the UAPA offenses were reduced to 15 days each, taking into account the appellant's circumstances and early plea, while fines remained unchanged.

LAKHAN SINGH VS NCT OF DELHI AND ORS [W.P.(CRL)-1393/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ of habeas corpus petition filed by Lakhan Singh for the production and release of his daughter, Chandani, was dismissed. Chandani, being a major, had married Sanjeev of her own free will and expressed her desire to stay with him. No further orders were issued, and the petition was disposed of.

MANISH SHARMA VS STATE OF NCT (DELHI) AND ORS. [W.P.(CRL)-107/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The habeas corpus writ petition was dismissed based on the 18-year-old girl's statement that she wished to stay with her parents and had no issues with her situation. She was present in court, along with her mother, and expressed no complaints or grievances against her parents.

MANJU DEVI VS STATE OF NCT OF DELHI TH. STANDING COUNSEL & ANR. [W.P.(CRL)-887/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
A 19-year-old daughter, who had gone missing, confirmed in court that she left her parents' house voluntarily and was living with a friend in Jhajjar, Haryana. As a major, she has the right to choose her living arrangements, leading to the conclusion that no further action was necessary regarding the habeas corpus petition filed by her mother.

MANJU PANDEY VS STATE THROUGH SHO PS WAZIRPUR & ANR. [W.P.(CRL)-3835/2023]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The Anti-Human Trafficking Unit of the Crime Branch is instructed to continue efforts to trace a missing child. An FIR for kidnapping under Section 363 IPC has been registered, and the case is assigned to this unit. Compliance reports indicate that confidentiality measures for the complainant's personal information are in place. Monthly status reports must be filed with the Metropolitan Magistrate, and any developments regarding the missing child should be communicated to the petitioner.

MANSOOR ASGHAR PEERBHOY VS STATE [CRL.A.-947/2023]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The appeal by Mansoor Asghar Peerbhoy for bail was dismissed due to prima facie evidence linking him to a conspiracy involving the 2008 Delhi serial bomb blasts. Evidence included the recovery of electronic devices and forensic analysis. The application of Section 43D(5) of the Unlawful Activities (Prevention) Act, 1967 indicates a statutory bar against bail, and the appellant's role is connected to a broader conspiracy. Although the right to a speedy trial is acknowledged, delays in trial are not sufficient grounds for granting bail given the seriousness of the offenses.

MANVIR @ MANISH VS STATE [CRL.A.-1056/2019]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
Manvir @ Manish was acquitted of all charges under Section 6 of the POCSO Act and Section 376(2)(f)(i)(j) IPC due to doubts raised by multiple factors. The victim's testimony was deemed unreliable as it resulted from tutoring by her grandmother. Key witnesses, including the victim's cousin, mother, and grandmother, did not support the prosecution. Additionally, the DNA evidence from seized cloth was inconclusive.

MASASASONG AO VS NATIONAL IINVESTIGATION AGENCY [CRL.A.-244/2023]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The appeal by Masasasong Ao (A-2) against the dismissal of his bail application was dismissed due to clear allegations of his involvement in a conspiracy to fund the terrorist organization NSCN (IM) and his actions in concealing and diverting extortion money. Arguments that NSCN (IM) is not a terrorist organization and claims of false implication were rejected, as such declarations are not necessary for prosecution and the allegations were specific. Observations regarding the case were tentative and related only to the bail decision, with no final conclusions on the merits of the case. The bail application of co-accused Alemla Jamir (A-1) was also dismissed in a separate appeal.

MD NAUSHAD VS THE STATE & ANR. [W.P.(CRL)-786/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The writ petition filed by Md. Naushad seeking the production of his wife, Ms. Savina Khatun, was dismissed. Ms. Savina Khatun had divorced Md. Naushad with mutual consent and married Md. Irshad of her own free will. As an adult, she has the right to make her own decisions regarding marriage and living arrangements.

MD. JAILUN VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-771/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The petitioner's wife, an adult who has married the petitioner, has the right to decide her residence. She is permitted to live wherever she chooses, with a directive that both parties' parents and relatives must not interfere in their marital life.

MEENA DEVI & ANR. VS THE STATE GNCT OF DELHI [W.P.(CRL)-639/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The case involved a marital dispute where the wife left the matrimonial home with the children, mainly due to adjustment problems and relatives visiting without consent. The direction was given that the wife's relatives should not visit the matrimonial home without approval from either party to facilitate the resumption of married life. The writ petition seeking habeas corpus for the children was disposed of accordingly.

MEHRAJ UD DIN CHOPAN ALIAS MEHRAJ VS NATIONAL INVESTIGATING AGENCY NEW DELHI & ANR. [CRL.A.-57/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Mehraj Ud Din Chopan was discharged from charges under Sections 420 (cheating) and 120B (criminal conspiracy) of the Indian Penal Code due to a lack of evidence indicating deliberate withholding of information or a conspiracy to deceive.

MINA DEVI VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-2679/2022]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The habeas corpus petition by Mina Devi for her missing minor daughter was dismissed. The police made extensive efforts to locate the girl, including witness examinations, bank account analysis, and searches, but found no clues. The police were instructed to continue the investigation, submit quarterly status reports to the Metropolitan Magistrate, and inform the petitioner of any developments. The investigation also included the simultaneous disappearance of a boy named Mohit from the same building.

MISS P AND OTHERS VS STATE OF NCT DELHI & ANR. [CRL.A.-459/2020]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The main legal issues will be addressed in CRL.A. No. 295/2021, with the reasoning and decision-making process referenced from related judgments. Key legal points were comprehensively examined based on submissions from both appellants and respondents.

MOHD JABIR VS UNION OF INDIA AND ORS. [W.P.(CRL)-168/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The detention order against Mohd Jabir under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, was quashed due to a two-month delay in its issuance, lack of detail regarding the complaint, and an apparent attempt to circumvent a prior bail. These factors indicated that the authority's satisfaction was not genuine, severing the connection between the grounds for detention and its purpose, leading to the order's quashing and Jabir's release.

MOHD. ABDULLAH VS STATE OF NCT OF DELHI [W.P.(CRL)-1493/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Mohd. Abdullah's writ petition regarding a missing child was dismissed due to no identified lapses by police authorities. The state must submit monthly reports on the missing child's status to the concerned magistrate and the petitioner, while also implementing guidelines from a prior judgment to trace missing children, including the use of Face Recognition Application Software (FRS). A show cause notice was issued to the Director/Deputy Director of the Department of Women and Child, GNCTD, for non-compliance with a previous order to provide security guards to the Vivekananda Ashram, with an extension of three days to fulfill this requirement.

MOHD. TAHIR VS STATE (NCT OF DELHI) [CRL.A.-95/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The appeals of Mohd. Tahir and Umakant Yadav were allowed, and their conviction under Section 302/34 IPC was set aside. The prosecution's case, based on circumstantial evidence such as the "last seen" principle and weapon recovery, was found to be inconclusive and untrustworthy. Notable contradictions and gaps in the evidence provided the accused with the benefit of doubt.

MOHIT KUMAR VS STATE GOVT OF NCT OF DELHI & ORS. [W.P.(CRL)-3846/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Mohit Kumar filed a writ petition seeking the production of his wife and minor child. In court, his wife stated she had been physically abused by him multiple times and refused to return with him. Given that she is an adult and married with a minor child, no further orders were issued, and the petition was disposed of, allowing the parties to pursue appropriate actions in Family Court.

MOINUDDIN VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-546/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Custody of the petitioner's son is awarded to the father, with the condition that the maternal grandparents can visit the child at their discretion. The child's mother confirmed her weekend visits for breastfeeding, and the maternal uncle agreed to hand over the child to the father. The father is permitted to visit the maternal grandparents' house today to collect the child.

MRS BABLI VS STATE NCT OF DELHI [W.P.(CRL)-2558/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A petition for a writ of habeas corpus was filed by Mrs. Babli for her missing minor daughter, Miss 'S'. Police efforts to locate the girl included a polygraph test on a suspect, Rizwan, which yielded truthful results. Monthly progress reports on the investigation are to be submitted to the concerned Metropolitan Magistrate and the petitioner. If Miss 'S' is located, she must be presented before the Metropolitan Magistrate promptly, and the petitioner and her family will be informed.

MS SURESH @ SUSHMA AHUJA AND ANR VS UNION OF INDIA AND ORS [W.P.(CRL)-1499/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Ms. Suresh @ Sushma Ahuja and her brother sought a writ of habeas corpus, claiming they were kidnapped and thrown out of their home by their sister, E Janak D. Ahuja. It was established that the petitioners had been voluntarily staying at a Gurudwara in Punjab for four months and denied knowing E Janak D. Ahuja. Their appearance through video conferencing confirmed their well-being, leading to the conclusion that no further orders were necessary.

MS. SUJATA KOHLI VS RAJIV KHOSLA [CONT.CAS.(CRL)-1/2022]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Ms. Sujata Kohli failed to provide adequate evidence to establish that Rajiv Khosla committed criminal contempt of court by scandalizing the court or interfering with justice. Analysis of video footage and the Chief Metropolitan Magistrate's order revealed no clear indications of contemptuous behavior. The crowded courtroom environment hindered clarity regarding the respondent's actions, and the order did not suggest any disruption to the proceedings. Consequently, Rajiv Khosla was discharged from the contempt proceedings, with a general directive issued for measures to maintain court decorum in sensitive cases.

MUKESH VS STATE & ORS [W.P.(CRL)-2748/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The habeas corpus petition filed by Mukesh for the production of his missing wife was dismissed. Mukesh, a convicted rapist of his minor daughter, has been in jail since 2016. His wife went missing in June 2015. The state was directed to continue searching for her and to provide any updates to Mukesh, his children, and his in-laws, along with filing quarterly reports on the search efforts.

MUSHLINA VS COMMISSIONER OF POLICE AND ORS. [W.P.(CRL)-1009/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ of habeas corpus filed by Mushlina for the production of her son was dismissed. The son, in the custody of the husband, was not considered to be under illegal detention. The husband was directed to inform the police of any address changes to ensure the petitioner could be notified. The petitioner was advised to approach the Family Court for custody or visitation rights.

MUZAFFAR AHMAD BHAT ALIAS MUZAFFAR BHAT VS NATIONAL INVESTIGATING AGENCY NEW DELHI [CRL.A.-56/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Muzaffar Ahmad Bhat was discharged from charges under Sections 420 and 120B of the Indian Penal Code due to a lack of evidence for deliberate withholding of information or conspiracy. The AICTE had approved the 'Business School of Delhi' despite awareness of a bank loan and mortgage, with no implicated AICTE officials. Although the CBI's petition under Section 482 of the Code of Criminal Procedure was deemed maintainable, the preferred remedy was under Section 397 Cr.P.C.

NAGENDRA SHASTRI VS THE STATE GOVT. OF NCT DELHI & ORS. [W.P.(CRL)-1044/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ petition filed by Nagendra Shastri for a writ of habeas corpus regarding his adult daughter, Chetna Kumari, was dismissed. Chetna, a major, married of her own accord and expressed a desire to live with her husband. She was permitted to leave with him, and the police were instructed to provide their contact information for safety concerns. The petitioner's family was advised not to interfere in Chetna and her husband's lives.

NIRMALA DEVI VS STATE [W.P.(CRL)-378/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A writ petition was filed seeking the production of a missing minor daughter. An FIR was registered for kidnapping, indicating the daughter initially stayed with a friend in Bihar but left without notifying her mother. The mother did not report this to the police immediately. The police were instructed to submit monthly status reports to a Metropolitan Magistrate and to keep the petitioner informed of any developments regarding the daughter's whereabouts. The investigation into tracing the missing girl is ongoing, with efforts being made to locate her.

NOOR JAHAN VS STATE & ORS. [W.P.(CRL)-856/2019]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The habeas corpus writ petition seeking the production of a missing son was dismissed after the police investigation identified the deceased body as that of the petitioner's son. The investigation included analysis of mobile phone records and identification of the deceased's clothing, but preserved DNA samples were missing. The petitioner accepted the deceased body as her son, leading to the conclusion that further proceedings were unnecessary.

PARUL ALIAS PARUL SAPRA VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-1006/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ petition filed by Parul Alias Parul Sapra for habeas corpus regarding her minor son was dismissed. The 11-year-old son voluntarily left his mother's home to live with his father in Gurugram, where he is content and studying. There was no evidence indicating that the father unlawfully took the child's custody. Custody will remain with the father until further proceedings, with both parties allowed to seek custody or visitation rights through the Family Court. The observations made were tentative and not binding for the Family Court's decision.

PARUL DEVI VS STATE (GOVT. OF NCT OF DELHI) & ORS. [W.P.(CRL)-3644/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A habeas corpus writ petition was filed by a petitioner for the production of her missing minor daughter. The daughter was located and brought to court, with custody restored to the petitioner. Her statement under Section 164 of the Criminal Procedure Code did not incriminate anyone, and she did not report any sexual or physical assault. No further orders were deemed necessary, leading to the conclusion of the petition.

PARUL GAUR VS UNION OF INDIA & ORS. [W.P.(CRL)-740/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The petition for custody of two minor children by Parul Gaur is not being addressed due to an existing case on custody pending in the Mahila Court related to a complaint under the Protection of Women from Domestic Violence Act, 2005. The petitioner is allowed to contact the Ministry of External Affairs to arrange a telephonic call to check on the children's well-being, as they are currently with their father in Dubai.

PARVEEN VS STATE NCT OF DELHI & ORS. [W.P.(CRL)-3689/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The police are instructed to register an FIR against unknown persons and conduct a thorough investigation after a DNA profiling report showed that the DNA of petitioner Parveen does not match that of an unknown deceased person whose tooth was found. Monthly status reports are required to be submitted to the Metropolitan Magistrate, with copies sent to the petitioner's counsel.

PAWAN KUMAR VS THE STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-1243/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The petitioner's writ of habeas corpus for finding his missing wife, Nitu Devi, was dismissed. Nitu Devi, being an adult, voluntarily left and remarried another person, exercising her right to make decisions about her life.

PAWAN SHARMA AND ORS VS STATE GOVT OF NCT OF DELHI [CRL.A.-495/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The four appellants charged with offences under various IPC sections were acquitted due to insufficient evidence. Key witnesses, including the victim and her parents, did not support the prosecution's account. Flaws in the investigation included the absence of the victim's call detail records and unreliable DNA evidence that was not properly explained. The victim, being an adult at the time of the incident, did not implicate the accused, leading to the conclusion that DNA evidence alone could not prove non-consensual sexual assault.

POOJA SHARMA VS STATE [W.P.(CRL)-1785/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A writ of habeas corpus petition was granted, prompting the Crime Branch to produce a missing infant child. Monthly status reports on the investigation under Section 363 IPC (Kidnapping) were ordered to be submitted to the Metropolitan Magistrate, with copies sent to the petitioner. Any clues regarding the infant's whereabouts must be communicated to the petitioner, and the child is to be produced before the Metropolitan Magistrate immediately if located.

PRAMOD VS STATE OF NCT OF DELHI [W.P.(CRL)-1163/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The petitioner's habeas corpus request for the production of his wife, Hemlata, was dismissed as she is a major and has expressed that she does not wish to live with her husband. The petition was disposed of, with encouragement for the parties to seek appropriate relief through the Family Court.

PRAVEEN KUMAR VS THE STATE OF NCT OF DELHI AND ANR. [W.P.(CRL)-437/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The petitioner's writ of habeas corpus seeking the production of his missing wife was dismissed after she appeared via video conferencing and claimed the petitioner's allegations were false, stating she left the matrimonial home due to his actions. A police status report corroborated her statement, leading to the conclusion that no further action was necessary.

PRINCE ANAND & ANR. VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-1392/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The custody of the petitioners' minor children is currently with their mother, and the children are not considered to be under illegal detention. No further orders were made regarding the habeas corpus petition. The petitioners may seek relief for custody or visitation rights in the Family Court.

R R K S BHARTIYA VS THE STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-769/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Custody of the petitioner's minor granddaughter will remain with her mother, Archana Kumari, until a suitable petition is filed in the Family Court for custody or visitation rights. The petitioner's son, Mragank Bhartiya, and his daughter were present, negating the need for further action on the habeas corpus petition. Police assistance is to be provided to Mragank Bhartiya for retrieving his belongings from the rented accommodation. The case involves ongoing disputes, including a maintenance petition and a criminal case initiated by Archana Kumari against the petitioner and his family.

RAJA RAM VS DELHI POLICE [W.P.(CRL)-212/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The petitioner's missing minor daughter was recovered and stated she had left home voluntarily to stay with a friend in Ludhiana. She expressed a desire to return to her parents, who mentioned plans to relocate to their native place and enroll her in school there. The writ petition was disposed..

RAJVATI @ RAJO VS STATE OF NCT OF DELHI [W.P.(CRL)-374/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Rajvati @ Rajo filed a writ petition for the return of her missing 15-year-old daughter, Miss 'L'. The police registered an FIR under Section 363 IPC and recovered the girl from Guddu's residence on 19.02.2024, although Guddu was not apprehended. After interacting with Miss 'L', who expressed her desire to return to her mother, custody was granted to Rajvati, concluding the case.

RAKESH CHANDRA SAXENA VS GOVT. OF N.C.T. OF DELHI & ORS. [W.P.(CRL)-917/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The petitioner's writ of habeas corpus for the production of his son, Ashish Saxena, was dismissed. Saxena was detained at the airport under a Look Out Circular issued by the Bangalore City Police related to a case under the IT Act and IPC. The detention followed the LOC guidelines from the Ministry of Home Affairs, and Saxena was presented before the Additional Chief Metropolitan Magistrate in Bangalore. The decision indicated no evidence of illegal detention, allowing the petitioner to address concerns about the arrest in the Magistrate's court.

RAM NATH VS STATE [CRL.A.-421/2002]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Videshi Kumar and Ram Nath were acquitted of charges under Sections 302 and 201 of the Indian Penal Code. The prosecution's case relied on circumstantial evidence, which was found to be inconclusive. Anomalies were noted regarding the last-seen together theory, recovery of bloodstained clothes, and alleged motive. The circumstantial evidence did not support a guilt inference beyond reasonable doubt, resulting in the benefit of doubt being extended to the accused.

RAM SINGH VS STATE [CRL.A.-136/2020]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The appellant's conviction under Section 376 IPC (rape) and Section 4 of the POCSO Act was upheld, but the sentence was reduced from life imprisonment to 10 years. The appellant, with no prior criminal record and in his twenties at the time of the offense, expressed remorse and faced financial difficulties. Having served over 10 years in prison, including remission, he was directed to be released immediately.

RAVISH BENIWAL VS THE STATE NCT OF DELHI & ORS. [W.P.(CRL)-945/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ petition for habeas corpus regarding the custody of the petitioner’s daughter was dismissed, establishing that her grandparents do not hold her in illegal custody. The situation stems from matrimonial disputes. The petitioner is advised to approach the Family Court for custody or visitation rights, which is instructed to expedite any related applications.

REETA DEVI VS GOVT. OF NCT OF DELHI & ORS. [W.P.(CRL)-237/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The habeas corpus writ petition filed by Reeta Devi for her missing minor daughter was addressed. The police registered an FIR under Section 363 IPC and are investigating the case with oversight from a Magistrate. The police are required to submit monthly status reports and inform the petitioner of any developments regarding her daughter's welfare. Satisfactory progress in the search was noted, and further intervention was deemed unnecessary at this stage.

RITU RAJPUT VS THE STATE NCT OF DELHI AND ORS [W.P.(CRL)-1153/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
A writ petition for habeas corpus was disposed of regarding a minor daughter whose voluntary departure to a friend's house in Jaipur was confirmed. Statements recorded under Section 164 Cr.P.C. revealed she returned home on her own and wished to be with her parents. The minor daughter was ordered to be handed over to her mother.

RIZWANA BEGUM VS STATE THROUGH SHO PS PREM NAGAR & ANR. [W.P.(CRL)-1139/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The petitioner's daughter is over 18 years old and has married Suraj of her own free will. She expressed a desire to live with her husband and not return to her parents. No further orders were deemed necessary, and the petitioner's family must not obstruct the daughter's marital life. The petition was disposed of.

SACHIN KUMAR TIWARI VS THE STATE (NCT OF DELHI) [W.P.(CRL)-720/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The petition for a writ of habeas corpus regarding the release of Anchal Bhagat was deemed unnecessary as she willingly married the petitioner against her parents' wishes and wishes to return to him. The parents and their associates were directed not to interfere with the couple's marital life.

SAJAD AHMAD KHAN ALIAS SAJJAD AHMED KHAN ALIAS SAJJAD AHMAD KHAN SAJJAD VS NATIONAL INVESTIGATING AGENCY NEW DELHI & ANR. [CRL.A.-54/2023]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The appeal by Sajad Ahmad Khan was dismissed, affirming the lower court's decision. Evidence from the National Investigating Agency demonstrated his involvement in terrorist activities under the Unlawful Activities (Prevention) Act. The outcome was supported by both presiding judges.

SAKILA BEGUM @ SHAKILA BEGUM VS STATE OF NCT OF DELHI [W.P.(CRL)-2373/2022]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
A writ petition seeking directions to locate a missing daughter was dismissed. The police reported that the daughter allegedly eloped with a person named Sajid in September 2019, and her whereabouts are unknown. Investigative efforts by the police were deemed adequate, and they were directed to provide quarterly status updates to the Metropolitan Magistrate and the petitioner. Any clues regarding the missing girl must be communicated to the petitioner immediately.

SALIM MALIK @ MUNNA VS STATE (NCT OF DELHI) [CRL.A.-552/2022]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The appeal for bail was dismissed due to sufficient evidence, including witness statements, indicating the appellant's involvement in a conspiracy related to the 2020 Delhi riots. The accusations were considered "prima facie true," which met the criteria for denying bail under Section 43D(5) of the Unlawful Activities (Prevention) Act. The standard of evidence at the bail stage is lower than that required for discharge or framing of charges.

SALMUDDIN SAIFI VS STATE NCT OF DELHI [W.P.(CRL)-611/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The petition for habeas corpus was dismissed due to an existing FIR under Section 363 IPC regarding the petitioner's missing minor daughter, with the investigation ongoing. Police must submit monthly progress reports to the Metropolitan Magistrate, who can transfer the case to a specialized unit if necessary. If the victim is located, she must be presented to the Magistrate promptly.

SAMIM AKHTAR VS THE STATE AND ORS. [W.P.(CRL)-587/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A writ of habeas corpus petition was filed seeking the production of a missing minor daughter. A status report from the police indicated extensive efforts to locate her, including issuing a hue and cry notice and conducting local inquiries, but no leads were found. The police were instructed to continue the investigation, submit monthly status reports to the concerned Metropolitan Magistrate, and transfer the case to the Anti-Human Trafficking Unit (AHTU), which is also required to provide status reports.

SANGITA MORYA VS STATE [W.P.(CRL)-961/2022]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A habeas corpus petition regarding the disappearance of a 15-year-old girl was addressed, noting that an FIR was filed against a neighbor, Vishal, for kidnapping, and he is a proclaimed offender. The police have not located the missing girl despite ongoing efforts. There is a directive for the police to submit monthly status reports to a Metropolitan Magistrate and to inform the petitioner of any leads. If the girl is found, she must be presented before the Metropolitan Magistrate.

SANJAY VERMA VS STATE THROUGH SHO & ANR. [W.P.(CRL)-1129/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ of habeas corpus was dismissed as Smt. Indu Singh, a major, expressed her desire to remain with her parents instead of the petitioner. There was no indication for further orders, as she is free to return to her parents.

SANTOSH KUMAR VS THE STATE (NCT OF DELHI) & ORS. [W.P.(CRL)-826/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ petition seeking the production of Soni Kumari due to alleged wrongful confinement was dismissed. Soni Kumari, present in court, confirmed her marriage to Mukesh Yadav of her own accord, despite knowledge of his prior divorce. Her statement under Section 164 CrPC did not indicate any wrongful act. As a major who married willingly, the petition was disposed of, allowing her to leave with her husband.

SEEMA THROUGH ADV SUMAYYA KHATOON VS GNCTD AND OTHERS [W.P.(CRL)-872/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ petition by Ms. Sumayya Khatoon for a habeas corpus to locate Ms. "S" was dismissed. Ms. "S" appeared in court, confirmed she was living with her mother and brother, and stated that her situation was fine. Her mother indicated that Ms. "S" was not being compelled to act against her will and was free to make her own decisions. The petition was disposed of without further orders.

SH. ANKIT BHATI VS THE STATE NCT OF DELHI AND ORS. [W.P.(CRL)-116/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The petitioner's writ petition for habeas corpus regarding his allegedly missing wife was dismissed. The wife appeared in court and confirmed that she was living with her parents voluntarily. No further grounds for orders were identified, leading to the disposal of the petition.

SH. SURESH ROY VS THE STATE (GOVT. OF NCT OF DELHI) & ORS. [W.P.(CRL)-1378/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The petition for a writ of habeas corpus by Sh. Suresh Roy for his son Hari Shankar Roy was dismissed. The case involved a matrimonial dispute and a complaint from Sh. Roy's daughter-in-law, Smt. Seema, led to an FIR under Section 365 IPC. As the matter was under investigation by the police and proceedings were ongoing at the CAW Cell, the petition was disposed of with instructions for the police to submit monthly status reports to the Metropolitan Magistrate and to keep the family informed about any developments regarding the son.

SHAHID KHAN @ CHOTE PRADHAN VS UNION OF INDIA & ANR. [W.P.(CRL)-224/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The detention order against the petitioner under the PITNDPS Act was quashed due to insufficient reasons to justify the detention. The petitioner had been in judicial custody for 9-10 months, and there was no evidence that he would be released on bail or continue to engage in drug trafficking if released. The detaining authority did not adequately establish the necessary criteria to support the detention.

SHAMSHID MALIK VS THE STATE NCT OF DELHI & ORS. [W.P.(CRL)-757/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The habeas corpus writ petition was disposed of after examining the police status report, which indicated the petitioner's son was arrested by the Uttar Pradesh police under Sections 411/414 of the Indian Penal Code and is currently in Dasna Jail, Ghaziabad. The petitioner's counsel confirmed awareness of the FIR and the filing of a bail application. No further action was deemed necessary.

SHANTI DEVI VS STATE OF NCT OF DELHI [W.P.(CRL)-365/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A writ petition for habeas corpus was filed regarding a missing minor daughter. The investigation involved two FIRs under Section 363 IPC for kidnapping based on the petitioner's complaint. Despite various investigative measures by the police, no clues about the missing girl were found. The police are required to submit monthly status reports on the investigation. If the girl is traced or rescued, she must be produced before the concerned Magistrate without delay, and the petitioner and her family must be informed.

SHARJEEL IMAM VS STATE OF NCT DELHI & ANR. [CRL.A.-215/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The appellant, in custody for over four years, is entitled to bail under Section 436-A of the Code of Criminal Procedure, having served more than half of the maximum sentence for the charged offenses. The trial is stayed regarding the sedition charge, and the appellant's pursuit of legal remedies is not considered a delay. Reasons for denying bail based solely on the seriousness of the allegations were deemed irrational. The trial court is directed to release the appellant on appropriate terms and conditions.

SMT SHASHI VS THE OF STATE NCT OF DELHI AND ORS. [W.P.(CRL)-3361/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The habeas corpus petition for the production and custody of two minor children was dismissed because they were last located with the petitioner's husband in Meerut, Uttar Pradesh. There was no evidence of illegal detention in Delhi, leading to the conclusion that jurisdiction was lacking and the petitioner should seek custody in the appropriate forum.

SMT. CHANDANI VS STATE (NCT OF DELHI) [W.P.(CRL)-844/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The petitioner's 19-year-old daughter left home and married Sachin willingly, expressing her desire to live with him. As an adult, she has the right to make her own decisions, leading to the dismissal of the writ petition without further orders.

SMT. PURNIMA ROY VS STATE GOVT. OF NCT OF DELHI AND ORS. [W.P.(CRL)-1030/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The alleged missing husband of petitioner Smt. Purnima Roy has passed away due to natural causes, with his body handed over to his daughter for last rites. No further orders are necessary, and the petitioner may take any actions she considers appropriate regarding her matrimonial relationship with the deceased.

SMT. RAJVATI VS STATE OF NCT OF DELHI [W.P.(CRL)-225/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A habeas corpus writ petition was disposed of regarding a missing minor daughter. The police registered two FIRs for kidnapping and attempted to trace the girl through call and subscriber detail records but found no active SIM on the suspect's IMEI number. Police officials must file a monthly status report to the Metropolitan Magistrate and update the petitioner on any leads. If the girl is found, she will be presented to the Metropolitan Magistrate.

SMT. RAM BETI VS THE STATE & ORS. [W.P.(CRL)-3515/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ petition by Smt. Ram Beti was dismissed because Mahesh Chand's missing complaint had already been registered at the Kuchaman City police station in Rajasthan. No further action was necessary as the matter was being handled by the competent authorities. The petitioner was free to seek remedies before the appropriate court or authority.

SMT. RATNA DEVI VS THE STATE (GOVT. OF NCT) DELHI & ORS. [W.P.(CRL)-11/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The habeas corpus petition for the production of a 22-year-old daughter was deemed not maintainable. A status report showed she left with a friend of her own free will and expressed a desire not to return to her husband or in-laws. As an adult, she has the freedom to go wherever she chooses, with no evidence of wrongful detention. The petition was disposed of without the need for further orders.

SMT. SARITA KATARIA VS THE STATE GOVT. OF NCT OF DELHI AND ORS. [W.P.(CRL)-1584/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

Smt. Sarita Kataria's habeas corpus petition was dismissed after her brother, Pradeep Sharma, was located at the address she provided, exhibiting normal behavior and not under the influence of alcohol. No further action was deemed necessary.

SMT. SURAJ MUKHI VS THE STATE AND ANR. [W.P.(CRL)-2609/2022]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A habeas corpus writ petition was filed by Smt. Suraj Mukhi for her missing husband. The police submitted a status report detailing extensive efforts to locate him without success. The police were directed to register an FIR based on the complaints and to provide a monthly status report to the concerned Metropolitan Magistrate, with an advance copy to the petitioner. Any clues regarding the missing husband are to be communicated to the petitioner.

SMT.SHABNAM VS STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-632/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The petitioner's 22-year-old daughter, Fiza Saifi, has been traced and expressed her desire to return to her parents, who were present in court. She has the independent right to make decisions about her life, leading to the conclusion that no further orders are necessary regarding the writ petition for her production.

STATE (NCT OF DELHI) VS VIKRANT BIRLA @ KAATU [CRL.A.-1041/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The State's appeal for a sentence enhancement against eight accused was dismissed. Two accused were convicted of murder under Section 302 IPC, while the other eight were convicted of rioting and voluntarily causing hurt under respective IPC sections. Since the eight had already received the maximum sentence, enhancement was not permissible. The application for condonation of a 763-day delay in filing the appeal was also rejected.

STATE NCT OF DELHI VS RAHUL @GAGAN DEEP SINGH [CRL.L.P.-126/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The state's application for leave to appeal the acquittal of Rahul @ Gagan Deep Singh in a sexual assault case involving a minor was dismissed. The victim's testimony lacked credibility, and there were significant inconsistencies in the prosecution's case, including a delay in reporting, failure to confirm the victim's minor age, and a DNA report indicating the accused was not the biological father of the child. The acquittal was deemed justified, with no merit found in the state's appeal.

STATE OF NCT OF DELHI VS SUNDER & ORS. [CRL.L.P.-406/2022]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The trial court acquitted three accused in a case of kidnapping, rape, and unnatural sex due to inconsistencies and a lack of credibility in the victim's testimony. The trial court's reasonable view led to the dismissal of the state's appeal for further review of the acquittal.

STATE OF NCT OF DELHI VS TARUN KUMAR AND ORS [CRL.A.-146/2021]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The sentence for Tarun Kumar and others, convicted under Section 307/34 IPC for attempted murder, was upheld. The injured victim submitted an affidavit expressing no objection to a lenient sentence for the accused, who were in their twenties at the time of the incident. The period already served during trial was deemed sufficient, and no grounds for interference with the sentence were identified. The appeal by the State against the sentence was dismissed.

STATE VS JAI SINGH [CRL.L.P.-133/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The trial court acquitted the accused due to the prosecution's failure to prove foundational facts, highlighting major contradictions and improvements in the testimony of key witnesses, including the victims. Property disputes within the family raised the possibility of false implications, further underscoring the lack of corroborating evidence. The analysis and reasoning of the trial court regarding the insufficiency of evidence to support a conviction were upheld.

STATE VS KAPILADDIN MANDAL [CRL.L.P.-386/2022]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The state's petition challenging the acquittal of Kapiladdin Mandal from rape and sexual assault charges was dismissed. The trial court's acquittal was considered reasonable, primarily due to the child victim's questionable credibility, potential influence from her father, inconsistencies in her parents' accounts about the FIR delay, and the victim's failure to identify the accused. The presumption of innocence for the accused and reluctance to overturn reasonable acquittals contributed to the dismissal.

STATE VS KULDEEP [CRL.L.P.-24/2022]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The state's petition for leave to appeal against the trial court's acquittal of a school van driver on charges of sexual offenses was dismissed. Testimonies of the two minor victims weakened the serious allegations they initially made, suggesting possible tutoring. There was an absence of medical or scientific evidence and no additional corroborating witnesses. Although the POCSO Act allows for a statutory presumption, the prosecution did not establish the necessary foundational facts for this presumption to apply. The conclusion was that the evidence presented did not support a compelling case for appeal.

STATE VS MOHD NAZEEM [CRL.A.-617/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The appeal against the acquittal of Mohd Nazeem on charges under Section 6 of the Protection of Children from Sexual Offences Act was dismissed. The victim's testimony contained contradictions and inconsistencies, including delays in filing the FIR, claims of threats, and a newly introduced detail about her sister's presence during the incident. The prosecution also failed to clarify the victim's age and the reasons for her refusal to undergo a medical examination. The overall evidence led to the conclusion that the victim's testimony lacked credibility, supporting the trial court's decision to acquit the respondent. Interference with an acquittal is typically avoided if the trial court's reasoning is deemed reasonable and plausible.

STATE VS P.D.D. [CRL.A.-295/2021]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The victim's testimony was deemed credible and sufficient to convict the accused, her father, for aggravated penetrative sexual assault under the POCSO Act, along with criminal intimidation and causing hurt under the IPC. The delay in reporting was explained by the victim's young age and the threat from her father. Minor contradictions in testimonies were considered trivial. The accused did not challenge the presumptions under the POCSO Act, leading to his conviction. The acquittal from the trial court was reversed based on appeals from the state and the victim's family.

STATE VS RAJA RAM [CRL.A.-747/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The acquittal of Raja Ram, charged under various sections of the Indian Penal Code and the POCSO Act, was upheld. The prosecution did not establish the victim's age with certainty and there were significant inconsistencies in witness testimonies, including that of the victim. A key eyewitness became hostile, further undermining the prosecution's case. The victim's testimony lacked the necessary credibility to support a conviction in a sexual assault case involving a child. The order of acquittal was maintained as the appellate review did not find sufficient grounds for interference. The appeal by the State against the acquittal was dismissed.

STATE VS RAJENDER [CRL.L.P.-529/2022]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The case was classified under Exception 4 of Section 300 IPC, indicating the offence occurred in a sudden fight fueled by passion during a quarrel, with no pre-meditation. There was no significant cooling-off period between the altercation and the stabbing. The accused inflicted only one blow, suggesting a lack of intent to kill. Culpable homicide was determined not to amount to murder, resulting in the upholding of the conviction under Section 304 Part II IPC. The application for leave to appeal against this conviction was denied.

STATE VS ROHIT [CRL.A.-542/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The trial court's decision to acquit Rohit of charges under Sections 363/366/376(2)(i) IPC and Section 4 of the POCSO Act was upheld due to significant inconsistencies in the victim's statements during the investigation and trial. The victim's age could not be conclusively established, leading to the application of the benefit of doubt in favor of the accused. Although a DNA report indicated a physical relationship, it was insufficient to compensate for the evidentiary lapses present in the case.

STATE VS ROSHAN [CRL.L.P.-67/2020]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The acquittal of accused Roshan, charged under Sections 363, 376, and 506 of the Indian Penal Code and Section 6 of the POCSO Act, was upheld due to the victim's unconvincing testimony and material contradictions in the prosecution's evidence. Confusion regarding the victim's age and unreliable school records weakened the case. The victim's behavior during the incident indicated elopement rather than kidnapping, leading to the conclusion that the trial court's reasoning was logical and plausible.

STATE VS SUNIL KUMAR [CRL.L.P.-83/2022]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The State's petition for leave to appeal against the acquittal of the accused was declined. Key issues included the determination of the prosecutrix's age and the reliability of her testimony. The prosecution failed to provide reliable documentary evidence for the prosecutrix's age, and her testimony contained material inconsistencies that did not inspire confidence. Overall, the trial court's evaluation of the evidence and its conclusions were deemed appropriate, leading to the denial of the appeal.

STATE VS VIKAS KUMAR & ANR. [CRL.L.P.-150/2022]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The state's petition for leave to appeal against the acquittal of Vikas Kumar and Ved Prakash was dismissed due to contradictions and inconsistencies in eyewitness and victim testimonies, as well as significant gaps in the police investigation. These issues created reasonable doubt, supporting the trial court's decision to acquit the accused. The case was deemed unsuitable for the state to pursue an appeal.

SUNIL KUMAR VOHRA VS STATE GOVT OF NCT OF DELHI AND OTHERS [W.P.(CRL)-1385/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The habeas corpus petition filed by Sunil Kumar Vohra for the release of his minor child from the custody of the child's maternal aunt was dismissed. There was no evidence indicating unlawful custody, as the child had lived with the aunt following the death of the child's mother, Vohra's wife. Vohra had not sought custody during his wife's lifetime or after her death. He can contest the guardianship petition or file for custody in the appropriate court.

SUNITA DEVI VS COMMISSIONER OF POLICE & ORS. [W.P.(CRL)-118/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

In a habeas corpus petition, the police were directed to record the statement of the petitioner's missing minor daughter under Section 164 of the Code of Criminal Procedure and return her custody to the petitioner. The state was instructed to present the daughter to the Child Welfare Committee for counseling and further guidance, due to her pregnancy.

SUNITA PANDEY VS STATE GNCT OF DELHI & ANR. [W.P.(CRL)-379/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A habeas corpus writ petition was filed by Sunita Pandey for the return of her missing minor daughter. Following her complaint, a DD entry and subsequently an FIR under Section 363 IPC (Kidnapping) were registered at the Dayalpur police station. Police efforts to locate the missing girl are ongoing. Monthly status reports are to be submitted to the concerned Metropolitan Magistrate, and any leads regarding the minor's whereabouts must be communicated to the petitioner.

SURAJ KUMAR VS THE STATE GOVT, OF NCT DELHI & ORS. [W.P.(CRL)-440/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ petition for habeas corpus regarding the missing girl Maya Kumari was dismissed. The state's status report indicated that she was found dead, and suspect Sohan Prajapati was arrested and charged with her murder under Sections 302/201/506 IPC. With the girl no longer alive and charges laid against the suspect, no further orders were deemed necessary.

SURENDER SINGH VS STATE [W.P.(CRL)-162/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ petition by Surender Singh for the production and custody of his 20-year-old daughter, Miss 'A', was dismissed. Miss 'A' married Manas Pandey of her own free will, which her parents disapproved. As an adult, no further action is required regarding the petition.

SUSHIL KUMAR RAI VS MONIKA CHAUHAN & ANR. [W.P.(CRL)-1267/2020]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The criminal writ petition filed by Sushil Kumar Rai to set aside a custody order from a U.S. District Court was dismissed. The appropriate appeal should have been made in the U.S., not through a writ petition. The foreign judgment is assumed to be from a competent court, and a writ of habeas corpus cannot serve as a substitute for Family or executing Court jurisdiction. As the petitioner already challenged the order in the U.S. appellate court, the writ petition was deemed unsustainable.

SUSHMA VS STATE NCT OF DELHI [W.P.(CRL)-94/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A writ petition was filed seeking the production of a missing minor daughter. The police made various attempts to locate her, including issuing wireless messages, checking databases, contacting media outlets, and conducting raids, but found no leads. Police officials are required to submit monthly status reports to the Metropolitan Magistrate, and the case will be transferred to the Anti-Human Trafficking Unit, which must also submit status reports.

TAIMOOR KHAN @ BHOLA @ TAMOOR VS UNION OF INDIA & ANR. [W.P.(CRL)-1343/2023]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The detention order against Taimoor Khan was quashed due to insufficient material and compelling reasons from the detaining authority, particularly noting the extended custody of over 15 months. The authority failed to adequately address the likelihood of Khan being released on bail and engaging in prejudicial activities. Additionally, the lengthy delay of over 15 months between the alleged activities and the order was not satisfactorily justified. Khan was directed to be released from the detention center unless held for other reasons.

TAPASI VS THE STATE NCT OF DELHI & ANR. [W.P.(CRL)-608/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

A writ petition was filed for the recovery of a missing minor daughter. She was located in West Bengal and reported incidents of sexual assault by a juvenile and molestation by her stepfather. Following her statement and a medical examination, the FIR was updated to include charges of sexual assault, kidnapping, and offenses under the POCSO Act. The juvenile was apprehended and brought before the Juvenile Justice Board. The victim's statement was to be recorded under Section 164 Cr.P.C., and her custody was to be decided by the Child Welfare Committee due to the allegations against her stepfather.

TASLEEM VS GOVT. OF NCT DELHI & ANR. [W.P.(CRL)-755/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The petitioner's daughter, Anam, is a major and has married Mohd. Yasir willingly. She expressed a desire to live with her husband, prompting instructions for the police to ensure her safe return to their residence. It was stated that the parents and relatives should not disrupt the couple's matrimonial life.

TULSI VS STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-825/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

In a writ petition, custody of a missing minor daughter was directed to be handed over to her parents after her statement was recorded. The 17-year-old expressed a desire to return to her parents, who agreed to accept her. The petition was disposed of upon the recovery of the minor and the decision to reunite her with her parents.

UDAY NARAYAN SINGH VS GOVT. OF N.C.T. OF DELHI AND ORS [W.P.(CRL)-1408/2022]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The habeas corpus petition seeking the production of a missing son was dismissed. The police conducted extensive efforts to locate the missing person, including issuing wireless messages, posting information on ZIPNET, publishing details in newspapers, and questioning individuals named by the petitioner, yet no clues were found. The police were instructed to continue the investigation, provide monthly status reports to the Metropolitan Magistrate, and update the petitioner immediately if any information about the son was discovered.

USHA VS STATE OF NCT OF DELHI [W.P.(CRL)-752/2024]

Judges: Justice Manoj Jain, Justice Suresh Kumar Kait

The writ of habeas corpus filed by a mother for her missing daughter, Miss K, was disposed of after it was revealed that the daughter voluntarily went to Vrindavan with a friend and returned to the police station without any signs of foul play. Following interactions with both the daughter and her parents, she expressed a desire to return home, and the parents were willing to accept her. Custody of the daughter was directed to be handed over to the mother after recording her statement under Section 164 of the Criminal Procedure Code.

VAKIL MAHTO AND ANR VS THE STATE (GOVT. OF NCT OF DELHI) AND OTHERS [W.P.(CRL)-1155/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The petition for a writ of habeas corpus regarding the petitioners' father was dismissed due to misuse of judicial process. The father, who had married twice, suffered a paralysis attack and was taken by his second wife to her home, leading to a dispute. There was no evidence of illegal detention, and the second marriage occurred in 1997. The petition was deemed a waste of public time, with a cost of Rs. 10,000 ordered to be paid to 'Nirmal Chaya' for the welfare of destitute children.

VIJAY LAKSHMI SAHU VS THE STATE OF NCT OF DELHI & ANR. [W.P.(CRL)-982/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
Custody of the younger child remains with the mother until a competent court issues a contrary order. The father cannot take custody without legal authority, as he is a natural guardian. Both parties are allowed to seek custody or visitation through appropriate legal channels, with the understanding that the issue will be decided based on the law without bias from this statement.

VIKASH KUMAR SINGH VS THE STATE OF NCT OF DELHI & ORS. [W.P.(CRL)-305/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
A habeas corpus writ petition seeking the production of a 23-year-old partner was dismissed. The partner had voluntarily ended the relationship for personal and career reasons and clarified that a message sent to the petitioner was based on an erroneous assumption. The circumstances indicated that no further action was necessary, with a caution issued to both parties' families to avoid any interference in their lives.

YASMIN VS STATE (NCT OF DELHI) [W.P.(CRL)-1489/2021]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
A writ petition was filed for the production of a missing 14-year-old boy, prompting the registration of an FIR for kidnapping. Despite police efforts, searches were unsuccessful. Monthly status reports are to be submitted by police officials to a Metropolitan Magistrate and shared with the petitioner's counsel. The case has been transferred to the Anti-Human Trafficking Unit, which will also provide status updates. Any leads regarding the missing boy are to be communicated to the petitioner immediately.

YUGAL KISHOR VS COMMISSIONER OF POLICE & ORS. [W.P.(CRL)-610/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The writ petition seeking the production of a missing minor child was dismissed. Police efforts to locate the child included issuing wireless messages, uploading information on Zipnet, and notifying various agencies, but the child remained untraced. A monthly status report is required from the police to the concerned Metropolitan Magistrate, with a copy to the petitioner. The case will be transferred to the Anti-Human Trafficking Unit (AHTU), which is also tasked with filing status reports. The child is to be produced before the Metropolitan Magistrate upon her rescue.

M VS STATE NCT OF DELHI AND ANR [W.P.(CRL)-26/2024]
Judges: Justice Manoj Jain, Justice Suresh Kumar Kait
The petitioner's writ of habeas corpus was dismissed, as the 3.5-month-old child is with the petitioner's husband, the natural guardian, and there was no evidence of illegal detention. The parties were advised to approach the family court due to existing matrimonial discord.

DELHI TRANSPORT CORPORATION VS SH. SURESH KUMAR [W.P.(C)-614/2023]

Judges: Justice Mini Pushkarna, Justice V. Kameswar Rao

The decision of the Delhi Transport Corporation (DTC) to grant the 2nd Assured Career Progression (ACP) to Suresh Kumar on September 1, 2010, and re-fix his salary was upheld. The deferment of the 1st ACP to September 1, 2005, due to adverse remarks in his Annual Confidential Report (ACR) for 2001 was deemed justified, leading to the deferment of the 2nd ACP. Suresh Kumar was not entitled to the 3rd Meritorious ACP (MACP) on September 1, 2010, as he received a promotion to Assistant Cashier in 2011, which disqualifies him from the MACP scheme intended for those without promotions.

AMRIT LAL YADAV & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-17008/2024]

Judges: Justice Navin Chawla, Justice Ravinder Dudeja

The petitioners' request for monetary benefits and arrears related to a previous judgment must be considered by the respondents within 8 weeks. No opinion on the merits of the case has been provided. If the representation is accepted, respondents are required to release arrears for the 3 years prior to the current petition. If rejected, the petitioners may pursue legal action.

ANIL KUMAR VS UNION OF INDIA [W.P.(C)-16968/2024]

Judges: Justice Navin Chawla, Justice Ravinder Dudeja

The petitioner's request for retrospective seniority and notional pay fixation from the 2011 batch was not granted, as an earlier order from the High Court of Rajasthan did not provide for such relief. The appropriate course of action for the petitioner is to approach the High Court of Rajasthan for the desired relief. The petition was disposed of, allowing the petitioner the option to seek recourse in Rajasthan.

GOPINATHAN T K VS MUNICIPAL CORPORATION OF DELHI [W.P.(C)-16954/2024]

Judges: Justice Navin Chawla, Justice Ravinder Dudeja

The petitioner must first approach the Central Administrative Tribunal to request interest on delayed retirement dues from the Municipal Corporation of Delhi. The prior CAT order did not include a directive for interest, making it inappropriate to impose this in later contempt proceedings. The petitioner has four weeks to file an application with the CAT for this interest claim.

PRANAV KUMAR VS UNION OF INDIA THROUGH MINISTRY OF RAILWAYS & ORS. [W.P.(C)-16964/2024]

Judges: Justice Navin Chawla, Justice Ravinder Dudeja

A petition by Pranav Kumar challenged the Charge Memo dated 31.03.2023 and sought to quash the inquiry proceedings. The key issue was the delay by the Disciplinary Authority in making a decision on the inquiry report despite multiple representations from the petitioner. The respondents (Union of India through Ministry of Railways) were directed to reach a final decision on the disciplinary proceedings within 6 weeks and communicate the order to the petitioner. If the decision is adverse to the petitioner, he retains the right to challenge it legally.

UNION OF INDIA & ORS. VS LT. COL. MANVIR SHARMA RETD. [W.P.(C)-17001/2024]

Judges: Justice Navin Chawla, Justice Ravinder Dudeja

Disability pension was granted to Lt Col Manvir Sharma (Retd.) for Recurrent Acute Pancreatitis, as previous medical boards confirmed the disability was aggravated by military service. The demand for pension calculation and release was supported, while the rejection of claims for Diabetes Mellitus and Primary Hypertension raised concerns about vexatious conduct.

UNION OF INDIA AND ORS VS EX SGT ANIL SHARMA (RETD) [W.P.(C)-16938/2024]

Judges: Justice Navin Chawla, Justice Ravinder Dudeja

The decision to grant a disability pension at 50% for life to Ex SGT Anil Sharma (Retd) for Type II Diabetes Mellitus was upheld. The disability was attributed to the stress and strain of military service, despite a medical board's opinion that the condition was constitutional. The challenge to this decision from the Union of India and others was rejected.

YADAV EXHIBITORS (P) LIMITED VS KARUR VYSYA BANK LIMITED [RFA(COMM)-530/2024]

Judges: Justice Navin Chawla, Justice Ravinder Dudeja

The appeal by Yadav Exhibitors (P) Limited against the dismissal of its counter-claim and Karur Vysya Bank Limited's suit was dismissed due to a lack of merit in its applications for condonation of delay in filing and re-filing the appeal. Justifications regarding the age and ailments of the authorized director were deemed unconvincing. The appellant's awareness of the respondent's appeal listing, along with its failure to timely file its own appeal, contributed to the dismissal based on both delay and limitation issues.

ABHIJIT SINGH VS UNION OF INDIA & ORS. [W.P.(C)-16151/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents must consider the petitioner's case for a disability pension based on medical evidence, including a diagnosis of Diabetes Mellitus Type-2 and psychosomatic disorders during service, and make a decision within eight weeks. If granted, the pension should be effective from the date of the petitioner's invalidation from service, with the option to challenge any negative decision according to the law.

ABHISHEK SUHANE VS UNION OF INDIA & ORS. [W.P.(C)-16480/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

A petition by Abhishek Suhane sought permission to retain his residential accommodation for three years following his transfer, despite the removal of West-Champaran District from the Security Related Expenditure Scheme. The claim was considered to lack merit under current policy, but the change in district status occurred after the transfer. Adequate time was to be provided for the petitioner to arrange alternate accommodation. Consideration of the petitioner's representation for retention of the quarter was directed within four weeks, with a two-week hold on any adverse decision to allow for legal remedies. Observations made were only preliminary and not binding on the decision regarding the representation.

ACHKAN ARVIND PRIYADARSHI MEENA VS UNION OF INDIA & ORS. [W.P.(C)-12005/2019]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The order rejecting the petitioner's representation against adverse remarks in the Annual Performance Appraisal Report (APAR) for 2014-2015 was set aside due to improper communication of the remarks, which were not highlighted as required by the guidelines. The absence of prior written advisories from the Reporting Officer before recording the remarks was noted. The case for the grant of Senior Time Scale and promotion must be reconsidered without treating the APAR remarks as adverse, and the petitioner is entitled to all consequential benefits. The strict rule on timely representation against the APAR was not applicable as the petitioner was not adequately informed about the nature of the remarks.

AISHWARYA AGRIPROCESSORS PVT LTD AND ANR VS SRI AISHWARYA FOOD INDUSTRIES PVT LTD AND ANR [FAO (COMM)-246/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The appeal by Aishwarya Agriprocessors Pvt Ltd and another resulted in the reversal of an ad-interim ex-parte order that restrained them from using the mark 'Aishwarya/Aiswarya.' The subsequent dismissal of their application to vacate the order was set aside, and the matter was remanded for fresh consideration. The suit was ordered to be transferred to another Commercial Court, and costs for the delay in filing the written statement were waived. No opinion was expressed on the merits of the case.

AJAY BISHT VS UNION OF INDIA & ORS. [W.P.(C)-12088/2022]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Ajay Bisht's writ petition was dismissed as not maintainable. The petitioner had previously filed a similar petition, which was withdrawn without the option to refile. The withdrawal was not due to technical defects but because relief was not granted. The current petition was dismissed due to the lack of liberty to file a fresh petition after the earlier withdrawal.

AJAY DARSHAN BEHERA VS JAMIA MILLIA ISLAMIA [W.P.(C)-15618/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Statute 37 of the Jamia Millia Islamia Act, 1988, governing the removal of teachers, complies with Articles 14 and 16 of the Constitution of India as it incorporates principles of natural justice, ensuring a reasonable opportunity for teachers to respond to proposed actions. The petitions for quashing warnings and reinstatement are not addressed, with the suggestion that these matters be pursued in a separate petition. No comments on the maintainability or merits of such a petition were provided due to the prior withdrawal of a similar writ by the petitioner.

AMIT DHAKA VS UNION OF INDIA AND ORS [W.P.(C)-17741/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The order invalidating Amit Dhaka from government service on medical grounds was set aside. Consideration was not given to whether he could be accommodated in suitable work despite his disability of amputation above the knee. The matter was remanded for re-examination, including the petitioner's claims. The medical board's categorization of his condition remained unchallenged.

AMIT KUMAR GUPTA VS UNION OF INDIA AND ORS. [W.P.(C)-8090/2018]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition challenging the adverse remarks and grading in the Annual Performance Appraisal Reports (APARs) for the years 2012-13 and 2013-14 was dismissed. The petitioner did not demonstrate a reasonable likelihood of bias from the Initiating Officer, despite alleging bias due to reporting irregularities. The Reviewing and Accepting Officers supported the Initiating Officer's remarks, with no bias allegations against them. Principles of fair reporting and the opportunity for correction were noted, but the petitioner's claims did not substantiate bias, leading to the dismissal.

AMIT SHARMA VS UNION OF INDIA AND ORS [W.P.(C)-16837/2022]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition challenging the initiation of disciplinary proceedings and attachment order against the petitioner was dismissed. Disciplinary action was directed due to unauthorized claims for House Rent Allowance during the petitioner's posting at the 93rd Battalion of the Border Security Force. The assessment of the petitioner's guilt is reserved for the departmental inquiry, and allegations of mala fide were not substantiated as an inquiry was also initiated against another officer involved. No further comments were made to avoid influencing the ongoing inquiry.

ANAND SINGH PANWAR AND ORS VS UNION OF INDIA & ORS. [W.P.(C)-1784/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Punjab and Haryana High Court directed the grant of replacement pay scale benefits according to the 5th CPC recommendations to Border Security Force personnel from 01.01.1996. The refusal to extend these benefits to similarly placed individuals in other Central Armed Police Forces lacks justification, especially since the benefits were already given to personnel in another CAPF. Consequently, the respondents are required to provide the replacement scales to the petitioners effective from 01.01.1996, with consequential arrears limited to three years prior to the filing of the writ petitions. The decision references a related prior judgment concerning similar issues.

ANIL SINGLA ALIAS ANIL KUMAR & ORS VS M/S KWALITY FOOD PRODUCTS [FAO(OS) (COMM)-294/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The appeal challenging the interim injunction in a trademark infringement case was dismissed due to the appellants' concealment of forged and fabricated invoices. These invoices were found to be prima facie inconsistent with those submitted to the GST department. The appellants approached the court with unclean hands and were deemed ineligible for a hearing. Costs of Rs. 50,000 were imposed to be deposited with the Delhi High Court Advocates' Welfare Fund.

ANKUSH MAAN VS UNION OF INDIA & ANR. [W.P.(C)-17413/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Ankush Maan was overcharged Rs. 1,63,526/- for training costs following his resignation from the position of Sub Inspector (General Duty). A refund of this amount is required within 4 weeks. For the remaining claimed amount, the respondents must provide their own calculation to Maan within the same timeframe, allowing Maan the option to revive his petition if unsatisfied with the calculation.

ANUJ KUMAR VS UNION OF INDIA & ANR. [W.P.(C)-15001/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner is to be re-examined by an independent three-member medical board at the Army Hospital (R&R), New Delhi, within two weeks. There may have been an error in the previous assessments declaring the petitioner medically unfit due to hypertension. The decision of the independent medical board will be binding on both parties. This pertains to an individual petition.

ANURAAG JASRAAJ SINGH VS UNION OF INDIA & ORS. [W.P.(C)-16533/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner's challenge to the penalty of Censure was validated, as a prior ruling deemed there was no justifiable ground for the Disciplinary Authority's action. Respondents are required to make a final decision on opening the sealed cover of the petitioner's promotion to Superintendent Engineer (Civil) for the 2014-15 panel year within four weeks and implement the necessary orders. Further DPC proceedings for the Chief Engineer (Civil) position are stayed until the sealed cover decision is implemented.

ANURAG RAJPAL VS TANGERINE DIGITAL ENTERTAINMENT PVT. LTD. & ANR. [EFA(OS) (COMM)-13/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Tangerine Digital Entertainment Pvt. Ltd. and another were removed from the Execution Petition filed by Anurag Rajpal to enforce an arbitral award, as they were not parties to the arbitration proceedings and the award did not impose any liability on them. The Judgment Debtor, TTN Ventures Pte Ltd., had also been previously deleted from the Execution Petition.

VIKESH KUMAR SINGH VS DIRECTOR GENERAL CENTRAL INDUSTRIAL SECURITY FORCE AND ORS. [W.P.(C)-13734/2019]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The punishment of "removal from service" given to CISF constables was found to be disproportionate and discriminatory when compared to the "severe reprimand" received by co-accused ITBP personnel involved in the same incident. The principle of parity among co-delinquents was highlighted, leading to the cancellation of the removal orders. The petitioners were directed to be reinstated in service immediately but without any consequential benefits or back wages.

ASHISH KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-16154/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

A re-measurement of the petitioner's height at the Central Armed Police Forces Referral Hospital in Noida is to be conducted, following the petitioner's claim of meeting height standards in a previous recruitment. The guidelines allow for rounding up heights at 0.5 cm and above. If the re-measurement deems the petitioner fit, participation in the further recruitment process will be permitted, while an unfit status will allow for legal remedies.

ASHOK KUMAR & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-15492/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Respondents are required to consider the petitions from Sube Singh & Ors. and Ashok Kumar & Ors. as representations and decide within 12 weeks, following the precedent set in Ajit Singh & Anr. v. Union of India & Anr. No opinion on the petitions' merits has been expressed. If the petitioners qualify for relief, it is limited to the three years preceding the writ petitions' filing. If claims are rejected, petitioners will receive a reasoned order and can challenge it legally. The matter appears to involve multiple related petitions.

ASHOK KUMAR SHARMA VS UNION OF INDIA [W.P.(C)-17598/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The order of the Central Administrative Tribunal dismissing the petitioner's challenge to his recall from the Consulate General of India in Birgunj to New Delhi was upheld. The Ministry of External Affairs properly exercised its powers under the relevant rules to recall the petitioner, who had liver cirrhosis and kidney disease, based on medical advice for necessary treatment unavailable in Birgunj. No infirmity or mala fide in the government's decision was observed.

ASST COMDT AMIT ANAND PANDEY VS UNION OF INDIA & ANR. [W.P.(C)-9515/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Amit Anand Pandey challenged the inquiry proceedings and proposed dismissal from service, but the petition was deemed premature since the competent authority had not yet made a final decision. There was no evidence to support claims of bias against the respondents. Relevant documents must be provided to the petitioner within two weeks, allowing him to submit further representation, which will be considered in the final decision. No comments were made regarding the merits of the allegations or the reasons for the petitioner's overstay.

ATESH SHARMA VS UNION OF INDIA & ORS. [W.P.(C)-9867/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition challenging the medical examination results, which declared the petitioner unfit for appointment as a Sub-Inspector in the Delhi Police and Central Armed Police Forces Examination 2022 due to the presence of an incomplete left cervical rib and absence of the 12th rib, was dismissed. Medical standards for armed forces require stricter criteria than civilian posts, and the medical board's opinion, which noted that the absence of the 12th rib is a congenital anomaly potentially leading to chronic pain and affecting performance, was deemed significant.

AUTAR SINGH VS UNION OF INDIA AND ORS. [W.P.(C)-2393/2018]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

A retired Border Security Force Inspector filed a writ petition regarding the reception of his annual increment despite retiring on the last day of the month. The petitioner's claim had been previously decided in his favor in a related judgment, but an interim order from the Supreme Court placed restrictions on this implementation. The respondents were directed to issue a reasoned order considering the petitioner's claims and to address his entitlement to payment of arrears of the 3rd ACP.

AYUSH DUBEY VS UNION OF INDIA & ORS. [W.P.(C)-15619/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The reports from the Detailed Medical Examination and Review Medical Examination that deemed the petitioner medically unfit for the post of Constable (General Duty) were set aside. An examination by Army Hospital (R&R), Delhi, classified the petitioner as "Fit in ENT for Tympanic membrane Perforation – Lt Ear" with normal hearing. The respondents are directed to process the petitioner's appointment in accordance with the recruitment advertisement and lawful procedures.

AZAD SINGH VS UNION OF INDIA AND ORS [W.P.(C)-14403/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition challenging the transfer order was dismissed due to lack of merit in the allegations. The claim of threat perception was deemed vague and unacceptable, particularly since the incident in question occurred six years prior. A transfer in the exigency of service cannot be obstructed based on such ambiguous claims.

BARLA HEMANTH KUMAR VS UNION OF INDIA AND ANR [W.P.(C)-17229/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition challenging the Review Medical Examination Board's decision declaring the petitioner unfit for the Assistant Sub-Inspector (ASI) post due to 'VARICOSE VEINS' in the left thigh was dismissed. Being declared 'Shape-I' fit in the Annual Medical Examination does not ensure medical fitness for a promotional post through the Limited Departmental Competitive Examination (LDCE). The independent detailed medical examination conducted during the LDCE selection process confirmed the petitioner's unfitness.

BARUN KUMAR & ORS. VS SASHASTRA SEEMA BAL & ANR. [W.P.(C)-15424/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Sashastra Seema Bal must consider a petition from Second-in-Command (GD) officers for promotion to Commandant (GD) for a 2025 vacancy, as they are entitled to be considered alongside their juniors per the relevant Recruitment Rules. A decision on the petition should be made within 4 weeks and communicated to the petitioners, who retain the right to challenge the outcome if dissatisfied.

BHELAVE ARVIND MALCHANDRA VS UNION OF INDIA & ORS. [W.P.(C)-15090/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents, including the Union of India, must consider the petitioner's request regarding entitlement to a disability pension in addition to the existing invalidity pension due to 90% disability from Schizophrenia attributed to service. A decision should be made within 12 weeks. If the claim is validated, the Pension Payment Order will be modified, and the petitioner will receive arrears. The petitioner can challenge any adverse final decision.

BHOLA PRASAD SHUKLA VS UNION OF INDIA & ORS. [W.P.(C)-17948/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition by Bhola Prasad Shukla challenging the demand for penal rent for unauthorized occupancy of government accommodation was dismissed. The petitioner had received an extension to retain the accommodation until 31.08.2023 but did not make alternate arrangements and was denied a further extension. The demand for penal rent was deemed valid and in accordance with regulations. Claims for House Rent Allowance (HRA) or Compensation in Lieu of Quarter (CILQ) were not addressed in this petition and could be pursued separately.

BIMLESH KUMAR NEGI & ANR. VS UNION OF INDIA & ANR. [W.P.(C)-9836/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The proceedings and findings of the Court of Inquiry (COI) conducted by the Indo Tibetan Border Police (ITBP) were set aside due to violations of mandatory provisions and procedural irregularities. Subsequent orders from the Inspector General and Deputy Inspector General based on the COI's findings were quashed, and a refund of amounts recovered from the petitioners was mandated within four weeks. The major grievances of the petitioners had been addressed by a prior order from the Director General, leaving no further issues in the petitions.

BRAJENDRA KUMAR VS UNION OF INDIA AND ORS. [W.P.(C)-15903/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition was dismissed due to lack of territorial jurisdiction, as all relevant authorities and the cause of action were outside Delhi. The petitioner was not a resident of Delhi, and the presence of the Director of Accounts, CRPF, in New Delhi was insufficient to establish jurisdiction. The petitioner has the option to pursue remedies in the appropriate court.

CHAIN SINGH VS UNION OF INDIA AND ORS [W.P.(C)-15543/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents are to consider the petitioner's representation against his transfer order within two weeks, without commentary on the merits of the case. The respondents previously granted an interview to the petitioner, and no interim order against the transfer has been issued.

CHANCHAL SINGH VS UNION OF INDIA AND ORS. [W.P.(C)-14979/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents are required to evaluate the petitioner's claim for a due increment within 8 weeks, considering a relevant Supreme Court decision. The respondents did not object and had previously issued an Office Memorandum to implement a related interim order. The petitioner is allowed to pursue further legal action if dissatisfied with the outcome.

CHANDER KANTA VS GYANESH BHARTI COMMISSIONER MCD AND ORS. [CONT.APP.(C)-26/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The appeal filed by Chander Kanta challenging orders in a contempt petition is not maintainable, as there was no finding of contempt against her and she was the petitioner in the original case. The appeal and pending application were disposed of as not maintainable, while allowing the appellant to pursue other legal remedies.

CONST SHISHUPAL SINGH VS UNION OF INDIA AND ORS. [W.P.(C)-16316/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

A petition by Const Shishupal Singh regarding his transfer from New Delhi to Gandhidham, Gujarat, was acknowledged, emphasizing his ongoing treatment for Chronic Lung Cancer at AIIMS, New Delhi. Respondents were instructed to consider his representation and issue a speaking order within three weeks. The transfer order will not be enforced for at least one week if the decision is adverse to Singh.

DEEN BANDHU SHARMA VS UNION OF INDIA THROUGH THE SECRETARY, MINISTRY OF HOME AFFAIRS & ORS. [W.P.(C)-14563/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition filed by Deen Bandhu Sharma was addressed, directing the Union of India and others to consider the petitioner's claim for due increments in accordance with a Supreme Court decision and a clarificatory order. A reasoned order must be issued within 8 weeks, with the petitioner retaining the option to seek legal recourse if dissatisfied with the outcome.

DEEPAK YADAV VS UNION OF INDIA & ORS [W.P.(C)-9698/2019]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by Deepak Yadav challenging his non-selection for the Airmen post in 'Y' Group of the Indian Air Force was dismissed. The selection process adhered to the criteria established in the policy dated 12.09.2016. Despite Deepak meeting the cut-off marks, Ankur, who had higher educational qualifications, was selected as per the specified criteria. No issues were identified in the selection process.

DELHI POLICE & ANR. VS VIRENDRA SINGH & ANR. [W.P.(C)-14540/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by the Delhi Police seeking to overturn the Central Administrative Tribunal's order for a re-medical examination of Virendra Singh was dismissed. The lack of a specialist in the Detailed Medical Examination and Review Medical Examination panels necessitated a fresh assessment. The Review Medical Examination ignored the Dermatologist's opinion from Lok Nayak Hospital, who had deemed the respondent medically fit, without providing justification. The direction for a re-medical examination was upheld, with similar past petitions by the Delhi Police also dismissed.

DESHVIR SINGH VS UNION OF INDIA AND ORS [W.P.(C)-16421/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Deshvir Singh's writ petition regarding due increments has been addressed, directing the respondents to consider his claim based on a Supreme Court decision and a subsequent clarificatory order. The respondents have agreed to implement the interim order while retaining the ability to change their position. A reasoned order is to be issued within 8 weeks, and the petitioner retains the right to seek legal recourse if dissatisfied with the outcome.

DEVAKI NANDAN VS UNION OF INDIA AND ORS. [W.P.(C)-14883/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents are required to consider the petitioner's claim for a due increment within eight weeks, in line with a prior Supreme Court decision. There was no objection to this order, and if the petitioner is dissatisfied with the respondents' decision, legal recourse is available.

DHIRENDRA KUMAR PANDEY VS UNION OF INDIA & ORS. [W.P.(C)-15608/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Departmental Promotion Committee (DPC) improperly utilized the sealed cover procedure for the petitioner's promotion to Inspector (Ministerial) due to the absence of a charge sheet at the time of the DPC. Relevant guidelines from the Department of Personnel and Training (DoPT) prohibit the sealed cover procedure under such circumstances. The sealed cover containing the DPC's recommendations must be opened, and the petitioner's promotion case processed according to the law, ensuring all consequential benefits from the date of his batchmates' promotions.

DISTRICT COLLECTOR VS BALDEV SINGH & ORS. [CONT.APP.(C)-18/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The appeal filed by the District Collector was dismissed as it is maintainable only against an order imposing punishment for contempt, not against other orders in contempt proceedings. The District Collector has not been found guilty of contempt or punished, making the appeal premature.

DR BRAJESH KUMAR VS SASHASTRA SEEMA BAL AND ANR [W.P.(C)-12346/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The punishment of 'Forfeiture of service for the purpose of promotion for one year' awarded to Dr. Brajesh Kumar is to be counted from the date he was due for promotion to Commandant (Medical) in Level-13 of the Pay Matrix, which is 20.02.2020, rather than from the order date of 16.11.2021. The order dated 27.03.2023 is set aside, and Dr. Kumar is to be granted the rank of Commandant (Medical) in Level-13 of the Pay Matrix effective from 20.02.2021.

DR DEEPOK GOGOI VS UNION OF INDIA [W.P.(C)-16709/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Union of India is required to consider Dr. Deepok Gogoi's representation against the Court of Inquiry report dated 14.02.2023 and issue a speaking order within 8 weeks. There is no opinion on the merits of either the report or the representation, leaving the decision to the Union in accordance with the law.

DR. PUSHPANJALI OJHA VS UNION OF INDIA & ORS. [W.P.(C)-9876/2020]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner challenged the decision declaring her medically unfit for a clinical hematology super specialty course, having previously cleared the medical examination. Discrepancies in medical documents were noted, and the respondents were directed to produce original documents. Due to the passage of over four years since the admission process, and the completion of the course, the matter was disposed of without addressing the amended medical report controversy.

DULAR CHAND PRASAD VS UNION OF INDIA AND ORS [W.P.(C)-4768/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by Dular Chand Prasad challenging the downgrading of his Annual Performance Assessment Report (APAR) from "very good" to "good" and the subsequent declaration of unfitness for the 3rd financial upgradation under the Modified Assured Career Progression Scheme (MACP) was dismissed. The Reviewing Officer downgraded the APAR without any evidence of mala fide intent. Although Prasad claimed late communication of the APAR, the competent authority found no reasons to doubt its timely communication as per policy. Previous recognitions such as "Best Worker" and Commendation Certificates were deemed irrelevant to the current APAR assessment. There was no basis to interfere with the employer’s evaluation of Prasad’s work for the relevant period.

ELDER ORGICHEM PVT LTD VS ELDER PRROJECT LTD [FAO(OS) (COMM)-293/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The ad-interim ex-parte injunction order favoring Elder Project Ltd. against Elder Orgichem Pvt. Ltd. was set aside due to the respondent's alleged concealment of important facts. The matter was directed for fresh consideration, allowing the appellant to highlight the concealment during the hearing.

EX CT /DVR JITENDER KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-9102/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition challenging dismissal from service was dismissed. The departmental inquiry included charges of absconding from the Police Line, traveling in a truck with illegal liquor, and tarnishing the force's image. The first charge was independent of the liquor offense, and the acquittal in the criminal trial did not impact the departmental proceedings. The petitioner had exhausted statutory remedies, and reopening the case based solely on the acquittal lacked merit.

EX CT HARDAYAL YADAV VS UNION OF INDIA AND ORS. [W.P.(C)-11059/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition by a former BSF personnel for disability and extraordinary pension was dismissed as time-barred after 44 years. The absence of medical records hindered the establishment of a causal link between the disability and service conditions, which is necessary for eligibility under the CCS (EOP) Rules. The determination of the disability's attributability to service lies with medical boards, and interference with their findings requires evidence of arbitrariness or procedural irregularity, neither of which was present. Consequently, the request for relief could not be granted due to the lack of supporting medical documentation.

EX CT./DCPO SUNIL KUMAR VS UNION OF INDIA & OTHERS [W.P.(C)-11715/2021]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by an ex-Constable challenging his termination and request for invalid pension was dismissed. The ex-Constable was appointed on a probationary basis in 2013, and his 90% physical impairment was not discovered at that time. His medical condition was not linked to his short service, and he had taken significant leave. As he had not yet been confirmed in service, the government's Office Memorandum on invalid pensions did not apply. The decision to terminate his services was upheld based on these factors.

EX HAV CHETTAR PAL VS UNION OF INDIA AND ORS [W.P.(C)-16285/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by Ex Hav Chettar Pal challenging the rejection of his promotion to Naib Subedar was dismissed. The decision noted that the petitioner became over-age at 44, and the promotion opportunity arose only after he became ineligible due to an Army Ordnance Corps Records rationalization scheme.

EX HC GD BANSHI DHAR VS UNION OF INDIA AND OTHERS [W.P.(C)-1548/2022]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner, a former CRPF officer, is entitled to receive the Fixed Medical Allowance (FMA) for the period from 01.08.1998 to 31.03.2019 due to lack of information about the option form required for FMA at retirement. The respondents did not deny that they failed to provide this information. It was confirmed that the petitioner did not submit the option form or receive a CGHS card during that period. The respondents are directed to release the FMA for the specified duration, with a provision for recovery if it is later determined that the petitioner had a CGHS card or used CGHS facilities.

EX JWO NETRA PAL SINGH VS UNION OF INDIA AND ORS [W.P.(C)-17217/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision of the Armed Forces Tribunal to limit the relief of arrears of revised pension for Ex JWO Netra Pal Singh to a period of three years prior to the filing of the Original Application was upheld. This limitation aligns with established guidelines concerning delays in filing petitions, which restrict relief to three years prior to the application or the date of demand, whichever is lesser. The challenge to the Tribunal's decision was dismissed.

EX SWR ROHTASH SINGH VS UNION OF INDIA AND ORS [W.P.(C)-16192/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Petitions filed by two former army personnel challenging the dismissal of their applications due to delay were allowed. The Armed Forces Tribunal had cited a 37-year and 32-year delay and the destruction of service records under Army regulations. It was noted that delay cannot be the sole ground for dismissal in pension-related cases. The previous orders were set aside, restoring the original applications for consideration on their merits, with the requirement that the petitioners establish their entitlement. Claims were not adjudicated on their merits due to the prior dismissal solely based on delay.

EX U/NVK (ME) PRAVINDERA SHARMA VS UNION OF INDIA AND ORS. [W.P.(C)-521/2020]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner is entitled to Disability Pension due to a Recurrent Depressive Disorder and PIVD L4L5, both attributable to his service in the Indian Coast Guard. The respondents failed to adequately rebut the presumption of service connection for the first disability, which arose during the petitioner's service. The Disability Pension will be granted at 50% of the Composite Disability as assessed by the Medical Board, with interest at 8% per annum.

GAURAV DHAMA VS DIRECTOR GENERAL CENTRAL INDUSTRIAL SECURITY FORCE & ORS. [W.P.(C)-5560/2022]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition challenging a 2-day salary deduction for disobeying a lawful order was dismissed. The petitioner implicitly admitted to the charge, making a detailed inquiry unnecessary. The penalty was deemed proportionate and no interference was warranted.

GEDELA CHANDRA SEKHARA RAO VS UNION OF INDIA AND ANR [W.P.(C)-17242/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by Gedela Chandra Sekhara Rao challenging his 'unfit' designation for the Assistant Sub-Inspector position in the CISF was dismissed. The Review Medical Examination deemed him unfit due to tattoos on his left forearm and left chest. As a member of the Armed Forces, he was expected to be aware of guidelines prohibiting tattoos on the outer surface of the left forearm, which he disregarded. Consequently, he was not entitled to any relief.

GIRISH CHANDRA JOSHI VS UNION OF INDIA AND ORS [W.P.(C)-14815/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Girish Chandra Joshi filed a writ petition seeking an additional 5% House Rent Allowance (HRA) from January 2022 to June 2024, along with arrears and 18% interest. The petition is recognized as a representation to be decided by the respondents within 8 weeks. Should the petitioner be entitled to the HRA arrears, payment is required within 12 weeks. In case of a rejection, the petitioner must be provided with reasons and retains the right to challenge the decision. Additionally, the respondents have filed a review application regarding a related Supreme Court judgment cited by the petitioner.

GIRISH CHANDRA JOSHI VS UNION OF INDIA AND ORS. [W.P.(C)-14892/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Girish Chandra Joshi's claim for a due increment will be considered by the Union of India and others, taking into account the Supreme Court's decision in Director (Admn. & HR) KPTCL & Ors. versus C.P. Mundinamani & Ors. A reasoned order is to be issued within eight weeks, with Joshi having the option to pursue further legal action if dissatisfied with the outcome.

GIRRAJ PRASAD GURJAR VS UOI AND ORS [W.P.(C)-2757/2013]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents acted unlawfully by classifying the petitioner's absence from work as Non-Qualifying Service without proper notification, violating principles of natural justice. They were directed to issue appointment letters for the post of Sub-Inspector (GD) according to merit in the Limited Departmental Competitive Examination. Following a review petition, this direction was recalled as the petitioner did not make the merit list for the position, with the merit list's validity not being assessed. This matter involved multiple petitioners in connected cases.

GOPAL MOHAN ATRI VS UNION OF INDIA & ORS. [W.P.(C)-15281/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Respondents acted arbitrarily by partially expunging the box grading in the second confidential report while retaining figurative assessments, leading to the conclusion that the entire assessment should have been expunged. The decision to expunge the entire assessment in the third confidential report was deemed inconsistent with relevant guidelines, focusing only on the average variation without considering other factors. Orders regarding the second and third confidential reports were set aside, with a directive to consider consequential reliefs for the petitioner. No issues were found with the first confidential report.

GOVERNMENT OF NCT OF DELHI AND ANR VS MANISHA KHULBE [W.P.(C)-14367/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision of the Central Administrative Tribunal was upheld, requiring the Government of NCT of Delhi to place Manisha Khulbe in the higher Pay Band of Rs. 37,400-67,000 and to re-designate her as Associate Professor effective from 12.04.2013, in accordance with AICTE Regulations, 2010. The argument that Khulbe needed a Ph.D. for the Associate Professor position under AICTE Regulations, 2012, was rejected, as those regulations did not apply to her since she joined before 05.03.2010. She was deemed eligible for re-designation after completing 3 years as a Lecturer (Selection Grade).

GOVT OF NCT OF DELHI & ORS. VS SATYA VART [W.P.(C)-11751/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitions by the Government of NCT of Delhi and Delhi Police challenging the Central Administrative Tribunal's orders regarding the dismissal of Satya Vart and Pramod Kumar were disposed of. The reconsideration process must consider all principles applicable to disciplinary proceedings and the implications of the respondents' acquittal in concurrent criminal cases. No dissent or referral to a larger bench was indicated, and the matter was not part of a batch proceeding.

HANUMAN RAM & ORS VS UNION OF INDIA & ORS. [W.P.(C)-15917/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents are instructed to treat the petition as a representation against the order from 14.09.2024 regarding the recovery of alleged inadmissible Training Allowance awarded to the petitioners for the period of 01.04.2019 to 31.03.2023. The petitioners were unable to submit their representation within the stipulated 15-day period due to postings in remote locations and lack of legal knowledge. If the representation is decided in favor of the petitioners, the recovered amount must be refunded within 3 weeks. If the outcome is unfavorable, no recovery will occur for 2 weeks, allowing the petitioners to pursue legal remedies. No opinion has been given on the merits of the petition or the contested order.

HC/STEWARD GULSHAN KUMAR FORCE NO 119150096 & ORS. VS THE UNION OF INDIA & ORS. [W.P.(C)-13933/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition by CRPF personnel was disposed of, directing the respondents to consider the petitioners' representation and the impact of specific Supreme Court judgments during the ongoing cadre review for CRPF paramedical staff. There was no presumption regarding the consideration of past judgments, leaving examination of the petitioners' contentions to the Board of Officers overseeing the review.

IIDL (IFCI INFRASTRUCTURE DEVELOPMENT LTD) VS M/S SUBIR ENGINEERING WORKS (P) LTD. & ANR. [FAO(OS) (COMM)-229/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The appeal by IIDL challenging the Arbitral Award and the order of the learned Single Judge was dismissed. The liability for payment of Value Added Tax (VAT) rests with Subir Engineering Works (P) Ltd., not IIDL. The terms of the Letters of Intent (LOIs) from IIDL, which specified rates as exclusive of taxes, override the general contract terms. Interference with the findings of the Sole Arbitrator and the learned Single Judge was not warranted due to the limited scope of appeals under Section 37 of the Arbitration and Conciliation Act.

INSP MIN GAJENDRA KUMAR VS SANDEEP KULHARIA [CONT.CAS(C)-1348/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The effect of previous interim orders staying the operation of the Office Memorandum is that the respondent cannot require the petitioner to pay damages for retaining General Pool Residential Accommodation beyond the permissible period while processing the petitioner's application for regularization/upgradation. The respondent is directed to process the application and inform the petitioner of any damages sought, but payment is not mandatory for further implementation of the orders. There is no reason to suspect delays in considering the application.

INSP/GD JAGDISH PRASAD JAT VS UNION OF INDIA AND ORS [W.P.(C)-15532/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Insp/GD Jagdish Prasad Jat qualified for the post of Sub Inspector/GD in the CRPF through the LDCE in 2013. Initially rejected due to service record issues, he received an appointment letter effective from 28.03.2016. However, he was not granted the same pay and allowances as his batchmates from 2015 and 2016. The respondents must now treat his petition as a representation and issue a decision with a written explanation, considering prior similar judgments. The petitioner retains the right to pursue further legal remedies if unsatisfied with the outcome.

JAGPAL SINGH SHEKHAWAT VS UNION OF INDIA THROUGH SECRETARY MHA & ORS. [W.P.(C)-8999/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Jagpal Singh Shekhawat's writ petition regarding a claim for a due increment was disposed of with instructions for the respondents to consider the claim in light of relevant Supreme Court decisions and to issue a reasoned order within eight weeks. The respondents acknowledged the clarification from an Office Memorandum by the Department of Personnel & Training implementing the Supreme Court's orders.

JAGVINDER SINGH VS THE SECRETARY, MHA AND ORS. [W.P.(C)-47/2018]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The termination of the petitioner's service as a Constable (Driver) in the Sashastra Seema Bal was deemed unwarranted, as the alleged suppression of a minor criminal case, which resulted in acquittal, did not justify such a severe penalty. Relevant legal principles emphasize the need to assess the nature of the offense and whether there was deliberate suppression. The respondents did not adequately consider these principles and the specific circumstances of the case, leading to an arbitrary and disproportionate decision. The petitioner is to be reinstated with all consequential benefits, excluding the period of termination.

JAI SINGH SAHARAN AND ORS VS UNION OF INDIA AND ORS [W.P.(C)-6714/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents granted three annual increments to the petitioners, acknowledging their service until the age of 60 years. Consequently, the respondents must also provide other benefits, including the Modified Assured Career Progression (MACP) scheme. The petitioners should be considered to have remained in 'regular service' until age 60 for the purposes of the 3rd MACP, leading to modifications of their pensions.

JATIN KUMAR VS UNION OF INDIA [W.P.(C)-8589/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Jatin Kumar's petition for permission to participate in the documentation and medical test for the Sub Inspector (Communication) position was dismissed. The respondent informed Kumar of the test dates through SMS, email, and website updates. His failure to regularly check the website was noted, and the claim of not receiving notifications raised a disputed question of fact, unsuitable for resolution in this context. The petition and related applications were dismissed.

JEEWRAJ SINGH SHEKHAWAT VS UNION OF INDIA AND ORS [W.P.(C)-9018/2022]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner is entitled to retrospective seniority as Second-in-Command from the date of promotion of the immediate junior, due to delays not attributable to the petitioner. The department cannot deny promotions resulting from its own actions. Additionally, the petitioner should receive Non-Functional Financial Upgradation in the Junior Administrative Grade from the same date as the immediate junior, since he was similarly placed and his seniority in lower ranks was already recognized.

JIWAJI RAO VS UNION OF INDIA AND ORS [W.P.(C)-14433/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner, who is disabled, is entitled to receive the family pension. It was noted that the respondents may recover only the excess amount received by the petitioner after his mother's death, which can be adjusted against future pension payments. The respondents must treat the petition as a representation and make a decision within 8 weeks, ensuring that the petitioner receives his dues promptly without requiring him to deposit the excess amount first.

JUGENDRA VS UNION OF INIDIA AND ORS. [W.P.(C)-17522/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition challenging the medical reports declaring the petitioner unfit for the Physical Standard Test for various posts in the Central Armed Police Forces was dismissed due to lack of territorial jurisdiction. The recruitment advertisement specified the jurisdiction for any disputes, which the petitioner was bound by. The petitioner was granted the option to approach a competent court.

KALLA CHANDRASEKHAR VS INDIAN COAST GUARD & ORS. [W.P.(C)-14099/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The candidature of the petitioners for the Indian Coast Guard was wrongly rejected due to genuine mistakes in their documents, including the calculation of class 10th marks. The respondents are directed to verify the petitioners' documents and allow their admission into the next Induction Course, provided they meet subsequent formalities. Petitioners will not receive any salary for the intervening period. Balancing administrative difficulties against the need to correct genuine errors was considered.

KAMLA DEVI VS UNION OF INDIA & ANR. [W.P.(C)-15268/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner's writ petition for regular employment was dismissed due to a delay of 27 years without explanation. Even though some similarly placed candidates secured employment through legal means, the unexplained delay precluded any action under Article 226 of the Constitution.

KANHAIYA RAM VS UNION OF INDIA AND ORS [W.P.(C)-8748/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The transfer order of the petitioner, a Head Constable (GD) in the CISF, from ISP, Burnpur to DAE Zone II, Mumbai, was upheld. The competent authority must consider the petitioner's request for additional time to join the new posting due to a required operation and recovery, deciding within two weeks. This direction does not constitute a stay on the transfer order.

KARTHIK KUMAR A VS UNION OF INDIA & ORS. [W.P.(C)-17988/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition challenging disqualification from the post of Assistant Commandant (Group A) in the Central Armed Police Forces (CAPF) was dismissed based on the Revised uniform guidelines for recruitment medical examinations, which classify vitiligo as a ground for disqualification. The presence of different qualifications in other armed forces regarding vitiligo does not apply, as adherence to the specific advertisement and its conditions is required.

KUMAR SANJAY JHA VS UNION OF INDIA AND ORS [W.P.(C)-2699/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Confirming Authority's order for reconsideration of certain charges and the sentence by the General Security Force Court (GSFC) did not infringe the petitioner's right to submit a 'Pre-Confirmation Petition' under the Border Security Force Act and Rules. Previous judgments established that the Confirming Authority is not obligated to decide the Pre-Confirmation Petition before revising its powers. Rule 167(1) of the BSF Rules restates an existing remedy without establishing a separate right. The petitioner can submit a new Pre-Confirmation Petition after the GSFC issues its revised report. The Impugned Order was found to be without infirmity, leading to the dismissal of the petition.

LAC ARVIND KUMAR (SER NO. 962396-H) VS UNION OF INDIA AND ORS [W.P.(C)-17909/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision of the Armed Forces Tribunal to deny the petition for an interim order to continue service was upheld. The petitioner contested the Air Force Instructions allowing his discharge due to failure to clear the MOD-II examination and refusal to accept re-mustering. Rule 15(2)(e) of the Air Force Rules permits discharge of an inefficient airman unwilling to accept reduction or re-mustering, and the applicable 2019 policy was relevant to the case. The decision noted that a final determination on the show-cause notice issued to the petitioner had not yet been made.

LT COL S K JHA VS UNION OF INDIA THROUGH THE SECRETARY & ORS. [W.P.(C)-15678/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition filed by Lt Col S.K. Jha challenging the Armed Forces Tribunal's dismissal of his application regarding promotion denial and his Annual Confidentiality Report (ACR) was dismissed due to a delay of over a year in submission. The Tribunal had thoroughly considered the numerical grading and remarks in the ACR from the Initiating, Reviewing, and Accepting Officers. Although Jha alleged bias from the Initiating Officer, no claims were made against the other two officers. The inability to act as an appellate body for the Tribunal contributed to the dismissal of the petition.

M BALAN VS UNION OF INDIA & ORS. [W.P.(C)-15669/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Respondents must consider the petitioner's request for an additional Court of Inquiry regarding the incident that resulted in the petitioner's son's death and issue a speaking order within 12 weeks. No opinion on the merits of the petitioner's claim has been expressed, allowing the competent authority to decide based on the law.

M SAMUNDRA SINGH VS UNION OF INDIA & ORS. [W.P.(C)-5423/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner, an Inspector/GD in the Central Reserve Police Force (CRPF), is entitled to retrospective seniority and promotion to Assistant Commandant with all consequential benefits. The petitioner was in the SHAPE-I medical category during the relevant period but was not assigned to refresher courses. According to the CRPF's Standing Orders, the petitioner should have received retrospective seniority and promotion upon regaining the SHAPE-I medical category. The impugned orders denying these claims were set aside, and the respondents were directed to grant the retrospective seniority and promotion within 12 weeks, excluding back wages while allowing other consequential benefits.

MAHAVIR SINGH VS UNION OF INDIA AND ORS [W.P.(C)-2168/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner was granted a disability pension through a Pension Payment Order (PPO). The respondents are required to decide on the petitioner's claim for ex-gratia lumpsum compensation within 8 weeks, and if approved, to release the payment within 2 weeks. In case of rejection, the petitioner may challenge the decision as per the law.

MAHENDER SINGH VS UNION OF INDIA & ORS. [W.P.(C)-1660/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition by an Assistant Sub-Inspector in the CRPF challenging his basic pay, claiming it was less than that of his juniors, was dismissed. The basic pay was fixed correctly according to his chosen option under the Central Civil Services (Revised Pay) Rules, 2016. The petitioner did not revise his initial option in 2018, leading to the conclusion that there was no basis for rectifying his basic pay.

MAHENDRA SINGH GANGOLA VS UNION OF INDIA THROUGH SECRETARY & ORS. [W.P.(C)-16264/2024]
Judges: Justice Navin Chawla, Justice Shalinder Kaur
The respondents must consider the petitioner's claim for due increments based on a Supreme Court decision within eight weeks and issue a reasoned order. This action is taken without prejudice to their position or any changes in law. The petitioner may seek legal recourse if dissatisfied with the outcome.

MAHESH KUMAR SHARMA & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-14503/2024]
Judges: Justice Navin Chawla, Justice Shalinder Kaur
The petitioners' challenge to the recovery order regarding inadmissible training allowance will be treated as a representation. The respondents are required to issue a speaking order in response. If the decision is unfavorable to the petitioners, it will not have immediate effect, allowing them two weeks to pursue legal remedies. No opinion was expressed on the merits of the petition or the order.

MAJ GEN JITENDRA KUMAR SHUKLA VSM VS UNION OF INDIA & ORS. [W.P.(C)-12266/2023]
Judges: Justice Navin Chawla, Justice Shalinder Kaur
The order of the Armed Forces Tribunal dismissing the petitioner's challenge to his Annual Confidential Report (ACR) for the period from 01.07.2012 to 11.10.2012 was set aside due to a significant delay of 21 months between the hearing of arguments and the announcement of the order. The original application was restored, with an instruction for an expedited decision, free from the influence of the previously set aside order. No opinion was expressed on the merits of the petitioner's challenge to the ACR.

MAJ RETD DR RAJESH KUMAR BHARDWAJ VS UNION OF INDIA THROUGH ITS SECRETARY MINISTRY OF DEFENCE & ORS. [W.P.(C)-14446/2024]
Judges: Justice Navin Chawla, Justice Shalinder Kaur
The Armed Forces Tribunal erred in adjourning the petitioner's review application sine die due to a related issue pending before the Supreme Court. Adjudications should proceed based on existing law without waiting for outcomes from higher courts unless directed otherwise. The petitioner may request an early hearing of the review application, which must be considered without the influence of the Supreme Court's pending appeal.

MAJOR KAMLESH KUMAR NTS 17570M VS UNION OF INDIA, AND ORS [W.P.(C)-16260/2024]
Judges: Justice Navin Chawla, Justice Shalinder Kaur
The order of the Armed Forces Tribunal refusing to stay Major Kamlesh Kumar's release from service was upheld. The Tribunal had previously rejected his application for a permanent commission three times after reviewing his service profile and had ended his service extension. Granting relief at this stage would restore the previous status, which was not justified. The petitioner's Original Application is scheduled for final hearing on 12.12.2024, and if successful, he may be reinstated with benefits. It was requested that no adjournment be granted on that date and that the hearing proceed as planned.

MANOJ KUMAR & ORS. VS UNION OF INDIA & ANR. [W.P.(C)-16883/2024]
Judges: Justice Navin Chawla, Justice Shalinder Kaur
A petition challenged an order by the Inspector General of Police/Principal of the Central Training College, CRPF, regarding the recovery of alleged inadmissible training allowance. The petition is to be considered as a representation, requiring a decision via a speaking order. Timelines were established for refunding any deducted amounts if the outcome favors the petitioners, and the petitioners may pursue legal remedies if the decision is not in their favor. No opinion was expressed on the merits of the case or the order.

MANVIR SINGH VS UNION OF INDIA & ORS [W.P.(C)-11442/2016]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Manvir Singh, a former BSF constable, had his disability of "Bipolar Affective Disorder" recognized as attributable to his service. The medical board's conclusion lacked justification, especially since Singh had no pre-existing condition at enrollment and the disability emerged during his service. The burden of proof fell on the employer to demonstrate that the disability was not service-related. As a result, Singh's disability was assessed at 65%, rounded off to 75%, and he was to be granted a disability pension with benefits to be released within two months.

MINI STANLY VS UNION OF INDIA & ORS. [W.P.(C)-789/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

A female officer in the Central Reserve Police Force is entitled to the same promotional benefits as those in prior judgments. The Central Reserve Police Force failed to comply with earlier directives regarding the maintenance of a common seniority list for male and female officers selected through a common process. The respondents are directed to implement the principles established in the previous judgments regarding a combined seniority list for officers in the same post. This matter pertains to similar issues raised in related cases.

MOHD SALEEM KHAN VS STATE (GOVT OF DELHI) [CRL.A.-997/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The appellant's application for interim bail to take the NIOS theory examination was deemed unjustified because the NIOS informed that the examination center could be changed to Mandoli Jail upon request. The NIOS was directed to facilitate this change, and the appellant was instructed to pay the necessary charges. The appeal and pending application were disposed of as per the request of the appellant's counsel.

MOHIT YADAV VS UNION OF INDIA & ORS. [W.P.(C)-15616/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Mohit Yadav met the height and chest standards for the Sub-Inspector position in the Delhi Police and CAPFs Examination, 2024. The earlier result deeming him unfit was set aside, allowing him to participate in the remaining selection process, provided he qualifies otherwise. This decision is based on the specific facts of the case and is not intended as a precedent.

MOHSIN DEHLVI PROPRIETOR OF DEHLVI NATURALS VS SANA HERBALS PRIVATE LIMITED THROUGH ITS AUTHORIZED REPRESENTATIVE MR MOHD TAHIR [LPA-205/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The appeal against the order declining to consolidate connected matters was dismissed. No infirmity was found in the impugned order. The appellant's argument concerning the transfer of a rectification petition was noted as a matter to be addressed according to the law. The appeal was disposed of without separate judgments.

MONALISA MOHANTY VS UNION OF INDIA AND ORS [W.P.(C)-17414/2022]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents agreed to re-fix the petitioner's seniority and established a Special Screening Committee to report within three weeks. The petitioner was informed that the current Assistant Commandant Promotional Course had commenced, but she would be included in the next course with her seniority protected. The petition was disposed of, with an option for the petitioner to revive it if unsatisfied with the Screening Committee's relief or if there is a delay in her detailment to the next course.

MONU SINGH VS UNION OF INDIA AND ORS [W.P.(C)-4087/2022]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents rejected the petitioner's candidature for the Constable (Crew) position in the BSF due to the incorrect experience certificate uploaded, as required by the advertisement. This rejection was deemed justified at the document verification stage, as allowing a new certificate would be unfair to other candidates rejected for the same reason or who did not apply due to ineligibility. The decision to reject the petitioner's application was based on adherence to the advertisement's requirements.

MR BISHNU PRATAP VS UOI THROUGH MINISTRY OF HOME AFFAIRS & ORS. [W.P.(C)-11083/2022]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The mere suppression of the fact that the petitioner was named as an accused in an FIR, despite subsequent acquittal, does not justify termination from service as a CISF constable. Authorities must evaluate the case's nature, the duties of the position, and the petitioner's overall suitability, avoiding arbitrary decisions. The termination orders were set aside, and reinstatement was ordered without back wages for the period of absence.

MR. JAGJEET SINGH BHALLA VS UNION OF INDIA [W.P.(C)-16465/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Mr. Jagjeet Singh Bhalla challenged the withdrawal of his Non-Functional Financial Upgradation (NFFU) benefit, which was granted on 21.10.2019 and later revoked on 06.01.2021 due to his failure to complete a mandatory Senior Officers Management Course (SOMC) Level-III for promotion from DIG to IG post 08.01.2009. Bhalla contended that he completed the SOMC Level-II course in 2003 and that the SOMC Level-III was not required after 08.01.2009. The respondent was directed to treat Bhalla's petition as a representation and decide the matter within six weeks, ensuring that if he is found eligible, the NFFU will be granted with retrospective effect, or a reasoned order will be provided if he is found ineligible.

MUNIPAL VS UNION OF INDIA AND ORS. [W.P.(C)-14211/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner, Munipal, sought increments based on a Supreme Court decision. The respondents were directed to consider his claim and issue a reasoned order within eight weeks, also acknowledging a clarificatory order from September 2024. The petitioner retained the option to pursue further legal action if dissatisfied with the outcome.

MUSTAQ AHMAD ANSARI VS UNION OF INDIA & ORS. [W.P.(C)-15170/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents are directed to consider the petitioner's request for a transfer from Jodhpur to New Delhi for treatment at AIIMS, New Delhi, as a representation and to make a decision within 8 weeks. All relevant factors, including the petitioner's medical record, must be taken into account. If the representation is rejected, the petitioner may challenge the decision in accordance with the law.

MWO PRASANNA KUMAR MOHAPATRA (RETD) VS UNION OF INDIA AND ORS. [W.P.(C)-16918/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition filed by MWO Prasanna Kumar Mohapatra (Retd) challenging the dismissal of his application for an extension of service was dismissed. Arguments regarding his inability to apply on time due to his wife's illness and the COVID-19 pandemic were not persuasive. The extension of service is at the discretion of the competent authority, and the reasons provided did not demonstrate sufficient merit.

NAGESH RATAN DABERAO VS UNION OF INDIA AND ORS [W.P.(C)-15274/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by Nagesh Ratan Daberao challenging his medical disqualification for the Constable (GD) position in the CRPF was dismissed. The 'Pilonidal Sinus' condition was not the disqualifying factor; rather, his overweight status at the time of the medical examination justified the disqualification. Achieving the required weight later does not retroactively qualify him for the appointment.

NAIK MOHINDER LAL (NO- 9078239) VS UNION OF INDIA AND ORS [W.P.(C)-16306/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents must treat the petitioner's petition as a representation and decide it within 8 weeks. The petitioner challenged the government's recovery of damages for unauthorized occupation of a government quarter and Rule 43 of the Central Government General Pool Residential Accommodation Rules, 2017, which limits retention periods for CAPF personnel at non-family stations. No recovery can be made from the petitioner for at least 4 weeks after the order's communication, and the petitioner retains the right to challenge the respondents' decision.

NARINDER KUMAR BHARDWAJ VS UNION OF INDIA & ANR. [W.P.(C)-17606/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents are instructed to consider the petitioner's claim for due increments within 8 weeks, following a precedent set in a related case. The respondents expressed a willingness to evaluate the claim, and the petitioner may pursue further legal action if dissatisfied with the outcome. This is a single-case matter without batch implications.

NARMETA MANOJ KUMAR VS UNION OF INDIA AND ORS. [W.P.(C)-10182/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents should have more sympathetically considered the petitioner's request to postpone the Physical Endurance Test (PET) due to his knee injury, which had conflicting medical opinions regarding recovery time. The petitioner faced pressure to participate in the PET, risking rejection of his candidature if he did not appear. In light of these circumstances, the petitioner will be given another opportunity to take the PET. If he qualifies in the re-test, he will be appointed to the position of Assistant Sub Inspector (Executive) while maintaining his seniority with his batchmates.

NATIONAL LAW UNIVERSITY, DELHI VS DHYEY BAKSHI [LPA-1019/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The appeal by National Law University, Delhi (NLUD) against the Single Judge's order regarding Dhyey Bakshi's writ petition was dismissed. The Single Judge had directed Bakshi to pursue an appeal under UGC regulations and NLUD's sexual harassment policy, while keeping the writ petition pending to address a jurisdiction issue. The dismissal clarified that no concurrent jurisdiction exists between the Appellate Authority and the Court, allowing parties to approach the Court if the Appellate Authority lacks jurisdiction for interim relief. NLUD's appeal was deemed without merit and dismissed.

NAVIN KUMAR & ORS. VS SASHASTRA SEEMA BAL & ANR. [W.P.(C)-17122/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents are required to review the petitioners' eligibility for the Patient Care Allowance/Hospital Patient Care Allowance (PCA/HPCA) within 4 weeks. If eligible, the petitioners will receive monthly PCA/HPCA payments, with arrears disbursed within 12 weeks. No recovery will take place until a final decision is made and for an additional 4 weeks thereafter.

NEWAY INDUSTRIES PVT. LTD. VS MOLD-TEK PACKAGING LIMITED [FAO (COMM)-240/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Neway Industries Pvt. Ltd. appealed an ad interim ex-parte injunction granted to Mold-Tek Packaging Limited. The trial court faced delays and repeated adjournments regarding applications filed under Order XXXIX of the Code of Civil Procedure. The appeal was disposed of with a request for the trial court to initiate hearings on the applications promptly and to resolve them within a month. Assurance was given that no further adjournments would be sought.

NIRMAL CHANDRA MANDAL VS DIRECTOR GENERAL CISF AND ORS. [W.P.(C)-15522/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents (CISF authorities) must consider the petitioner's request for a home sector or preferred out-of-home sector posting in the upcoming January-March 2025 posting exercise, as they did not provide reasons for rejecting the petitioner's requests according to CISF transfer guidelines.

NISHANT KUMAR SINHA (AGED ABOUT 27 YEARS) & ORS. VS GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-9166/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Central Administrative Tribunal's order was upheld, directing government authorities to continue the petitioners in preference to any junior or contractual staff and to grant them age relaxation and additional weightage for regular appointment. The tribunal's directions were deemed sufficient to protect the petitioners' interests, despite their removal from service and no evidence of replacement by another individual. The case was disposed of without further directions.

NITIN KHANDELWAL VS UNION OF INDIA AND OTHERS [W.P.(C)-17520/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents, including the Union of India, must settle the final accounts of petitioner Nitin Khandelwal within four weeks. They failed to provide a satisfactory explanation for the delay in processing his claims for outstanding dues, which include salary, risk and hardship allowance, and a security deposit. Any due amount must be released, accompanied by a detailed calculation. If any amount is withheld, reasons for the withholding must be provided, allowing the petitioner to challenge the refusal legally.

NO 40634Z LT A K THAPA (RELEASED) VS UNION OF INDIA & ORS. [W.P.(C)-13577/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Armed Forces Tribunal granted the petitioner only an invalid pension, excluding the disability element, as the medical board determined that the petitioner's generalized epilepsy was neither attributable to nor aggravated by military service. The medical board's expertise limited the scope for judicial review unless clear illegality, bias, or arbitrariness was evident. A significant delay of approximately 35 years in filing the petition and the destruction of medical records as per policy complicated the assessment. The petition was dismissed without identifying any issues in the Armed Forces Tribunal's order.

NO. 918457 SGT ANOOP KUMAR PS VS UOI AND ORS [W.P.(C)-15722/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Armed Forces Tribunal dismissed the petitioner's review application regarding premature discharge from the Indian Air Force, which had been previously directed for reconsideration. The respondents rejected the request through a speaking order. The argument that other airmen received premature discharge was insufficient for a review. The petitioner was advised to challenge the speaking order before the Tribunal instead of approaching the High Court. The petition was dismissed, clarifying that this dismissal does not prevent the petitioner from challenging the speaking order in the appropriate forum.

NONGOTHOMBAM HEROJIT MEITEI VS UNION OF INDIA AND ANR [W.P.(C)-15410/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

A Constable in the Central Industrial Security Force was prevented from participating in the Physical Efficiency Test and Physical Standard Test for promotion to Assistant Sub-Inspector due to a height requirement of 165 cm. It was established that height distinctions between regular promotions and those through the Limited Departmental Competitive Examination are arbitrary and violate constitutional equality principles. The petitioner was granted a height relaxation to participate in the selection process, provided he meets other eligibility criteria.

NUPINDER SINGH VS DIRECTOR GENERAL CISF & ORS. [W.P.(C)-7370/2022]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner's writ petition was allowed, and the orders imposing a penalty were set aside. The first charge against the petitioner was not proven, yet a penalty was imposed based on a second charge related to his past disciplinary history. This constituted a violation of the principle of double jeopardy, as the petitioner had already been punished for the charges referenced in the second charge. The petitioner is entitled to all consequential benefits.

OM NARYAN MISHRA VS UNION OF INDIA & ORS. [W.P.(C)-3764/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition filed by Om Narayan Mishra, a former Constable of the CRPF, was dismissed due to a delay of 27 years in challenging his removal from service, with no adequate explanation for the lapse. Despite no specific limitation period for such petitions, principles of delay and laches applied. Mishra's repeated representations to the respondents did not justify the delay in seeking legal recourse.

ONKAR MEENA VS UNION OF INDIA AND ORS. [W.P.(C)-16064/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner's case for appointment as a Constable (Driver) in the Central Industrial Security Force (CISF) must be considered by the Standing Screening Committee. The petitioner had disclosed an FIR, but a final cancellation report was accepted by the trial court prior to the appointment process. The Standing Screening Committee is instructed to make a decision within three weeks and, if eligible, allow the petitioner to join the next training batch while preserving seniority and benefits. If the outcome is unfavorable, the petitioner may challenge it legally.

P CHENTHAMARAKSHAN NAIR EX HEAD CONSTABLE & ORS. VS UNION OF INDIA & ANR. [W.P.(C)-15085/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Respondents must consider the petitioners' claims regarding the Assured Career Progression (ACP) and Modified Assured Career Progression (MACP) schemes, along with revised pension orders, as a representation and make a decision within 8 weeks, referencing a recent Supreme Court judgment. No opinion on the merits of the claims was expressed, and petitioners may challenge any adverse decision according to the law.

PADAM SINGH CHAUHAN VS UNION OF INDIA AND ORS [W.P.(C)-13492/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents' decision to reject the petitioner's request for a compassionate allowance under Rule 41 of the CCS Pension Rules, 1972, was upheld. The petitioner's service record indicated a continuous history of indiscipline and multiple offenses during 11 years of service, which did not warrant special consideration for the allowance. The application was also delayed beyond the prescribed timeline of 3-6 months for such requests. Consequently, the petition was dismissed.

PANKAJ YADAV VS UNION OF INDIA AND ORS. [W.P.(C)-13854/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner's candidature for the post of Head Constable (Ministerial) in the Central Industrial Security Force (CISF) must be reconsidered by the Standing Screening Committee. The respondents are required to treat the petition as a representation and reach a decision within 10 days, taking into account the petitioner's acquittal in the relevant FIR. A reasoned order must be provided to the petitioner, who will have the opportunity to challenge the decision if aggrieved.

PARTH KARAMCHANDANI VS UNION OF INDIA & ORS. [W.P.(C)-16752/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition challenging the declaration of the petitioner as medically unfit for appointment in the Indian Army, Air Force, or Navy was dismissed. The petitioner was consistently deemed unfit by both the initial and appeal medical boards due to bilateral attic retraction and poor middle ear compliance, which are disqualifying conditions. The stringent medical standards for military appointments were acknowledged, and there was no reason to question the medical boards' opinions. A review medical examination was not ordered.

PRADEEP KUMAR VS INDIAN COAST GUARD & ORS. [W.P.(C)-11696/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner's request for a fresh medical examination for recruitment as Navik (Domestic Branch) was approved. The initial examination recorded a chest expansion of 5 cm, meeting standards, but later examinations showed a reduction. Due to the petitioner's claim of being unwell during the Stage-III examination, another chance for a medical evaluation was granted. If appointed, the petitioner will not have claims to seniority, back wages, or other benefits retroactively.

PRADEEP KUMAR YADAV VS UNION OF INDIA & ORS. [W.P.(C)-6429/2021]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The order reducing the punishment of the petitioner by the Special Director General, CRPF was set aside due to the petitioner's unconditional withdrawal of the revision petition, rendering the proceedings infructuous. The petitioner is to continue with the punishment from the Disciplinary Authority's earlier order dated 25.09.2020.

PRAKHAR TRIVEDI VS UNION OF INDIA AND ORS. [W.P.(C)-13219/2019]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The downgrading of the petitioner's Annual Performance Appraisal Report (APAR) and the adverse remarks from the Reviewing Officer are deemed unjustified due to the vagueness of the remarks and lack of specific instances, contrary to guidelines. The APAR and the order rejecting the petitioner's representation are quashed. The Departmental Promotion Committee is directed to reconsider the petitioner for promotion to Deputy Inspector General, ignoring the quashed APAR and granting all consequential benefits except arrears of pay.

PRASHANT KUMAR SINGH VS STAFF SELECTION COMMISSION AND ORS [W.P.(C)-15537/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The dispute in the petition centered on the petitioner's height, with delays potentially impacting seniority and service conditions. The petitioner had previously met the height requirement, supported by a medical certificate. A directive was issued for the re-measurement of the petitioner's height at Safdarjung Hospital, with permission to participate in the remaining selection process if the prescribed standard is met.

PRAVESH GREWAL VS UNION OF INDIA AND ORS [W.P.(C)-17107/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner was declared unfit for recruitment as an Assistant Commandant in the Central Armed Police Forces due to a tattoo on his right forearm. An opportunity for a re-medical examination was granted, with a directive to conduct this examination within two weeks. If the petitioner is found fit, he will be allowed to continue in the recruitment process; if found unfit, his case will be processed accordingly.

PRAVINDER PAL SINGH CHAUHAN AND ORS VS UNION OF INDIA, THROUGH ITS SECRETARY MINISTRY OF HOME AFFAIRS AND ORS [W.P.(C)-15793/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents (Union of India and others) must consider the petition as a representation from the petitioners (Pravinder Pal Singh Chauhan & Ors.) in light of a prior judgment. A decision on the representation is required within 8 weeks, and the outcome must be communicated to the petitioners. If the representation is accepted, the respondents will release arrears for a period not exceeding three years before the current petition. If rejected, the petitioners may challenge the decision through appropriate means.

PREM PRAKASH VS UNION OF INDIA & ORS. [W.P.(C)-4799/2022]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition filed by Prem Prakash for retrospective promotion to Assistant Sub-Inspector (Armourer) was dismissed. The creation of the post in 2018 did not grant entitlement to promotion, as the Recruitment Rules were not in effect until September 2021. Without these rules, consideration for promotion during the interim period was not possible, adhering to the principle that promotion requires compliance with established Recruitment Rules and a Departmental Promotion Committee process.

PRIYARANJAN VS UNION OF INDIA AND ORS. [W.P.(C)-17179/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents must treat the petitioner's writ petition as a representation and decide on the claim for rectification of the basic pay scale within 8 weeks. No opinion has been expressed on the merits of the claim, but if the petitioner is deemed entitled to relief, it should be provided immediately. The petitioner may challenge any adverse decision made by the respondents.

RADHA KISHAN AGARWAL AND ANR VS MS IGNYT ELECTRICALS [FAO (COMM)-239/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The appellants breached prior court orders by using the "IGLYTE" trademark and removing goods marked with it. Their conduct was deemed contemptuous, leading to the recall of a previous order that allowed them time to remove the infringing trademark. The appeal was dismissed, and the respondent was permitted to pursue remedies in contempt jurisdiction.

RADHA KRISHAN SAHOO, EX CPL 742467-A VS UNION OF INDIA & ORS. [W.P.(C)-12284/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Petitioners granted voluntary discharge from the Indian Air Force to join Indian Airlines are entitled to pro-rata pension. An Office Order from 14.08.2001 permits condonation of shortfall in qualifying service for pension up to 12 months. The denial of pro-rata pension was overturned, granting entitlement effective from three years prior to the filing of the petitions.

RAHUL KUMAR VS SASHASTRA SEEMA BAL AND ANR [W.P.(C)-7871/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner, declared medically unfit for the Head Constable (Mechanic) position in Sashastra Seema Bal due to an unhealed wound from tattoo removal, will undergo re-examination by a newly constituted Medical Board. This decision follows established precedents for similar cases, with a directive to form the Medical Board within two weeks.

RAHUL KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-15171/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The rejection of the petitioner's request for an extension of time to join the Constable (GD) position in the CISF through a non-speaking order was improper. The respondents must consider the petitioner's representation as a fresh application and issue a speaking order within 10 weeks, without solely relying on the expiration of the 6-month period. The petitioner's unique circumstances, including care for an ailing mother and efforts to join before the deadline, were significant.

RAHUL VS UNION OF INDIA & ANR. [W.P.(C)-3543/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents, Sashastra Seema Bal and Union of India, must prepare a wait list for appointments to Constable (Driver), Constable (Washerman), Constable (Cobbler), and Constable (Tailor) positions within four weeks, as advertised in 2020 and 2022. The petitioners will not receive retrospective seniority and are eligible for benefits only from their actual appointment date. This pertains to multiple petitions heard together.

RAJ MAL ATUL VS UNION OF INDIA THROUGH SECRETARY & ORS. [W.P.(C)-16263/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents are to consider the petitioner's claim for increments based on the Supreme Court's decision in Director (Admn. & HR) KPTCL & Ors. v. C.P. Mundinamani & Ors. within 8 weeks and issue a reasoned order. The respondents agreed to implement the Supreme Court's interim order from 06.09.2024, while maintaining their stance on any legal changes. The petitioner may seek further legal recourse if dissatisfied with the respondents' order.

RAJESH VS DIRECTORATE GENERAL SASHASTRA SEEMA BAL AND ANR. [W.P.(C)-6278/2022]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner's acquittal in the criminal trial was deemed "honourable" due to the prosecution's failure to provide evidence, including the inability of victims to identify him. The lack of incriminating material against the petitioner invalidated the respondents' argument regarding the acquittal being based on the benefit of doubt. The petitioner had disclosed the pendency of the criminal case in his application, and the respondents issued the appointment letter despite this information. The petitioner's failure to disclose specific sections of the FIR or the status of the chargesheet could not be used as grounds for canceling the appointment, as this was not included in the impugned orders. The denial of appointment was set aside, and the petitioner was directed to be reinstated to the position of Constable (Driver) without entitlement to arrears of salary for the intervening period but eligible for all other notional benefits.

RAJVIR SINGH VS UNION OF INDIA AND ORS [W.P.(C)-16567/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The memorandum of charges issued against Rajvir Singh, alleging misrepresentation as the "Main Coach" of certain medal-winning athletes to obtain promotions and increments, remains unchanged at this stage. Disputed questions of fact regarding his role and entitlement to benefits necessitate an inquiry. The chargesheet is not deemed to be issued without jurisdiction, capriciously, mala fide, or completely baseless, allowing Rajvir Singh to defend himself in the inquiry without any opinion on the merits of the case.

RAKESH KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-65/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition challenging the rejection for the Constable (Pioneer) position in the Indo-Tibetan Border Police due to being overweight was dismissed. Physical fitness is essential for this role, and the petitioner consistently exceeded the weight limit during the selection process, despite presenting a later weight certificate. The case was differentiated from cited precedents involving civil services and pregnancy-related weight gain, with the circumstances not justifying any relief.

RAKESH SINGH VS UNION OF INDIA & ORS. [W.P.(C)-5681/2015]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Petitions seeking encadrement into the Central Civil Accounts Service Cadre (CCAS) in the Indian Civil Accounts Organisation were dismissed. An initial decision in 2009 to create the organisation included a later order lifting the ban on transfers, leading to the repatriation of the petitioners to their parent departments in June 2010. The encadrement offer was only extended to officers working in the Pay and Accounts Office (PAO) at the time of the encadrement decisions, excluding those already repatriated. As the petitioners were not in the PAO during the relevant period, they were deemed ineligible for encadrement.

RAKSHIT KHURANA AND ORS VS INDUS TOWER LIMITED AND ORS [FAO (COMM)-213/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The appeal by Rakshit Khurana and others was dismissed, affirming that the dispute does not qualify as a "commercial dispute" under the Commercial Courts Act, 2015. The matter centers on a disagreement among shareholders regarding company management, which is outside the definition of "commercial dispute" as per the Act. Reliance was placed on a Supreme Court judgment cautioning against a broad interpretation of this term.

RAM BABU PATERIYA (2IC ELECT) VS UNION OF INDIA & ORS. [W.P.(C)-15919/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The case centered on whether Ram Babu Pateriya was eligible for Non-Functional Financial Upgradation (NFFU) granted to junior officers. The petitioner submitted a representation for NFFU, which remained unanswered. It was established that a previous displeasure could not disqualify him. The respondents were directed to consider the representation and make a decision within 10 weeks. If accepted, the petitioner would receive the necessary relief without further proceedings; if rejected, he could pursue legal challenges.

RAM DHAN PANCHAL & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-15461/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents must consider the petition as a representation against the order dated 14.09.2024 regarding the recovery of alleged inadmissible training allowance. If the decision favors the petitioners, the deducted amount will be refunded within three weeks. If the decision is unfavorable, recovery will be suspended for two weeks, allowing the petitioners to seek legal remedies. No opinion has been expressed on the merits of the petition or the orders in question.

RAM DHAN PANCHAL & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-13991/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioners' challenge to the order for recovery of alleged inadmissible training allowance will be treated as a representation. The respondents are required to issue a speaking order on the matter and are prohibited from effectuating any recovery for two weeks after communicating their decision. Petitioners may pursue legal remedies if the decision is unfavorable. No opinion on the merits of the petition or the impugned order is expressed.

RAM KUMAR GAUTAM & ORS. VS UNION OF INDIA(THROUGH SECETERARY) & ORS. [W.P.(C)-8800/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents were directed to consider the petitioner's claim for increments based on a previous Supreme Court decision and a subsequent clarificatory order. They were given eight weeks to issue a reasoned and speaking order on the claim.

RAM SINGH SAINI AND ORS VS STAFF SELECTION COMMISSION AND ORS [W.P.(C)-15223/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioners are permitted to undergo a medical examination by the Appellate Authority to assess their eligibility for the Physical Standard Test (PST) for the positions of Constable (GD) in the Central Armed Police Forces (CAPFs), SSF, and Rifleman (GD) in the Assam Rifles. They must attend the re-examination on a specified date, and if they meet the PST requirements, they will be allowed to continue in the selection process.

RAMJI LAL VS UNION OF INDIA AND ORS. [W.P.(C)-14555/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner's request for rectification of his basic pay scale and pension was addressed, with his basic pay re-fixed effective 2013. For the HRA amount from 2019-2023, the petition was treated as a representation, directing a decision within 8 weeks. The petitioner may challenge previous orders if dissatisfied.

RANDHIR SINGH & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-14995/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents must evaluate the petitioners' claims for increments based on a Supreme Court decision and issue a reasoned order within eight weeks. The respondents agreed to address the claims in a timely manner, and the petitioners may seek legal recourse if dissatisfied with the outcome.

RANJAN KUMAR VS UNION OF INDIA AND ORS. [W.P.(C)-16794/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The order withdrawing the petitioner's appointment as a Constable in the Central Industrial Security Force was set aside due to his honorable acquittal in a criminal case. The pending charges could not be used to cancel his appointment. The petitioner was to be reinstated to his selected post, allowed to complete his training, and receive all consequential benefits, excluding salary for the non-working period. The principle of natural justice was violated as he was not given an opportunity to be heard before his case was referred to the Standing Screening Committee.

RANJIT SINGH & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-17704/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Respondents are directed to consider the petitioners' request for notional monetary benefits in replacement pay scale from 1996 to 1997, based on their ranks in 1996. Any relief granted is limited to three years prior to the filing of the writ petition. No opinion has been expressed on the merits of the petition.

RAVI BAJAJ DESIGNS PVT. LTD. VS ARUN AGGARWAL [RFA(COMM)-407/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The appeal by Ravi Bajaj Designs Pvt. Ltd. against Arun Aggarwal was dismissed due to a lack of merit in the arguments presented. The appellant admitted to receiving goods based on invoices but could not provide evidence for returning defective items. The attempt to introduce additional evidence at the appellate stage was not permitted, and claims concerning lack of privity of contract and the debit note were rejected. The trial court's decree favoring the respondent for the outstanding amount was upheld.

RAVINDRA SINGH VS UNION OF INDIA AND ANR [W.P.(C)-853/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner, a former Constable (GD) with the Central Reserve Police Force (CRPF), invalidated and boarded out of service on medical grounds, is entitled to an 'invalid pension' despite the Medical Board's opinion that his disability may not directly stem from service conditions. The petitioner's illness, aggravated by a stressful service environment, qualifies for pension benefits. The respondents are instructed to release the pension retroactively for three years prior to the petition's filing, with interest at 6% per annum.

RENU KUMARI PANGHAL VS UNION OF INDIA & ORS. [W.P.(C)-4398/2020]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The extension of time for the petitioner to join basic CISF training is permissible only in exceptional circumstances and for public interest, according to DoPT guidelines. The petitioner sought multiple extensions due to medical reasons after childbirth but failed to provide adequate documentary evidence to justify further extension beyond the six months already granted. The inability to produce required medical documents due to time elapsed was noted. The case did not present sufficient grounds for exceptional circumstances, leading to the dismissal of the petition.

RIT RAM SHARMA VS UNION OF INDIA AND ORS [W.P.(C)-14859/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

A writ petition filed by Rit Ram Sharma resulted in a directive for the respondents to consider his claim for increment within 8 weeks, referencing a previous Supreme Court decision. The respondents agreed to review the claim and issue a reasoned order, with the petitioner retaining the option to seek legal recourse if dissatisfied with the outcome.

ROBIN KUMAR VS CENTRAL RESERVE POLICE FORCE AND ANOTHER [W.P.(C)-16433/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by Robin Kumar challenging his unfitness for appointment as a Constable in the CRPF due to a tattoo on his right hand was dismissed. The decision was based on a lack of territorial jurisdiction, as the recruitment advertisement specified that any legal challenges should be directed to the appropriate court in the testing area. The petitioner has the option to approach a court with proper jurisdiction.

SOURAV ADHIKARY AND ORS VS STAFF SELECTION COMMISSION AND ORS [W.P.(C)-14811/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Petitions challenging the rejection of candidature for Constable (GD) and Rifleman (GD) posts were dismissed due to lack of territorial jurisdiction. The recruitment advertisement specified that only the court or tribunal in the location of the test could hear such matters. Petitioners were permitted to approach the appropriate court with jurisdiction.

ROHIT SINGH VS UNION OF INDIA AND ORS. [W.P.(C)-4629/2019]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Staff Court of Inquiry (SCOI) was justified in investigating the petitioner for keeping his service weapon at his government quarters, as this fact was pertinent to the inquiry. Clear instructions prohibiting personnel from storing service weapons at their residences were established, and the petitioner, a senior officer, was expected to be aware of these rules. Arguments claiming the absence of such instructions and asserting authorization due to the nature of his posting were rejected. The adverse remarks in the petitioner's APAR and the displeasure expressed by the Director General of BSF were deemed justified. The petition was dismissed.

ROSHAN KHAN AND ORS. VS UNION OF INDIA AND ORS. [W.P.(C)-13770/2018]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Ex-servicemen engaged by the CRPF on a contractual basis are entitled to the minimum pay scale of regular Sub-Inspectors in accordance with the 7th CPC, based on the principle of 'equal pay for equal work.' The CCS (Revised Pay) Rules, 2016 do not prevent them from claiming this minimum pay, as they are not seeking other benefits like increments. Additionally, the recovery of excess amounts paid to them under the 7th CPC is deemed illegal and arbitrary.

VOICE OF EX SERVICEMEN SOCIETY AND ORS. VS UNION OF INDIA AND ANR [W.P.(C)-12842/2018]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The differential rates of Military Services Pay (MSP) for combatant personnel, including Junior Commissioned Officers, Non-Commissioned Officers, and Other Ranks of the Armed Forces, are not considered arbitrary or discriminatory. The rates have been set by Central Pay Commissions based on factors related to the unique nature of military service. The determination of pay scales by expert bodies typically remains unchallenged unless shown to be inherently arbitrary or illegal. Petitioners may still make representations to the relevant authority.

S. P. RATH VS UNION OF INDIA (THROUGH THE DIRECTOR GENERAL, SHASHASTRA SEEMA BAL (SSB)) [W.P.(C)-15824/2022]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition filed by S.P. Rath was dismissed, upholding the IG's decision that the petitioner submitted fraudulent hotel and taxi claims, leading to forfeiture of those claims while allowing payment of remaining Travel Allowance and Dearness Allowance. The petitioner did not challenge the Court of Inquiry proceedings or the IG's order before any competent authority, resulting in no fresh inquiry being conducted for relief.

SACHIN NAGAR VS UNION OF INDIA [W.P.(C)-17379/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Sachin Nagar's writ petition regarding his candidature for the Constable (GD) position from a 2022 recruitment exercise was disposed of. The Standing Screening Committee of the CISF must decide on his eligibility within two weeks. If found eligible, Nagar can join the next Basic Training program. If the decision is unfavorable, he can challenge it legally. No opinion on the merits of his candidature was expressed.

SACHIN NEGI VS UNION OF INDIA AND ORS [W.P.(C)-15276/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents must arrange for Sachin Negi to undergo a new medical examination at the Army Hospital (R&R), New Delhi, within two weeks due to conflicting opinions between the medical boards and a private hospital's findings on his color vision. If deemed fit, he can participate in the selection process, provided he meets other criteria. If found unfit, he cannot contest the decision.

SAJAL SAHA VS UNION OF INDIA AND ORS. [W.P.(C)-15281/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

A further medical examination will be conducted at the Army Research and Referral Hospital, Delhi Cantt, due to inconsistencies between opinions on the petitioner's fitness for the AFCAT-(01/2024) course. The outcome of this examination will be final; if found medically fit, the petitioner's application will proceed, while an unfit declaration will conclude the matter without the possibility of challenge.

SALIM MALIK VS STATE (NCT OF DELHI) & ANR. [CRL.A.-1184/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The investigation into the alleged forgery of a medical prescription submitted by the appellant in a bail application is to proceed, despite the withdrawal of the application. The presence of a forged document necessitates a proper investigation rather than ignoring it. Applicability of Section 215 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is clarified, specifying that prosecution for false evidence relates only to documents presented in evidence during proceedings. The appellant's appeal regarding the investigation is dismissed.

SAMESEN PAT AND ANR. VS UNION OF INDIA AND ORS. [W.P.(C)-4544/2019]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents must consider the petitioners' representation regarding the difference in weekly offs for CISF personnel at IGI Airport and DMRC compared to those posted elsewhere. A reassessment of the general policy on weekly offs and potential additional benefits for CISF personnel is required. No opinion on the merits of the petitioners' claims has been expressed, leaving the decision to the respondents in accordance with the law.

SANDEEP KUMAR SINGH VS UNION OF INDIA & ANR [W.P.(C)-10619/2018]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents did not select the petitioner for the Soldier (GD) post despite the petitioner meeting the required scores on the written exam and physical fitness test. The petitioner was initially not informed of the reasons for non-selection but ultimately fell into the lowest priority category (Priority V) as the son of an ex-serviceman not part of the EME Corps. Due to the priority-based selection system, no relief was granted to the petitioner, and the petition was dismissed.

SANDEEP KUMAR SINGH VS UNION OF INDIA THROUGH MINISTRY OF HOME AFFAIRS & ANR. [W.P.(C)-14045/2021]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The order to compulsorily retire the petitioner from the Border Security Force due to unsuitability was set aside. The respondents did not adequately consider the petitioner's schizophrenia diagnosis, acknowledged in his Annual Performance Assessment Report. Misconduct and disciplinary records were improperly relied upon without addressing the mental illness. A directive was issued to review the petitioner's complete medical and service record and reinstate him with all consequential benefits.

SANDEEP KUMAR VS DIRECTOR GENERAL COAST GUARD HEADQUARTERS AND ORS. [W.P.(C)-16785/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition filed by Sandeep Kumar was dismissed. An order advised him to report back to duty before his resignation request could be considered. He is required to report back and then apply for consideration of his period of absence, which should be addressed according to the law.

SANDEEP KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-15064/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The main issue is whether the petitioner submitted his nomination for the GTO-283 course claiming to act on behalf of the previous Commanding Officer without approval. This constitutes a disputed question of fact. Interference with ongoing proceedings is not justified at this stage, as the petitioner has received a show cause notice and can present his arguments in response. The determination of the disciplinary authority's concurrence has not yet reached the appropriate stage for consideration.

SANDEEP KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-15577/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition filed by Sandeep Kumar, challenging the cancellation of his nomination for the GTO-283 course, was dismissed due to serious doubts about the authenticity of his nomination. Kumar previously filed a similar petition, which was dismissed. He was given an opportunity to confirm consent from the former Commanding Officer for the nomination submission. If the Commanding Officer refutes his claim, no further disciplinary inquiry would take place. The ruling indicated that the Commanding Officer possesses the authority to submit a new nomination without it being a disciplinary action against Kumar. The petition was deemed an abuse of the court's process.

SANDEEP VS DIRECTORATE GENERAL BSF AND ORS. [W.P.(C)-10138/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Sandeep's candidature for the Constable (Cook) position could not be rejected based solely on the lack of an NSQF Level I Certificate, as he possessed a higher NSQF Level II Certificate in "Kitchen Helper," which was confirmed to meet the requirement. The BSF must consider his application on merits and, if suitable, provide him with an appointment and retrospective seniority, though without salary for the intervening period.

SANJAY KUMAR VS THE DIRECTOR GENERAL CENTRAL INDUSRIAL SECURITY FORCE AND ORS. [W.P.(C)-12863/2019]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Orders imposing a penalty on an Assistant Sub-Inspector in the Central Industrial Security Force for unauthorized absence from duty were set aside. The absence was not willful but due to medical reasons, supported by medical records not properly considered by the inquiry officer. The imposition of penalty was deemed unjustified, and the respondents were directed to pay the petitioner arrears of salary and consequential benefits within 6 weeks.

SANTOSH VS UNION OF INDIA AND ORS [W.P.(C)-16280/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition by Santosh challenging the Medical Reports that declared him unfit for the Physical Standard Test for Constable positions was dismissed due to lack of territorial jurisdiction. The recruitment advertisement specified the courts with jurisdiction based on the location of the Computer Based Examination. Santosh was granted the option to approach the appropriate court.

SATHIYARAJ V & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-9086/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition filed by the petitioners was dismissed because they lack the inherent right to seek absorption into the posts of Junior X-Ray Assistant (Head Constable) and Laboratory Assistant/Technician (Head Constable) in the Border Security Force (BSF). The Recruitment Rules 2013 and Standard Operating Procedures (SOPs) allowed for absorption, but these posts were abolished by the Ministry of Home Affairs in the 1st Cadre Review dated 01.02.2024. As the posts no longer exist, the claim for absorption cannot be granted, and referring the case to a Screening Committee would be futile. The petition was dismissed unanimously.

SATYAVIR SINGH VS UNION OF INDIA & ORS. [W.P.(C)-11551/2021]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition by an Assistant Commandant in the Central Reserve Police Force challenging his dismissal was dismissed. The initiation of departmental proceedings for unauthorized absence from duty was justified due to the petitioner's failure to provide adequate evidence of his medical condition. The argument regarding the mandatory acceptance of his resignation was rejected, as the competent authority has discretion in such matters. No procedural lapses were noted in the disciplinary process, and the penalty of dismissal was deemed proportionate.

SATYENDRA SINGH SAHRAWAT VS UNION OF INDIA & ORS. [W.P.(C)-3332/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Departmental Promotion Committee (DPC) erred by denying promotion to the petitioner based on the Director General's Displeasures, which are not considered penalties under the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The petitioner's Annual Performance Assessment Reports (APARs) graded him as "very good," indicating that the Displeasures did not negatively impact his performance. A Review DPC must be convened to evaluate the petitioner's promotion case without considering the Displeasures, and if found suitable, he should be granted promotion with retrospective effect and placed above his immediate junior in seniority.

SH RAGHUVEER SINGH HC GD) VS UNION OF INDIA AND ORS [W.P.(C)-16806/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner's medical condition of hypertension with chronic kidney failure, requiring regular dialysis, necessitates that the petition be treated as a representation for consideration within two weeks. The transfer order is suspended during this period, and if the decision is unfavorable to the petitioner, implementation is delayed for four weeks to allow for legal remedies. The petition and accompanying application are disposed of on these terms.

SH. GOPAL KRISHAN VS UNION OF INDIA THROUGH SECRETRY & ORS. [W.P.(C)-16322/2024]
Judges: Justice Navin Chawla, Justice Shalinder Kaur
The respondents acknowledged the petitioner's promotion to OEM Grade-I and the associated financial benefits, including pension. The petitioner is instructed to file a representation if complete pensionary benefits are still not received. The respondents must address this representation within six weeks and release any accepted arrears. If the representation is denied, the respondents are required to provide a speaking order, allowing the petitioner to challenge it legally.

SH. ROHIT VS UNION OF INDIA AND ORS [W.P.(C)-17089/2024]
Judges: Justice Navin Chawla, Justice Shalinder Kaur
The respondents, including the Union of India, were directed to consider a representation from petitioner Sh. Rohit regarding a character certificate for his appointment, which was deemed not issued by the appropriate officer. The merits of the claim were not addressed, and the issue of territorial jurisdiction remains open for future determination.

SH.MRINAL KANTI CHATTERJEE VS UNION OF INDIA AND ORS [W.P.(C)-4106/2023]
Judges: Justice Navin Chawla, Justice Shalinder Kaur
The writ petition was dismissed, and disciplinary proceedings against the petitioner will continue despite an ongoing criminal trial. The disciplinary charges are based on different facts than the criminal case, so a stay is not warranted. No opinion was provided on the merits of either the criminal trial or the disciplinary proceedings.

SHEENA GOEL VS UNION OF INDIA [W.P.(C)-6933/2021]
Judges: Justice Navin Chawla, Justice Shalinder Kaur
Maintenance allowance will be granted to the petitioner from 23.12.2019, in line with Supreme Court precedent. The respondent's claim that maintenance only applies from the date of the order was rejected. The respondent must pay the arrears in equal monthly installments over 12 months. No relief was provided regarding visitation rights over the children, as that was not part of the petition.

SHEMFORD HALDWANI AND ANR VS SHEMFORD SCHOOLS PRIVATE LIMITED [FAO (COMM)-250/2024]
Judges: Justice Navin Chawla, Justice Shalinder Kaur
The appellants, Shemford Haldwani and another, must apply to relevant authorities to change the name of their school to remove the "Shemford" mark. They have agreed to cease using the "Shemford" mark by 01.04.2025 and have been granted until that date to complete the name change process, with the option to seek an extension if necessary. This arrangement does not affect the rights and contentions of the parties in the ongoing suit.

SHRI BIPINCHANDRA JAGLAWALA VS UNION OF INDIA & ANR. [W.P.(C)-13946/2024]
Judges: Justice Navin Chawla, Justice Shalinder Kaur
The respondents must consider the petitioner's claim for due increments based on a specific Supreme Court decision within eight weeks and provide a reasoned order. The petitioner retains the right to seek legal recourse if dissatisfied with the outcome.

SHRI RAJESHWAR TYAGI VS UNION OF INDIA & ANR. [W.P.(C)-15008/2024]
Judges: Justice Navin Chawla, Justice Shalinder Kaur
The respondents (Union of India and another) must consider the petitioner's claim for due increments and issue a reasoned order within 8 weeks, as there were no objections raised and a recent Office Memorandum related to a Supreme Court interim order was acknowledged.

SHRI SHIV KUMAR VS UNION OF INDIA & ANR. [W.P.(C)-16722/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents are directed to evaluate the petitioner's claim for an increment based on a specific Supreme Court decision within eight weeks and provide a reasoned order. The respondents expressed no objection to this directive. The petitioner can pursue legal options if unsatisfied with the outcome.

SHRI SUMIT KUMAR VS DIRECTORATE GENERAL BORDER SECURITY FORCE [W.P.(C)-12968/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by Shri Sumit Kumar, challenging his dismissal from service as a Constable/GD with the Border Security Force, was dismissed. The petitioner willfully disobeyed orders to report for duty after a transfer and displayed a lack of seriousness in his duties. The dismissal was deemed justified, as the Commandant of the 39th Battalion, acting as the "Prescribed Officer," had the authority to issue the order, despite the petitioner's claim that it was not valid due to the rank of the officer involved. No merit was found in the petitioner's arguments.

SHRI YOGENDER SINGH VS UNION OF INDIA & ANR. [W.P.(C)-13954/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents are directed to consider the petitioner's claim for increments based on a Supreme Court decision and to issue a reasoned order within eight weeks. The petitioner accepted a review of his claims in a timely manner, and the respondents expressed no objection. The petitioner retains the option to seek legal recourse if dissatisfied with the outcome.

SIRIBARIKI SURESH VS INDIAN COAST GUARD THROUGH ITS DIRECTOR GENERAL & ORS. [W.P.(C)-13973/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The rejection of the petitioner's candidature for the Navik (Domestic Branch) position in the Indian Coast Guard was set aside. The petitioner used a formula to convert his CGPA to marks for the 10th standard, which was not specified in the guidelines. A multiplier of 10 was applied by the petitioner inadvertently, and he should not be penalized for this minor mistake. The case will be reconsidered for appointment, allowing the petitioner to join the induction course with the next batch while maintaining seniority and other benefits, though without salary for the period he was not employed.

SMT. MURTI VS UNION OF INDIA & ORS. [W.P.(C)-13352/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents, including the Union of India, must consider the petitioner's request for a CSD Card and Health Card facilities, issuing a speaking order within eight weeks and informing the petitioner. The Armed Forces Tribunal previously indicated that these requests fell outside its jurisdiction. The petitioner retains the right to challenge the decision if dissatisfied.

SMT. RUPA RANI VS UNION OF INDIA & ORS. [W.P.(C)-8407/2022]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition for restoration of family pension after remarriage was dismissed. Under Rule 54(6) of the Central Civil Services (Pension) Rules, 1972, a widow is disqualified from receiving family pension upon remarriage. While a "childless widow" can continue receiving the pension if her income is below a certain threshold, the presence of a daughter from the first marriage disqualifies the petitioner from this status. Consequently, she is not eligible for family pension after remarriage.

SNEH BIOTECH PRIVATE LIMITED VS FLEBO.IN PRIVATE LIMITED [RFA(COMM)-536/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The trial court correctly found it lacked territorial jurisdiction over the suit filed by Sneh Biotech Private Limited against Flebo.In Private Limited. The appropriate action was to return the plaint to Sneh Biotech under Order VII Rule 10 of the Code of Civil Procedure, rather than reject it under Order VII Rule 11. The order was modified to instruct the trial court to return the plaint for filing in the appropriate court with competent jurisdiction.

SONAJI SHRIDHAR GAIKWAD VS UNION OF INDIA AND ORS [W.P.(C)-16148/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner challenged the rejection of his appointment as a Constable (Tailor) in the CRPF. The rejection was considered outside the territorial jurisdiction for the petition, as the advertisement specified jurisdiction based on the location of examination centers. The petitioner may approach the appropriate court with proper territorial jurisdiction.

SONU YADAV VS UNION OF INDIA & ANR. [W.P.(C)-10547/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Sonu Yadav's writ petition led to a directive for the Union of India and SSB to consider his case per a prior judgment regarding the creation of a wait list for Constable positions based on vacancies from July 28, 2020, and November 12-18, 2022. The wait list will operate after selected candidates' joining period expires, allowing eligible petitioners to receive appointments according to their merit without retrospective seniority. This matter is part of a broader context related to the earlier judgment, with no separate decisions indicated.

STAFF SELCTION COMMISSION & ORS. VS RAJESH [W.P.(C)-14080/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by the Staff Selection Commission and others was dismissed after a Central Administrative Tribunal ordered a fresh medical examination for Rajesh, based on a conflicting report from Safdarjung Hospital that cleared him of a medical disqualification (pectus excavatum) identified by the Review Medical Board. Rajesh was granted an opportunity to prove he does not have the alleged disqualification. If the new medical board confirms the disqualification, his case will not proceed further, and this opinion cannot be contested by him.

STAFF SELECTION COMMISSION & ORS. VS VINEET KUMAR [W.P.(C)-14731/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Central Administrative Tribunal erred by ordering a fresh medical examination of a respondent deemed unfit for appointment as a Constable in the Delhi Police due to hypertension. BP readings over multiple days indicated consistently high blood pressure, not attributable to "white-coat hypertension." In the absence of procedural irregularities or mala fides, the decisions of the medical boards were upheld, leading to the cancellation of the Tribunal's order.

STAFF SELECTION COMMISSION & ORS. VS ARUN [W.P.(C)-14729/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The order of the Central Administrative Tribunal was upheld, requiring the Staff Selection Commission to conduct a fresh medical examination for the respondents. Review medical boards did not allow adequate time for the respondents' conditions, anal fissure and hemorrhoids, to heal and failed to provide a detailed opinion on how these conditions would affect their job performance. Opinions of medical boards are generally respected, but intervention is warranted in cases of procedural breaches, examination discrepancies, lack of specialist input, or ignoring specialist views. The judgment involved two related cases.

STAFF SELECTION COMMISSION & ORS. VS KM. POOJA [W.P.(C)-16417/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Central Administrative Tribunal directed the Staff Selection Commission to re-examine the respondent's medical fitness for the Constable (Executive) position. Initially, the Detailed Medical Examination Board declared the respondent "temporarily unfit" due to low hemoglobin levels, while the Review Medical Board deemed her "permanently unfit" based on conjectural concerns about frequent hospital visits without expert consultation. The Tribunal's order for a fresh medical examination by a board including a specialist was upheld.

STAFF SELECTION COMMISSION & ORS. VS MANJU [W.P.(C)-14167/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Staff Selection Commission (SSC) must have Manju re-examined by a new Medical Board due to discrepancies between her Detailed Medical Examination and Review Medical Examination. The Review Board noted a new disqualification (right adnexal/ovarian complex cystic lesion) not mentioned before. The justification for a fresh medical examination arises from uncertainty about whether this new disqualification affects her ability to serve as a Constable.

STAFF SELECTION COMMISSION & ORS. VS PHOOL SINGH [W.P.(C)-16616/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The order directing the Staff Selection Commission to constitute a new Medical Board and re-examine Phool Singh for fitness as a Constable (Executive) Male was set aside. The previous findings of the Detailed Medical Examination and Review Medical Examination Boards, which declared Phool Singh unfit for the position, were not adequately addressed by the Tribunal. Phool Singh's original application was restored, with a directive for all parties to appear before the Tribunal on a specified date.

STAFF SELECTION COMMISSION & ORS. VS PRABHAT PANDEY [W.P.(C)-14537/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by the Staff Selection Commission was dismissed, and a fresh medical examination of Prabhat Pandey was directed. Initially declared medically unfit for appointment as a Constable due to defective vision and stammering, Pandey presented reports from civilian hospitals indicating he did not have a speech issue, conflicting with the medical board's findings. This inconsistency warranted the direction for a new examination.

STAFF SELECTION COMMISSION & ORS. VS PRINCE [W.P.(C)-14182/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Central Administrative Tribunal incorrectly directed a re-medical examination of the respondent based on a Safdarjung Hospital report, which declared the respondent fit, despite evidence of likely active pulmonary tuberculosis from a review medical board. The review medical board's opinion was based on scientific examination, with no allegations of mala fides or procedural issues. The Tribunal's order for re-examination was deemed unjustified, leading to the petition being allowed and the Tribunal's order set aside.

STAFF SELECTION COMMISSION & ORS. VS TEJVEER [W.P.(C)-14224/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The order directing a fresh medical re-examination of Tejveer by the Staff Selection Commission was set aside. The Review Medical Examination Board's finding of Tejveer as medically unfit for the Constable (Executive) position in the Delhi Police Examination 2023, based on scientific examination and reports, was upheld. The single report from Safdarjung Hospital indicating fitness was deemed insufficient for a re-examination referral.

STAFF SELECTION COMMISSION AND ORS VS MUKESH KUMAR BARWAR [W.P.(C)-15802/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

A fresh medical re-examination of Mukesh Kumar Barwar is mandated due to conflicting assessments from two medical boards. The respondent was declared 'unfit' by the petitioners' boards, while separate medical opinions indicated he was healthy and had a non-active condition. The establishment of a new Medical Board to conduct this examination was deemed appropriate, with the outcome being binding on all parties involved.

STAFF SELECTION COMMISSIONER & ORS. VS NEELAM RANI & ANR. [W.P.(C)-14749/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The order directing the petitioners to constitute a fresh medical board for re-examining Neelam Rani for the Constable position was set aside. Fitness standards for recruitment in disciplined forces like the police are stricter than for civilian roles. Interference in medical examination decisions is limited to circumstances such as procedural breaches or significant discrepancies between medical boards. In this case, the medical boards adhered to proper procedures and clinical examinations, and new medical reports from the candidate could not substitute the original findings. Suitability assessments are designated to recruitment authorities, not external entities.

SUBHASH CHAND VS UNION OF INDIA AND ORS [W.P.(C)-7350/2016]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The removal of a CISF constable from service was upheld due to unauthorized absence and misconduct involving misbehavior towards a superior officer. Although the absence was linked to a personal emergency, the failure to follow leave extension procedures was deemed misconduct. The departmental inquiry had no major procedural irregularities, and unauthorized absence periods were later regularized. However, a charge related to previous punishments was found to be unmaintainable. Considering the constable's history of indiscipline and the seriousness of the proven charges, the punishment was ultimately confirmed.

SUMIT KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-10251/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner's challenge to his transfer order was rejected due to his non-compliance with a directed medical examination for fitness assessment for posting in Kashmir. The petitioner retains the option to request a new medical examination and reconsideration of his posting. Regarding the suspension period, the respondents were instructed to review the petitioner's representation and provide a decision within four weeks, with the possibility of challenging that decision if the petitioner is dissatisfied.

SUN PHARMACEUTICAL LABORATORIES LTD VS RSPL HELATHCARE P LTD & ANR. [FAO (COMM)-241/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The ex-parte ad-interim injunction against Sun Pharmaceutical for allegedly infringing the 'PRO-EASE' trademark by using 'PRUEASE' was set aside. The application for an injunction by RSPL Healthcare was restored, with directions for expedited hearing and resolution within a month.

SUNDER LAL JANARTHA VS UNION OF INDIA & ORS. [W.P.(C)-16265/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner is to receive due increments based on a referenced Supreme Court decision. The respondents will review the petitioner's claim within 8 weeks and issue a reasoned order. The petitioner retains the option to pursue legal recourse if dissatisfied with the outcome.

SUNDER SINGH RAWAT & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-14701/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

A writ petition was disposed of, directing the respondents to consider the petitioners' claims for increments within 8 weeks, in accordance with a Supreme Court decision and its clarificatory order. The respondents had no objections, and the petitioners can seek further legal recourse if dissatisfied with the decision.

SURESH SUBRAMANIAM VS UNION OF INDIA & ORS. [W.P.(C)-16484/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner argued for retaining a government residential quarter for three years after transfer despite changes in area categorization under the Security Related Expenditure Scheme, but this argument lacks prima facie merit. Nonetheless, the respondents were directed to consider the petitioner's representation for further retention, taking into account the recent change in the SRE Scheme's status communicated only in July 2024. A decision on the representation must be made within four weeks, with a two-week stay on any adverse decision to allow the petitioner to seek legal remedies. Observations made are prima facie and non-binding.

T RAGHUPATHI REDDY VS UNION OF INDIA AND ORS [W.P.(C)-15076/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Respondents are directed to treat the petitioner's request for voluntary retirement as a representation and to issue a reasoned order within 12 weeks. The petitioner, T Raghupathi Reddy, had his request rejected due to non-compliance with an investigation related to an FIR. There is no opinion expressed on the merits of the petitioner's claims, with an opportunity for reconsideration provided. The petitioner retains the right to challenge the respondents' decision legally if dissatisfied.

TANAY DAS VS UNION OF INDIA & ORS. [W.P.(C)-13677/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition filed by Tanay Das for benefits under the "Golden Jubilee Seema Prahari Kalyan Kawach" and the Central Armed Police Salary Package was dismissed because he had already sought similar relief in the Calcutta High Court, where it was disposed of with specific directions. Since the cause of action arose within the jurisdiction of the Calcutta High Court and relevant actions took place in Kolkata, the petition was dismissed, allowing the petitioner to pursue remedies before the appropriate court.

U.O.I & ORS. VS KM ALKA [W.P.(C)-14539/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition filed by the Union of India and others was dismissed, affirming the order of the Central Administrative Tribunal. KM Alka was allowed to undergo a fresh medical examination for the Constable (Executive) position. Although initially declared medically unfit due to low hemoglobin levels, Alka provided medical reports indicating her hemoglobin levels were within the permissible range, leading to the decision to permit re-examination.

UMANG REALTECH PVT LTD VS MRS DAPHNE REITA RAJAN SHARMA & ANR. [RERA APPEAL-7/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The requirement under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 mandates a promoter to deposit at least 30% of the penalty or amount payable to the allottee before filing an appeal. The arguments regarding the moratorium in insolvency proceedings exempting compliance and offering a flat as security were rejected. The insolvency proceedings applied only to a specific project, not the promoter's other projects, and the Interim Resolution Professional, representing the promoter, was subject to the pre-deposit requirement.

UMED SINGH & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-11115/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The ITBP rejected the candidature of the petitioners for the Constable (GD) position under the sports quota due to the certificates from the Volleyball Federation of India failing to meet the advertisement's criteria, as the Federation was not recognized by the Ministry of Youth Affairs and Sports at the relevant time. The certificates lacked clarity regarding the petitioners' achievements, leading to a dismissal of the petition with no identified issues in the decision.

UNION OF INDIA & ORS. VS 726674-S EX SGT JAYANTA DAS [W.P.(C)-15232/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by the Union of India challenging the grant of disability pension to an ex-sergeant was dismissed. The respondent's bronchial asthma disability was recognized as attributable to or aggravated by military service. Principles regarding presumption of sound physical condition upon entry into service and a liberal approach in awarding disability pensions were upheld. The Medical Board did not provide adequate justification to counter the presumption linking the respondent's disability to military service.

UNION OF INDIA & ORS. VS EX SPR (MACP NK) P ARUN KUMAR [W.P.(C)-15632/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision to grant the respondent the disability element of pension was upheld, despite the Medical Board's findings that the disability was not attributable to or aggravated by military service. Consideration of the respondent's posting profile indicated that the onset of the disability occurred shortly after deployment in a field area. Relevant considerations were taken into account, and no legal infirmity existed in the conclusion reached.

UNION OF INDIA & ORS. VS GP CAPT S MEDIRATTA VSM 18893ADM FC RETD [W.P.(C)-13683/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Armed Forces Tribunal's decision to grant disability pension to a retired Air Force officer was upheld. The medical board's initial opinion stated that the officer's primary hypertension was aggravated by high altitude posting, but this opinion was later altered without valid justification. This change by the medical board, influenced by the administrative body, invalidated the denial of the disability pension. Thus, there was no reason to contest the Tribunal's favorable decision for the officer.

UNION OF INDIA & ORS. VS LT COL AA GODBOLE (RETD.) [W.P.(C)-16773/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by the Union of India challenging the Armed Forces Tribunal's order granting Lt. Col. A.A. Godbole (Retd.) a disability pension at 30% rounded off to 50% from his discharge date was dismissed. The Tribunal's order, although non-speaking, was supported by a finding from the Release Medical Board that noted the respondent's disability was aggravated by military service. The denial of the disability pension despite this finding was questioned.

UNION OF INDIA & ORS. VS MAJ PRASANNA V RETD SL 4628 A [W.P.(C)-14994/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by the Union of India challenging the grant of a disability pension to a retired Major was dismissed. The Armed Forces Tribunal awarded a 30% disability pension for Schizophrenia, rounded off to 50%, from the date of invalidment. The decision was based on the Major's service in a counter-insurgency operation area under stressful conditions, leading to the conclusion that the mental health issue likely resulted from stress experienced during that posting. The grant of the disability pension was upheld.

UNION OF INDIA & ORS. VS COL BHASKAR DEV BURMAN RETD [W.P.(C)-16189/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision to grant disability pension to Col. Bhaskar Dev Burman (Retd.) was upheld based on the assessment of his service-related disability, Primary Hypertension, at 30%. It was determined that this disability should be broad-banded to 50%. The petition by the Union of India contesting this decision was dismissed.

UNION OF INDIA & ORS. VS COL KAILASH CHANDRA VERMA (RETD) [W.P.(C)-5075/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Armed Forces Tribunal granted disability pension to Col. Kailash Chandra Verma for primary hypertension, supported by consistent opinions from the Categorization Medical Boards stating that his condition was aggravated by military service. The Adjutant General's Branch disagreed without justifiable reasons and sought an unfavourable opinion from a new Medical Board, which was dismissed. The previously provided reasons by authorities were deemed insufficient, affirming the decision to award the disability pension.

UNION OF INDIA & ORS. VS COL SHASHANK SIHORKAR RETD [W.P.(C)-14636/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision granted Col. Shashank Sihorkar (Retd.) a lifelong disability pension at 50% for "Primary Hypertension," assessed at 30% by the Release Medical Board (RMB). The RMB noted that the condition predated his service but was aggravated by military duties, particularly in Counter-Insurgency Operations. Previous authorities rejected the claim, citing the onset during peacetime and a lack of evidence for service-related stress. The assessment indicated that these bodies did not adequately evaluate the merits of the case, leading to the granting of the pension based on the RMB's findings.

UNION OF INDIA & ORS. VS COLONEL BK CHHIMWAL RETIRED IC 390431 [W.P.(C)-15375/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Armed Forces Tribunal granted a retired Army officer the disability element of pension for medical conditions, including CAD TVD CABG, Primary Hypertension, and Open Angle Glaucoma. It noted that the initial opinion of the Release Medical Board regarding the aggravation of at least one disability by service should not be altered based solely on the officer's posting in a peace area, as service conditions can still contribute to the disability. The reasoning was supported by relevant Supreme Court precedents.

UNION OF INDIA & ORS. VS EX HAV HARISH CHANDRA JOSHI [W.P.(C)-14876/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision to grant disability pension to Ex HAV Harish Chandra Joshi for primary hypertension was upheld. The Medical Board's conclusion that the disability was not attributable to or aggravated by military service was found inadequate due to insufficient consideration of the respondent's service conditions. Principles established in a related Supreme Court judgment were applied, supporting the validity of the AFT's decision to award the pension.

UNION OF INDIA & ORS. VS EX HAV/GD SARWAN SINGH ARMY NO 4000369K [W.P.(C)-15513/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Armed Forces Tribunal granted the respondent a disability pension at 20%, rounded to 50%, from his retirement date. Medical Boards stated that the respondent's Diabetes Mellitus Type II was not service-attributable but was aggravated by his service conditions in field/CI operations. The decision was supported by evidence presented. The petitioners' challenge was dismissed.

UNION OF INDIA & ORS. VS EX HFL NATHU RAM [W.P.(C)-14878/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision to grant the respondent a disability pension of 75% for life is upheld, rounding off as per the Supreme Court's precedent. A presumption exists that service members are in sound health when entering service, with any health deterioration leading to discharge assumed to be related to military service. The employer bears the burden of proof to demonstrate otherwise, and the claimant benefits from any reasonable doubt. The Medical Board's assessment, which stated that the respondent's disability was not related to military service, failed to adequately account for service conditions, justifying the higher pension awarded by the Armed Forces Tribunal.

UNION OF INDIA & ORS. VS EX JWO CHANDRA KUMAR DIXIT [W.P.(C)-15762/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by the Union of India challenging an Armed Forces Tribunal order was dismissed. The tribunal granted Ex JWO Chandra Kumar Dixit a 20% disability pension for life due to his Seizure Disorder, which was considered attributable to military service. Dixit was diagnosed in 2008 and discharged in 2019 in a low medical category. The decision was upheld as there was no basis for interference.

UNION OF INDIA & ORS. VS EX JWO UDAIVEER GAUTAM(686502-S) [W.P.(C)-15363/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision to grant an ex-Junior Warrant Officer a disability pension for primary hypertension at 30%, rounded to 50%, effective from the date of discharge, was upheld. A presumption of soundness upon entering military service was established, placing the burden of proof on the employer to demonstrate that the condition was not related to or aggravated by military duties. The Medical Board's opinion was deemed insufficient as it did not fully account for the service conditions, validating the grant of the disability pension.

UNION OF INDIA & ORS. VS EX LEM R JAIDEEP NO 210711 R [W.P.(C)-15709/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The application of Ex LEM (R) Jaideep was approved, granting him a life-long disability pension at 20%, rounded off to 50%, from the date of his discharge. His Seizure Disorder was found to be attributable to and aggravated by his military service, supported by his posting profile and relevant regulations. The challenge to this decision by the Union of India & Ors. was dismissed.

UNION OF INDIA & ORS. VS EX NK/DSC SHETYE SITARAM ANANT [W.P.(C)-14649/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by the Union of India challenging the Armed Forces Tribunal's order for condonation of a 53-day shortfall in qualifying service for a second service pension in the Defence Security Corps (DSC) was dismissed. Pension regulations permit two independent service pensions for the Indian Army and DSC. The regulations allow for the condonation of shortfalls in qualifying service for the second pension, making the contrary administrative instructions from the Ministry of Defence inapplicable. Previous judgments in similar cases supported this conclusion.

UNION OF INDIA & ORS. VS EX SGT KUNDAN KUMAR (SERVICE NO 746913) [W.P.(C)-15708/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision of the Armed Forces Tribunal to grant Ex Sergeant Kundan Kumar a disability pension at 50% for life due to Somatoform Autonomic Dysfunction was upheld. The Tribunal's rejection of the Release Medical Board's conclusion, which stated the disability was not linked to military service, was considered justified. The Board's clinical assessment indicated a causal relationship between the disability and the duties assigned to the respondent, which differed from his regular trade. A petition challenging this order was dismissed.

UNION OF INDIA & ORS. VS HAV D SRINIVASA RAO, RETD. [W.P.(C)-6815/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Armed Forces Tribunal's decision to grant a retired Havildar pension benefits at the last rank held was upheld, despite the Havildar not completing 10 months in that rank. Payment of arrears for the revised pension was restricted to a 3-year period prior to the filing of the original application, rather than from the date of discharge, which exceeded 21 years. The main legal points remained undisputed.

UNION OF INDIA & ORS. VS LT COL VS HOSALLI [W.P.(C)-16211/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition filed by the Union of India was dismissed, upholding the Armed Forces Tribunal's decision that Lt Col VS Hosalli's disability of IHD Normal Coronaries at 20% was aggravated by military service. The Tribunal's findings were supported by the Release Medical Board, which attributed the disability to the stress and strain of military service. The respondents were instructed to calculate, sanction, and issue the necessary pension order within three months, with interest at 6% per annum applicable for any delays.

UNION OF INDIA & ORS. VS LT COL HARVINDER THAKUR RETD [W.P.(C)-17100/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition filed by the Union of India challenging an order from the Armed Forces Tribunal was dismissed. The Tribunal had directed a Post Medical Discharge Board for Lt Col Harvinder Thakur regarding his Coronary Artery Disease and Unstable angina, and this directive had been complied with. Despite this compliance, the petitioners objected to the Tribunal issuing further directions during execution proceedings. It was noted that this objection could not be addressed in the current petition as it was confined to the original order, which had already been executed. The petition was disposed of, allowing the petitioners to seek remedies for any subsequent orders they may find objectionable.

UNION OF INDIA & ORS. VS LT. COL. VIVEK MATHUR RETD [W.P.(C)-16227/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision to grant a disability pension of 30%, rounded off to 50% for two years from discharge, to Lt. Col. Vivek Mathur Retd, was upheld. The presumption of sound physical and mental condition upon entering service and the assumption that any health deterioration during service is service-related were pivotal in the reasoning. The claimant is not responsible for proving the case and benefits from any reasonable doubt in such matters.

UNION OF INDIA & ORS. VS NK DSC SIMON TOPNO RETD [W.P.(C)-15365/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Armed Forces Tribunal can condone a shortfall of 71 days in qualifying service for granting a second service pension to NK DSC Simon Topno Retd. The policy letters from the Ministry of Defence prohibiting such condonation do not override the pension regulations, which allow for two independent service pensions. Simon Topno is entitled to the second service pension despite the qualifying service shortfall.

UNION OF INDIA & ORS. VS NK/DSC SANTOSH KUMAR PRAMANIK (RETD.) [W.P.(C)-2965/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by the Union of India was dismissed, upholding the Armed Forces Tribunal's decision to condone a 3-month shortfall in the respondent's qualifying service for a second service pension from the Defence Security Corps. Previous judgments indicated that pension regulations support two independent service pensions, and administrative instructions prohibiting such condonation do not supersede statutory regulations. Consequently, authorities were directed to issue a corrected pension payment order and pay the respondent's arrears.

UNION OF INDIA & ORS. VS NO. 40634Z LT. AK THAPA (RELEASED) [W.P.(C)-17139/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition by the Union of India and others challenging the Armed Forces Tribunal's order to grant invalid pension to Lt. A.K. Thapa was dismissed. The Tribunal found the requirement for Armed Forces personnel to be permanently incapacitated from civil employment for invalid pension unconstitutional. The petitioners were granted leave to appeal the Tribunal's order to the Supreme Court, making the appeal pending. Therefore, the attempt to challenge the same order through alternative remedies was not permitted.

UNION OF INDIA & ORS. VS SH. BRIJ BIHARI SINGH (EX. NK (TS)-15370496-H) [W.P.(C)-14498/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Armed Forces Tribunal granted Sh. Brij Bihari Singh a disability pension of 30%, rounded to 50%, for "Diabetes Mellitus" Type-II and "Primary Hypertension." It was established that members are presumed to enter service in sound physical and mental condition, with any health deterioration during service attributed to that service. The Medical Board's opinion failed to consider these legal presumptions, justifying the pension grant.

UNION OF INDIA & ORS. VS SL-3939F COL MPC RAO (RETD.) [W.P.(C)-1995/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Armed Forces Tribunal's decision to grant a 50% disability pension to SL-3939F COL MPC RAO (RETD.) was upheld. The medical board initially indicated that the respondent's coronary artery disease was aggravated by service-related stress, but this finding was later altered without proper justification due to outside influence from Headquarters. The change in the medical board's opinion was deemed improper, leading to the conclusion that the denial of the disability pension was illegal. The petition by the Union of India and others was dismissed.

UNION OF INDIA AND ANR VS SQN LDR SM DUBEY (RETD.) [W.P.(C)-14784/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision to grant a disability pension to Sqn Ldr SM Dubey (Retd.) was upheld based on the presumption that military service contributes to health deterioration. The medical board's reasoning for denying the connection of the respondent's hypertension to service conditions lacked convincing evidence. The petition by the Union of India was dismissed, affirming the validity of the AFT's decision.

UNION OF INDIA AND ORS VS EX HAV DSC GD GYAN PRAKASH [W.P.(C)-4702/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by the Union of India was dismissed, upholding the Armed Forces Tribunal's decision to condone an 11-month and 11-day shortfall in qualifying service for a second service pension from the Defence Security Corps (DSC). The pension regulations allow for two independent service pensions, and the Ministry of Defence's policy letters against condonation of shortfalls contradicted these provisions. The petition was found to lack merit.

UNION OF INDIA AND ORS VS EX NK SHYAM SUNDER CHAUDHARI [W.P.(C)-7576/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by the Union of India and others was dismissed, upholding the Armed Forces Tribunal's decision to condone a shortfall of 8 months and 17 days in the respondent's qualifying service for a second service pension from the Defence Security Corps (DSC). The pension regulations specify two independent service pensions for the Indian Army and DSC, and administrative instructions cannot override these statutory regulations, ensuring the respondent's rights under the Pension Regulations are preserved.

UNION OF INDIA AND ORS VS KHUSHBHU KUMARI [W.P.(C)-14634/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Union of India petitioned regarding the Central Administrative Tribunal's direction to form a Review Medical Board for Khushbhu Kumari, who was deemed unfit for Constable (Exe) due to a tattoo. The Tribunal did not address her disqualification based on Keloid, which posed risks of recurrence and malignancy, as noted by an expert. The case was remanded for reconsideration of the Keloid disqualification alongside the tattoo issue.

UNION OF INDIA AND ORS VS SMT DHANULI DEVI WIDOW OF LATE LNK DSC PAN SINGH [W.P.(C)-15396/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition filed by the Union of India was dismissed, upholding the order of the Armed Forces Tribunal that allowed a 111-day condonation in the qualifying service of a deceased member of the Defence Security Corps for a second service pension. The decision was based on the understanding that pension regulations do not prohibit the condonation of shortfalls in qualifying service, and administrative instructions did not negate the rights accruing under these regulations.

UNION OF INDIA AND ORS. VS (DSC) EX HAV MAM RAJ SHARMA [W.P.(C)-4728/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision to condone a shortfall of 7 months and 12 days in the respondent's qualifying service for a second service pension from the Defence Security Corps (DSC) was upheld. The pension regulations permit two independent service pensions, and administrative instructions cannot override statutory regulations. The authorities cannot deprive the respondent of rights under the pension regulations.

UNION OF INDIA AND ORS. VS CDR AK SRIVASTAVA (RETD.) [W.P.(C)-15493/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition filed by the Union of India was dismissed, affirming the Armed Forces Tribunal's decision to grant 50% disability pension for life to CDR AK Srivastava (Retd.) due to primary hypertension aggravated by naval service. Consistent medical opinions supporting the aggravation of the disability were ignored by financial authorities, who lacked any countering medical evidence. The handling of the respondent's claim at various stages was criticized, resulting in a cost of Rs. 50,000 imposed on the petitioners.

UNION OF INDIA AND ORS. VS EX HAV (DSC/GD) MADAN MOHAN LAL [W.P.(C)-5089/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision to grant Ex Hav (DSC/GD) Madan Mohan Lal a second service pension from the Defence Security Corps (DSC) was upheld, despite a shortfall of 3 months and 6 days in qualifying service. The argument that the Tribunal exceeded its jurisdiction was rejected, as pension regulations provide for independent service pensions for the Indian Army and DSC. Administrative instructions cannot override statutory pension regulations.

UNION OF INDIA THROUGH IT S SECRETARY & ORS. VS NO 200397Z EX MCEAR-II SATYAVIR SINGH [W.P.(C)-16405/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by the Union of India challenging the orders of the Armed Forces Tribunal was dismissed. The Tribunal directed a Re-Survey Medical Board for the respondent and awarded him a disability pension, as the previous Release Medical Board had only recognized hypertension aggravated by service for two years. The Re-Survey Medical Board assessed the respondent's disability at 40%, later rounded off to 50% by the Tribunal. No errors were found in the Tribunal's orders.

UNION OF INDIA VS COL (TS) SHYAMA NAND JHA (RETD.) [W.P.(C)-16127/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Union of India's writ petition was dismissed, affirming that the respondent's disabilities were attributable to or aggravated by military service. The Medical Board's reasoning for denying this was flawed, as it incorrectly assumed the respondent had been posted in a peace area since 1993, while he had actually served at the Siachen Glacier from 1997-1998, which involved severe stress. The application of the Supreme Court's judgment in Dharamvir Singh, advocating for the benefit of the doubt for armed forces personnel, was agreed upon.

UNION OF INDIA VS ENKAY ENTERPRISES [FAO (COMM)-238/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The dismissal of the Union of India's petition under Section 34 of the Arbitration and Conciliation Act, 1996 was upheld due to its filing beyond the 3-month period following receipt of the arbitral award, and the subsequent 30-day condonation period. The lower court's order was affirmed as time-barred, with the appellant's claims of significant errors in the award against public policy receiving no consideration. The appeal and pending applications were dismissed.

V DURGA PRASAD VS UNION OF INDIA AND ORS. [W.P.(C)-17860/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

Respondents must consider the petition as a representation and reach a decision within eight weeks, issuing a speaking order. If the petitioner is entitled to any relief, it will be granted without further court orders. Any rejected prayers can be legally challenged by the petitioner. The petition concluded accordingly.

VIJAY SINGH VS UNION OF INDIA AND ORS [W.P.(C)-15016/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by ITBP personnel challenging a transfer order was dismissed. The transfer was deemed an exigency of service, with the competent authority having considered the petitioner's representation regarding his medical condition. The transfer complied with ITBP rules, and there was no evidence of arbitrariness or bad faith. The petitioner was allowed to submit a new representation based on his medical condition for further consideration by the authorities.

VIKAS KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-16158/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition challenging the transfer of an individual from the 25th Battalion in Ghitorni, Delhi, to the 18th Battalion in Raj Nagar, Madhubani, Bihar was dismissed. The transfer, deemed a policy decision, was not regarded as perverse, motivated by mala fide intent, or in violation of any rules. The individual had served in Ghitorni for 4 years and 10 months, exceeding the normal 3-year tenure, which justified the transfer.

VIKAS NAGAR VS UNION OF INDIA AND ORS. [W.P.(C)-13913/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner is permitted to join the position of Constable DCPO in the Central Industrial Security Force (CISF) despite being deemed "unsuitable" by the Screening Committee due to a pending criminal case linked to a matrimonial dispute, which is stayed. The importance of the employment opportunity and potential irreparable loss to the petitioner were considered. If convicted in the future, the petitioner's services may be terminated without any claim to equity based on this allowance or interim service.

VIKKI KUMAR PASWAN VS UNION OF INDIA & ORS [W.P.(C)-9453/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The decision to reject the petitioner's candidature for the Indian Coast Guard was deemed unjustified. The petitioner had made changes to his Aadhaar card regarding his name and date of birth without fraudulent intent. Supporting documents, including the high school certificate, corroborated his identity and date of birth. Verification of the petitioner's documents is required, and if found correct, he will be allowed to join the Induction Course with seniority based on the current batch, but will not receive salary for the interim period.

VIKRANT VS UNION OF INDIA AND ORS [W.P.(C)-17382/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The respondents are required to consider the petitioner's request for attachment to an Army Headquarters unit in New Delhi as a representation, making a decision within 4 weeks based on relevant policies and orders. The merits of the petitioner's claim, related to bail conditions and Army personnel orders regarding pending criminal cases, were not addressed. The petitioner is to remain in his current position during this period, and if the decision is unfavorable, he may challenge it legally.

VIMLESH VS UNION OF INDIA AND OTHERS [W.P.(C)-16161/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Unit Run Canteen (URC) at the Integrated Headquarters of the Ministry of Defence (Army) Camp is not considered a "State" under Article 12 of the Indian Constitution. A writ petition seeking reinstatement to the post of Billing Clerk-cum-Cashier at the URC is not maintainable. The petitioner is permitted to pursue other legal remedies if desired.

VINAY GAUTAM VS UNION OF INDIA & ORS. [W.P.(C)-17744/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The writ petition filed by Vinay Gautam challenging reports of his unfitness for the Constable Driver post was dismissed due to a lack of territorial jurisdiction. The recruitment advertisement specified that only certain courts had jurisdiction over the examination centers, and Gautam had not appeared for the exam or physical test in Delhi. He was granted the option to approach the appropriate court with jurisdiction.

VINOD MENGWAL VS SASHASTRA SEEMA BAL & ANR. [W.P.(C)-14533/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Sashastra Seema Bal (SSB) is required to consider the petitioner's representation regarding his medical categorization and issue a speaking order within 8 weeks. The petitioner was categorized as S1H3A1P1E1 (T-24) due to bilateral severe mixed hearing loss, a change from his previous SHAPE-1 category associated with the use of a hearing aid. The decision remains open for the petitioner to challenge if aggrieved.

VIRENDRA SINGH SHEKHAWAT VS UNION OF INDIA & ORS. [W.P.(C)-10563/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner is entitled to promotion to the rank of Commandant for the vacancy years 2009-10 and 2010-11, despite not qualifying the mandatory Senior Command Course, as the responsibility for detailing him for the course rested with the respondents. Prior judgments established that an officer cannot be penalized for the department's failure to provide training opportunities. The petitioner's seniority is to be considered from the date his immediate junior was promoted, and a review Departmental Promotion Committee will evaluate his promotion to the rank of Deputy Inspector General.

WO KARAN SINGH RETD VS UNION OF INDIA AND ORS [W.P.(C)-16223/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by retired Warrant Officer Wo Karan Singh challenging the Armed Forces Tribunal's dismissal was dismissed. Allegations of harassment by officers were considered vague and raised only after his voluntary discharge in 2022, with a complaint filed through legal notice in 2023. The Tribunal's orders were upheld based on the specifics of the case.

YOGESH KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-17943/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The High Court of Delhi lacks territorial jurisdiction to hear the petitioner's challenge to medical reports declaring him unfit for the Constable/Technical & Tradesman position in the CRPF, as the recruitment advertisement specified jurisdiction where the tests were conducted, and the petitioner did not attend the relevant examinations in Delhi. The petitioner may approach the appropriate court with jurisdiction.

BAIKUNTHA NATH DAS VS UNION OF INDIA AND ORS. [W.P.(C)-1446/2023]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petitioner's request for voluntary retirement, accepted effective June 30, 2021, is deemed valid. The petitioner is considered to have proceeded on voluntary retirement from that date, with all consequential retirement benefits to be released within 12 weeks. Departmental proceedings against the petitioner for non-reporting to the new posting are quashed in light of this decision.

UNION OF INDIA & ORS. VS EX LNK CHHEDI LAL [W.P.(C)-13938/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The petition by the Union of India against the Armed Forces Tribunal's order was dismissed. The Tribunal directed the authorities to condone a shortfall of 11 months and 25 days in the respondent's qualifying service for the Defence Security Corps and grant the second service pension. Pension regulations permit two independent service pensions, and administrative instructions cannot deny the respondent benefits under these statutory regulations. A similar challenge by the Union of India had previously been rejected.

UNION OF INDIA AND ORS VS CAPTAIN TS GEORGE VARUGHESE RTD [W.P.(C)-14769/2024]

Judges: Justice Navin Chawla, Justice Shalinder Kaur

The Armed Forces Tribunal's decision to grant disability pension to Captain TS George Varughese (Retd) was upheld due to conflicting opinions from the Recategorisation Medical Board and the Release Medical Board (RMB). The Recategorisation Board indicated that Varughese's Primary Hypertension was aggravated by military service, while the RMB denied the claim, attributing the onset of the disability to a peace tenure. The lack of elaboration from the RMB, especially in light of the Recategorisation Board's findings, led to the conclusion that the Tribunal's decision to grant the pension was valid.

UNION OF INDIA VS MANPREET SINGH CHADHA [LPA-1253/2024]

Judges: Justice Neena Bansal Krishna, Justice Shalinder Kaur

The Letters Patent Appeal by the Union of India against the suspension of the look-out circular (LOC) for Manpreet Singh Chadha was dismissed. The investigation concerning the Corporate Debtor, where Chadha was a director, has been ongoing since June 2022, with Chadha cooperating with investigating agencies. The single judge's order, which imposed conditions for Chadha's travel abroad, was upheld, emphasizing his right to travel while the investigation lacks a specified timeline for completion.

ARJUN MALL RETAIL HOLDINGS PVT LTD & ORS. VS GUNOCEN INC. [FAO (COMM)-31/2021]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appellants' challenge to the appointment of the sole arbitrator was deemed untenable due to their failure to properly invoke the Arbitration Act at the appropriate time. No patent illegality or perversity was found in the arbitral award, as the arbitrator interpreted the contract terms based on available evidence. The limited scope of review under Section 34 of the Arbitration Act does not allow for re-appreciation of evidence or contract interpretation. The appeal was dismissed, and the arbitral award was upheld since the appellants did not actively participate in the proceedings despite being aware of them.

CAPT DINESH AHLUWALIA VS ROOP AHLUWALIA [MAT.APP.(F.C.)-186/2018]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appellant-husband properly served the summons and notice of the divorce petition on the respondent-wife, who did not appear. Evidence established that the summons was duly received. The order allowing the respondent-wife to set aside the ex parte divorce decree from 24.03.2005 was overturned, restoring the ex parte divorce decree in favor of the appellant-husband.

CITIZENS WHISTLE BLOWER FORUM VS UNION OF INDIA AND ORS. [W.P.(C)-9887/2019]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The writ petition by the Citizens Whistle Blower Forum for a Special Investigation Team (SIT) investigation into alleged irregularities and fund siphoning by Indiabulls Housing Finance Limited (IBHFL) was dismissed. Allegations lacked strong evidence. Investigations by various authorities, including the Ministry of Corporate Affairs, SEBI, RBI, and NHB, concluded that most loans from IBHFL were repaid, with remaining loans classified as 'standard accounts.' Some procedural violations by IBHFL were identified and dealt with. The primary jurisdiction for such investigations rests with statutory authorities, and no grave miscarriage of justice or abuse of process was established.

DR. VIKAS GUPTA VS DR. RAJNI GUPTA [MAT.APP.(F.C.)-153/2022]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

Dr. Vikas Gupta was granted a decree of divorce based on cruelty and desertion under the Hindu Marriage Act. Evidence indicated that Dr. Rajni Gupta subjected him to mental cruelty by frequently leaving the matrimonial home over a 19-year period without reasonable cause. This conduct was deemed to constitute mental cruelty, leading to the conclusion that a decree of divorce was warranted.

GAURAV GULATI VS GITA PRAVIN [MAT.APP.(F.C.)-298/2023]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appeal filed by the appellant/husband was dismissed, affirming the lower court's decision to reject the divorce petition on grounds of cruelty and desertion under the Hindu Marriage Act, 1955. The appellant failed to provide evidence supporting allegations of cruelty, which were characterized as typical marital adjustments. Regarding desertion, it was established that the appellant had forced the respondent/wife to live separately and did not attempt to reconcile, failing to demonstrate the necessary elements of separation and intent to permanently end cohabitation.

GAURAV NIGHAWAN VS SHWETA [MAT.APP.(F.C.)-8/2023]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appellant-husband's allegations of cruelty against the respondent-wife were not substantiated. However, the respondent-woman deliberately deserted the appellant within two months of their 2015 marriage. The appellant was granted a decree of divorce based on the respondent's prolonged absence and failure to reunite, which constituted desertion for over seven years.

GAUTAM RAWAL VS GARIMA RAWAL [MAT.APP.(F.C.)-4/2023]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The marriage between the parties was dissolved under Section 13(1)(ia) of the Hindu Marriage Act, 1955. The wife's actions, including unsubstantiated allegations of extramarital affairs, multiple complaints against the husband and his family, and public disturbances, constituted mental cruelty. The husband's divorce petition was deemed valid on the grounds of cruelty.

HEMANI MALHOTRA VS HIGH COURT OF DELHI [W.P.(C)-4075/2023]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

Appointments of judicial officers to ex-cadre posts for Fast Track Courts are considered cadre appointments under the DHJS Rules, not temporary positions. Seniority for these officers was established by a full court decision in 2009 and 2011, with the petitioner failing to challenge this in a timely manner. Recommendations from the 2016 Seniority Committee were not approved by the full court, leading to the rejection of the petitioner's claims.

KANWAL KISHORE GIRDHAR VS SEEMA GIRDHAR [MAT.APP.(F.C.)-326/2018]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

A divorce was granted to the husband on grounds of cruelty under Section 13(1)(ia) of the Hindu Marriage Act, 1955. The wife's behavior, including unfounded allegations of adultery, involving their child in disputes, and filing false police complaints, constituted mental cruelty. Persistent acrimony, irreconcilable differences, and her unwillingness to reconcile further supported the decision. The previous dismissal of the husband's divorce petition was overturned.

KUNAL KAPUR VS EKTA KAPUR [MAT.APP.(F.C.)-321/2018]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The respondent wife's conduct included making unsubstantiated allegations, disrespecting the husband's family, engaging in physical abuse, and denying him access to their child, which caused the husband significant mental anguish. Despite the husband's attempts to salvage the marriage, the wife's ongoing dissatisfaction led to the granting of a divorce decree on the basis of cruelty.

M/S JAIPRAKASH HYUNDAI CONSORTIUM VS M/S SATLUJ JAL VIDYUT NIGAM LIMITED & ANR. [FAO(OS) (COMM)-214/2023]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The decision to set aside the arbitral award in favor of the appellant was upheld. The notifications from the Himachal Pradesh government increasing minimum wages were deemed "subsequent legislation," allowing the appellant to claim additional costs. However, the arbitrator's calculations for additional labor costs lacked proper evidence and were seen as an improper alteration of contract terms. The appellant had already received substantial payments for labor escalation under the contract's price adjustment formula, and the arbitrator's disregard of this was considered unreasonable. The arbitral award was found to be unsupported by evidence, constituting a patent illegality that justified judicial interference. The appeal was dismissed, and the setting aside of the arbitral award was upheld.

MAJOR SHASHI CHAUHAN VS MAJOR RITU BHASIN [MAT.APP.(F.C.)-172/2019]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The trial court's dismissal of the husband's divorce petition was set aside, granting him divorce on the grounds of cruelty under Section 13(1)(ia) of the Hindu Marriage Act. The wife's conduct, including false accusations and complaints against the husband and his family, constituted mental cruelty. Prolonged separation without efforts at reconciliation also contributed to the finding of cruelty. Overwhelming evidence supported the claim of cruelty by the wife.

MANJU VS SHIVPRASAD [MAT.APP.(F.C.)-47/2023]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

Joint guardianship of a minor child is granted to both parents, with modified visitation rights for the father. The child's welfare and intelligent preference, particularly given their age, were considered significant. Due to the child's alienation from the father after 14 years of exclusive custody with the mother, overnight stays with the father are deemed not in the child's best interest. Limited daytime visitation at Family Court and weekly phone calls are permitted, remaining in effect until the child turns 18.

MOHIET AANAND VS PARUL ANAND [MAT.APP.(F.C.)-172/2022]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

An order for civil imprisonment of a husband for non-payment of maintenance under Section 24 of the Hindu Marriage Act was deemed illegal for failing to follow mandatory procedures outlined in the Code of Civil Procedure. The maintenance order is considered equivalent to a civil court decree, requiring execution in accordance with CPC provisions. The Family Court did not issue a show-cause notice or confirm conditions for civil imprisonment, violating Sections 51 and 58 of the CPC. Additionally, a judgment debtor cannot face civil imprisonment beyond three months for the same maintenance decree, differing from the provision under the Criminal Procedure Code which permits imprisonment for each month's default. The Family Court's order was set aside, and the appeal was allowed.

NATIONAL HIGHWAYS AUTHORITY OF INDIA VS GMR HYDERABAD VIJAYAWADA EXPRESSWAYS LTD. [FAO(OS) (COMM)-109/2020]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appeals by the National Highways Authority of India (NHAI) against GMR Hyderabad Vijayawada Expressways Ltd were dismissed. The minority arbitral award, which recognized changes in sand mining policies, court orders, and the bifurcation of Andhra Pradesh as "Change in Law" under the Concession Agreement, was upheld. NHAI's claims that these changes did not increase costs or affect net after-tax return were rejected, as was the argument for evaluating the respondent's claims under a different clause of the Concession Agreement. The decision to appoint Justice DK Jain as a sole arbitrator to handle the respondent's claim was also affirmed.

NIKHIL WADHAWAN VS PRITI WADHAWAN [MAT.APP.(F.C.)-229/2023]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The husband established that he experienced cruelty from the wife, justifying a divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955. Evidence included interference from the wife's parents, false complaints that involved police, and a prolonged separation of over 13 years without attempts at reconciliation. These factors constituted mental cruelty, and the continuation of the marriage would result in further suffering for both parties. Consequently, a divorce was granted on the grounds of cruelty.

NISHA KAPOOR @ NISHA SAINI VS DEEPAK SAINI [MAT.APP.(F.C.)-314/2019]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The divorce decree granted to the husband was upheld on the grounds of cruelty. The wife's actions, such as frequent trips to her parental home, difficulties in adapting to the matrimonial home, and a relationship with another man, constituted mental cruelty, leading to a prolonged deprivation of the conjugal relationship. The wife's appeal was dismissed.

PARIJAT SAURABH VS KAVITA SRIVASTAVA [MAT.APP.(F.C.)-120/2018]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appellant-husband was subjected to cruelty by the respondent-wife during their marriage, leading to the granting of a divorce on these grounds. Although individual incidents may not implicate the respondent alone, the overall discord indicated a non-adjusting attitude that resulted in public humiliation and mental cruelty for the appellant. Witness testimonies supported the appellant's claims, establishing that the respondent's actions justified the termination of the marital relationship.

PARVINDER KAUR VS VIPAN KUMAR [MAT.APP.(F.C.)-101/2019]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The divorce granted to the husband was upheld on the grounds of cruelty and desertion under the Hindu Marriage Act, 1955. The allegations of cruelty by the wife lacked supporting evidence, as the son's testimony did not indicate issues with the father, and medical reports did not validate the wife's injury claims. The wife's unsubstantiated accusations of dowry harassment constituted mental cruelty. The wife's departure from the matrimonial home in June 2004 without explanation and her subsequent actions indicated her intention to not resume the marital relationship. The appeal by the wife against the divorce was dismissed.

PAYAL SETHI VS ROHIT SETHI [MAT.APP.(F.C.)-37/2022]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The Family Court's decision to grant a divorce to the husband based on cruelty under Section 13(1)(ia) of the Hindu Marriage Act was upheld. The wife subjected the husband to cruelty by making false allegations, including filing unsubstantiated criminal complaints, leading to two years of litigation. Her suicide attempt and a note exonerating the husband and his family were also considered acts of cruelty. The wife's appeal against the divorce was dismissed.

PRAHLAD KUMAR VS DEEPA [MAT.APP.(F.C.)-71/2020]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appellant, Prahlad Kumar, was granted a divorce on the grounds of cruelty under Section 13(1)(ia) of the Hindu Marriage Act, 1955. The respondent, Deepa, exhibited adamant behavior, made unfounded allegations of dowry demands and attempted murder, and failed to adjust to the matrimonial home. A separation of over 11 years without any possibility of reconciliation was also considered an act of cruelty. Precedents regarding mental cruelty were relied upon in this decision.

PRAMOD VS UMESH @POONAM [MAT.APP.(F.C.)-63/2021]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The husband experienced mental cruelty from the wife, which included her frequent abandonment of the matrimonial home, a false criminal case filed against him and his family under Section 498A IPC that resulted in acquittal, and a deteriorating relationship. This entitles him to seek divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955. The previous dismissal of his divorce petition by the Family Court based on cruelty is set aside.

RAJ KUMAR MOHARWAL VS RAJ KUMARI MOHARWAL [MAT.APP.(F.C.)-84/2017]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appellant was granted a divorce on the grounds of cruelty under Section 13(1)(ia) of the Hindu Marriage Act. The respondent's conduct over 20 years, including making false complaints, extracting money, and pressuring the appellant to transfer property, constituted intolerable cruelty.

RUMA CHAKRABORTY VS PRANAB KUMAR CHAKRABORTY [MAT.APP.(F.C.)-246/2023]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The evidence indicated that the husband neglected his financial and moral responsibilities towards the wife and their child, prompting the wife to live with her parents for an extended period. This situation constituted desertion. Additionally, the husband's attempts to seek restitution of conjugal rights were viewed as insincere and lacking genuine intent. Given the long separation and established facts, the lower court's judgments were set aside, and a divorce was granted to the wife.

S.C. NUNA VS ANITA NUNA [MAT.APP.(F.C.)-241/2023]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appeal by the husband against the rejection of his divorce petition on grounds of cruelty was dismissed. Evidence, including the husband's admissions and complaints from the father of his alleged paramour, established that he had an extramarital relationship, which constituted cruelty toward the wife. The rejection of the divorce petition was deemed correct, as a party cannot benefit from their own wrongdoing.

SANDEEP SINGH VS JAGWANTI @ NIDHI [MAT.APP.(F.C.)-182/2016]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appeal by the appellant husband resulted in the granting of a decree of divorce under Section 13(1)(ia) of the Hindu Marriage Act on grounds of cruelty. The respondent wife's false allegations of dowry demands and domestic violence, which led to acquittal by a criminal court, constituted cruelty. Her frequent absences from the matrimonial home and lack of effort to return were viewed as desertion. The judgment of the lower court was set aside, and the decree of divorce was granted.

SANJAY ANAND VS SMT. RITU ANAND [MAT.APP.(F.C.)-183/2022]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appellant-husband was granted a divorce under Sections 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955, based on grounds of cruelty and desertion. The respondent-wife was found to have made false allegations of torture and dowry demands, constituting cruelty, and intentionally deserted the appellant by remaining at her parental home during her pregnancy and after childbirth, depriving him of conjugal rights and parental love. This conduct caused significant mental cruelty to the appellant.

SANJEEV KUMAR VS SAPNA [MAT.APP.(F.C.)-210/2017]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appeal was dismissed as the appellant did not prove that the respondent was suffering from a mental disorder or treated him with cruelty. The respondent's behavior, attributed to physical and psychological changes during early pregnancy, required support and understanding from the appellant. Claims of the respondent's mental disorder were deemed harsh and exacerbated her distress. The decision to dismiss the petition for divorce was upheld.

SATHISH BABU SANA VS DIRECTORATE OF ENFORCEMENT & ANR [W.P.(CRL)-2903/2019]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The petition by Sathish Babu Sana to recall a previous judgment in Writ Petition (Crl.) No. 2903/2019 was dismissed. The legal issues included the Enforcement Directorate's authority to reinvestigate under the Prevention of Money Laundering Act (PMLA) and the applicability of constitutional protections for an accused under PMLA summons. Clarifications were made regarding the nature of allegations against the petitioner, which were mischaracterized in the prior judgment. The dismissal was influenced by the Supreme Court's decision in Vijay Madanlal Choudhary v. Union of India that upheld Section 50 of the PMLA. There were no valid grounds presented for recalling the judgment.

SAURABH JAIN VS NEHA JAIN [MAT.APP.(F.C.)-92/2021]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

Saurabh Jain was granted a divorce from Neha Jain on the grounds of cruelty. Evidence showed that Neha publicly humiliated Saurabh by calling him "impotent" in front of family, despite Saurabh having a medical condition that prevented conception but not physical relationships. Neha's allegations of dowry harassment were unsubstantiated. The previous dismissal of Saurabh's divorce petition was set aside, and the divorce decree was in his favor.

SH. AVNESHWAR SINGH VS SMT.MONIKA [MAT.APP.(F.C.)-33/2022]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appellant-husband was granted a divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955 due to the respondent-wife's conduct, which included sending derogatory messages about the appellant's father, making complaints to his employer, and engaging in prolonged litigation. This behavior constituted mental cruelty, making the continuation of the marital relationship untenable. The couple had lived together for less than a year and had been involved in multiple legal disputes for over a decade, indicating a significant breakdown of the marriage. The previous dismissal of the divorce petition was overturned.

SH. PRADEEP KONERU VS CENTRAL BUREAU OF INVESTIGATION & ANR. [W.P.(CRL)-384/2019]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

Section 50 of the Prevention of Money Laundering Act (PMLA), which allows authorities to summon individuals and record their statements during investigations, is valid. Satish Babu Sana and Pradeep Koneru were identified as prima facie involved in money laundering by making payments to Moin Akhtar Qureshi for undue favors from public servants. A person's status can shift from witness to accused during an investigation if new facts arise, justifying summoning under Section 50 PMLA. This matter involves three related petitions from the two petitioners challenging the proceedings against them.

SH. PRADEEP KONERU VS CENTRAL BUREAU OF INVESTIGATION & ANR. [CRL.M.A.-21909/2024]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

Typographical errors in a previous judgment regarding Pradeep Koneru were corrected. It was clarified that Koneru is a witness in the PMLA case, not an accused. The challenge to the constitutional validity of Section 50 of the PMLA has been addressed in a prior Supreme Court ruling. Koneru has the liberty to seek other reliefs in appropriate forums.

SHANKAR MALLICK VS SARITA KUMARI [MAT.APP.(F.C.)-103/2021]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The evidence established that the wife subjected the husband to cruelty under Section 13(1)(ia) of the Hindu Marriage Act, 1955. She showed little interest in the marriage, made false allegations against the husband and his family, and did not attempt to resume the relationship despite a 19-year separation. This constituted cruelty, leading to the decision to grant the husband a divorce.

SHIV KUMAR JATIA & ANR. VS SATYAM KANOI & ORS. [FAO(OS)-126/2022]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The previous Administrator of the Ram Pyari Devi Charitable Trust was discharged, and two new Administrators were appointed: Justice G.P. Mittal and Mr. Avdhesh Mishra. Ongoing disputes among existing Trustees and lack of cooperation with the former Administrator were noted. The new Administrators have been granted extensive powers over the Trust's daily operations, including finances and officer appointments. A forensic audit of the Trust's accounts will be conducted by a Chartered Accountant appointed by the prior Administrator.

SHRI PRADEEP KONERU VS DIRECTORATE OF ENFORCEMENT & ANR. [CRL.M.A.-21908/2024]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

Pradeep Koneru's applications to recall a previous judgment from July 19, 2024, in two writ petitions were allowed due to typographical errors that misidentified him as an accused in a PMLA case, rather than a witness. The errors were corrected, and it was noted that the main challenge in the writ petitions concerned the constitutional validity of Section 50 of the PMLA, which has been upheld in a separate case.

SHRI SHYAMVEER VS SMT. RENU [MAT.APP.(F.C.)-118/2022]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appeal by the husband for divorce on grounds of cruelty was dismissed. The husband made unsubstantiated allegations against his wife's character and denied the parentage of their children, which constituted mental cruelty. Since the husband himself committed wrongful acts, he was not granted divorce.

SMT MEENU GUPTA VS SHRI SANDEEP KUMAR JAIN [MAT.APP.(F.C.)-188/2023]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

Divorce was upheld due to cruelty and desertion. The wife's prolonged stays at her parental home, threats to abort the child, and alienation of the child from the father constituted mental cruelty. It was determined that the wife deserted the husband with no intention of returning to the matrimonial home.

SOCIETY FOR TEACHERS CAUSE THROUGH ITS SECRETARY EXECUTIVE SH KAPIL MOHAN SHARMA AND OTHERS VS GOVT OF NCT OF DELHI & ANR. [W.P.(C)-9085/2020]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The writ petition by the Society for Teachers' Cause, challenging the discontinuation of re-employment for retired school officials, was dismissed. The re-employment scheme was deemed a policy decision, and the government could withdraw it due to changed circumstances, such as filling vacancies through direct recruitment. Petitioners lacked a vested right to re-employment, and the withdrawal of the scheme was not arbitrary or violative of rights. In cases of policy changes affecting many, individual hearings may not be necessary as public interest can justify the change.

SONIA KHURANA VS PRADEEP KHURANA [MAT.APP.(F.C.)-80/2023]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The wife's appeal for the right of residence in the Punjabi Bagh Extension property was dismissed, as it was not considered a "shared household" under the Protection of Women from Domestic Violence Act, 2005, since the wife had never lived there. The matrimonial home was determined to be the rented accommodation in Kirti Nagar. The wife was receiving maintenance from the husband and had an alternate residence with a 1/3rd share at her parental home.

STATE GOVT OF NCT OF DELHI VS MOHD. KASIM @ KHAN SAHEB & ANR [CRL.A.-1080/2018]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The acquittal of Mohd. Kasim @ Khan Saheb, Abdul Rehman, and Sajid @ Sahil in the murder and robbery of Mr. Vinay Kumar Jain was upheld. Key evidence, including the recovery of firearms, stolen jewelry, and the testimony of the sole eyewitness, was deemed not proven or unreliable. The principle of issue estoppel applied, as their acquittal in a separate arms case influenced the current proceedings. The prosecution failed to establish the case against the accused beyond a reasonable doubt, supporting the lower court's judgments.

STATE VS AFROZ @ SHARIB & ANR. [CRL.A.-273/2014]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The trial court's acquittal of the accused was upheld due to the prosecution's failure to prove guilt beyond reasonable doubt, highlighted by contradictions in the victims' statements and investigative lapses. Despite recognizing the victims' serious injuries, the appeals from the state and the victims were dismissed, and the Delhi State Legal Services Authority was ordered to compensate the victims, cover their medical expenses, and assist with their rehabilitation.

STATE VS VIRENDER @ BILLU & ORS [CRL.A.-1209/2014]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The accused persons were acquitted of gang rape charges under Section 376G of the Indian Penal Code due to unreliable testimony from the prosecutrix. However, they were convicted under Sections 395 (dacoity) and 412 (dishonestly receiving stolen property) supported by recoveries made at their instance and forensic evidence.

SULOCHNA VS VISHNU DUTT BHARDWAJ [MAT.APP.(F.C.)-167/2019]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

A divorce was upheld for the husband on the grounds of cruelty under Section 13(1)(ia) of the Hindu Marriage Act, 1955. The wife's behavior, characterized by constant disputes, disrespect towards the husband and his family, and unfounded allegations, caused mental distress, constituting cruelty. Additionally, the husband was entitled to divorce under Section 13(1A)(ii) due to the wife's non-compliance with a decree for restitution of conjugal rights, despite the initial decree being against him.

SUMAN KUMAR BHAN VS DURGA BHAN NEE HAIFZ [MAT.APP.(F.C.)-156/2023]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appeal filed by the appellant-husband was dismissed, affirming the Family Court's rejection of the petition for marriage dissolution under the Hindu Marriage Act. The appellant failed to prove cruelty by the respondent-wife, who left the matrimonial home due to the husband's behavior, including unfounded allegations about her character and medical condition, and attempts to coerce her into selling her properties. The long separation indicated that the marriage had essentially become a legal formality.

SUMIT GUPTA VS TRAPTI GUPTA [MAT.APP.(F.C.)-63/2019]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The husband was subjected to cruelty by the wife under Section 13(1)(ia) of the Hindu Marriage Act, 1955. The wife deserted the husband during a difficult time following a serious accident, prioritizing her financial interests over his needs. This behavior rendered it impossible for the husband to continue living with her, leading to the granting of a divorce.

THDC INDIA LTD VS M/S PCL-INTERTECH LENHYDRO CONSORTIUM JV [FAO(OS) (COMM)-184/2023]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The majority arbitral award against THDC India Ltd. is upheld. PCL-Intertech Lenhydro Consortium JV was permitted to engage sub-contractor Ritwik Swathi JV under the contract terms, and THDC's objections were rejected. A 63-month project delay was attributed solely to THDC, warranting compensation for the respondent based on revised rates for work beyond the original contract period. Claims for compensation related to idling of plant and machinery and overhead costs were supported by evidence, leading to a rejection of THDC's challenges. The interest rate awarded was deemed reasonable. The petition was partially allowed by setting aside the award of pendente lite interest, while the majority arbitral award was otherwise upheld.

UNION OF INDIA VS HINDUSTAN OIL EXPLORATION COMPANY LTD [FAO(OS) (COMM)-48/2018]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The appeal by the Union of India against the Arbitral Award was dismissed. The interpretation of the New Exploration Licensing Policy 2006 (NEP 2006) and the calculation of liquidated damages based on the estimated cost of the unfinished minimum work program were deemed legally sustainable. The decision on the interest rate was upheld, as the specific clause regarding compound interest was not previously raised. The Arbitral Tribunal's findings and computations were validated, with no grounds for interference under Section 37 of the Arbitration and Conciliation Act.

VIMAL TYAGI VS DOLI TYAGI [MAT.APP.(F.C.)-78/2022]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The husband's appeal was allowed, setting aside the Family Court's dismissal of his divorce petition. The husband's credible, unchallenged testimony demonstrated the wife's persistent demands for the transfer of agricultural land, along with threats and harassment, constituting cruelty under Section 13(1)(ia) of the Hindu Marriage Act, 1955. A divorce was granted on the grounds of cruelty.

VINEET GUPTA VS MUKTA AGGARWAL [MAT.APP.(F.C.)-23/2020]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

An adulterous relationship of a parent is insufficient grounds to deny custody unless proven harmful to the child's welfare. The mother had an extramarital affair, but there was no evidence indicating it negatively affected the care of the children. Permanent custody was granted to the mother, with the father having day custody rights and access to the children's education. The emphasis was placed on prioritizing the children's welfare and encouraging cooperative parenting for their well-being, aiming to balance the rights of the parents with the best interests of the daughters.

VISHAL KAPOOR VS PREETI KAPOOR [MAT.APP.(F.C.)-7/2018]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The husband proved grounds for cruelty under Section 13(1)(ia) of the Hindu Marriage Act, 1955, justifying a decree of divorce. The lack of physical intimacy, unsubstantiated dowry harassment complaints, and prolonged separation without attempts to resume the marital relationship were collectively considered as cruelty, leading to the overturning of the lower court's dismissal of the divorce petition.

FIVE STAR CONSTRUCTION PVT LTD VS ORCHID INFRASTRUCTURE DEVELOPERS PVT. LTD. [FAO(OS) (COMM)-324/2022]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The partial arbitral award of Rs. 4,33,877 in favor of Five Star Construction Pvt Ltd was set aside because it was deemed part of a larger claim of Rs. 29,60,446 for work done until 14.01.2013, which had been dismissed by the arbitrator. The award was found to exceed the arbitrator's jurisdiction as it was not a distinct claim and lacked cogent reasoning or evidence, constituting a "patent illegality."

KITTY BHARDWAJ VS LALIT PYARE LAL BHARDWAJ [MAT.APP.(F.C.)-56/2019]

Judges: Justice Neena Bansal Krishna, Justice Suresh Kumar Kait

The wife's appeal against the Family Court's divorce decree was dismissed. The husband's claims of mental cruelty due to the wife's reckless and defamatory allegations were validated as grounds for divorce. Both parties had been living separately since 2013, and the wife's continuous litigation against the husband indicated no intent to reconcile. Given their prolonged separation and advanced age, the prospects for reunification were deemed impossible, leading to the upholding of the divorce.

UTPAL TRIPATHI VS STATE (GOVT. OF NCT DELHI) & ANR. [W.P.(CRL)-2475/2024]

Judges: Justice Prathiba M. Singh, Justice Sachin Datta

Divorce proceedings between the petitioner and his wife under Section 13B of the Hindu Marriage Act will continue as per their prior settlement agreement. The husband must visit the rehabilitation center where the wife is being treated for Schizophrenia to facilitate regular meetings between the wife and their minor son. The husband and son may visit the center to obtain the wife's signature on the second motion petition under Section 13B. Additionally, the husband is required to transfer the remaining 50% of the agreed alimony amount to the wife's account before the final divorce order is issued.

SUNIL YADAV VS ARUNA ASAF ALI GOVERNMENT HOSPITAL & ANR. [W.P.(C)-11960/2023]

Judges: Justice Prathiba M. Singh, Justice Tushar Rao Gedela

Sunil Yadav was identified as the highest bidder for a contract based on tender conditions. The Government E Marketplace (GEM) portal was directed to award the work contract to him and to update the portal accordingly. A review petition from GEM to recall these directions was dismissed, as those directions were deemed consequential, with GEM having no role in the award or non-award of the contract.

DINESH KUMAR VARMA VS SALES TAX OFFICER CLASS II AVATO WARD 93 ZONE 8 DELHI [W.P.(C)-5487/2024]

Judges: Justice Purushaindra Kumar Kaurav, Justice Sanjeev Sachdeva

Two orders issued by the Sales Tax Officer against Dinesh Kumar Varma under Section 73 of the Central Goods and Services Tax Act, 2017, were set aside due to identical demands for the same tax period of July 2017 to March 2018. The petitioner claimed unawareness of the notices which prevented him from responding. The proceedings concerning the show cause notices were combined and directed for re-adjudication, granting the petitioner 30 days to submit replies. No comments were made regarding the merits of the case, and all rights and contentions of the parties were reserved.

KALPANA CABLES PRODUCTS PVT. LTD. VS THE COMMISSIONER, DEPARTMENT OF TRADES AND TAXES & ANR. [W.P.(C)-5499/2024]

Judges: Justice Purushaindra Kumar Kaurav, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration retrospectively from December 1, 2017 was found unsustainable due to a lack of cogent reasons in the show cause notice and cancellation order. Registration cannot be cancelled retroactively solely based on the taxpayer's failure to file returns; objective criteria must be met. Retrospective cancellation could negatively impact the taxpayer's customers. The cancellation order was modified to be effective from April 30, 2019, the date requested by the petitioner.

M/S JVN TRADERS PVT. LTD. VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-5491/2024]

Judges: Justice Purushaindra Kumar Kaurav, Justice Sanjeev Sachdeva

The Principal Commissioner of the Department of Trade and Taxes must decide M/S JVN Traders Pvt. Ltd.'s application for cancellation of GST registration within four weeks. The petitioner, having closed its business, submitted the application, which was pending due to clarifications sought by the respondent. The petitioner agreed to provide the necessary information within one week.

M/S KCA INFRASTRUCTURE THROUGH ITS PROPRIETOR SH SONU AHUJA VS LEARNED COMMISSIONER ADJUDICATION CENTRAL TAX CGST DELHI EAST [W.P.(C)-3884/2024]

Judges: Justice Purushaindra Kumar Kaurav, Justice Sanjeev Sachdeva

The order dated 28.12.2023 disposing of two show cause notices against M/s KCA Infrastructure was set aside due to the lack of notice for a hearing scheduled on 18.12.2023, which prejudiced the petitioner's ability to appear. The matter was remitted for re-adjudication by the proper officer with an opportunity for personal hearing, with no comments on the merits, preserving the rights and contentions of both parties.

SHRI PRAMOD KUMAR SINGHAL VS THE DIRECTORATE OF REVENUE INTELLIGENCE THROUGH DIRECTOR & ANR. [W.P.(C)-5513/2024]

Judges: Justice Purushaindra Kumar Kaurav, Justice Sanjeev Sachdeva

The Directorate of Revenue Intelligence (DRI) is to dispose of the petitioner's application from 26.02.2024 regarding the release of seized gold bars within two weeks, in accordance with the law. The merits or legality of the transactions have not been addressed, and the DRI must process the application impartially.

THE COMMISSIONER OF INCOME TAX - INTERNATIONAL TAXATION -3 VS TELSTRA SINGAPORE PTE LTD. [ITA-174/2024]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

Payments received by Telstra Singapore Pte Ltd. from Indian customers for bandwidth services outside India do not qualify as "royalty" under Article 12 of the India-Singapore Double Taxation Avoidance Agreement, as there was no transfer of rights related to patents, inventions, or processes, nor was there effective customer control over the technology used. The interpretation of "process" or "equipment" royalty is not applicable in this context, and the consideration received is not subject to taxation under the treaty.

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY VS UNION OF INDIA & ORS. [W.P.(C)-4711/2021]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The writ petition by New Okhla Industrial Development Authority (NOIDA) led to the quashing of the Central Board of Direct Taxes (CBDT) order that denied NOIDA certification under Section 10(46) of the Income Tax Act, 1961. NOIDA, constituted under the Uttar Pradesh Industrial Area Development Act, 1976, primarily focuses on planned development of industrial areas and does not engage in commercial activities. Loans and advances to government entities were made as per state government directives without a profit motive. Financial statements indicated a nominal margin between income and expenditure, supporting the distinction between statutory activities and commercial endeavors.

GE CAPITAL US HOLDINGS INC VS DY. COMMISSIONER OF INCOME TAX INTERNATIONAL TAXATION & ORS. [W.P.(C)-3312/2022]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The orders rejecting the petitioner's application for immunity under Section 270AA of the Income Tax Act, 1961 were invalid due to improper show-cause notices that did not clarify whether the petitioner was accused of underreporting or misreporting income. The assessment orders lacked findings that the petitioner's conduct fell under the misreporting provisions of Section 270A(9). Consequently, the orders and show-cause notices were quashed, leading to the petitioner being entitled to consequential reliefs.

COMMISSIONER OF INCOME TAX VS M/S JAMNALAL BAJAJ FOUNDATION [ITA-808/2017]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

Donations made by a charitable trust to other charitable institutions from its accumulated income are considered an application of income for charitable purposes under Section 11(2). The trust is allowed to accumulate 15% of the deemed income under Section 11(1)(a) despite violations of Sections 11(3)(c) and 11(3)(d) due to temporary fund diversion. An appeal by the Commissioner of Income Tax (Exemptions) against the decision of the Income Tax Appellate Tribunal was dismissed.

THE COMMISSIONER OF INCOME TAX-INTERNATIONAL TAXATION-3, VS THE BANK OF TOKYO-MITSUBISHI UFJ LTD. [ITA-773/2018]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

Interest received by the Indian Permanent Establishment of the Bank of Tokyo Mitsubishi UFJ Ltd. on deposits with its Head Office or overseas branches is not taxable in India. This conclusion is based on Article 7(3) of the India-US Double Taxation Avoidance Agreement, which exempts banking enterprises from taxation on such interests. Similar provisions in the India-Netherlands and India-Japan DTAAs also support this position. It is established that a branch or subsidiary does not have a separate legal personality, preventing internal profit generation. Appeals by the Commissioner of Income Tax were dismissed.

JOHNSON MATTHEY PUBLIC LIMITED COMPANY VS COMMISSIONER OF INCOME TAX, INTERNATIONAL TAXATION -2, NEW DELHI [ITA-727/2018]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The guarantee charges received by the appellant from its Indian subsidiaries cannot be classified as "interest" under Article 12 of the India-UK DTAA, as they are not related to any debt. These charges represent remuneration for providing parent company guarantees and counter-indemnification services. Additionally, the charges accrued or arose in India, according to the Intra Group Agreement and the services rendered there. The classification of the charges as "business income" under Article 7 of the DTAA remains open for future consideration.

PT BUKAKA TEKNIK UTAMA VS COMMISSIONER OF INCOME TAX (IT), DELHI - 2 [W.P.(C)-4222/2021]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The assessee is eligible for benefits under the Direct Tax Vivad se Vishwas Act, 2020, despite the dismissal of their appeal by the Commissioner of Income Tax (Appeals) due to delay. The appeal to the Income Tax Appellate Tribunal had not expired by the specified date under the Act. The Act is meant to be beneficial, aiming to reduce tax litigation and ensure timely revenue collection. The dismissal of the CIT(A) appeal confirmed the tax demand and established the existence of disputed tax arrears as of the specified date, qualifying the assessee to apply for settlement under the Act.

M/S POOJA TRADING CO. VS DEPUTY DIRECTOR OF INCOME TAX (INV) & ANR. [W.P.(C)-735/2024]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The freezing of the petitioners' bank accounts by the Income Tax Department beyond the 60-day limit set by Section 132(8-A) of the Income Tax Act, 1961 was deemed unsustainable. The Department failed to justify the extended freezing despite having multiple opportunities to do so. Immediate defreezing of the petitioners' bank accounts was ordered.

RAJ SHEELA GROWTH FUND (P) LTD. VS INCOME TAX OFFICER, WARD - 21(1), DELHI [ITA-124/2020]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

A valid transfer order under Section 127 of the Income Tax Act is necessary for a non-jurisdictional Assessing Officer (AO) to proceed with an assessment. The absence of such an order prevents a transfer of the assessment responsibility from a centralized AO, leading to the invalidation of the assessment orders issued by the non-jurisdictional AO and the earlier ITAT remand.

ASHOK KUMAR MAKHIJA VS UNION OF INDIA (THROUGH SECRETARY) AND ORS. [W.P.(C)-16680/2022]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

Notices dated 26 May 2022 and 30 July 2022, issued under Sections 148A(b) and 148 of the Income Tax Act regarding reassessment for the Assessment Year 2017-18, were quashed due to lack of jurisdiction. The notices were not issued by the appropriate authority as required by Section 151 of the Act. The Revenue retains the option to initiate fresh reassessment proceedings in accordance with the law.

PRINCIPAL COMMISSIONER OF INCOME TAX (CENTRAL) - 3 VS M/S GTM BUILDER AND PROMOTERS PVT. LTD. [ITA-180/2021]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The Income Tax Appellate Tribunal (ITAT) deleted additions made by the Assessing Officer regarding bogus share application money, unexplained property investments, and undisclosed income from housing societies. The ITAT found no evidence to support the view that the share application money constituted accommodation entries, the seized documents did not corroborate cash payments for land purchases, and there was no link between the housing societies and the assessee company. The findings were deemed reasonable, and no substantial question of law warranted further consideration.

SUNSHINE CAPITAL LIMITED VS DEPUTY COMMISSIONER OF INCOME TAX- CIRCLE-9(1), DELHI & ORS. [W.P.(C)-7015/2022]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The case involved key legal issues surrounding the interpretation of contract terms, the implications of a breach, and the damages resulting from it. Both parties presented evidence supporting their positions regarding the enforcement of specific clauses within the agreement, leading to a consideration of relevant legal principles governing contractual obligations.

M TECH DEVELOPERS PVT. LTD. VS NATIONAL FACELESS ASSESSMENT CENTRE, DELHI & ANR. [W.P.(C)-15567/2022]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

Income tax authorities cannot initiate proceedings to reassess or recompute a corporate debtor's income for periods prior to the approval of the Resolution Plan under Section 31 of the Insolvency and Bankruptcy Code (IBC). The "clean slate" principle prevents successful resolution applicants from facing surprise claims after the plan's approval. Attempts to distinguish between voluntary and involuntary insolvency are rejected, as the IBC does not recognize such differences. Consequently, the notices issued by the income tax authorities have been quashed.

PR. COMMISSIONER OF INCOME TAX(CENTRAL)-2 VS PANKAJ BUILDWELL LTD. & GROUP [W.P.(C)-8103/2015]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The Income Tax Settlement Commission (ITSC) erred in approving the application from the respondent-assessee group under Section 245C of the Income Tax Act, 1961, as the group did not provide a full and true disclosure of its income. The Commissioner of Income Tax identified instances of undisclosed income, including bogus share capital, which were not included in the initial application. Despite this, the ITSC added INR 18 crores to the group's income and granted immunity from penalty and prosecution under Section 245H. The approval was invalidated due to the respondent-assessee group's failure to meet the condition of full and true disclosure.

RAJIV CHANNA VS UNION OF INDIA [MISC. APPEAL(PMLA)-13/2023]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The appellants contested the attachment of their properties under the Prevention of Money Laundering Act (PMLA), 2002, citing allegations of money laundering linked to a predicate offense. A significant issue was the acquittal of appellant Jeevan Kumar from the predicate offense and the subsequent quashing of the criminal proceedings against him.

PRINCIPAL COMMISSIONER OF INCOME TAX DELHI 10 VS INDERJIT SINGH SODHI(HUF) [ITA-769/2023]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The legal issue involves the tax treatment of interest received on compensation or enhanced compensation under the Land Acquisition Act, 1894. Specifically, it concerns whether this interest should be classified as taxable income under Section 56(2)(viii) of the Income Tax Act, 1961, or as part of the enhanced compensation exempt from tax under Section 10(37). Additionally, the applicability of a previous Supreme Court decision regarding the categorization of such interest, in light of a 2010 amendment to the Income Tax Act, is a key consideration.

VALLEY IRON & STEEL CO.LTD VS PRINICIPAL COMMISSION OR INCOME TAX (CENTRAL)-1 & ORS. [W.P.(C)-5081/2017]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The petitioner-assessee's claim regarding share capital infusion by M/s Balaji Enterprises, M/s Sai Enterprises, and M/s Molu Ram Pramanand was valid, along with the deduction under Section 80IC of the Income Tax Act. The addition of Rs. 11,26,60,000 made by the Income Tax Settlement Commission concerning M/s Amit Goods and Supplier Private Ltd. was set aside, as the amount had already been assessed as income for that company and could not be additionally assessed for the petitioner-assessee.

SFDC IRELAND LIMITED VS COMMISSIONER OF INCOME TAX & ANR. [W.P.(C)-14636/2023]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

Payments received by SFDC Ireland from SFDC India under the Reseller Agreement do not qualify as "fees for technical services" under Article 12(3)(b) of the India-Ireland Double Taxation Avoidance Agreement. SFDC Ireland's products are standardized software applications, and the technical assistance and training provided were intended to facilitate marketing and distribution, lacking the characteristics of specialized or customized services. The order denying SFDC Ireland a Nil withholding tax certificate was quashed, with instructions for the respondent authority to reassess the issue, emphasizing the need to establish a direct link between payments and customized technical services.

PR. COMMISSIONER OF INCOME TAX (CENTRAL) -I VS M/S FORUM SALES PVT. LTD. [ITA-863/2019]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The Income Tax Appellate Tribunal (ITAT) was justified in deleting additions made by the Assessing Officer (AO) regarding unaccounted profit, disallowance of expenses, and inflated purchases. The AO did not reject the respondent's books of account before making these additions based on best judgment, which is required by law. The ITAT found that the AO failed to verify the authenticity of claimed bogus or inflated bills despite the respondent providing relevant documentation. It was emphasized that rejecting books of account is essential before proceeding with best judgment assessments under Section 144 of the Income Tax Act. The ITAT also eliminated a protective addition of Rs. 1,00,000 related to cash seized, as a substantive addition was already made against a related party. The appeal by the Revenue was dismissed due to the absence of any substantial question of law from the ITAT's order.

NAGRAVISION INDIA PRIVATE LIMITED VS SECRETARY DEPARTMENT OF SCIENTIFIC AND INDUSTRIAL RESEARCH [W.P.(C)-5666/2020]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

Expenditure incurred by a petitioner-company on its in-house research and development (R&D) facility from April 1, 2018, is eligible for weighted deductions under Section 35(2AB) of the Income Tax Act, 1961, despite the facility receiving approval from the DSIR only on February 27, 2019. The language of Section 35(2AB) and related Rules does not limit eligibility to the post-approval period, supported by DSIR guidelines allowing deductions from the start of the preceding financial year when R&D facilities are later recognized. The DSIR's previous communications restricting the eligible period have been quashed, and it is directed to issue an amended approval effective from April 1, 2018, and to recompute the eligible expenditure for weighted deductions.

READERS DIGEST BOOK AND HOME ENTERTAINMENT (INDIA) PVT. LTD. VS DEPUTY COMMISSIONER OF INCOME TAX, CIRCLE 19(1), NEW DELHI & ORS. [W.P.(C)-4550/2023]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The final assessment order issued by the Income Tax Department on 13 February 2023 for AY 2011-12 was barred by limitation, as it exceeded the permissible time limit that ended on 30 September 2021. The adjustment of refunds from earlier assessment years (AYs 2008-09, 2009-10, and 2010-11) against the demand for AY 2011-12 was deemed invalid due to the lack of a valid demand after the original assessment order was set aside and remanded. The assessment order dated 13 February 2023 was quashed, and the Department was directed to re-compute the refund due to the petitioner with statutory interest, factoring in the annulment of the previous adjustments.

AARTI FABRICOTT PRIVATE LIMITED VS INCOME TAX OFFICER, WARD 1(1), DELHI & ANR. [W.P.(C)-16700/2022]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The Income Tax Department's decision to reopen the petitioner's assessment for the 2017-18 assessment year through a corrigendum order is unsustainable and must be quashed. The reasons provided in the corrigendum do not constitute "fresh tangible material" necessary for reassessment under Section 148 of the Income Tax Act. The reopening of the assessment represents a "change of opinion" by the tax authorities, which is not permissible under the law. This case is an individual matter, not part of a larger group.

AGRA PORTFOLIO PVT. LTD. VS PR. COMMISSIONER OF INCOME TAX - 1, & ANR. [ITA-1385/2018]
Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma
Under Section 56(2)(viib) of the Income Tax Act and Rule 11UA of the Income Tax Rules, the choice of valuation method, whether Discounted Cash Flow or Net Asset Value, is exclusively with the assessee. The Assessing Officer cannot substitute a different method or independently determine the fair market value, even if there are doubts about the valuation report submitted by the assessee.

AKSHITA JINDAL VS INCOME TAX OFFICER WARD 54(1) DELHI & ORS [W.P.(C)-14354/2022]
Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma
Tax authorities cannot reopen concluded reassessment proceedings under Section 148 of the Income Tax Act based solely on the observations in the Supreme Court's judgment in Union of India v. Ashish Agarwal. The Ashish Agarwal judgment applies only to pending reassessment proceedings and does not require reopening of completed assessments. Consequently, the notices and order to reopen the concluded reassessment for the Assessment Year 2015-16 were quashed.

ANINDITA SENGUPTA VS ASSISTANT COMMISSIONER OF INCOME TAX, CIRCLE 61(1) NEW DELHI & ORS. [W.P.(C)-12542/2022]
Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma
The writ petition successfully challenged and led to the quashing of a show cause notice issued under Section 148A(b), an order under Section 148A(d), and a notice under Section 148 of the Income Tax Act. The Supreme Court's judgment in Union of India & Ors. vs. Ashish Agarwal focused on pending reassessment proceedings and did not authorize the reopening of completed assessments. As the reassessment in this case had finality before the Ashish Agarwal judgment, the reopening attempt was invalid. Additionally, powers under Article 142 cannot infringe upon the substantive rights of parties not present.

BDR BUILDERS AND DEVELOPERS PRIVATE LIMITED VS ASSISTANT COMMISSIONER OF INCOME TAX, CENTRAL CIRECLE -15, NEW DELHI [W.P.(C)-11908/2018]
Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma
The assessment of BDR Builders and Developers Private Limited for the Assessment Year 2011-12 was reopened based on valid reasons that the company failed to disclose material facts during its original assessment. The undisclosed transactions of R.S. 9.50 crore with Mr. Manoj Sethi were a significant factor. The concept of "true and full disclosure" places the burden on the assessee to provide all material facts, regardless of whether they could have been uncovered by the assessing authority. The reopening was justified as it was not simply a change of opinion; the previous assessment order did not address the specific issue that prompted the reopening.

DINESH JINDAL VS ASSISTANT COMMISSIONER OF INCOME TAX, CENTRAL CIRCLE 20, DELHI & ORS. [W.P.(C)-12091/2023]
Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma
Initiation of reassessment proceedings under Section 148 of the Income Tax Act, 1961 for Assessment Year 2013-14 was deemed beyond the legal time limit. The First Proviso to Section 149(1) necessitated the computation of the "relevant assessment year" based on earlier provisions prior to the 2021 amendments. The computation of the six-year and ten-year block periods must be based on the date of handover of seized materials to the jurisdictional Assessing Officer, not the search date. As a result, the reassessment notice for Assessment Year 2013-14 was issued outside the ten-year limit, leading to its quashing and the annulment of all consequential actions. The validity of Explanation 2(iv) to Section 148 remains open for consideration in a separate writ petition.

DOLLAR GULATI VS PRINCIPAL COMMISSIONER OF INCOME TAX & ORS. [W.P.(C)-4054/2024]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The transfer orders under Section 127 of the Income Tax Act, 1961, centralizing cases to the Deputy Commissioner of Income Tax, Central Circle, Karnal, Haryana, were upheld. It was established that the assessees received a reasonable opportunity for hearing, and their objections were considered. The transfer was justified on grounds of coordinated investigation and administrative convenience. The scope for judicial review of such orders is limited, with interference only permissible in cases of arbitrary, irrational actions, lack of jurisdiction, or mala fide intent.

INTERNATIONAL MANAGEMENT GROUP (UK) LIMITED VS COMMISSIONER OF INCOME TAX-2, INTERNATIONAL TAXATION, NEW DELHI [ITA-218/2017]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The services rendered by IMG UK did not meet the "make available" requirement under Article 13(4) of the India-UK DTAA, resulting in no transfer of technical knowledge, experience, skill, know-how, or processes to BCCI. A portion of IMG's income was attributed to its Service PE in India under Article 7 (Business Profits) of the DTAA, while the remaining income was not taxed as FTS under Article 13. The exception under Section 9(1)(vii)(b) of the Income Tax Act applied, as the services were utilized for income earned from sources outside India during the IPL event held in South Africa and UAE. The case involved a dispute over whether IMG's income should be characterized as Business Profits or Fees for Technical Services, with distinct considerations based on the event's location.

MAHABIR SINGH JOON VS THE INCOME TAX OFFICER & ANR. [W.P.(C)-7808/2023]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The order of the Income Tax Department under Section 148A(d) of the Income Tax Act for the Assessment Year 2016-17 was upheld. The argument regarding the invalid service of the show cause notice under Section 148A(b) was rejected, as the notice was served at the registered address, fulfilling statutory requirements. It was concluded that principles of natural justice were not violated, with the assessment of these principles dependent on specific facts and circumstances.

MS. GIESECKE AND DEVRIENT INDIA PVT. LTD. VS DEPUTY COMMISSIONER OF INCOME TAX 2.1 & ORS. [W.P.(C)-5429/2021]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The Assessing Officer (AO) cannot make transfer pricing adjustments beyond the Arm's Length Price (ALP) set by the Transfer Pricing Officer (TPO) under Section 92CA of the Income Tax Act. The TPO determined an adjustment of INR 16,84,51,531/- but did not establish the ALP for the demerged business as INR 25,41,84,27,665/-. The AO's decision to add this amount to the total income of the assessee constitutes a breach of legislative mandate under Section 92CA, necessitating a remand to the AO for action in accordance with the law.

NATIONAL ASSOCIATION OF SOFTWARE AND SERVICES COMPANIES-(NASSCOM) VS DEPUTY COMMISSIONER OF INCOME TAX (EXEMPTION) CIRCLE 2 (1), DELHI AND ORS. [W.P.(C)-9310/2022]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The Income Tax Department acted arbitrarily by adjusting the entire disputed tax demand for AY 2018-19 against NASSCOM's refunds, without addressing the petitioner's stay application under Section 220(6) of the Income Tax Act. The CBDT guidelines regarding a 20% deposit as a pre-condition for stay are not absolute, allowing discretion based on case specifics. The matter is remanded for consideration of the stay application in line with the observations made.

NEELKANTH STEEL AND ALLOYS VS ASSTT. COMMISSIONER OF INCOME TAX, CIRCLE 49(1), & ORS. [W.P.(C)-1764/2024]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

Initiation of proceedings under Section 153C of the Income Tax Act requires the jurisdictional Assessing Officer to be satisfied that seized books, documents, or assets have relevance to determining the total income of a non-searched person for specific assessment years. Unlike Section 153A, which mandates notice for the six preceding assessment years, Section 153C necessitates a clear nexus between the seized material and the assessment year in question. The Assessing Officer cannot indiscriminately reopen all assessment years merely due to the presence of incriminating material; specific assessment years must be identified for reassessment. This principle is applicable to both abated and completed assessments.

NEW DELHI TELEVISION LIMITED VS DISPUTE RESOLUTION PANEL 2 & ANR. [W.P.(C)-2322/2021]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The reference made by the Assessing Officer to the Transfer Pricing Officer on 27 December 2018 was unwarranted since the Transfer Pricing Officer had already issued an order on 17 October 2017 following the Income Tax Appellate Tribunal's directions from 14 July 2017. Once the Tribunal remanded the matter to the Transfer Pricing Officer, no further reference from the Assessing Officer was necessary. The deadline for completing the fresh assessment, nine months from the Tribunal's order, lapsed on 31 December 2018, resulting in the Assessing Officer lacking the authority to issue additional assessment orders after that date. The validity of the Tribunal's order was not challenged by the respondents, and they complied with it. Consequently, the Assessing Officer was barred from making any further final assessment orders for the Assessment Year 2009-10.

ORCHID INFRASTRUCTURE DEVELOPERS PVT LTD VS PR. COMMISSIONER OF INCOME TAX , CENTRAL CIRCLE-3, NEW DELHI [W.P.(C)-16524/2023]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The Income Tax Settlement Commission's order dated 16.09.2016 is final and conclusive under Section 245-I of the Income Tax Act. The Income Tax Department cannot reopen the assessment for the relevant year under Sections 147/148, as the issues were already addressed by the ITSC. The ITSC has exclusive jurisdiction once an application is accepted, and its orders can only be contested on grounds of fraud or misrepresentation under Section 245D(6). The notice and order for reassessment issued by the Income Tax Department were quashed.

PR. COMMISSIONER OF I TAX (CENTRAL)-II VS M/S TRENT EAST WEST LPG BOTTLING LTD. [W.P.(C)-7444/2016]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The Income Tax Settlement Commission's order validating the respondent-assessee's total liabilities for a block assessment period is valid. The Commission has broad powers to investigate all facets related to a settlement application, extending beyond the applicant's disclosures. A "full and true" disclosure is satisfied if the applicant identifies the transaction in question, regardless of differing interpretations from tax authorities. Judicial review of the Commission's decisions is limited and only applicable if orders contradict the Act, cause prejudice, or involve fraud, bias, or malice. The Commission's decision was consistent with the Act, and its decision-making process was not erroneous.

PR. COMMISSIONER OF INCOME TAX (CENTRAL)-2 VS SHRI SATYA PRAKASH GUPTA [ITA-40/2023]
Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma
The appeals filed by the Revenue were dismissed, affirming that the Income Tax Appellate Tribunal (ITAT) correctly removed the additions made by the Assessing Officer for the Assessment Years 2012-13 to 2015-16. The absence of incriminating material for those years was highlighted, as the agreement with the non-resident entity CMF was already known to the Revenue. No conclusions were drawn regarding the additions for Assessment Years 2016-17 and 2017-18, the years in which the search occurred.

PR. COMMISSIONER OF INCOME TAX -2, DELHI VS M/S CLIX FINANCE INDIA PVT. LTD. [ITA-1428/2018]
Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma
The Income Tax Appellate Tribunal (ITAT) quashed the Commissioner of Income Tax's order under Section 263 of the Income Tax Act. The assessment order, while lacking detailed records of the Assessing Officer's inquiry, did not indicate a complete lack of inquiry. Inadequate inquiry alone is insufficient for invoking revisional jurisdiction. The Commissioner did not identify specific errors in the assessment order or demonstrate prejudice to revenue interests. The ITAT's findings confirmed that the Assessing Officer examined relevant issues during the assessment.

PR. COMMISSIONER OF INCOME TAX -CENTRAL -1 VS MAHARAJI EDUCATION TRUST [ITA-721/2023]
Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma
Reassessment proceedings under Section 148 of the Income Tax Act were deemed valid due to sufficient prima facie reasons indicating income had escaped assessment. A charitable trust, registered under Sections 12A and 10(23C)(iv), is ineligible for exemption under Section 11 because the collection of undisclosed capitation fees contradicts its charitable purpose. The ITAT cannot use the Income Tax Settlement Commission's order from other assessment years to calculate excess income over expenditure for the current assessment year, as that order is conclusive only for the specific assessment year.

PR. COMMISSIONER OF INCOME TAX DELHI - 8 VS M/S SAMSUNG INDIA ELECTRONICS PVT. LTD. [ITA-1445/2018]
Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma
Reassessment proceedings against M/s Samsung India Electronics Pvt. Ltd. were invalid due to a lack of fresh tangible material justifying the reopening after four years. The reasons recorded for the reassessment did not present sufficient evidence of income escaping assessment, merely citing a review of records. Additionally, an assertion regarding the non-disclosure of commissioning 75 vehicles to dealers was not referenced in the reopening reasons and could not support the reassessment. The appeal by the Revenue was dismissed, affirming that the reassessment was not valid.

PR. COMMISSIONER OF INCOME TAX, DELHI-7 VS M/S PARAMOUNT PROPBUILD PVT. LTD. [ITA-247/2023]
Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma
The ITAT's decision to set aside the PCIT's order under Section 263 of the Income Tax Act was found to be incorrect. The AO failed to properly investigate and verify the genuineness and creditworthiness of unsecured loans from M/s Sarvottam Securities Pvt Ltd and M/s Upaj Leasing & Finance Co. Pvt Ltd. The assessment order lacked discussion on these transactions and involved only issuing notices under Section 133(6) without further inquiry, despite evidence suggesting the loan providers were shell companies. This constituted a lack of inquiry, rendering the assessment erroneous and prejudicial to revenue interests, thus justifying the PCIT's use of revisional powers. Explanation 2 to Section 263 applied as the AO did not conduct necessary inquiries for the Assessment Year 2016-17. The ITAT's order was set aside, and the PCIT's order restored, directing the AO to reassess after thoroughly examining the loan transactions.

PRINCIPAL COMMISSIONER IF INCOME TAX-8 VS SAMSUNG INDIA ELECTRONICS PVT. LTD., [ITA-40/2018]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The Income Tax Appellate Tribunal's decision to delete transfer pricing adjustments on royalty payments between Samsung India Electronics Pvt. Ltd. and Samsung Electronics Co. Ltd., Korea was upheld. Samsung India was characterized as a licensed manufacturer rather than a contract manufacturer. The argument that royalty payments were not at arm's length was rejected, as Samsung Korea, possessing the necessary technological know-how, was entitled to a return on its intangibles. The tax authorities misinterpreted the agreement's nature and questioned the transaction's economic substance incorrectly.

PRINCIPAL COMMISSIONER OF INCOME TAX (CENTRAL) - 1 VS M/S MOON STAR SECURITIES TRADING & FINANCE CO. PVT. LTD., [ITA-421/2018]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

Disallowance under Section 14A of the Income Tax Act, 1961, in conjunction with Rule 8D, is not to be included in the computation of Minimum Alternate Tax (MAT) under Section 115JB. Section 115JB is considered a self-contained code, allowing only specific allowances or deductions outlined in its Explanation. Clause (f) of Explanation 1 to Section 115JB does not mention Section 14A, thus the disallowance under Section 14A cannot be added back to book profits for MAT computation. The appeal filed by the Revenue was dismissed.

PRINCIPAL COMMISSIONER OF INCOME TAX (CENTRAL)-3 VS PAVITRA REALCON PVT. LTD. [ITA-579/2018]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The decision of the Income Tax Appellate Tribunal to delete additions made by the Assessing Officer under Section 68 of the Income Tax Act, 1961, was upheld. Statements recorded under Section 132(4) cannot solely support additions without corroborating evidence. No incriminating material was found during the search, rendering the assessment invalid as Section 153C requires assessment year-wise incriminating material. Violation of natural justice occurred by not providing the owner's statement to the assessee or allowing cross-examination. The argument that defects in the assessment order could be cured under Section 292B was rejected, as jurisdictional defects are not curable under this provision. The appeals were dismissed, maintaining the ITAT's decision to set aside the assessment orders and delete the additions.

PRINCIPAL COMMISSIONER OF INCOME TAX 1 VS M/S CARE HEALTH INSURANCE LIMITED (EARLIER KNOWN AS M/S RELIGARE HEALTH INSURANCE CO. LTD.) [ITA-290/2024]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The Income Tax Appellate Tribunal's decision to allow deductions for provisions made by an insurance company for unsettled claims and Incurred But Not Reported (IBNR) claims was upheld. These provisions are classified as ascertained liabilities, not contingent liabilities, and are deductible under the Income Tax Act. The unsettled claims provision is based on claims filed by policyholders, while the IBNR provision relies on actuarial methods defined by regulatory authority, reinforcing their status as ascertained liabilities.

PRINCIPAL COMMISSIONER OF INCOME TAX-4 VS INS FINANCE & INVESTMENT P LTD. [ITA-1114/2018]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The amount of INR 3,19,07,676/- received due to the cancellation of an auction sale was classified as a capital receipt, not taxable as income. This decision was based on precedents indicating that compensation or interest from the cancellation of a capital transaction is regarded as a capital receipt. The receipt represented a return of the assessee's own deposited funds, and thus the interest accrued was also considered a capital receipt not subject to taxation.

PROGRESS RAIL LOCOMOTIVE INC.(FORMERLY ELECTRO MOTIVE DIESEL INC.), VS DEPUTY COMMISSIONER OF INCOME-TAX (INTERNATIONAL TAXATION), CIRCLE - NOIDA & ORS. [W.P.(C)-12405/2019]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The Indian subsidiary of Progress Rail Locomotive Inc. was determined not to constitute a Fixed Place Permanent Establishment, Service PE, or Dependent Agent PE under Article 5 of the India-USA Double Taxation Avoidance Agreement. The tax authority failed to demonstrate that the subsidiary's premises were at the petitioner's disposal or that its activities extended beyond preparatory or auxiliary functions. The subsidiary was found to engage in independent business activities and was not simply an extension of the petitioner. Reassessment notices issued under Section 148 of the Income Tax Act, 1961, were quashed due to unsustainable jurisdictional assumptions, although the status of the petitioner's office in the Delhi Circle remains for independent examination by tax authorities.

SANJAY BAWEJA VS DEPUTY COMMISSIONER OF INCOME TAX TDS CIRCLE, 77 (1), DELHI & ANR. [W.P.(C)-11155/2023]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The one-time voluntary payment made by Flipkart Private Limited to the petitioner is not considered a perquisite under Section 17(2)(vi) of the Income Tax Act, 1961, as the petitioner has not exercised stock options under the Flipkart Stock Option Plan. The payment qualifies as a capital receipt and is not taxable as income since it was made voluntarily without statutory or contractual obligation and is not linked to the petitioner's employment. The petitioner is permitted to file an application for a refund of the TDS amount already paid.

SANJEEV GOYAL VS UNION OF INDIA [W.P.(C)-10214/2017]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The writ petition challenging the constitutional validity of Section 31 of the Finance Act, 2017, which amended Section 71 of the Income Tax Act, 1961, was dismissed. The amendment caps the set-off of losses under "Income from house property" to Rs. 2 lakh against other income heads, effective from Assessment Year 2018-19. It is not retrospective and does not infringe upon fundamental rights under Articles 14 and 19(1)(g) of the Constitution. The amendment is considered a valid exercise of legislative power regarding taxation.

SEEMA GUPTA VS ASSISTANT COMMISSIONER OF INCOME TAX [W.P.(C)-8614/2016]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The validity of the re-assessment proceedings initiated by the Assistant Commissioner of Income Tax under Section 148 of the Income Tax Act, 1961 was upheld. Minor discrepancies in language between the reasons recorded by the Assessing Officer and those provided to the petitioner did not warrant interference, as the foundational material and basis for believing that income had escaped assessment remained consistent. The case was distinguished from precedents where significant differences between the reasons recorded and those provided to the assessee were present.

SUNITA GOEL VS DEPUTY COMMISSIONER OF INCOME TAX CENTRAL, CIRCLE 1, DELHI [W.P.(C)-5132/2021]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The order under Section 153C of the Income Tax Act, 1961, adding R.S. 1,62,20,000 to the total income of the assessee for AY 2014-15 is upheld. The assessee received adequate opportunities for hearing, and the Assessing Officer considered the replies provided. The delay in initiating Section 153C proceedings is deemed not inordinate. The writ petition lacks maintainability due to the availability of an alternative remedy. The writ petition is dismissed, allowing the assessee to pursue other legal remedies.

SUSHEN MOHAN GUPTA VS PRINCIPAL COMMISSIONER OF INCOME TAX CENTRAL 2, DELHI & ANR. [W.P.(C)-4413/2024]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

A 20% deposit of the outstanding demand as a pre-condition for considering a stay application is not an inviolable rule. Authorities must evaluate the prima facie merits, financial hardship, and likelihood of success when determining the deposit amount. The Income Tax authorities did not adequately consider these factors, leading to the quashing of their orders and remittance of the matter for fresh examination of the stay application.

TARUN KUMAR SAHAY HUF VS INCOME TAX OFFICER WARD 43(1), DELHI & ANR. [W.P.(C)-1214/2024]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The discharge of the appellants from charges under Sections 420 and 120B IPC was valid due to a lack of evidence for deliberate withholding of information or conspiracy to deceive. The AICTE approved the 'Business School of Delhi' while aware of the bank loan and land mortgage, with no implicated officials. The CBI's petition under Section 482 Cr.P.C was maintainable but not appropriate, as a statutory remedy under Section 397 Cr.P.C was available.

THE PR. COMMISSIONER OF INCOME TAX -9 VS M/S TOPLINE BUILDTECH PVT. LTD. [ITA-928/2018]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The Income Tax Appellate Tribunal found that the assessee provided sufficient documentary evidence to verify the genuineness of a sundry creditor, Transearch Consultations Pvt. Ltd., and the unsecured loans from Maple Technology Ltd. and Marry Gold Overseas Limited. The revenue could not establish that the loans constituted unaccounted income for the assessee.

TIGER GLOBAL INTERNATIONAL III HOLDINGS VS THE AUTHORITY FOR ADVANCE RULINGS (INCOME- TAX) & ORS. [W.P.(C)-6764/2020]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The AAR's conclusion that the transaction aimed at tax avoidance was deemed arbitrary and the transaction qualified as grandfathered under Article 13(3A) of the India-Mauritius DTAA. The assertion that TGM LLC was the parent company of the petitioners contradicted the petitioners' consistent position. The petitioners demonstrated sufficient economic substance, and their establishment in Mauritius was not solely for treaty benefits. Claims that the directors acted as "mere puppets" were incorrect, as board resolutions indicated collective decision-making. The legitimacy of the Tax Residency Certificates (TRCs) from Mauritius was affirmed, and the threshold to pierce the corporate veil was not satisfied in this instance. The case involved petitions by Tiger Global International II, III, and IV Holdings.

UMA DHANUKA VS PRINCIPAL COMMISSIONER OF INCOME-TAX & ORS. [W.P.(C)-10865/2019]

Judges: Justice Purushaindra Kumar Kaurav, Justice Yashwant Varma

The Income Tax Settlement Commission (ITSC) made an addition of Rs.1,45,09,098/- regarding commission and margin money paid to Raj Kumar Kedia for off-market transactions. ITSC's authority to examine all aspects of the case, beyond the applicant's disclosures, was affirmed. Evidence from statements corroborated the commission payments, validating the ITSC's exercise of its powers as compliant with the Income Tax Act. The case of Anjum M.H. Ghaswala, concerning interest waiver which is mandatory, was distinguished from this situation. The writ petitions filed by the Dhanuka family against the ITSC's order were dismissed.

RITA WADHWA VS SAJIV SARIN (DECEASED) THROUGH LEGAL HEIRS AND ORS. [EFA(OS)-3/2024]
Judges: Justice Rajiv Shakdher, Justice Sudhir Kumar Jain
The appeal against the order appointing a local commissioner for the sale of a property was allowed. The order was modified to require that inter se bids submitted to the local commissioner be made available for examination by the parties instead of being kept in a sealed cover. Parties must indicate the timeframe for payment with their bids. Other directions, including the appointment of the local commissioner, the public auction process, and the determination of the reserve price, were upheld.

VINEET KUMAR LAKHANPAL VS NAMAN LAKHANPAL & ANR. [CONT.CAS(C)-1410/2023]
Judges: Justice Rajiv Shakdher, Justice Sudhir Kumar Jain
A contempt petition led to the establishment of an environment for the husband to interact with the children without hindrance. Specific directions included daily video calls from 8:00 PM to 8:10 PM, with both parties' lawyers involved to ensure smooth communication, while prohibiting the wife's brother from joining the calls. The petition was resolved based on these arrangements.

MUFG BANK LTD VS COMMISSIONER OF INCOME TAX 2 & ANR. [W.P.(C)-4871/2021]
Judges: Justice Rajiv Shakdher, Justice Tara Vitasta Ganju
Under the Direct Tax Vivad Se Vishwas (VSV) Act, 2020, the unit of settlement is an "appeal, writ petition or SLP," not the "assessment year." MUFG Bank Ltd. can settle some pending appeals under the VSV scheme while contesting others. The rejection of the bank's application under the VSV scheme was set aside, and the concerned authority was directed to process the application.

MUFG BANK LTD VS COMMISSIONER OF INCOME TAX 2 & ANR. [W.P.(C)-4909/2021]
Judges: Justice Rajiv Shakdher, Justice Tara Vitasta Ganju
MUFG Bank Ltd can settle one or more appeals or Special Leave Petitions under the Direct Tax Vivad Se Vishwas (VSV) Scheme, despite the rejection of its application by revenue authorities. The bank is eligible for benefits of the VSV Scheme, even if it opts to settle only part of the dispute. The order rejecting the bank's application has been set aside, and revenue authorities are to process the petitioner's Forms in accordance with the provisions of the VSV Act.

MUNICIPAL CORPORATION OF DELHI VS M/S RAM NIWAS GOEL [RFA(COMM)-188/2024]
Judges: Justice Rajiv Shakdher, Justice Tara Vitasta Ganju
The appeal by the Municipal Corporation of Delhi (MCD) against the trial court's observations was deemed maintainable, with the MCD having already paid the decretal amount. The MCD was granted an opportunity to establish a protocol for scrutinizing pleadings with input from the Chief Law Officer before court submission. The MCD was also ordered to cover the Rs. 20,000 cost imposed by the trial court.

RITA WADHWA VS SANJEEV SARIN SINCE DECEASED THR LRS AND ANR [EFA(OS)-14/2024]
Judges: Justice Rajiv Shakdher, Justice Tara Vitasta Ganju
The appeal regarding the auction terms of a property was dismissed. The previous order's terms remained unchanged, and an observation about forfeiture proceedings was not considered an alteration of the auction terms. The respondents deposited 10% of the bid amount as required, leading to no interference with the earlier order.

TEJINDER SINGH VS BEVERLEY SINGH [MAT.APP.(F.C.)-213/2024]
Judges: Justice Rajiv Shakdher, Justice Tara Vitasta Ganju
The 13-day delay in filing the appeal was condoned, and directions were issued to expedite proceedings in the Family Court, including specific timelines for various legal processes. A cost of Rs. 1,00,000 was imposed on the appellant for delays in the case.

UNION OF INDIA VS M/S PARISHUDH MACHINES PVT. LTD. [FAO (COMM)-59/2021]

Judges: Justice Rajiv Shakdher, Justice Tara Vitasta Ganju

The appeal by the Union of India (Railways) against an arbitral award in favor of M/s Parishudh Machines Pvt. Ltd. was dismissed. The arbitral tribunal's decision was considered well-reasoned without patent illegality or perversity. The delay in the contract was attributed mainly to the Railways' actions, and the interpretation of the contract terms by the tribunal was deemed reasonable. Additionally, the Railways' application for condonation of delay in filing the restoration application did not demonstrate sufficient cause. All pending applications were disposed of.

VARUN DAHIYA VS INCOME TAX OFFICER WARD 34(5) & ORS. [W.P.(C)-5990/2023]

Judges: Justice Rajiv Shakdher, Justice Tara Vitasta Ganju

Notices and orders for reassessment of income tax assessments were deemed invalid due to the absence of mandatory approval from the specified authority under Section 151(ii) of the Income Tax Act. The argument that such approval was not required was rejected, emphasizing its contradiction with the Act's provisions. A connection was noted between the time limit for reassessment under Section 149 and the specified authority under Section 151. The matter involved multiple writ petitions related to Assessment Years 2016-17 and 2017-18.

AJAI VATAN VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-1379/2022]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The decision of the Central Administrative Tribunal to reject the petitioner's application for promotion to Deputy Controller of Accounts, effective from 22.05.2008, was upheld. The petitioner approached the tribunal 10 years after his superannuation on 31.01.2009 without justifying the delay. Claims related to promotions should only be considered if they pertain to a continuing wrong. The promotion issue impacted the settled rights of third parties, rendering the claim stale. The petition was dismissed without grounds for interference with the tribunal's order.

AJOR KUMAR VS M/S FORE SCHOOL OF MANAGEMENT, NEW DELHI [LPA-130/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The termination of the appellant's employment as an attendant at the Fore School of Management was upheld. The termination occurred during the probation period and was deemed non-stigmatic, meaning an inquiry or show-cause notice was not necessary. Terminations of probationers can occur without adhering to principles of natural justice as long as they do not carry a stigma. The appellant was still on probation at the time of termination, which supports the decision to dismiss his challenge.

AMRIT CHATTHA AND ANOTHER VS SPORTS AUTHORITY OF INDIA AND OTHERS [W.P.(C)-1979/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The writ petition challenging the Central Administrative Tribunal's order was dismissed. The petitioners, placed on the waitlist for the Assistant Coach (Hockey) position from a 2016 advertisement, had no vested right to appointment. All vacancies from 2016 were filled, and their participation in the 2021 selection process was unsuccessful. The Tribunal's rejection of their appointment claim was upheld.

ANKITA MEENA VS AIRPORT AUTHORITY OF INDIA AND ANR [LPA-175/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

Ankita Meena's appeal was dismissed after the High Court found that her misrepresentation of qualifications was due to a default dropdown menu rather than intentional deceit. However, it upheld the conclusion that only post-degree experience counts towards the 2-year requirement since the advertisement did not specify otherwise. Other issues raised, such as the equivalence of her Electronics degree to the required diploma and her eligibility to challenge the advertisement after participating in the selection process, were not addressed, as the lack of requisite experience was deemed sufficient for dismissal.

CENTRAL COUNCIL FOR RESEARCH IN HOMOEOPATHY THROUGH ITS DIRECTOR GENERAL & ORS. VS AMIT KUMAR SHARMA & ANR. [W.P.(C)-2286/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The Central Administrative Tribunal directed the Central Council for Research in Homoeopathy to grant its employees the same pay scale and grade pay as similarly placed central government employees, based on its bylaws that provide for parity in pay. The decision highlights that the organization cannot argue against this provision, as it is mandated by its own regulations. The petition from the CCRH was dismissed, affirming that the respondents deserve the same treatment as other employees.

CHAIRMAN, CENTRAL POLLUTION CONTROL BOARD & ANR VS R.K. RUSTAGI & ANR [W.P.(C)-10236/2016]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The selection process for promotion from Scientist 'B' to Scientist 'C' under the Flexible Complementing Scheme requires an interview, as mandated by Regulation 8. Reliance on Regulation 9, which removed the interview requirement, was incorrect. The petitioner's consideration for promotion in 2013 did not comply with the regulations, leading to a directive for a fresh consideration for promotion as Scientist 'C', effective from the date juniors were promoted in 2013.

CHANDRAKANT TYAGI VS UNION OF INDIA AND ORS. [W.P.(C)-10622/2018]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The rejection of the petitioners' candidature for a railway recruitment process lacked prior notice or an opportunity for explanation, violating principles of natural justice. The decision mandates the issuance of show cause notices to the petitioners, provision of supporting materials, and a reasoned order after considering their responses. If the responses are satisfactory, their candidature must be reconsidered without any retrospective benefits. This matter involves the simultaneous consideration of two writ petitions.

COMMISSIONER OF POLICE & ORS. VS EX. CONST. JATINKUMAR, EXE. [W.P.(C)-15229/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The dismissal of a police constable was set aside due to the failure to conduct a departmental inquiry despite serious charges. The petitioners did not provide valid reasons to bypass the inquiry, and the belief that witnesses would not testify against the officer was insufficient. Proper procedures must be followed, and a casual approach to dispensing with inquiries is not acceptable.

COMMISSIONER OF POLICE AND ORS VS KAPIL [W.P.(C)-5485/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The dismissal order against Kapil by the petitioners, including the Commissioner of Police, was set aside due to the absence of a departmental inquiry. The petitioners' justification for bypassing the inquiry, citing potential delays and the complainant's possible non-appearance, was deemed insufficient under Article 311(2)(b) of the Constitution. The petitioners lacked proper reasoning and acted presumptively regarding Kapil's guilt. The decision allows for new disciplinary proceedings to be initiated against Kapil in accordance with the law.

COMMISSIONER OF POLICE AND ORS VS SATENDER KUMAR SHARMA AND ORS [W.P.(C)-11275/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The respondents were granted benefits of the 3rd Modified Assured Career Progression (MACP) after completing 20 years of service from their first promotion, despite not reaching 30 years of total service. The relevant factor for MACP benefits was determined to be the time spent in a particular grade pay rather than the date of direct entry. Since the respondents received their first promotion within 10 years of joining service, they qualified for the 3rd MACP benefits after 20 years from their first promotion.

COMMISSIONER OF POLICE DELHI POLICE & ORS. VS MANJEET [W.P.(C)-1258/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The dismissal of Manjeet from service by the Delhi Police without a departmental inquiry was not justified. The reasons for bypassing the inquiry, including the serious nature of allegations and potential witness intimidation, did not satisfy the requirements of Article 311(2)(b) of the Constitution. The dismissal and appellate orders were set aside, allowing for the initiation of disciplinary proceedings against Manjeet in accordance with the law. Future inquiries must not be dispensed with without valid justification.

COMMISSIONER OF POLICE, DELHI VS BRIJESH MOOLVANSHI & ORS. [W.P.(C)-6293/2022]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The writ petition by the Commissioner of Police, Delhi, was dismissed, upholding the Central Administrative Tribunal's order to recalculate vacancies for the Sub Inspector (Executive) position based on a vacancy-based roster as per Rule 7 of the Delhi Police (Appointment and Recruitment) Rules, 1980. The direction aligned with a previous judgment in the HC (Ex.) Irshad case, preventing the petitioner from re-arguing for a post-based roster. The petition lacked merit, and six weeks were granted for compliance with the Tribunal's directions.

DELHI DEVELOPEMENT AUTHORITY VS SUSHIL KUMAR TYAGI [W.P.(C)-1676/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The decision of the Central Administrative Tribunal to reinstate the penalty imposed on Sushil Kumar Tyagi was upheld. The Revisionary Authority's order was deemed cryptic and lacking reasons, justifying the quashing of that order by the Tribunal. The challenge to the Tribunal's rejection of the review application was dismissed, as no justification was provided for the failure to submit an affidavit from the counsel during the original hearing.

DELHI DEVELOPMENT AUTHORITY AND ANR. VS SURJIT SINGH AND ANR. [W.P.(C)-3767/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The respondent's past service of 9 years with the Military Engineering Services (MES) from 1972-1981 will be recognized by the Delhi Development Authority (DDA) for computing pensionary and ACP benefits. Although the respondent did not formally resign from MES upon joining DDA in 1981, it is assumed he did due to his subsequent 20 years of service at DDA. An earlier undertaking not to claim past service benefits does not bar the respondent from seeking those benefits under DDA's 2008 circular, which permits the counting of past pensionable service. The DDA's writ petition has been dismissed.

DELHI DEVELOPMENT AUTHORITY VS JAI NARAIN GUPTA [W.P.(C)-10704/2018]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The penalty imposed on a Junior Engineer by the Delhi Development Authority was set aside due to a finding that the engineer, as the junior-most officer, was obliged to follow the written instructions of superior officers who approved the enhancement of work. The conclusion of misconduct was deemed perverse as he was not expected to disregard these instructions.

DELHI DEVELOPMENT AUTHORITY VS SURINDER SINGH [W.P.(C)-11691/2022]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The petition by the Delhi Development Authority (DDA) challenging the Central Administrative Tribunal's order was dismissed. The Tribunal had directed the DDA to grant Surinder Singh promotion benefits as if he had qualified the 2005 departmental examination for the post of Assistant Director (Ministerial). Despite DDA's claims of issues with the examination process, promotions were granted to other candidates who passed. Consequently, Singh was entitled to notional promotion benefits from 2016, without arrears of wages, while his pension would be revised to reflect the ante-dated promotion.

DELHI SUBORDINATE SERVICES SELECTION BOARD AND ORS VS MOHD VAQUAR KHAN [W.P.(C)-4021/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The Central Administrative Tribunal's order for the Delhi Subordinate Services Selection Board to issue an appointment offer to Mohd Vaquar Khan for the post of PGT (URDU) was upheld. The DSSSB's claim that the waitlist panel expired on 07.06.2017 contradicted its actions of continuing to engage with the first candidate until 29.06.2018. The delay in cancelling this candidate's application meant the waitlist panel remained valid until 30.06.2018. Consequently, the DSSSB should have appointed Khan, who was eligible and ranked third on the waitlist.

DELHI SUBORDINATE SERVICES SELECTION BOARD VS SHEEBA [W.P.(C)-3405/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The Central Administrative Tribunal recognized Sheeba as a member of the Teli community, classified as an OBC community for employment under the Government of NCT of Delhi. Her initial OBC certificate from 12.07.2011 was deemed sufficient to establish her OBC status by the relevant cut-off date. The rejection of her candidature by the DSSSB based on a new OBC certificate issued after the cut-off date was not warranted, as the essential requirement was her OBC status on that date, confirmed by the initial certificate. The DSSSB's petition lacked merit and was dismissed.

DELHI TRANSPORT CORPORATION VS SH. VIRENDER SINGH (DECEASED), THROUGH SMT. MUKESH DEVI [LPA-158/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The punishment of dismissal for the deceased employee, Virender Singh, was modified to compulsory retirement due to the nature of his unauthorized absence, which was not considered willful given his prior medical leave. Singh, who had served for 26 years and passed away at 48, left a family behind. The modification of punishment was viewed as a humane decision. However, the award of interest on retiral benefits was overturned as it was deemed inappropriate in this case. The appeal by the Delhi Transport Corporation was dismissed.

DEVENDER MOHAN VS UNION OF INDIA & ORS [W.P.(C)-8376/2015]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

Devender Mohan's petition was allowed, establishing that the respondents could not treat employees in the EDP cadre differently from those in the non-EDP cadre regarding pay revision benefits. The decision to implement different effective dates for the same pay revisions was deemed discriminatory. As a result, the order of the Central Administrative Tribunal was set aside, and the respondents were directed to revise the petitioner's pay scales to Rs.2000-3200 and Rs.2375-3500 effective from 01.01.1986, in line with the EDP cadre employees.

DEVENDER YADAV AND ORS VS THE SECRETARY DELHI SUBORDINATE SERVICES SELECTION BOARD AND ORS [W.P.(C)-10718/2016]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The petitioners' applications were rejected due to incorrect filling of column 13 in the OMR application form, which had been previously deemed defectively designed. There is an inclination to appoint the petitioners, who scored above the cut-off marks, with notional seniority from the date of the last appointment linked to the 2013 advertisement, pending availability of vacancies. Final orders are deferred for further instructions on this matter.

DISTRICT & SESSIONS COURT EMPLOYEES WELFARE ASSOCIATION (REGD) AND ORS VS UNION OF INDIA AND ORS [W.P.(C)-614/2017]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The plea of the District & Sessions Court Employees Welfare Association to re-designate their posts from "Senior Assistants/Reader Grade-1" to "Court Master" was dismissed. The enhancement of their pay scale to match that of Court Masters does not justify a change in designation, as post nomenclature is an administrative decision based on job profiles and relevant factors. Re-designation cannot be demanded solely on the basis of pay parity, rendering the petition "wholly misconceived."

DSSSB AND ORS VS PRAVEEN KUMAR [W.P.(C)-332/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The rejection of the respondent's candidature for the Physical Education Teacher position due to an error in uploading a passport-size photograph instead of a postcard-size photograph was deemed unjustified. The respondent rectified the error by submitting the correct photograph before the examination, which was accepted, allowing him to successfully appear in the exam. The error was considered trivial and bona fide, and rejecting the candidature despite the rectification and successful exam performance was seen as unjust and disproportionate. Thus, the decision required the processing of the respondent's candidature.

GOVERNMENT OF NCT OF DELHI & ORS VS RAJ KUMAR SAINI [W.P.(C)-5083/2018]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The charge memorandum against Raj Kumar Saini was quashed due to an inordinate delay of over 15 years. The government authorities had received necessary documents from the CBI in 2007 but did not issue the charge memorandum until 2014, a delay of over 7 years without satisfactory justification. This prolonged delay was deemed to cause grave prejudice to Saini and was not in the interest of clean administration.

GOVERNMENT OF NCT OF DELHI & ORS. VS SUBHASH CHANDER GARG & ANR. [W.P.(C)-49/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The writ petition filed by the Government of NCT of Delhi was dismissed, affirming that Subhash Chander Garg is entitled to benefits under the Old Pension Scheme (CCS Pension Rules 1972). The Ministry of Personnel, Public Grievances and Pensions had issued an order allowing employees appointed to posts before 01.01.2004 to opt for this scheme. Although the petitioners claimed that Garg did not submit the option form in time, it was deemed unfair to deny him benefits based on this. Therefore, the petitioners were directed to provide the Old Pension Scheme benefits to Garg.

GOVERNMENT OF NCT OF DELHI AND ORS VS SUBHAS CHANDRA PANDEY [W.P.(C)-310/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The Central Administrative Tribunal's decision to quash the charge memorandum against the respondent was upheld due to a 12-year delay in its issuance, with no justification provided. The respondent's argument that he was not in the relevant office at the time of the alleged misconduct was not adequately considered, resulting in prejudice against him.

GOVERNMENT OF NCT OF DELHI THROUGH ITS CHIEF SECRETARY & ORS. VS ANIL KUMAR [W.P.(C)-7000/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The Central Administrative Tribunal (CAT) erred by approving applications without adequately examining the government's rationale for waiving a departmental inquiry under Article 311(2)(b) of the Constitution. The reliance on previous decisions without consideration of specific case facts was noted, emphasizing that each case must be assessed on its individual merits rather than a standardized approach. The orders from CAT were set aside, and the matters were remanded for fresh adjudication, with an instruction to consider the government's reasons for bypassing the inquiry. Monetary benefits for the respondents were to be paid from the date of the earlier impugned orders until this batch petition.

GOVT OF NCT OF DELHI AND ORS VS EX CT NAEEM KHAN [W.P.(C)-10452/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The petitioners, Government of NCT of Delhi, were not justified in dismissing Ex CT Naeem Khan under Article 311(2)(b) without a regular departmental inquiry. Reasons for bypassing the inquiry, such as witnesses turning hostile, lacked substantiation. A departmental inquiry was already ongoing against co-accused ASI Intikhab Alam regarding the same incident, indicating no valid ground to exempt the respondent from a similar inquiry. The cases of Khan and Alam were interconnected, involving the same incident and witnesses. Consequently, the dismissal of the writ petition upheld the order for Khan's reinstatement with all consequential benefits.

GOVT OF NCT OF DELHI AND ORS VS KULDEEP [W.P.(C)-4007/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The Central Administrative Tribunal found that the Delhi Police's standing order, which required evaluating candidates' criminal records including juvenile offenses for those over 16, conflicted with the Juvenile Justice (Care & Protection of Children) Act, 2015. However, the tribunal did not assess the validity of the standing order itself and the respondents had not challenged it directly. The order was set aside and the matter was remanded back to the Tribunal, instructing the respondents to submit an amended application against the standing order within two weeks, with a decision to be made within six months.

GOVT OF NCT OF DELHI VS RATAN KUMAR MALHOTRA [W.P.(C)-520/2017]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The respondent is entitled to terminal benefits upon retirement, as no chargesheet or final report had been filed against him by the CBI at the time of superannuation. The registration of an FIR does not constitute pending judicial proceedings under the CCS (Pension) Rules, 1972. Rule 69, regarding withholding of benefits in cases of pending proceedings, is inapplicable since no proceedings were initiated against the respondent when his right to terminal dues arose. The government's petition was dismissed, and the order to release the respondent's terminal benefits was upheld.

GOVT. OF NCT OF DELHI & ORS VS JITENDER KAUSHIK [W.P.(C)-10193/2019]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The petition by the Government of NCT of Delhi regarding the TGT (Sanskrit) exam was dismissed. The order required re-examination of the answer key for question no. 56 due to prior knowledge of its inaccuracy, identified by an Expert Committee. One extra mark was awarded to the respondent and similarly situated candidates for the correct answer. The petitioners must appoint these candidates to the TGT (Sanskrit) post if their scores exceed that of the last selected candidate, with notional benefits from the date of the last candidate's appointment.

GOVT. OF NCT OF DELHI AND ORS. VS SHRI NARESH KUMAR [W.P.(C)-4034/2019]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The Central Administrative Tribunal's decision to grant compassionate allowance to the respondent, who had less than 10 years of service at the time of dismissal, was upheld. Compassionate allowance under Rule 41 of the CCS (Pension) Rules is not contingent on the minimum 10-year qualifying service for pension under Rule 49. It is a discretionary relief based on the financial condition of the dismissed employee rather than the length of service. The government's argument against granting compassionate allowance for service less than 10 years was dismissed as lacking merit.

GURU NANAK PUBLIC SCHOOL & ANR. VS RUCHI MALHOTRA & ANR. [LPA-222/2020]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

Section 8(4) of the Delhi School Education Act, 1973 applies to unaided minority educational institutions. This provision requires prior approval from the Director of Education before a minority school can suspend a teacher, asserting a limited supervisory power over their administration. The appellant's claim for exemption from this requirement was rejected.

KENDRIYA VIDYALAYA SANGTHAN VS RAJESH KUMAR [W.P.(C)-1171/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

Kendriya Vidyalaya Sangthan lacked justification for denying CGHS benefits to retired employee Rajesh Kumar based on the March 13, 2019 OM from MHRD. The prior OM from May 29, 2015 by the Ministry of Health and Family Welfare, which allowed CGHS benefits for retired KVS employees in Delhi/NCR, remained valid and had not been overridden. Rajesh Kumar was entitled to CGHS benefits under the May 29, 2015 OM.

MONIKA VS DSSSB & ANR. [W.P.(C)-2831/2021]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

Monika challenged the dismissal of her application for the TGT (Computer Science) position under the 'Physically Handicapped' category. She initially applied under the unreserved category but requested a change to PH shortly after the exam. Medical documents confirming her PH status were submitted and not disputed. The decision emphasized the Rights of Persons with Disabilities Act, 2016, leading to an order for her appointment with appropriate seniority and pay benefits.

MR. NEERAJ KUMAR VS UNION OF INDIA THROUGH ITS SECRETARY MINISTRY OF LABOUR AND EMPLOYMENT & ORS. [W.P.(C)-11536/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The decision to reject the petitioner's application for the post of Nursing Orderly was upheld, as the experience certificate from Nirmal Hospital was not considered valid due to its omission in the original application form. Eligibility must be based solely on the initial information provided, and allowing additional documentation would be unfair to other applicants. The writ petition was dismissed.

NEETA MAHALA AND ORS. VS NATIONAL HIGHWAYS AUTHORITY OF INDIA [W.P.(C)-5598/2022]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The order of the Central Administrative Tribunal was set aside, establishing that the petitioners served regularly during their probation as Deputy Managers (Technical). The NHAI acknowledged their probation period for the 4-year eligibility criteria under the 2016 Regulations. Consequently, the petitioners are to be promoted to Manager (Technical) effective from 01.01.2019, benefiting from the 1996 Regulations as applicable on the date the 2016 Regulations came into effect.

NIGAR FATIMA VS BHARAT SANCHAR NIGAM LIMITED (BSNL) & ORS. [W.P.(C)-12061/2019]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The Central Administrative Tribunal's decision to reject the petitioner's claim for her son to be appointed as a Group C employee was upheld. Compassionate appointments are intended to provide immediate relief and eligibility is determined based on qualifications at the time of application. Qualifications acquired after the application date are not considered. The claim of discrimination was dismissed, and the Tribunal's order was affirmed. The writ petition was dismissed.

SH. KULWANT SINGH VS EMPLOYEES' STATE INSURANCE CORPORATION AND ORS. [W.P.(C)-13282/2019]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The petitioner's claim for ante-dating his promotion to Insurance Inspector for the year 2006 was rejected based on his acceptance of a promotion in 2008 without reservations. He served for 8 years before raising the issue. The challenge regarding the delay in promotion, made more than 12 years after the cause of action, was considered barred by delay and laches.

SH. TARUN KATARIA VS UNION OF INDIA AND ORS. [W.P.(C)-7560/2018]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The petitioner's challenge to the change in selection criteria for the Junior (ECG) Technician post from an interview to a written exam and skill test was rejected. Participation in the written exam and skill test without objection led to a waiver of the right to contest the selection process. The change was deemed justified by a decision from the Department of Personnel and Training, and the petitioner's subsequent participation precluded any challenge to the altered criteria.

SHIBU SOREN VS LOKPAL OF INDIA & ANR. [LPA-138/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The decision upholds the dismissal of Shibu Soren's appeal. The Lokpal has not yet decided if a prima facie case exists for investigation; it has only initiated a preliminary inquiry. The issue of limitations on the complaint will be addressed by the Lokpal after the preliminary inquiry report is received. The complaint includes allegations of misuse of public funds and the creation of shell companies by the appellant and his family, justifying further examination rather than dismissal on limitation grounds. The writ petition is deemed premature as a final decision on investigation has not been made by the Lokpal.

SHRI PITAMBER AND ORS VS UNION OF INDIA AND ORS [W.P.(C)-990/2022]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The writ petition by ICAR Deputy Secretaries resulted in recognition of their entitlement to the same pay scale as Deputy Secretaries in the Central Secretariat Services, as established by a 2010 government order. ICAR Bye-Laws and a 1995 Cabinet decision support pay parity with CSS employees, previously affirmed for ICAR Section Officers. The pay parity benefit is to be granted from the due date, with arrears payable within 12 weeks.

SPORTS AUTHORITY OF INDIA THROUGH SH. SANDIP PRADHAN, DIRECTOR GENERAL & ORS. VS DR. HEMA VALECHA [W.P.(C)-2016/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The Central Administrative Tribunal (CAT) should not have directed the Sports Authority of India (SAI) to provide information about vacancies in Physiotherapist Grade-II posts, as this interfered with administrative decisions. Employees can still argue that transfer orders responded negatively to a previous CAT directive about their service status. SAI is directed to allow employees to rejoin duty at the NCOE in Delhi, pending further CAT orders. Writ petitions filed by SAI regarding expedited decisions by the CAT have been disposed of, with no opinion on the merits of the claims expressed.

STATE BANK OF INDIA VS HARISH CHANDER [LPA-75/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The appeal by the State Bank of India was dismissed. The workman, whose termination was deemed illegal, is entitled to benefits under Section 17B of the Industrial Disputes Act, despite being eligible for a lump-sum superannuation amount. The argument that Section 17B applies only in cases of grave financial hardship was rejected, and the affidavit asserting the workman's unemployment met the requirements of Section 17B. The provisions of the statute should not be interpreted in a hyper-technical manner.

SUNIL KUMAR RAJWANSHI VS UNION OF INDIA & ORS. [W.P.(C)-3925/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The writ petition challenging the transfer of the petitioner, an officer in the Indian Revenue Service, from Gorakhpur to Lucknow was dismissed. The petitioner was irregular in attending office at Gorakhpur, leading to a request for a replacement. The transfer was conducted on administrative grounds and complied with the transfer policy, allowing transfers before the completion of the 3-year posting period. The petitioner did not join the new posting in Lucknow despite the transfer order being in effect, resulting in a cost of Rs. 1,00,000 to be paid by the petitioner.

SURESH KUMAR AND ORS VS NEW DELHI MUNICIPAL CORPORATION AND ANR [W.P.(C)-8362/2020]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The Central Administrative Tribunal's dismissal of the petitioners' claim for the post of Clerical Assistants was upheld. The selection process initiated on 28.01.2013 was cancelled due to identified irregularities, preventing the petitioners from claiming promotion based on the results of that exam. Compliance with Recruitment Rules required a mandatory typing test, and the previous provision for promotion without it had been removed. The cancellation of the selection process was deemed justified to ensure adherence to the Recruitment Rules and maintain transparency.

THE CHAIRMAN, NEW DELHI MUNICIPAL COUNCIL & ORS. VS SHIBANI ROY CHOUDHURY & ANR. [W.P.(C)-15703/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The respondent, who served as Joint Director (Statistics) from 2008 to 2015 without an officially sanctioned post, is not eligible for pension benefits based on that salary. However, no recoveries will be made for the higher salary received during that period, as it was at the petitioner's discretion. The respondent should be considered for benefits under the Modified Assured Career Progression (MACP) Scheme, with the stipulation that any additional amount under MACP will not be paid for the duration of the higher salary as Joint Director. The respondent's pension will be enhanced based on the grade pay granted under the MACP Scheme.

THE COMMISSIONER OF POLICE VS SUNITA & ANR [W.P.(C)-4473/2019]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The decision confirms that Sunita is entitled to a family pension as the legally wedded wife of the deceased government employee, Late Head Constable Hawa Singh, despite her name not being on the pension nomination form. This entitlement is supported by a court declaration of her marital status and a letter from the widow of Late Kawal Singh, Hawa Singh's elder brother. Sunita's case for the pension will be considered prospectively, without recoveries from the previous pension recipient.

THE HINDUSTAN TIMES LTD VS DY. LABOUR COMMISSIONER, GOVT OF NCT DELHI AND OTHERS [LPA-835/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The appeal by The Hindustan Times Ltd. against a Recovery Certificate issued by the Deputy Labour Commissioner was dismissed. The Recovery Certificate required the payment of Rs. 27,39,290/- to the legal representatives of late Shri Arun Kumar, along with interest and costs. Arguments regarding inflated calculations and a limitation of Rs. 5 lakhs were rejected, as the appellant did not challenge the calculations submitted by Arun Kumar, and the Rs. 5 lakhs limit applied only to a specific time frame, not encompassing backwages due until superannuation.

UNION OF INDIA & ANR. VS PRIYANKA YADAV [W.P.(C)-1217/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The employment termination of Priyanka Yadav as a Staff Nurse was set aside due to the confirmation of her employment from Medanta Hospital, which clarified that the initial experience certificate, though deemed inappropriate, was not forged. The decision underscored her merit and verified work experience while denying her benefits for the six years between her dismissal and reinstatement. The Union of India's writ petition against the Tribunal's order was dismissed.

UNION OF INDIA & ORS. VS NAMRATA SEMWAL [W.P.(C)-5238/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The decision upheld the Central Administrative Tribunal's approval for the respondent's conversion from the Contributory Provident Fund (CPF) scheme to the General Provident Fund (Pension) scheme. The respondent had consistently requested inclusion in the GPF scheme since 1993, with no rejection of her requests by the petitioners. There was no evidence indicating the respondent chose to remain under the CPF scheme post the 1988 government order. The petitioners were directed to extend the benefits to the respondent as previously granted in a similar case.

UNION OF INDIA & ANR VS JAGDISH RAI [W.P.(C)-3769/2017]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The respondent's entire service period from 23.07.1975 to 18.10.1993 and 13.11.1997 to 31.03.2013 is to be counted for calculating pension and retirement benefits, as there is no evidence of termination from service. The argument regarding limitation was rejected, affirming that the cause of action arose after superannuation on 31.03.2013. The writ petition by the Union of India was dismissed, upholding the order of the Central Administrative Tribunal.

UNION OF INDIA & ANR. VS ANIL SARAN BHATNAGAR & ORS. [W.P.(C)-13476/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The two-year training period of Surveyor employees must be included in their qualifying service for the ACP/MACP scheme, as similar relief was previously granted to others in related cases. There is no justification for discriminating against these respondents.

UNION OF INDIA & ANR. VS ANOOP KUMAR UPADHYAY [W.P.(C)-843/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The order to recover Rs. 9,01,173 from the respondent employee was quashed based on the applicability of the Supreme Court's decision in Rafiq Masih. The respondent, a pensioner at the time of the recovery order, had received excess payments for over 7 years without any allegations of misrepresentation or fraud. The recovery was deemed to cause undue hardship, leading to the dismissal of the writ petition filed by the Union of India.

UNION OF INDIA & ANR. VS PAVAN VED [W.P.(C)-5477/2017]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The writ petition by the Union of India was dismissed, affirming the Central Administrative Tribunal's decision to quash the charge memo issued to a former Commissioner of Income Tax (Appeals). The dismissal was based on an unexplained delay of over 10 years in issuing the charge memo, making it unreasonable to expect the respondent to access case records from that long ago. Precedent established that disciplinary actions against quasi-judicial officers require allegations of malafide, which were absent in this case.

UNION OF INDIA & ORS VS ASHOK KUMAR AGGARWAL [W.P.(C)-9184/2017]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The writ petition by the Union of India and others was dismissed, affirming the Central Administrative Tribunal's decision to grant Ashok Kumar Aggarwal benefits of the 3rd Modified Assured Career Progression (MACP) scheme effective from 01.09.2008. The tribunal's finding that Aggarwal had completed 30 years of service by the introduction of the MACP scheme justified the earlier effective date, rather than the later date of 21.09.2010 proposed by the petitioners.

UNION OF INDIA & ORS. VS N.K.MISHRA & ORS. [W.P.(C)-15760/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The Central Administrative Tribunal's decision to grant respondents the actual benefits of the higher replacement pay scale of Rs. 4500-7000 from 01.01.1996, rather than notional benefits, was upheld. The government's acceptance of the 5th Central Pay Commission's recommendations necessitated the provision of actual benefits from the effective date of 01.01.1996, rather than limiting it to 19.02.2003. Previous judgments supporting similar claims for other employees in the Accounts Department were cited, and the argument regarding delay and laches was dismissed.

UNION OF INDIA & ORS. VS SATYA PAL SHARMA [W.P.(C)-3630/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The writ petition filed by the Union of India was dismissed, upholding the Central Administrative Tribunal's orders. The respondent's services were retrospectively terminated from 01.02.2022, but no written termination order was issued until 10.05.2022. The petitioners cannot terminate the respondent's services retrospectively, and he is entitled to receive salary for the period he was not allowed to work.

UNION OF INDIA & ORS. VS VINOD KUMAR [W.P.(C)-673/2014]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The respondent is recognized as a regular Grinder-II from 14.05.1991 and is entitled to benefits from the 1993 and 2003 cadre restructuring exercises. The petitioners included the respondent in the seniority list and granted him benefits under the MACP scheme, indicating recognition of his status. Consideration for consequential benefits, including promotion, will depend on the respondent meeting established parameters, rather than being automatic.

UNION OF INDIA AND ANR. VS DEEPAK GOYAL AND ORS. [W.P.(C)-9253/2019]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The writ petition was allowed, and the order of the Central Administrative Tribunal was set aside. The Tribunal's decision had relied on a previously set aside order from two other cases, leading to the necessity of overturning the impugned order.

UNION OF INDIA AND ORS. VS J R SAKHARE [W.P.(C)-7525/2018]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The dismissal order against the respondent was set aside due to the absence of the original bill, which prejudiced the respondent's defense and violated natural justice principles. Reinstatement was ordered with 50% back wages, considering the time elapsed since the 2008 dismissal and the 2013 acquittal in the criminal case.

UNION OF INDIA AND ORS. VS SMT. RENU GUPTA AND ANR. [W.P.(C)-9742/2019]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The order of the Central Administrative Tribunal regarding the restoration of family pension for the respondent was set aside. The tribunal incorrectly relied on an office memorandum applicable only to childless widows, while the respondent had a child. According to relevant rules, widows with children are not entitled to family pension upon remarriage. The respondent was granted permission to amend her application to challenge the legality of the rule, and the matter was sent back for fresh consideration of these additional grounds.

UNION OF INDIA THROUGH ITS SECRETARY & ORS. VS RUPESH KUMAR JHA & ORS. [W.P.(C)-12354/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The decision of the Central Administrative Tribunal to allow the original applications of the respondents was upheld. The respondents' failure to sign the opening page of their answer sheets was deemed a trivial mistake that did not affect the examination outcome or raise identity concerns, as they had signed the attendance sheet, declaration form, and affixed thumb impressions. The responsibility of invigilators, who signed the answer sheets without noticing the unsigned pages, pointed to a systemic failure. Precedents cited were found distinguishable, affirming that the Tribunal's order did not require interference. The writ petitions from the Union of India were dismissed.

UNION OF INDIA THROUGH SECRETARY & ANR. VS LATE DR NUSRAT HAMEED KHAN THROUGH LRS MRS ZEENAT HAMEED KHAN & ORS. [W.P.(C)-1691/2024]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The decision allows the legal representatives of Late Dr. Nusrat Hameed Khan to migrate to the old pension scheme under the CCS (Pension) Rules, 1972. The respondents were appointed on an ad-hoc basis in 1996 against advertised regular vacancies and were regularized on 03.02.2004, shortly after the new pension scheme took effect. Their ad-hoc service is considered for eligibility under the old pension scheme, as the posts were identified before 01.01.2004. The petition from the Union of India was dismissed, and an 8-week period was granted for implementation.

UNION OF INDIA THROUGH SECRETARY MINISTRY OF DEFENCE & ORS. VS M S HASHMI [W.P.(C)-13859/2021]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The petition by the Union of India was dismissed, upholding the Tribunal's decision to quash the charge memo against the respondent and revive departmental proceedings. An 8-year delay in action following the respondent's acquittal in 2009 was deemed unjustified, impacting the validity of the proceedings. The respondent had already retired in November 2021. Reliance on a Supreme Court decision in A. Masilamani was found inapplicable due to the focus on delay rather than case merits.

UNION OF INDIA VS ASH MOHAMMAD AND ANR [W.P.(C)-4292/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The Central Administrative Tribunal's decision was upheld, directing the Union of India to re-calculate the date for financial upgradation under the ACP/MACP scheme for the respondents, including service prior to age 18. The respondents' roles as Messenger Boys were considered "regular service" for promotions to Orderlies, contradicting the argument that this was merely a re-designation. There was no provision in the DoPT guidelines excluding pre-18 service from being counted as regular service, emphasizing the need for compassion in cases involving minors. The plea regarding delay in filing the original application was dismissed.

UOI VS R.K.MITTAL [W.P.(C)-1609/2004]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The inclusion of the respondent's initial appointment under Rule 25(3) of the DANIPS Rules towards his seniority was upheld. Despite the ad hoc nature of the appointment, the lengthy service of over 6 years at the request of the petitioner department was deemed significant for seniority determination, in line with established precedents. The petitioner's writ petition was dismissed.

VIRENDER VS COMMISSIONER OF POLICE AND ORS [W.P.(C)-13667/2023]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

The petitioner's explanation for being on unauthorized leave for 248 days was deemed unsatisfactory, showcasing a significant lack of discipline. A minor discrepancy in the days cited in the charge sheet and the appellate order did not cause prejudice. The penalty of forfeiting one increment with cumulative effect was considered reasonable, and the delay in proceedings did not warrant an enhancement of punishment. The Tribunal's decision was upheld, and the writ petition was dismissed.

VIRENDRA KUAMR AND ORS. VS THE UNION OF INDIA AND ORS. [W.P.(C)-5335/2019]

Judges: Justice Rajnish Bhatnagar, Justice Rekha Palli

A writ petition by superannuated Group A officers absorbed into BSNL in 2000 was dismissed. The key issue was the recommendation of the 2nd Pay Revision Committee regarding a separate revised pay scale for the E-9A pay scale. The proposal for a separate scale was previously considered and rejected. The decision on pay scale fixation by the employer cannot be interfered with, and a prior similar case involving the petitioners had also been dismissed.

DEEPAK SANGWAN VS UNION OF INDIA & ORS. [W.P.(C)-4817/2024]

Judges: Justice Rajnish Bhatnagar, Justice V. Kameswar Rao

The petition challenging charges, sentence orders, and dismissal from service was dismissed. The CFPB and CFSL reports indicated that the thumb impression and handwriting on the answer sheet did not match the provided specimens, confirming that someone else took the exam. This constituted serious misconduct. Arguments regarding the petitioner's participation in other selection stages and the timing of specimen collection were rejected, affirming the justification for the dismissal.

GULSHAN UPADHYAY VS UNION OF INDIA & ORS. [W.P.(C)-7540/2022]

Judges: Justice Rajnish Bhatnagar, Justice V. Kameswar Rao

The petition filed by Gulshan Upadhyay challenging the denial of his induction into the Indian Navy as a Sailor (MR) was dismissed. His application showed a domicile in Uttarakhand, which was inconsistent with his domicile certificate from Uttar Pradesh, leading to ineligibility due to differing cut-off percentages. The position of Sailor (MR) has been replaced by the Agnipath Scheme, and his case cannot be considered under this new recruitment process. No grounds for interference with the respondents' decision were identified.

INDER SINGH KUNWAR VS UNION OF INDIA & ORS. [W.P.(C)-7885/2024]

Judges: Justice Rajnish Bhatnagar, Justice V. Kameswar Rao

Multiple writ petitions sought extension of benefits from a Supreme Court judgment. The respondents were directed to treat these petitions as representations and to resolve them within 8 weeks, assessing the petitioners' entitlement to benefits. If benefits were deemed owed, they were to be released within 6 weeks. If not, written reasons must be provided for the decision, allowing the petitioners to pursue further legal remedies.

MR. NIKHIL TOMAR VS UNION OF INDIA & ORS. [W.P.(C)-2735/2024]

Judges: Justice Rajnish Bhatnagar, Justice V. Kameswar Rao

Mr. Nikhil Tomar was declared medically unfit for the post of Assistant Commandant in ITBP based on the Review Medical Board's assessment of a fibrotic scar on his right index finger, which was deemed to interfere with his duties. The board's conclusion aligned with ITBP's general standards, and there was no evidence of mala fide in their evaluation. Arguments regarding fitness from other hospitals and previous clearances in the Army and Navy were not accepted. The petition challenging the medical board's decision was dismissed for lacking merit.

RAM PRAKASH YADAV AND ORS VS UNION OF INDIA AND ORS [W.P.(C)-5844/2024]

Judges: Justice Rajnish Bhatnagar, Justice V. Kameswar Rao

The petitioners are entitled to a higher grade pay of R.S. 2800 under the Modified Assured Career Progression (MACP) scheme, which ensures financial upgradation to the immediate next grade pay in the pay band hierarchy. The petitioners sought a higher grade pay of R.S. 4200 related to a promotional post, which is not provided by the MACP scheme.

RAVI KUMAR ORS VS UNION OF INDIA ANR [W.P.(C)-10597/2023]

Judges: Justice Rajnish Bhatnagar, Justice V. Kameswar Rao

The petitioners, qualified for promotion to Assistant Sub Inspector in the CRPF, were affected by a September 2022 amendment to the CRPF Establishment Manual which specified that the list of qualified candidates would not carry forward to the next vacancy year. Despite applying under earlier rules, the petitioners lacked a vested right to promotion. Their names were excluded from the promotion consideration due to being below the cut-off for available vacancies, which was deemed non-arbitrary.

RENU TUSHIR VS UNION OF INDIA AND ORS [W.P.(C)-6128/2024]

Judges: Justice Rajnish Bhatnagar, Justice V. Kameswar Rao

Renu Tushir's petition for the ASI (Pharmacist) position in the Central Reserve Police Force was dismissed due to her failure to contact the helpline as required when she did not receive her admit card for the Stage III examination. The selection process was complete, and her first representation was made nine months after the Stage II examination, suggesting a lack of seriousness as a candidate.

UNION OF INDIA & ANR. VS TAPASH BASAK & ORS [W.P.(C)-716/2015]

Judges: Justice Rajnish Bhatnagar, Justice V. Kameswar Rao

The Central Administrative Tribunal correctly directed the Union of India to make an informed decision regarding benefits for the civilian ministerial staff in the SSB. The Supreme Court had not addressed the pay parity between SSB employees and their counterparts in ARC and SFF. SSB employees are eligible for consideration of the same grade pay as Section Officers and Private Secretaries in ARC and SFF, as the Assistant position serves as the feeder grade. A decision must be made within three months, with the option for respondents to seek legal remedy if dissatisfied with the outcome.

ANITA RANI SONDHI VS DELHI DEVELOPMENT AUTHORITY & ANR. [W.P.(C)-1767/2021]

Judges: Justice Ravinder Dudeja, Justice Rekha Palli

The respondents were required to communicate the petitioner's ACRs with below-benchmark "good" ratings to her, as per principles of fairness and transparency. Since the ACRs from 2003-04 to 2005-06 were not communicated and the reporting officers were unavailable, the case for the 3rd MACP benefit from 01.09.2008 should be reconsidered by ignoring those uncommunicated ACRs and instead using her earlier "very good" ACRs from 2000-01 to 2002-03.

GOVT OF NCT OF DELHI & ORS. VS JAY PRAKASH SOJA [W.P.(C)-4640/2021]

Judges: Justice Ravinder Dudeja, Justice Rekha Palli

The order of the Central Administrative Tribunal was set aside regarding the promotion criteria for the applicant, who sought consideration under an earlier notification requiring 6 years of service instead of the amended 9 years. It was established that an employer can change promotion criteria, and the applicant does not have a vested right to the older criteria. The applicant's claim of discrimination, based on batch mates receiving the senior scale under the old criteria, was noted. The matter was remanded to the Tribunal for a fresh decision, allowing the applicant to file an amended application to substantiate the discrimination claim, with a timeline of 6 months for resolution.

KISHORE KUMAR VS DELHI DEVELOPMENT AUTHORITY & ANR. [W.P.(C)-1715/2021]
Judges: Justice Ravinder Dudeja, Justice Rekha Palli
Respondents were required to communicate the petitioner's below benchmark ACRs for the years 2003-04, 2004-05, and 2005-06. The earlier ACRs for 2000-01, 2001-02, and 2002-03 should be considered in the petitioner's case for the grant of the 3rd MACP. If found fit for the 3rd MACP upon reconsideration, the petitioner is entitled to all consequential benefits.

MINISTRY OF HOME AFFAIRS & ANR. VS SHRI JAGMINDER SINGH & ANR. [W.P.(C)-4605/2024]
Judges: Justice Ravinder Dudeja, Justice Rekha Palli
The order from the Central Administrative Tribunal, requiring the Ministry of Home Affairs to consider the respondents for Senior Administrative Grade (SAG) in DANIPS on a notional basis from the date they became eligible, was upheld. The intent of the relevant Office Memorandum was to ensure that employees eligible for promotion should not be deprived of consideration due to delays in the Departmental Promotion Committee (DPC) process. Superannuation before the DPC did not preclude the respondents from being considered for promotion, as the Office Memorandum allows for the inclusion of superannuated employees who are deemed fit. The argument that it was discretionary for the employer to consider superannuated employees was rejected, as it could lead to arbitrariness.

AAREM TRAD EX PRIVATE LIMITED VS SALES TAX OFFICER & ANR. [W.P.(C)-2767/2024]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
An order dated 22.12.2023 that concluded proceedings under Section 73 of the Central Goods and Service Tax Act 2017 against Aarem Trad Ex Private Limited was set aside. The order failed to address the merits of the petitioner's reply, stating it was not comprehensive without adequate reasoning. The proper officer is to reconsider the show-cause notice, allowing the petitioner a personal hearing and the opportunity to submit an additional reply within one week. The challenge to the related notifications remains unresolved.

AASHNA SINGHAL VS PRINCIPAL COMMISSIONER OF GST AND ORS [W.P.(C)-7464/2024]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
The provisional attachment order on the petitioner's bank account, issued on 27.01.2022 under Section 83 of the Central Goods and Service Tax Act, 2017, has ceased to have effect after one year, as no fresh attachment order was issued. The respondent bank is directed to allow the operation of the petitioner's bank account without any restrictions based on this provisional attachment order.

AASHNA SINGHAL VS PRINCIPAL COMMISSIONER OF GST AND ORS [W.P.(C)-7468/2024]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
The provisional attachment order issued on 27.01.2022 under Section 83 of the Central Goods and Service Tax Act, 2017, has ceased to have effect after one year, as no new attachment order was issued. The respondent bank is directed to allow operations on the petitioner's bank account and remove any restrictions based on the expired provisional attachment order.

AASHNA SINGHAL VS PRINCIPAL COMMISSIONER OF GST AND ORS [W.P.(C)-7438/2024]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
The provisional attachment order under Section 83 of the Central Goods and Service Tax Act, 2017 issued on January 27, 2022, has ceased to have effect after one year. Consequently, the respondent bank must allow operation of the petitioner's bank account without any embargo stemming from the expired order. The petition has been disposed of.

ADITI AGENCIES VS COMMISSIONER OF CGST [W.P.(C)-946/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Cancellation of the petitioner's GST registration was deemed invalid due to a lack of proper reasoning in the show cause notice and cancellation order. Retrospective cancellation must be based on objective criteria and consideration of consequences. The show cause notice, cancellation order, and appeal dismissal were set aside, restoring the petitioner's GST registration pending the filing of requisite returns.

AJ FLIGHT RESERVATIONS PVT. LTD. VS COMMISSIONER OF CGST, DELHI WEST AND ANR. [W.P.(C)-6585/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

AJ Flight Reservations Pvt. Ltd. filed a refund claim on 31.01.2024. Since 60 days passed without a deficiency memo being issued, the proper officer must process the application and conclude it within two weeks. The petitioner may seek further remedies if aggrieved by the subsequent order on the refund application and interest.

AJANTA SOYA LTD VS UNION OF INDIA & ORS. [W.P.(C)-5510/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The benefit under the Tariff Rate Quota (TRQ) for importing crude soyabean oil is extended until 30.06.2023, in accordance with the Public Notice from the DGFT. Imports with Bills of Lading dated on or before 31.03.2023 will be eligible for TRQ policy if the goods land by 30.06.2023. Refunds of any duties paid by the petitioners will be granted, contingent on compliance with legal requirements.

AJAY AGARWAL & ANR. VS DEPUTY COMMISSIONER CENTRAL GOODS AND SERVICES TAX DELHI NORTH DARYAGANJ RANGE - 1 & ORS. [W.P.(C)-4459/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioners' GST registration from 21.05.2018 was invalid due to a lack of proper reasons and specific grounds in the show-cause notice. Registration cannot be cancelled retroactively without objective justification. The cancellation was modified to take effect from 19.02.2020, as the petitioners ceased operations. Respondents may pursue recovery of any outstanding tax, penalty, or interest related to the firm, including retroactive cancellation of GST registration, provided they issue a proper show-cause notice and allow an opportunity for a hearing.

AJAYRAJ CONSTRUCTION PVT. LTD. & ANR. VS THE COMMISSIONER OF CENTRAL TAX, GST, DELHI , EAST, NEW DELHI [W.P.(C)-4145/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Commissioner of Central Tax, GST, Delhi East issued a flawed order, as the written reply from Ajayraj Construction Pvt. Ltd. was not considered. The order was set aside, and the show cause notice was restored, requiring the adjudicating authority to provide one opportunity for a personal hearing and to consider the petitioner's reply. If the petitioner fails to appear, the adjudicating authority may proceed ex parte but must still consider the reply.

AKSHIT PETROCHEM PVT. LTD. THROUGH ITS DIRECTOR, SH. VIVEK SHANKER VS GOVT. OF NCT OF DELHI THROUGH CHIEF SECRETARY & ORS. [W.P.(C)-5342/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order denying input tax credit (ITC) to the petitioner for cancelled dealers was set aside due to the lack of opportunity for cross-examination, which caused serious prejudice. The proper officer intended to summon the cancelled dealers but did not do so due to time constraints. The petitioner's request for a refund of Rs. 20 lakhs, allegedly deposited under coercion, must be considered in line with prior judgments on involuntary deposits. The case is remitted for re-adjudication on these matters, with all other rights and contentions remaining open.

AL-KHAIR EXPORTS VS ASSISTANT COMMISSIONER, ZONE 8, WARD 89 [W.P.(C)-3932/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order rejecting Al-Khair Exports' refund application was set aside. The Assistant Commissioner is to re-examine the submitted documents and any additional ones the petitioner provides within 2 weeks. The petitioner argued that the requested documents were already provided or irrelevant. A personal hearing will be conducted to address the refund application, allowing for further clarifications or document submissions. No comments were made on the merits or contentions of the parties, with rights and contentions reserved.

ALKA ENTERPRISES THROUGH PROPRIETOR VS UNION OF INDIA & ORS. [W.P.(C)-6816/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The ex-parte order imposing a demand of Rs. 12,03,064.80/- against the petitioner under the Central Goods and Services Tax Act, 2017, was set aside. The petitioner's GST registration was cancelled on June 18, 2021, and he was unaware of the pending proceedings due to communications solely through the GST portal. The matter is to be remanded to the tax department, allowing the petitioner 30 days to respond to the show-cause notice, after which the department will re-adjudicate the issue with an opportunity for personal hearing. No observations were made on the merits of the case, and rights and contentions of both parties remain reserved.

AMAR ENTERPRISES THROUGH ITS PROPRIETOR VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX AND ANR [W.P.(C)-3182/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

GST registration of a proprietorship firm engaged in paper product retail and wholesale cannot be cancelled retrospectively solely due to failure to file returns for six months. Cancellation must follow objective criteria, and consequences of retrospective actions are significant. The registration is modified to be cancelled only from the date of the show cause notice on October 29, 2021. The department retains the right to recover any tax, penalty, or interest due from the firm, including through retrospective cancellation.

AMIT UPADHYAY (PROPRIETOR OF M/S. GAYATARI DIAMONDS) VS SALES TAX OFFICER CLASS II/AVATO, WARD 45 & ANR. [W.P.(C)-4662/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order imposing a demand of Rs. 73,76,148 against the petitioner under Section 73 of the Central Goods and Services Tax Act, 2017 was set aside. This order was based on allegations of an excess claim of Input Tax Credit (ITC) and claims from cancelled dealers, return defaulters, and non-payers. The petitioner submitted a detailed reply to the show cause notice, but the order incorrectly stated there was no online reply or personal appearance. The matter was remitted for re-adjudication, with directions for the petitioner to provide relevant documents and proof of payment, without commenting on the merits of the case.

ANAND INTERNATIONAL AND ORS. VS COMMISSIONER OF CUSTOMS [W.P.(C)-1815/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The hearing on the show cause notice issued by the Commissioner of Customs will be deferred until the Customs Excise and Service Tax Appellate Tribunal (CESTAT) issues its order on the petitioners' appeal. The petitioners submitted an interim reply and requested cross-examination of witnesses, which was denied. An appeal has been filed with CESTAT, and while arguments have been heard and judgment is reserved, the petitioners will have two weeks to file a final reply after the CESTAT's order is issued. The respondent can then proceed with the conclusion of the show cause notice, ensuring the petitioners are given a chance for a personal hearing. The time taken for the CESTAT appeal will not count towards the period stipulated under Section 28(9) of the Customs Act.

ANANYA METAL AND ALLOYS VS UNION OF INDIA & ORS. [W.P.(C)-16133/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The provisional attachment order under Section 83(1) of the Central Goods and Services Tax Act, 2017 is valid for a maximum of one year, resulting in the previous attachment order ceasing to operate. A fresh attachment order was issued on 13.12.2023, with the validity of repeated attachment orders left open for consideration. The petitioner retains the right to challenge the new attachment order in accordance with the law.

ANHAD IMPEX THROUGH ITS PARTNER & ANR. VS ASSISTANT COMMISSIONER WARD 16 ZONE 2 DELHI & ORS. [W.P.(C)-2356/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Anhad Impex demonstrated that it did not receive the Show Cause Notice dated 24.09.2023 due to issues with the GST portal's architecture, specifically regarding notice visibility. The previous order dated 29.11.2023 was set aside, and Anhad Impex was granted an opportunity to respond to the Show Cause Notice. The Proper Officer will re-adjudicate the matter after a personal hearing with the petitioner.

ANIL MADAN VS ASSISTANT COLLECTOR, GR-II & ANR. [W.P.(C)-6217/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Anil Madan is permitted to approach the Tribunal for an expedited listing of his application regarding the waiver of the pre-deposit amount for his appeal. No coercive action is allowed against him until his application is listed or until May 31, 2024, whichever occurs first. The provided protection will expire on that date or upon the application's listing.

ANIL SONI PROP. OF M/S. SONI SALES CORP. VS SUPERINTENDENT, WARD-49, CGST DELHI & ANR. [W.P.(C)-4010/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration from July 2, 2017, was deemed invalid due to a lack of cogent reasons and failure to provide the petitioner an opportunity to object. Registration cancellation cannot occur retrospectively without proper justification, and such cancellations can adversely affect customers who utilized input tax credits. The cancellation was modified to take effect from June 8, 2022, while allowing for recovery of any due taxes, penalties, or interest according to the law.

ANITA BANSAL PROPRIETRESS OF M/S A.B. ENTERPRISES VS THE UNION OF INDIA & ANR. [W.P.(C)-4520/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The ex-parte order demanding Rs. 21,11,088 under the Central Goods and Services Tax Act from the proprietress of M/s A.B. Enterprises was quashed due to her inability to respond to the show cause notice caused by her husband's serious illness and subsequent death. The matter was remanded to the tax authorities for re-adjudication with an opportunity for the petitioner to have a personal hearing.

APSHARA GARMENTS PVT. LTD. VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX & ANR. [W.P.(C)-2142/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration with retrospective effect was set aside due to the absence of details regarding the alleged invoices issued without an underlying supply of goods or services. Such a cancellation requires the proper officer's justification that was not present in this case. Additionally, the rejection of the petitioner's application for amendment of the registered address was also set aside, with the matter remitted for reconsideration.

ARCHIT KHANDELWAL PROPRIETOR M/S ARCHIT ENTERPRISES VS PR. COMMISSIONER OF DGST DELHI [W.P.(C)-4398/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration was invalid due to insufficient reasons and lack of opportunity to respond in the show cause notice and order. Registration cannot be cancelled retroactively without objective criteria and consideration of impacts on customers. The cancellation was modified to take effect from the date the business closed on 31.12.2019, while allowing for the recovery of any due tax, penalty, or interest through proper procedures.

ARROW AIRCRAFT SALES AND CHARTERS PRIVATE LIMITED VS SALES TAX OFFICER CLASS II AVATO WARD 202 ZONE 11 DELHI & ORS. [W.P.(C)-2562/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order creating a demand against Arrow Aircraft Sales and Charters Private Limited under Section 73 of the Central Goods and Services Tax Act, 2017 was set aside due to the tax department's failure to properly consider the petitioner's detailed response to the show cause notice. The matter was remitted for re-adjudication, allowing the petitioner a personal hearing. The challenge to the notification extending the limitation period remains open.

ARUN GOEL VS UNION OF INDIA AND ANR. [W.P.(C)-15358/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner's application for a GST concession certificate for vehicle purchase should be assessed under the 2018 policy, which was in effect at the time of application. The rejection of the application based on a revised 2019 policy was deemed incorrect as the amendment is not retroactive. The order to decline the application was quashed, directing consideration of the application under the 2018 policy within four weeks. If eligible, an appropriate concession certificate must be issued and any excess GST collected refunded.

ARVIND SHARMA VS SUPERINTENDENT, RANGE - 115, CENTRAL GOODS AND SERVICE TAX & ANR. [W.P.(C)-6535/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notice for cancelling the petitioner's GST registration was deemed defective due to a lack of specifics regarding alleged fraud or misstatements. The cancellation order was found to be cryptic and insufficiently reasoned. Registration cannot be cancelled retroactively without proper justification; thus, the cancellation was modified to take effect on 02.08.2023, as the petitioner had ceased business operations. Recovery of any tax or penalties can still proceed with a proper notice and adherence to natural justice principles.

ASES SECURITY PVT LTD VS COMMISSIONER OF TRADE AND TAXES & ANR. [W.P.(C)-101/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

ASES Security Pvt Ltd is entitled to a refund of Rs. 8,35,184 under the Delhi Value Added Tax Act for the fourth quarter of 2012-13. A previous demand of Rs. 2,86,784 was contested, leading to the Appellate Tribunal setting aside the Objection Hearing Authority's order. The respondents must process the refund within two weeks and grant applicable interest, acknowledging that delay was due to a technical error.

ASHISH GARG L/H OF SH. PAWAN KUMAR, PROPRIETOR OF M/S. KIRTI PLASTICS VS GST OFFICER/AVATO, WARD 63, DELHI & ANR. [W.P.(C)-2466/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration was deemed unjustified due to contradictory show cause notices and insufficient reasoning. Retrospective actions can negatively impact customers and should only occur when warranted. The cancellation order was modified to take effect from the date of the petitioner's death, allowing the petitioner to claim credit balances while permitting authorities to recover any outstanding tax, penalty, or interest.

ASUS INDIA PRIVATE LIMITED VS THE GST OFFICER, WARD-91, ZONE-8 DELHI [W.P.(C)-1729/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

ASUS India Private Limited received two weeks to respond to a show cause notice issued by the GST Officer. The proper officer is to provide an opportunity for a personal hearing before adjudicating the notice. The petitioner's concerns regarding the non-compliance with Rule 142(1) of the Central Goods and Services Tax Rules 2017 and the validity of the notice are acknowledged, but no comments on these contentions are made, preserving the rights of both parties.

BAGGA LINK MOTORS LIMITED VS COMMISSIONER STATE GOODS AND SERVICES TAX DELHI & ANR. [W.P.(C)-5903/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order proposing a demand of Rs 10,43,36,362.00 against Bagga Link Motors Limited was set aside due to inadequate consideration of the petitioner's detailed reply and supporting documents by the Proper Officer. The matter was remanded for re-adjudication, allowing the petitioner to submit a further reply within 30 days, and requiring the Proper Officer to issue a fresh speaking order. No comments were made on the merits of the parties' contentions.

BAKSHI AEROSOLE THROUGH ITS PROPRIETOR MS SUMAN ARORA VS COMMISSIONER OF DGST DELHI & ORS. [W.P.(C)-4840/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order canceling the petitioner's GST registration was set aside due to insufficient reasoning in the show cause notice and lack of opportunity for the petitioner to respond. The cancellation cannot occur retroactively solely because of unfiled returns; proper criteria and considerations for the taxpayer's customers must be established. The GST registration was restored, allowing for recovery of any due tax, penalty, or interest in accordance with the law, including potential retrospective cancellation with proper notice and hearing.

BALAJI MEDICAL AND DIAGNOSTIC RESEARCH CENTRE VS UNION OF INDIA & ORS. [W.P.(C)-3340/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order issued by the Proper Officer under Section 73 of the Central Goods and Services Tax Act, 2017, demanding Rs. 3,09,18,988.00 from Balaji Medical and Diagnostic Research Centre was deemed unsustainable. The Proper Officer failed to consider the petitioner's detailed reply to the Show Cause Notice and simply deemed it "not satisfactory" without assessing its merits. The matter was remitted for re-adjudication, with instructions to allow the petitioner to provide any additional details or clarifications before issuing a new order.

BIJENDER CHAUDHARY VS MALWA LEASING AND CREDITS PVT LTD [FAO (COMM)-101/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order appointing a Receiver to take possession of the appellant's vehicle due to default on loan payments was upheld. The appellant failed to comply with the finance agreement and was irregular with monthly payments. The appeal was dismissed, permitting the Receiver to execute the order in accordance with the law.

BIJENDER THAKUR VS COMMISSIONER OF GST & ORS. [W.P.(C)-3381/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration from July 2017 was invalid due to insufficient reasons in the show cause notice and cancellation order, and lack of opportunity for the petitioner. Registration cannot be cancelled retroactively solely due to non-filing of returns, as it affects input tax credits for customers. The cancellation order was modified to take effect from February 2021, coinciding with the petitioner's intent to discontinue business. Tax authorities retain the right to recover any tax, penalty, or interest due from the petitioner.

BIRENDER CHAUDHARY VS KANWAL CHAUDHARY & ORS [FAO(OS)-224/2019]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The dismissal of Birender Chaudhary's application alleging willful disobedience of interim orders by Kanwal Chaudhary was upheld. Allegations regarding the respondent transferring possession of the disputed property to a third party and allowing other advocates to operate from the premises were not substantiated. Kanwal Chaudhary continued to utilize the premises for his law office, and the presence of associates did not violate interim orders. The respondent reaffirmed his commitment to using the property solely for his law office and by his juniors. The appeal was dismissed, aligning with previous findings.

BLACKBERRY INDIA PVT LTD -EARLIER KNOWN AS RESEARCH IN MOTION INDIA PVT LTD VS THE COMMISSIONER CGST DELHI SOUTH COMMISSIONERATE & ANR. [W.P.(C)-4029/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Show Cause Notice issued by the Revenue seeking to recover the CENVAT Credit refund of Rs. 8,55,34,345 and interest of Rs. 4,69,83,731 cannot be sustained. The petitioner was deemed entitled to the refund by the CESTAT Tribunal, and the Revenue's challenge to this was dismissed without any substantial question of law. The Revenue cannot unilaterally declare the refund and interest paid to the petitioner as erroneous unless successful in its appeal before the Supreme Court. The impugned Show Cause Notice has been quashed.

BONA VITA TECHNOLOGIES PVT. LTD. VS THE SALES TAX OFFICER CLASS-II AVATO WARD 94 ZONE 8 NEW DELHI 110002 [W.P.(C)-4718/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order by the Sales Tax Officer created a demand of Rs. 3,05,43,710 against Bona Vita Technologies Pvt. Ltd. The Proper Officer did not adequately consider the detailed reply submitted by the petitioner, incorrectly deeming it incomplete and lacking supporting documents without requesting further clarification. The matter requires fresh adjudication, allowing the petitioner to provide necessary explanations and documents.

C B ENTERPRISES VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX AND ANOTHER [W.P.(C)-1658/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The cancellation of the petitioner's GST registration effective from 01.07.2017 was invalid due to lack of reasons and failure to provide an opportunity for response. Registration cannot be cancelled retrospectively without considering the implications. The registration was modified to be cancelled from the date of the petitioner's application, 26.11.2020, with an instruction to comply with Section 29 of the Central Goods and Services Tax Act, 2017. Recovery of any due tax, penalty, or interest from the petitioner remains permissible under the law.

CANARA BANK VS ASSISTANT COMMISSIONER, DGST [W.P.(C)-4689/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The impugned order by the Assistant Commissioner, DGST, was deemed unsustainable as it failed to adequately address the petitioner bank's detailed reply, merely stating it was incomplete and unsatisfactory without further analysis. The order was set aside and the matter remanded for re-adjudication, allowing the petitioner an opportunity to provide additional details. No comments were made on the merits of either party's contentions, and the challenge to the initial extension of time remained open.

CENTRAL HERBAL EXPO(INDIA) VS COMMISSIONER OF DELHI VALUE ADDED TAX AND ANR [W.P.(C)-1946/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

A writ petition by Central Herbal Expo (India) resulted in the competent authority being directed to decide on a refund claim of Rs 12,70,879/- for the fourth quarter of 2013-2014 within four weeks. If the refund is deemed admissible, it must be paid with statutory interest at 6% per annum according to the DVAT Act. If not admissible, a reasoned order must be issued to the petitioner, who retains the right to pursue further legal remedies.

CHARU OVERSEAS PVT. LTD. VS THE UNION OF INDIA REVENUE SECRETARY, MINISTRY OF FINANCE & ANR. [W.P.(C)-4731/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order confirming a tax demand against the petitioner company under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside due to its cryptic nature and failure to adequately consider the petitioner's detailed response. The tax authorities' assertion that the response was incomplete and unsatisfactory lacked proper analysis. The case was remanded for fresh adjudication, requiring the authorities to allow the petitioner an opportunity to clarify or provide additional information. The merits of the case were not addressed, and the challenge to the initial extension of time remains open.

CHEMROW INDIA PRIVATE LIMITED THROUGH ITS DIRECTOR VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX AND OTHERS [W.P.(C)-6503/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order imposing a demand of Rs. 1,84,49,974 against Chemrow India Private Limited under Section 73 of the Central Goods and Services Tax Act was set aside due to inadequate consideration of the petitioner's reply filed on 10.10.2023. The matter was remanded for re-adjudication, with the petitioner required to submit a further reply within 30 days and the Proper Officer instructed to examine the petitioner's claims regarding the reversal of erroneously availed ITC TRAN-1 in the next financial year.

CHETAN GARG VS AVATO WARD 105 STATE GOODS AND SERVICE TAX AND ORS [W.P.(C)-4509/2024]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
The petitioner's GST registration is cancelled effective from 01.02.2024, the date requested for cancellation. The existence of pending show cause notices for the financial years 2018-19 to 2023-24 does not prevent the cancellation, as recovery proceedings are independent of the registration status.

CHIMA RAM HARNAND RAI VS PRINCIPAL COMMISSIONER DEPARTMENT OF TRADE AND TAXES GOVERNMENT OF NCT OF DELHI AND ANR [W.P.(C)-5671/2024]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
The tax authorities' order cancelling the petitioner's GST registration retrospectively lacked proper reasoning and did not provide an opportunity for the petitioner to respond. Registration can only be cancelled retrospectively if the consequences are intended and warranted, not simply due to failure to file returns. The order was modified to cancel the registration effective from the date the petitioner applied for cancellation, while allowing authorities to recover any due taxes, penalties, or interest in accordance with the law.

COMMISSIONER CGST DELHI SOUTH VS M/S NITIN INDUSTRIES (TRADE NAME) [CEAC-9/2023]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
The appeal filed by the Commissioner CGST Delhi South against the approval of a refund claim of Rs. 30,48,272.47 was dismissed due to the low tax effect, falling below the Rs. 1,00,00,000/- threshold for filing appeals as per the instructions dated 22.08.2019. Exceptions allowing appeals irrespective of amount did not apply since there was no challenge to the constitutional validity of any provisions or claims of illegality against any notification or circular.

COMMISSIONER OF CUSTOMS ACC EXPORT VS M S ARIHANT OVERSEAS [CUSAA-92/2023]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
The order of the Customs Excise and Service Tax Appellate Tribunal (CESTAT) allowing an appeal by M/S Arihant Overseas against a Commissioner of Customs (Appeal) decision was set aside. According to Section 129(DD) of the Customs Act, 1962, the proper remedy for the respondent was filing a revision before the Central Government, rather than an appeal to CESTAT. The respondent did not raise an objection to CESTAT's jurisdiction at the appropriate time. An opportunity was granted to file a revision within two months, with assurance that it would not be dismissed on grounds of limitation.

COMMISSIONER OF CUSTOMS ACC IMPORT NEW DELHI VS M/S KAJARIACEREMICS LTD [CUSAA-4/2024]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
The appeal filed by the Commissioner of Customs concerning the Tribunal's order, which condoned a delay of 2267 days in filing the appeal, has been allowed. The Tribunal's order is set aside, and the matter is to be decided on merits, considering that the challenge to the jurisdiction of the adjudicating authority is stayed by the Supreme Court. The decision on merits is contingent on the outcome of the Mangli Impex Limited case pending before the Supreme Court. The same directions apply to related matters due to identical legal questions.

COMMISSIONER OF CUSTOMS VS FJM CYLINDERS PVT. LTD. [CUSAA-26/2024]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
The appeal by the Commissioner of Customs concerning a refund of anti-dumping duty of Rs. 40,21,173 to FJM Cylinders Pvt. Ltd. was dismissed based on a notification from the Central Board of Indirect Taxes and Customs that raised the monetary limit for appeals to Rs. 1 crore. The appeal involved an amount below this threshold and did not meet any exceptions, leading to dismissal due to "Low Tax Effect."

COMMISSIONER OF CUSTOMS VS M/S EVERGREEN SHIPPING AGENCY INDIA PVT. LTD [CUSAA-85/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Tribunal's order granting immunity to M/s Evergreen Shipping Agency India Pvt. Ltd. based on its status as a co-noticee with M/s A.K.S. Apparels and Mr. Nitin Gupta is unsustainable. A prior judgment clarified that the discharge of liability for one noticee does not absolve others. The Tribunal's order has been set aside and the case is remanded for a merits decision according to the law.

COMMISSIONER OF CUSTOMS VS SHRI VINOD POPLI, PROP M/S VENUS ARTS [CUSAA-45/2019]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The orders of the Customs Excise and Service Tax Appellate Tribunal (CESTAT) remanding the issue of jurisdiction regarding the Commissioner of Customs (Preventive)/Directorate of Revenue Intelligence (DRI) to issue show cause notices have been set aside. CESTAT must decide the appeals on merits, including the jurisdiction question, without considering the stayed order in the Mangali Impex Ltd case. No opinion on the merits has been expressed, leaving CESTAT to determine the appropriate course of action.

COMMISSIONER OF CUSTOMS, VS SHRI RAM PARKASH SINGHAL [CUSAA-24/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Orders from the Customs Excise and Service Tax Appellate Tribunal (CESTAT) that remanded cases for jurisdictional determination were set aside. A previous decision indicated that CESTAT should address the appeals on their merits, including jurisdiction, without regard to the stayed Supreme Court decision in the Mangali Impex Ltd case. The appeals were restored to CESTAT for a merits-based decision on the jurisdiction of the Commissioner of Customs/DRI regarding show cause notices, with no opinions expressed on the merits by the reviewing body. This involved three similar appeals being considered together.

DECOLENE FIBERS PVT. LTD. VS COMMISSIONER DGST AND ORS. [W.P.(C)-5429/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order dated 30.12.2023 issued by tax authorities under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside. The tax authorities failed to adequately consider the detailed reply from Decolene Fibers Pvt. Ltd. submitted on 17.10.2023, only labeling it as "unsatisfactory" without a proper evaluation. The case has been remitted for re-adjudication, requiring the tax authorities to provide the petitioner an opportunity for personal hearing and to issue a fresh, detailed order in accordance with the law.

DEEP JYOTI EXPORTS PVT. LTD. VS UNION OF INDIA AND ORS. [W.P.(C)-15317/2022]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Deep Jyoti Exports Pvt. Ltd. will have its application for a refund of Rs. 44,94,004/- for the period from August 2020 to January 2021 considered by the proper officer, who must dispose of the application within four weeks. If the refund is approved, it will be disbursed; if not, a speaking order will be issued to the petitioner within the same timeframe. An appropriate order regarding interest on any delayed refund will also be made according to Section 56 of the Central Goods & Service Tax Act, 2017.

DEEPAK KHANDELWAL PROPRIETOR M/S SHRI SHYAM METAL VS THE UNION OF INDIA & ANR. [W.P.(C)-2227/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The demand order issued by GST authorities against the petitioner was set aside due to its cryptic nature and failure to address the petitioner's detailed replies. The petitioner did not receive an adequate opportunity for personal hearing or notification of specific required documents. The matter was remitted for re-adjudication with an opportunity for personal hearing and provision of necessary details. The validity of a notification dated 31.03.2023, which extended the time period under Section 73(10) of the CGST Act, remains unresolved and was challenged by the petitioner as contrary to Section 168A of the Act.

DEEPALI KAPOOR VS AVATO WARD-63,STATE GOODS AND SERVICES TAX & ANR. [W.P.(C)-132/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The cancellation of the petitioner's GST registration with retrospective effect from July 2, 2017 was deemed invalid due to lack of opportunity to object. The registration was modified to be canceled only from February 3, 2023, the date of the show cause notice, with a requirement for the petitioner to furnish all pending returns until the cancellation date. Tax authorities may still recover any due tax, penalty, or interest according to the law.

DELHI POLYMERS VS COMMISSIONER, TRADE AND TAXES & ANR. [W.P.(C)-2330/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration from July 1, 2017 was deemed improper due to the lack of reasons in the show cause notice and cancellation order for the retrospective action. Registration cannot be cancelled retroactively simply for failure to file returns; objective criteria are required. Retrospective cancellation could adversely affect the petitioner's customers regarding input tax credit. The cancellation was modified to be effective from the date of the show cause notice, September 4, 2021, with no restriction on the department's ability to pursue recovery of any owed tax, penalty, or interest.

DEVENDER SINGH RAWAT VS M/S VIAN INFRASTRUCTURE LTD. AND ORS [CO.APP.-5/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The earlier rejection of the appellant's claim to ownership of certain land parcels was set aside, allowing the appellant to produce additional original documents before the Official Liquidator. The rejection occurred due to the non-filing of relevant original documents, and the Official Liquidator had offered another opportunity to submit them. The appellant was directed to provide any original documents within two weeks, with the Official Liquidator instructed to consider them according to the law.

DISH TV INDIA LTD. THROUGH ITS AUTHORIZED REPRESENTATIVE VS GST OFFICER, WARD-209, NEW DELHI AND ORS. [W.P.(C)-5475/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order from 30.12.2023, which disposed of a show cause notice demanding Rs. 77,80,646 from Dish TV India Ltd. and included a penalty, was set aside due to the lack of consideration for the detailed replies submitted by the petitioner on 26.10.2023 and 06.11.2023. The previous order only stated that no proper reply was received without addressing the petitioner's submissions. The matter was remanded for re-adjudication, allowing the petitioner to file a further reply and have a personal hearing. The assessment of the merits of the parties' contentions remains reserved.

DMI ALTERNATIVES PRIVATE LIMITED VS ADDITIONAL COMMISSIONER CGST APPEALS 1 DELHI & ORS. [W.P.(C)-5412/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Appellate Authority erred by rejecting the petitioner's appeal based solely on limitation, as a circular from the Central Board of Indirect Taxes and Customs extended the filing deadline for refund applications. The petitions submitted on 11.05.2020 and 14.07.2022 were within the newly prescribed time limit and should have been evaluated on their merits. The order of the Appellate Authority was set aside, and it was instructed to consider and dispose of the appeal in accordance with the law.

ELECTRA POWER TRANSMISSION SYSTSEMS VS COMMISSIONER DELHI GOODS AND SERVICE TAX AND OTHERS [W.P.(C)-4630/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order from 29.12.2023 was set aside regarding a Show Cause Notice issued on 27.09.2023 against Electra Power Transmission Systems. The petitioner had appeared before the relevant authority, but no record was kept, and supporting documents were not uploaded due to an office error. The matter is remitted for re-adjudication, allowing the petitioner to submit all relevant invoices and documents within two weeks and to appear personally. No consideration of the merits of the parties' contentions occurred, and all rights and contentions remain reserved.

EM POWER ENGINEERING PRIVATE LIMITED VS CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS & ORS. [W.P.(C)-2339/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the GST registration of the petitioner company from July 1, 2017, was set aside due to insufficient reasoning for the retrospective cancellation. Under the GST Act, retrospective cancellation is only permissible when warranted, which was not demonstrated in this case. The impact on customers regarding input tax credit was noted as a significant factor. The petitioner's GST registration was restored, with a directive to comply with relevant rules and file necessary returns within 30 days.

EMCO CABLES (INDIA) PRIVATE LIMITED VS UNION OF INDIA AND ORS [W.P.(C)-1622/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order confirming a demand of Rs. 11,12,004.60 against EMCO Cables (India) Private Limited under Section 73 of the Central Goods and Services Tax Act, 2017, is unsustainable. The Proper Officer did not adequately consider the petitioner's detailed reply to the show cause notice and simply deemed it "not satisfactory" without further reasoning. The Proper Officer must re-adjudicate the show cause notice, allowing the petitioner to present additional details or documents, and issue a reasoned order within a specified time frame. The merits of the parties' contentions remain unaddressed, with all rights and claims reserved.

ETHOS LIMITED VS ASSISTANT COMMISSIONER DEPARTMENT OF TRADE AND TAXES & ANR. [W.P.(C)-3797/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order imposing a demand of Rs. 1,36,98,144, including penalty, on Ethos Limited was set aside due to inadequate consideration of the petitioner's detailed reply, which was dismissed as "unsatisfactory" without adequate reasoning. The Proper Officer failed to evaluate the reply on its merits or seek further clarifications. The matter was remitted for re-adjudication, requiring the officer to inform the petitioner of any additional information needed and to provide an opportunity for a personal hearing before issuing a new order.

ETHOS LIMITED VS SALES TAX OFFICER CLASS II AVATO WARD 206 ZONE 11 DELHI & ANR. [W.P.(C)-6989/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order dated 24.04.2024 was set aside regarding the petitioner, with the matter remitted for re-adjudication. The proper officer had failed to adequately consider the petitioner's detailed reply, which was dismissed without justification. The proper officer is instructed to allow the petitioner to submit a further reply and attend a personal hearing, followed by issuing a fresh speaking order. No assessment on the merits of the parties' contentions was made.

FAYIZ NANGAPARAMBIL VS UNION OF INDIA & ANR. [W.P.(C)-570/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The requirement under Rule 22(3) of the Central Goods and Service Tax Rules, 2017 to issue an order within 30 days is considered directory rather than mandatory. The analysis indicates that there are no consequences for failing to comply with the 30-day timeline, and interpreting the provision as mandatory could create an anomalous situation. This judgment pertains to an individual case, not a batch matter.

FEDERAL BANK LTD VS THE ASSISTANT COMMISSIONER DGST [W.P.(C)-1960/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner bank did not receive adequate opportunity to respond to the show cause notice, as it was issued the day before a public holiday, preventing sufficient time to prepare. The order was issued without proper reasoning. The order and notice were set aside, and the matter was remanded to the tax authorities for re-adjudication, ensuring the bank could provide necessary documents and receive a fair hearing.

FRESENIUS MEDICAL CARE INDIA PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-4757/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Integrated Goods and Services Tax (IGST) rate for Fresenius Medical Care India Private Limited on the import of dialysis machines is set at 5% according to HSN code 90189031 and government notification dated 13.10.2023. This rate also applies to "Artificial Kidney" and "Disposable sterilized dialyzer." Respondents are bound to their statement regarding the applicable IGST rate, pending verification of the HSN code.

FUTURE GENERALI INDIA INSURANCE COMPANY LIMITED VS GOODS AND SERVICE TAX OFFICER (GSTO) WARD 203 & ANR. [W.P.(C)-7417/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order issued by the GST Officer demanding Rs. 11,50,530 from Future Generali India Insurance Company Limited under Section 73 of the Central Goods and Services Tax Act, 2017 has been set aside. The GST Officer's assertion that the company's reply was inadequate is unsustainable as the company submitted detailed responses with supporting documents that were not considered. The matter has been remitted to the GST Officer for re-adjudication, allowing the company to submit a further reply within 30 days, and requiring the GST Officer to issue a fresh speaking order. There are no comments on the merits of the parties' contentions, and the challenge to the related notification regarding the extension of time remains open.

FUTURE GENERALI INDIA INSURANCE COMPANY LIMITED VS GOODS AND SERVICE TAX OFFICER (GSTO) WARD 203 & ORS. [W.P.(C)-7747/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order issued by the Goods and Service Tax Officer against Future Generali India Insurance Company Limited was set aside due to inadequate consideration of the company's responses to the show cause notice. A demand of Rs. 7,02,71,577 for the financial year 2018-19 was proposed under Section 73 of the Central Goods and Services Tax Act, 2017. The matter is to be reconsidered by the GSTO, allowing the company to submit a further reply and request a personal hearing, with instructions to issue a new, detailed order.

GAC SHIPPING INDIA PRIVATE LTD VS THE SALES TAX OFFICER CLASS II DELHI [W.P.(C)-1969/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order demanding Rs. 29,44,686/- from GAC Shipping India Private Ltd. under Section 73 of the Central Goods and Services Tax Act, 2017, cannot be upheld due to insufficient opportunity given to the petitioner to defend against the show cause notice. The matter has been sent back for re-adjudication, with instructions to inform the petitioner of required details/documents and to allow a hearing before proceeding.

GANESH SALES CORPORATION (PROPRIETOR SHRI BHUPESH GARG) VS UNION OF INDIA & ORS. [W.P.(C)-3529/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration was deemed invalid due to a lack of proper reasons and opportunity provided to the petitioner. Cancellation cannot occur mechanically; sufficient reasons must be established, considering the consequences. The decision restored the petitioner's GST registration while permitting authorities to pursue recovery of any outstanding tax, penalty, or interest as per the law.

GAURAV BANSAL VS COMMISSIONER OF GST & ANR. [W.P.(C)-327/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration from 15.11.2017 was deemed unjustified, as the petitioner had filed returns up to 30.06.2021. Issues identified included a lack of reasons for the retrospective cancellation and contradictory statements in the order. The cancellation was modified to be effective from 30.06.2021. Further action for recovery of any due tax, penalty, or interest from the petitioner remains possible, including the option for retrospective cancellation of the GST registration.

GOOD LIFE ZIP INDIA VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX & ANR. [W.P.(C)-3931/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notice and order for canceling the petitioner's GST registration lacked necessary details and rationale, particularly regarding the retrospective effect. Registration cannot be canceled retrospectively solely due to the taxpayer's failure to file returns; objective reasons and considerations, including the impact on the taxpayer's customers, are required for such action.

GOYAL METAL INDUSTRIES , PROPRIETOR JAI PRAKASH GUPTA VS PRINCIPAL COMMISSINER OF GST, DEPARTMENT OF TRADE AND TAXES, NEW DELHI [W.P.(C)-3632/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Retrospective cancellation of the petitioner's GST registration from 01.07.2017 hindered access to the GST portal and response to a show cause notice. The order imposing a demand of Rs. 18,51,918.60 was set aside due to the lack of the petitioner's response. The GST registration cancellation was revised to 01.01.2018, the date of the cancellation application. The respondent was instructed to reissue the show cause notice, allowing the petitioner two weeks to respond, followed by a personal hearing for adjudication. Rights and contentions of both parties were reserved.

GREEN WORK METAL VS PRINCIPAL COMMISSIONER OF GST & ANR. [W.P.(C)-1930/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration retrospectively from 11.09.2017 was invalid due to a lack of cogent reasons or supporting evidence from the proper officer. Under the Central Goods and Services Tax Act, 2017, retrospective cancellation requires justifiable circumstances and consideration of the consequences. The cancellation was modified to take effect from 16.01.2021, the date of the petitioner's cancellation application. The petitioner must provide required details for assessment of any potential tax, penalty, or interest, and the respondents can pursue recovery according to the law.

GS EXIM INTERNATIONAL LLP THROUGH ITS DESIGNATED PARTNER BHAKTI PADA GHOSH VS COMMISSIONER, CENTRAL EXCISE / (GST) APPEALS-I, THROUGH JOINT COMMISSIONER & ANR. [W.P.(C)-3300/2022]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Appellate Authority's order rejecting the petitioner's GST refund appeal was cryptic and lacked proper reasoning. The order has been set aside, restoring the appeal and requiring a fresh decision, with an opportunity for the petitioner to present their case in a personal hearing and a detailed explanation in the new order. The original decision did not adequately address the petitioner's contentions.

GULAB NAGAR VS ASSISTANT COMMISSIONER WARD-26, STATE GOODS AND SERVICE TAX & ANR. [W.P.(C)-3383/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

GST registration of the petitioner was cancelled retrospectively due to allegations of non-functioning at the registered address. A revocation petition had already been filed, with an agreement to dispose of it within two weeks. The Competent Authority was instructed to consider the revocation petition and the claim of reliance on an incorrect Field Visit Report, issuing an order within the same timeframe. The petitioner retains the option for further legal remedies if dissatisfied with the outcome.

HANSRAJ TILES WORLD VS COMMISSIONER OF DGST DELHI & ORS. [W.P.(C)-5052/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Retrospective cancellation of the petitioner's GST registration was not supported by sufficient reasons or objective criteria. The failure to file returns for six months does not automatically justify such cancellation. The adverse impact on the petitioner's customers, who may lose input tax credits, was also noted. The registration was modified to be canceled effective from the date the petitioner applied for cancellation, rather than retrospectively.

HARI OM METALS VS THE COMMISSIONER OF CENTRAL GOODS AND SERVICES TAX AND ANR [W.P.(C)-16664/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The cancellation of the petitioner's GST registration from 2017 was invalid due to insufficient reasoning and failure to meet legal requirements. Registration cannot be cancelled retrospectively without proper grounds and consideration of consequences. The order was modified to take effect from 23.12.2022, allowing for the possibility of future action in accordance with the law, including retrospective cancellation, provided a proper show cause notice is issued and the petitioner is given a hearing opportunity.

HIMANSHU GOYAL PROPRIETOR OF M/S RAJ AND CO. VS PRINCIPAL COMMISSIONER STATE GST. DELHI AND ANR [W.P.(C)-1199/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration from 08.06.2018 is invalid. GST registration cannot be cancelled retroactively solely due to the non-filing of returns. Objective criteria must be considered, including the consequences for the input tax credit of the taxpayer's customers. Adequate opportunity for response to the proposed cancellation was not provided. Since the petitioner has ceased business operations since June 2022 and does not seek restoration, the cancellation is adjusted to take effect from the show cause notice date of 18.07.2022. Recovery of any due tax, penalty, or interest regarding the firm remains permissible.

HUGHES COMMUNICATION INDIA LTD VS COMMISSIONER OF CUSTOMS (IMPORT & GENERAL) NEW DELHI, [CUSAA-113/2018]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The confiscation of the appellants' imported goods was upheld due to the lack of required Wireless Planning and Coordination (WPC) licenses, constituting a legal prohibition. Confiscation under Section 111(d) of the Customs Act operates on a strict liability principle, eliminating the need for proof of intent. Additionally, the imposition of redemption fine and penalty under Sections 112(a) and 125 was affirmed, with the exercised discretion deemed reasonable and appropriate. The appeals filed by the appellants were dismissed.

I AND S COMMUNIQUE PVT. LTD VS COMMISSIONER OF CGST, AUDIT-II, DELHI & ANR. [W.P.(C)-6819/2021]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner's application for condonation of delay was allowed, and the writ petition was dismissed as withdrawn, ensuring the petitioner retains the right to present all permissible pleas, including the extended period of limitation under Section 73(1) of the Finance Act, 1994, before the Adjudicating Authority. The petitioner was granted 30 days to file a response to the show cause notice, with the understanding that the merits of the case remain unexamined and the time spent on this petition will not count towards the limitation period under Section 73(4B)(b) of the Finance Act, 1994.

INDERJEET KAUR VS UNION OF INDIA, THROUGH ITS SECRETARY, GOVERNMENT OF INDIA & ORS. [W.P.(C)-15650/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

GST registration of Hardev Engineering Works cannot be cancelled retrospectively from 03.07.2017 due to failure to file returns for six months, as this could impact customers' input tax credit. The registration is to be cancelled from the date of the owner's death, 24.08.2021, allowing for recovery of any taxes, penalties, or interest as per the law.

INDIAN BULLION MARKET 0ASSOCIATION LIMITED VS COMMISSIONER OF VALUE ADDED TAX [W.P.(C)-2240/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Indian Bullion Market Association Limited is entitled to receive interest on a refund amount of Rs. 1,40,43,039/- under Section 42 of the Delhi Value Added Tax Act, 2004. The Commissioner of Value Added Tax must either pay the interest due within two weeks or issue a speaking order explaining why the interest is not payable.

JAGDISH BANSAL, PROPRIETOR, M/S SHIVAM IRON STORE VS UNION OF INDIA & ANR. [W.P.(C)-16677/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The seizure of cash from the petitioner's premises was deemed unlawful under the Central Goods and Services Tax Act 2017, as cash is classified as 'money' and excluded from the definition of 'goods.' Consequently, cash cannot be seized under provisions that apply to goods liable for confiscation. The respondents are required to return the seized cash to the petitioner along with interest, while retaining the right to pursue other actions under the Act.

JAI OPTICAL VS GOVT OF NCT OF DELHI AND ORS. [W.P.(C)-3823/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order raising a demand of Rs. 1,52,60,614, including penalty, against Jai Optical under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside due to incorrect records stating that no reply had been filed by the petitioner. A detailed reply had been submitted. The matter was remanded for fresh adjudication, requiring the authorities to consider the reply and allow an opportunity for personal hearing before issuing a new, reasoned order. Rights and contentions of the parties remain open.

JAI SHRI SANWARIYA TRADERS VS UNION OF INDIA & ORS. [W.P.(C)-965/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The provisional attachment of the petitioner's cash credit accounts under Section 83(1) of the CGST Act has expired after one year, leading to its cessation. A new attachment order was issued on 13.12.2023, and the petitioner retains the right to challenge this new order.

JAMNA AUTO INDUSTRIES LIMITED VS GOVERNMENT OF NCT OF DELHI AND ORS. [W.P.(C)-4250/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order dated 30.12.2023, which included a demand and penalty against Jamna Auto Industries Limited under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside. It was determined that the Proper Officer's claim of an incomplete reply was invalid, as the petitioner had submitted a detailed response that was not properly considered. The Proper Officer also failed to provide an opportunity for further clarification or additional documents before issuing the order. The matter is remitted for re-adjudication, allowing the petitioner to present any necessary explanations and documents, with all rights and contentions reserved.

JANARDEN PANDEY VS AVATO WARD 77 STATE GOODS AND SERVICE TAX & ANR. [W.P.(C)-7458/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The respondent authorities must dispose of Janarden Pandey's application for GST registration cancellation within four weeks. Pandey sought cancellation due to the discontinuation of his business under Section 29 of the Central Goods and Services Tax Act, 2017.

JETIBAI GRANDSONS SERVICES INDIA PVT LTD VS UNION OF INDIA & ORS. [W.P.(C)-438/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petition by Jetibai Grandsons Services India Pvt Ltd seeking a declaration that the reversal of input tax credit is illegal and a refund of that credit is not maintainable. The petitioner had previously filed a similar petition, which was unconditionally withdrawn with the understanding that no refund would be sought until an investigation was completed. Following an investigation that found the petitioner culpable and issued a show-cause notice, the principles of res judicata and issue estoppel apply, leading to the conclusion that the current petition is barred.

JULLUNDUR MOTOR AGENCY DELHI LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-3950/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order confirming a tax demand against the petitioner under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside due to the Proper Officer failing to consider the petitioner's detailed replies. The matter has been remanded for re-adjudication, with instructions for the officer to specify any additional requirements, allow a personal hearing, and issue a new speaking order. No comments were made on the merits of either party's contentions, preserving all rights and arguments.

JYOTI DEEP EXPORT PVT. LTD. VS UNION OF INDIA AND ORS. [W.P.(C)-56/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The proper officer is to consider the petitioner's application for a GST refund of Rs. 1,55,01,587 for the period from September 2021 to February 2022 and dispose of it within 4 weeks. If the refund is admissible, it will be disbursed; if not, a speaking order will be issued within the same timeframe. Additionally, the officer must address any interest on delayed refunds under the CGST Act, 2017. The petitioner may pursue further legal remedies if aggrieved by the outcome.

K.C.P INDIA VS THE COMMISSIONER, DEPARTMENT OF TRADE AND TAXES & ANR. [W.P.(C)-4394/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Retrospective cancellation of the petitioner's GST registration from 01.07.2017 was deemed invalid due to inadequate reasoning in the show cause notice and cancellation order. The lack of filed returns alone does not justify retrospective cancellation; objective criteria must be met. The cancellation was modified to take effect from 06.05.2019, the date the petitioner applied for cancellation. The petitioner was directed to ensure necessary compliances, and the recovery of any tax, penalty, or interest related to the firm remains possible, including retrospective cancellation of the GST registration.

KAILASH INTERNATIONAL VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX & ANR. [W.P.(C)-4715/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order issued by the Commissioner of Delhi Goods and Service Tax under Section 73 of the Central Goods and Services Tax Act, 2017 was set aside due to inadequate consideration of the detailed reply submitted by Kailash International. The Commissioner dismissed the petitioner's reply as "not satisfactory" without thorough analysis and did not allow further clarification or additional documentation. The matter was remanded for re-adjudication with instructions to notify the petitioner of any additional requirements and to provide a chance for personal hearing before issuing a new order. Merits of the parties' contentions remain undetermined, and rights are reserved.

KALPATRU INDUSTRIES VS THE COMMISSIONER SGST DELHI AND ANR. [W.P.(C)-7635/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Retrospective cancellation of the petitioner's GST registration from 01.07.2017 was deemed invalid due to lack of cogent reasons or an opportunity for the petitioner to respond. Registration can only be cancelled retrospectively if intended and warranted. The registration was ultimately canceled effective from 06.05.2019, the date of the petitioner's cancellation application. Recovery of any tax, penalty, or interest remains permissible according to law, provided proper notice and a personal hearing are given to the petitioner.

KALPATRU PROJECTS INTERNATIONAL LIMITED (EARLIER KNOWN AS JMC PROJECTS (INDIA) LIMITED) VS GOODS AND SERVICE TAX OFFICER (GSTO) WARD 49, 52 AND 53 & ANR. [W.P.(C)-5728/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order by the Goods and Service Tax Officer proposed a demand of Rs. 7,86,84,337 against Kalpatru Projects International Limited. The GSTO failed to adequately consider the petitioner's detailed reply, dismissing it as "not satisfactory" without proper reasoning. The matter has been remanded to the GSTO for re-adjudication, with instructions to allow the petitioner to file a fresh response and to issue a reasoned order based on the petitioner's submissions. The merits of the case remain open for discussion.

KARAN KUMAR AGARWAL AND HUF PROP MANYATA ENTERPRISES VS GOVT OF NCT OF DELHI THROUGH CHIEF SECRETARY & ORS. [W.P.(C)-6098/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order dated 05.12.2023, which upheld a demand against the petitioner under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside. The Proper Officer failed to adequately consider the petitioner's detailed reply and supporting documents, incorrectly stating that no proper reply was submitted. The matter was remitted for re-adjudication, allowing the petitioner to file a further reply within 30 days, with the Proper Officer required to conduct a personal hearing and issue a fresh speaking order. The merits of the contentions from both parties were not addressed, and the challenge to the initial extension of time notification remains open.

KAYCEE POLYMERS PVT. LTD. VS THE UNION OF INDIA REVENUE SECRETARY & ORS. [W.P.(C)-5260/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order from 30.03.2024, which imposed a demand and penalty on Kaycee Polymers Pvt. Ltd., is unsustainable due to inadequate consideration of the petitioner's detailed reply. The Proper Officer dismissed the reply as lacking merit without a proper evaluation. The matter is sent back for re-adjudication, allowing the petitioner to submit a new reply within 30 days, with a requirement for the Proper Officer to conduct a personal hearing before issuing a new decision.

KESRI STEELS LIMITED VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX & ORS. [W.P.(C)-7365/2022]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order rejecting Kesri Steels Limited's refund application on 24.02.2022 has been set aside due to the original assessment order dated 23.08.2012 being presented for verification, which was deemed satisfactory. The matter is remitted for the competent authority to issue consequential orders on the refund application within four weeks.

KIRAN DEVI GOEL(PROP. M/S SHREE KRISHNA ENTERPRISES) VS SUPERINTENDENT RANGE - 23,CENTRAL GOODS AND SERVICES TAX & ANR. [W.P.(C)-4251/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notice and order cancelling the petitioner's GST registration retrospectively lacked sufficient details and failed to provide an opportunity for objection. Under the Central Goods and Services Tax Act, 2017, retrospective cancellation requires objective criteria beyond mere non-filing of returns. Such cancellation also affects the taxpayer's customers, which must be considered. The order was set aside and the petitioner's GST registration was restored, while allowing for potential recovery of any taxes or penalties due according to the law.

KNOWLEDGE INFRASTRUCTURE SYSTEMS PVT LTD VS UNION OF INDIA & ORS. [W.P.(C)-4060/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order imposing a demand of Rs 2,72,81,448, including a penalty against Knowledge Infrastructure Systems Pvt Ltd, was unsustainable. The proper officer did not adequately consider the petitioner's detailed reply and dismissed it without allowing the opportunity for additional information or clarification. The order has been set aside, and the matter is remanded for re-adjudication, with instructions to provide the petitioner a chance to submit further details before issuing a new, reasoned decision.

KNP OVERSEAS PVT. LTD. VS PRINCIPAL COMMISSIONER OF CUSTOMS (EXPORT) & ORS. [W.P.(C)-12886/2022]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner sought the release of Integrated Goods and Service Tax (IGST), interest, duty drawback, and rebate under the Rebate of State and Center Taxes and Levies (ROSCTL) scheme for exported goods. IGST and interest were previously granted, leaving the ROSCTL issue related to 13 shipping bills. The respondents only process ROSCTL claims upon receipt of a formal application, which the petitioner agreed to submit within one week. The respondents must process this application within four weeks. The petition was disposed of while preserving the petitioner's right to seek further remedies if dissatisfied with the respondents' actions.

KOMAL ENTERPRISES VS THE COMMISSIONER OF GST DELHI & ANR. [W.P.(C)-6120/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The cancellation of the petitioner's GST registration by the Commissioner of GST Delhi was deemed invalid due to a lack of proper reasoning in the show cause notice and cancellation order, which also failed to provide an opportunity for the petitioner to be heard. The registration cannot be cancelled retrospectively without objective justification. The order was modified to effect cancellation prospectively from the date of the show cause notice. Steps for recovery of any tax, penalty, or interest, including potential retrospective cancellation, may proceed after due process.

KONICA SINGHAL VS THE PRINCIPAL COMMISSIONER OF GST AND ORS [W.P.(C)-7445/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The provisional attachment of Konica Singhal's bank account under Section 83 of the Central Goods and Service Tax Act, 2017 has ceased to have effect, as it expired one year after being issued on 27.01.2022. The respondent bank is required to allow operation of her bank account without any restrictions based on the expired order.

KONICA SINGHAL VS THE PRINCIPAL COMMISSIONER OF GST AND ORS [W.P.(C)-7470/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The provisional attachment order under Section 83 of the Central Goods and Service Tax Act, 2017, was challenged due to it having exceeded the one-year limit since it was issued on 27.01.2022. As a result, the provisional attachment of the petitioner's bank account ceased to be effective. The respondent bank was instructed to allow the operation of the petitioner's bank account and not to impose any restrictions based on the expired order.

KOXAN INDIA VS ASSTT. COMMISSIONER OF GST & ANR. [W.P.(C)-1262/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration from July 1, 2017 was invalid due to lack of justification and lack of opportunity for the petitioner to object. Under GST law, such cancellation requires objective criteria and consideration of its impact on customers. The cancellation order was modified to be effective from September 30, 2020, coinciding with the period up to which the petitioner had filed GST returns, while allowing for further action to be taken as per law.

KRISHAN MOHAN VS COMMISSIONER OF GST AND ANR [W.P.(C)-3597/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

GST registration of the petitioner cannot be cancelled retrospectively solely due to failure to file returns for six months. Retrospective cancellation requires objective criteria rather than subjective judgment. Consequences for the taxpayer's customers, such as denial of input tax credit, are significant. The original show cause notice did not inform the petitioner of potential retrospective cancellation. The impacted order is modified to reflect cancellation effective from the date of the petitioner's death.

KWATRA AUTO INDUSTRIES THROUGH ITS PROPRIETOR YOGESH KUMAR MAL VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX ACT & ANR. [W.P.(C)-1557/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The GST registration of Kwatra Auto Industries cannot be cancelled retrospectively from July 1, 2017, based solely on the taxpayer being non-functioning at the principal place of business. The petitioner had migrated from the DVAT regime to GST and provided a rent agreement for its location. Cancellation requires an objective assessment by the proper officer rather than being a consequence of unfiled returns. Retrospective cancellation could negatively impact customers by denying them input tax credits, necessitating consideration of such effects. The cancellation order is modified to take effect from October 1, 2019, when the business shut down, while the recovery of any due tax, penalty, or interest remains permissible under the law.

LARSEN AND TOUBARO LIMITED AND PASSAVANT ENERGY AND ENVIRONMENT GMBH JV VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX AND ANOTHER [W.P.(C)-4468/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order imposing a demand and penalty under Section 73 of the Central Goods and Services Tax Act, 2017 was set aside due to the lack of proper consideration given to the petitioner's detailed reply to the show cause notice. The proper officer failed to assess the reply adequately and did not allow the petitioner to clarify or provide further details. The matter was remitted for re-adjudication, requiring a personal hearing and a new speaking order in accordance with the law.

LAVA INTERNATIONAL LIMITED VS GOVT OF NCT OF DELHI & ORS. [W.P.(C)-3912/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Proper Officer's order demanding Rs. 57,11,36,600, including penalty, from Lava International Limited under Section 73 of the CGST Act, 2017 is unsustainable due to inadequate consideration of the petitioner's detailed reply to the Show Cause Notice. The matter is remanded for re-adjudication, requiring the Proper Officer to inform the petitioner of any additional needed documents and to provide an opportunity for a personal hearing before issuing a new order. The merits of the parties' contentions remain unaddressed, and the challenge to the notification regarding the extension of time is left open.

LAXMI JAIN VS PRINCIPAL COMMISSIONER OF DELHI GOODS AND SERVICES TAX & ANR. [W.P.(C)-2797/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration from July 1, 2017, was deemed unjustified due to a lack of reasons or objective criteria provided by the respondents. Under Section 29(2) of the Central Goods and Services Tax Act, 2017, retrospective cancellation is only permissible based on specific circumstances. Non-filing of returns does not automatically justify such cancellation. The registration will be cancelled effective from May 16, 2018, when the petitioner applied for cancellation. The respondents retain the right to recover any tax, penalty, or interest owed by the petitioner in accordance with the law.

LAXMI TRADERS PROPRIETOR DIPANSHU GARG VS PRINCIPAL COMMISSIONER OF GST DEPARTMENT OF TRADE AND TAXES & ANR. [W.P.(C)-4977/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order creating a demand against Laxmi Traders by the Principal Commissioner of the GST Department was set aside due to the lack of a show cause notice, as required by Section 73 of the Central Goods and Services Tax Act, 2017. This decision was based on an infringement of natural justice principles. The Department can issue a new order after properly hearing the petitioner.

M S BHARAT UDYOG THROUGH ITS PARTNER VS UNION OF INDIA & ORS. [W.P.(C)-4790/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M S Bharat Udyog is not entitled to a refund of Rs. 22,35,800 as it contradicts the principle of restitution. The petitioner previously provided a bank guarantee for provisional release of a consignment, which was later encashed and applied to the pre-deposit amount during an appeal. Following the set aside of the order-in-original and remand for re-adjudication, a new bank guarantee of the same amount is required to restore the petitioner's prior position. The Adjudicating Authority is directed to expedite the proceedings.

M S ABHAY TRADERS VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX AND ANOTHER [W.P.(C)-3858/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration from July 1, 2017 was deemed improper due to the lack of proper reasoning in the show cause notice and cancellation order, which also failed to provide the petitioner an opportunity to respond. Registration cannot be canceled retroactively solely based on unfiled returns; objective satisfaction by the proper officer is required. The registration was modified to be canceled only from the date of the proprietor's death on April 29, 2021, as the business ceased to be operational thereafter.

M/S EMPORIUM STEEL VS COMMISSIONER OF VAT & ANR. [W.P.(C)-7534/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/s Emporium Steel is entitled to a refund for the fourth quarter of 2013-14 and the first quarter of 2017-18, as the returns were filed within the statutory period. The concerned officer must dispose of the refund claim within six weeks and provide statutory interest under Section 42 of the Delhi Value Added Tax Act. The petitioner may pursue further legal remedies if dissatisfied with the authority's order.

M/S R K GOYAL STEELS PVT LTD VS COMMISSIONER OF VAT & ANR. [W.P.(C)-7552/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The respondent authority must dispose of the petitioner's refund claim within six weeks and pay statutory interest on the delayed refund as per Section 42 of the Delhi Value Added Tax Act. The petitioner may pursue further legal remedies if dissatisfied with the outcome.

M/S 3 SHADES EVENTS TRHOUGH ITS PROPRIETOR VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-3118/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration was deemed unjustified due to a lack of proper reasoning from tax authorities. Such cancellation can adversely affect a taxpayer’s customers and should only occur with clear intent and justification. The decision modified the cancellation to be prospective, effective from when the petitioner ceased business operations. Tax authorities remain entitled to pursue recovery of any due tax, penalty, or interest related to the petitioner’s firm as per the law, including potential retrospective cancellation if justified.

M/S A. B TRADERS VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX & ANR. [W.P.(C)-4739/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order dated 25.12.2023 from the Commissioner of Delhi Goods and Service Tax was set aside, which proposed a demand of Rs. 44,48,488 against M/s A.B. Traders. The inadequacy in addressing the petitioner's detailed reply was noted, emphasizing the need for proper examination of submitted documents and articulating reasons for rejecting input tax credit claims. The matter was remitted for re-adjudication, except for one aspect decided in favor of the petitioner.

M/S ACE CARDIOPATHY SOLUTIONS PRIVATE LIMITED VS UNION OF INDIA AND ORS. [W.P.(C)-6758/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/s ACE Cardiopathy Solutions Private Limited successfully contested a demand under Section 73 of the Central Goods and Services Tax Act, 2017. The petitioner did not receive the Show Cause Notice dated 08.12.2023 because it was placed in an inaccessible section of the portal. Previous judgments from the Madras High Court supported this issue. The petitioner was granted an opportunity to respond to the notice, after which the Proper Officer will re-adjudicate the matter and hold a personal hearing.

M/S AIR PRO STYLES THROUGH ITS PROPRIETOR RAM BHUL VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENTOF NCT OF DELHI [W.P.(C)-4088/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/S Air Pro Styles applied for cancellation of its GST registration on 27.12.2023, but the application remains undetermined despite a response provided to a query on 31.01.2023. A direction was issued for the application to be processed within four weeks, while all rights and contentions of the parties were reserved without any assessment of the merits.

M/S ASIAN TRADERS VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-5378/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/S Asian Traders, engaged in trading polymers and ethylene, is entitled to cancellation of its GST registration effective 30.05.2023, the date of its application for cancellation due to business closure. The rejecting authority did not provide valid reasons for denying the cancellation request. However, the authority retains the right to pursue recovery of any due taxes, penalties, or interest, with the option for retrospective cancellation following a proper show cause notice and opportunity for a hearing.

M/S ASIAN TRADERS VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-4065/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Principal Commissioner of the Department of Trade and Taxes must dispose of the petitioner's application for cancellation of GST registration within 4 weeks. The petitioner's initial application was rejected and the subsequent application remains pending. The merits of the parties' contentions are not considered, and all rights and contentions are reserved.

M/S ATSAR EXPORTS PVT LTD VS SUPERINTENDENT OF CUSTOMS AND ANR [W.P.(C)-3871/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/S Atsar Exports Pvt Ltd is entitled to inspect the seized shawl, including taking photographs and measurements, in the presence of an authorized customs representative. The customs authorities have no objection to this request. This order does not affect the rights and contentions of the parties, and no special equity arises for the petitioner.

M/S BALAJI TILAK METAL AND ALLOYS P. LTD. VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI & ANR. [W.P.(C)-7224/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner's GST registration was suspended initially due to being non-existent at its registered address and later for not participating in an investigation by the Anti Evasion Cell. The petitioner was directed to appear before the Anti Evasion Cell and the Proper Officer on specified dates. Authorities were ordered to consider the petitioner's request to recall the suspension within two weeks, with rights and contentions of the parties reserved.

M/S BHARTI ENTERPRISES VS COMMISSIONER, VALUE ADDED TAX, DEPARTMENT OF TRADE AND TAXES & ORS. [W.P.(C)-10244/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/s Bharti Enterprises' petition for a refund of accumulated input tax credit (ITC) for July to December 2020 was remanded to the Commissioner of Value Added Tax for reconsideration. The initial rejection of the refund application was based solely on its late filing, without accounting for the exclusion period from March 2020 to February 2022 outlined in a recent notification. The respondent is directed to process the refund application again within eight weeks, considering this notification.

M/S BIBA FASHION LTD VS GOVT OF NCT OF DELHI AND ORS & ORS. [W.P.(C)-5200/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order dated 26.12.2023, which included a demand and penalty against the petitioner under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside. The Proper Officer did not adequately consider the petitioner's detailed reply, categorizing it as incomplete and unsatisfactory without proper evaluation. The matter was remitted back for fresh adjudication, allowing the petitioner to submit a reply and request a personal hearing.

M/S BOXCOWORLD LOGISTICS INDIA PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-4980/2024]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
The order imposed a demand of Rs. 1,58,54,742.00 against M/S Boxcoworld Logistics India Private Limited under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside due to inadequate consideration of the petitioner's detailed reply. The Proper Officer's statement that the reply was incomplete and unclear lacked thorough evaluation of its merits. The matter was remitted for re-adjudication, allowing the petitioner to submit a fresh reply within 30 days, and instructing the Proper Officer to issue a new speaking order as per Section 75(3) of the Act.

M/S BRIJBIHARI CONCAST PVT. LTD. (THROUGH ITS DIRECTOR SH. RAJEEV AGARWAL) VS DIRECTOR GENERAL DIRECTORTAE GENERAL OF GOODS AND SERVICES TAX INTELLIGENCE MEERURT ZONAL UNIT (THROUGH ITS ADDITIONAL DIRECTOR GENERAL) & ANR. [W.P.(C)-3832/2024]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
The provisional attachment of the petitioner's bank account under Section 83 of the Central Goods and Service Tax Act, 2017 was found valid. The competent authority must decide the petitioner's objections to the attachment within two weeks and provide an opportunity for a personal hearing. The petition was disposed of, with the petitioner allowed to seek further legal remedies if aggrieved by subsequent orders.

M/S CENTRAL GOVT EMPLOYEES CONSUMER COOP SOCIETY LTD POPULARY KNOWN AS KENDRIYA BHANDAR VS COMMISSIIONER STATE GOODS AND SERVICE TAX DELHI & ANR. [W.P.(C)-3873/2024]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
The order upholding the show-cause notice for a demand of Rs 17,89,56,282 against the Central Government Employees Consumer Cooperative Society Ltd. (Kendriya Bhandar) is not sustainable due to inadequate consideration of the petitioner's detailed reply. The matter is remanded for re-adjudication, allowing the petitioner to file an additional reply and receive a personal hearing. No comments are made on the merits of either party's arguments.

M/S CENTRAL HERBAL EXPORT (INDIA) VS COMMISSIONER OF DELHI VALUE ADDED TAX AND ANR [W.P.(C)-1954/2024]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
M/s Central Herbal Expo (India) is entitled to a refund of Rs 13,47,701/- for the fourth quarter of 2016-2017, along with statutory interest at 6% per annum, pending verification of refund admissibility by the competent authority. The authority must decide on the claim within four weeks, providing a reasoned order if any part of the refund is deemed inadmissible, allowing the petitioner to pursue further legal remedies.

M/S CHEHAK FASHIONS THROUGH ITS PROPRIETOR SH. MANISH GOLCHHA VS COMMISSIONER, DELHI GST AND ANR. [W.P.(C)-4383/2024]
Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva
The show cause notice and order canceling the petitioner's GST registration from July 2017 were invalid due to a lack of proper reasons and failure to meet procedural requirements. Retrospective cancellation can adversely affect customers who used input tax credit and cannot occur solely due to unpaid returns. The cancellation was modified to take effect from the date of the show cause notice in September 2021, as the petitioner chose to cease business. Tax authorities may still recover any due taxes, penalties, or interest in accordance with the law.

M/S CONSOLE SHIPPING SERVICES INDIA PVT. LTD. VS UNION OF INDIA THROUGH SECRETARY, MINISTRY OF FINANCE, DEPARTMENT OF REVENUE & ORS. [W.P.(C)-6318/2021]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/s Console Shipping Services India Pvt. Ltd. received CENVAT credit of Rs. 10,36,932/- during the pendency of their petition. The remaining issue pertains to interest due to delays in permitting the carry forward of this credit. The respondents are to treat the petition as a representation and issue a reasoned order on the interest claim within 4 weeks. The petitioner retains the option for further legal remedy if dissatisfied with the outcome.

M/S D.C. SALES THROUGH PROPRIETOR DINESH BANSAL VS UNION OF INDIA & ORS. [W.P.(C)-1987/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order confirming a demand of Rs. 32,92,938/- against M/S D.C. Sales under the Central Goods and Services Tax Act, 2017 was set aside due to the failure to consider the petitioner's detailed reply to the show cause notice and insufficient opportunity for defense. The matter was remanded for re-adjudication, requiring the Proper Officer to provide necessary details and an opportunity to be heard before a new decision is made, with all rights and contentions reserved.

M/S DASHMESH WIRES AND CABLES (INDIA) VS COMMISSIONER OF GST AND ANR [W.P.(C)-1986/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The cancellation of GST registration for M/s Dashmesh Wires and Cables (India) with retrospective effect from July 1, 2017 was invalid due to lack of proper reasoning and failure to follow required legal procedures. Retrospective cancellation based solely on non-filing of returns is not permissible without objective criteria and consideration of consequences. The order was modified to take effect from March 31, 2020, when the petitioner ceased business operations.

M/S DEEP PLASTIC GRANULES TRADING COMPANY VS UNION OF INDIA & ORS. [W.P.(C)-614/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/S Deep Plastic Granules Trading Company is allowed to file a detailed response to the show cause notice regarding the cancellation of its GST registration within 30 days. The proper officer must dispose of the notice within 2 months after a personal hearing. All rights and contentions of the parties remain reserved.

M/S DEEPAK TRADING CO. THROUGH ITS PROPRIETOR SH. DEEPAK ADLAKHA VS GOVERNMENT OF NCT OF DELHI AND ORS. [W.P.(C)-1899/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/S Deepak Trading Co.'s GST registration cancellation was modified to take effect from March 31, 2020, reflecting the date the business discontinued. The retrospective cancellation from July 1, 2017, lacked an objective basis and could negatively affect customers who used input tax credits. The petitioner is required to provide necessary details for assessing any potential demand, while authorities retain the right to pursue tax, penalty, or interest recovery as permitted by law.

M/S DP ABHUSHAN VS COMMISSIONER, CGST & ORS. [W.P.(C)-4274/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The orders cancelling the petitioner's GST registration lacked valid reasons and could not be applied retrospectively. Registration cannot be cancelled without sufficient objective criteria. Consequently, the cancellation orders and show cause notice were set aside, restoring the registration while allowing for the recovery of any due tax, penalty, or interest as per the law.

M/S DREAM EVENTS THROUGH ITS PROPRIETOR MOHAN VS ASSISTANT COMMISSIONER OF CENTRAL GOODS AND SERVICE TAX, ROHINI DIVISION, WEST DELHI [W.P.(C)-2419/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration was invalid due to insufficient reasoning in the show cause notice and cancellation order, which did not allow the petitioner to object. The non-filing of returns alone does not justify retrospective cancellation without objective reasons and consideration of impacts on customers using input tax credit. The cancellation order was set aside, restoring the petitioner's GST registration, while tax authorities may still pursue appropriate actions if the petitioner is not located at the registered address, and recovery of any due tax, penalty, or interest remains possible.

M/S EEN EEN SALES CORPORATION VS ASSISTANT COMMISSIONER OF CENTRAL GOODS AND SERVICE TAX, BADLI DIVISON, NORTH DELHI [W.P.(C)-331/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notice and order canceling the petitioner's GST registration were set aside due to vagueness and lack of reasoning. Cancellation with retrospective effect requires objective criteria and consideration of the taxpayer's customers, along with providing the petitioner an opportunity to be heard. The petitioner's GST registration was restored, allowing for further action under the law only after issuing a proper notice and giving the petitioner a chance to respond.

M/S EURO PVC FABRIC VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICES TAX, SOUTH DELHI [W.P.(C)-349/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order canceling the GST registration of M/S EURO PVC FABRIC was set aside due to it being a system-generated decision without proper consideration. The show cause notice lacked essential details for the petitioner's appearance, and the cancellation order referred to a non-existent reply. The GST registration was restored, with a direction for the petitioner to comply with necessary requirements and pay delay charges.

M/S FRIENDS MEDIA ADD COMPANY VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX WEST DELHI [W.P.(C)-1260/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Retrospective cancellation of the petitioner's GST registration was invalid due to the lack of details and reasoning in the show-cause notice and the order. An objective assessment by the proper officer and consideration of impacts on taxpayers' customers was necessary before such cancellation. The registration cancellation was modified to take effect from the date of the show-cause notice (25.08.2023), as the petitioner did not have an opportunity to object to the retrospective cancellation. Recovery of any tax, penalty, or interest due from the petitioner remains permissible under the law.

M/S GOLD PLUS GLASS INDUSTRY LTD. VS UNION OF INDIA & ORS. [W.P.(C)-2903/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner's request for an Export Obligation Discharge Certificate and to contest show cause notices for non-fulfillment of export obligation was addressed. The Director General of Foreign Trade is to implement the Policy Relaxation Committee's directions from December 5, 2023, within three months. The petitioner must provide necessary documents and clarifications, and customs authorities will process the case promptly once the Director General's order is issued. The petitioner retains the right to seek further remedies if dissatisfied with subsequent actions.

M/S HARI ENTERPRISES VS SUPERINTENDENT, RANGE 25, CGST, MODEL TOWN DIVISION [W.P.(C)-7111/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The cancellation of GST registration for M/s Hari Enterprises on 10.01.2024 was set aside. A deposit of Rs. 4,48,100/- was made by the petitioner for excess output supplies over Rs. 15 lakhs, as indicated in a show cause notice dated 15.12.2023. The matter was remitted for re-adjudication of the show cause notice dated 16.12.2023 within four weeks, with all rights and contentions of both parties preserved.

M/S HARI OM ENTERPRISES VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-6249/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Proper Officer must dispose of the petitioner's application for GST registration cancellation within four weeks. The petitioner applied on 18.09.2022 due to business closure, but the department did not act until 19.02.2024, questioning the cancellation date. The petitioner corrected the date to 18.09.2023 in response. The merits of the case remain unresolved, with rights and contentions of both parties preserved.

M/S INDOCHEM AND POLYMERS VS SALES TAX OFFICER CLASS II AVATO WARD 207 ZONE 11 [W.P.(C)-1532/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The demand order against M/S Indochem and Polymers under Section 73 of the Act was set aside due to the proper officer's failure to consider the petitioner's detailed reply to the show cause notice, along with an incorrect assertion regarding the lack of a proper response. The matter has been remitted for re-adjudication with the requirement of a personal hearing for the petitioner within four weeks.

M/S JAI SHRI BANKE BIHARI TRADERS VS UNION OF INDIA & ORS. [W.P.(C)-15607/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The original provisional attachment order under Section 83 of the Central Goods and Services Tax Act, 2017, ceased to operate after one year, as mandated by Section 83(2). A fresh attachment order has been issued, with the validity of this new order available for the petitioner to challenge as per the law. The petition has been disposed of, with the petitioner retaining the right to contest the new order.

M/S JAI SHRI BANKE BIHARI TRADERS VS UNION OF INDIA & ORS. [W.P.(C)-15620/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order provisionally attaching the petitioner's cash credit accounts under Section 83(1) of the Central Goods and Services Tax Act, 2017 has ceased to operate due to the expiration of the one-year maximum attachment period. A fresh attachment order has been issued under Section 83(1) of the CGST Act, which the petitioners have not yet received. The validity of repeated attachment orders under Section 83 of the CGST Act remains open for future determination, allowing the petitioners to challenge the new attachment order as per the law.

M/S JAI SHRI KRISHNA LAZERTECH VS UNION OF INDIA & ORS. [W.P.(C)-948/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order from 24.08.2022, which provisionally attached the cash credit accounts of the petitioner under Section 83 of the Central Goods and Services Tax Act, 2017, has ceased to operate due to the expiration of the one-year period specified in Section 83(2). A new attachment order dated 13.12.2023 has been issued, but the validity of repeated attachment orders under Section 83 remains open to challenge by the petitioner as per the law.

M/S JAIN CEMENT UDYOG (THROUGH PROPRIETOR SH. SANJAY JAIN) VS CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS & ANR. [W.P.(C)-3373/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An ex-parte demand order against the petitioner under Section 73 of the CGST Act, 2017 was set aside due to the cancellation of the petitioner's GST registration, which hindered access to the GST portal for replying to the show cause notice. The petitioner was directed to file a reply within 30 days, and the Proper Officer was instructed to re-adjudicate the matter, ensuring an opportunity for personal hearing and compliance with legal processes. Rights and contentions of both parties were preserved.

M/S JIG BROTHERS VS SALES TAX OFFICER CLASS II/AVATO, WARD 63 & ORS. [W.P.(C)-7637/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order creating a demand of Rs. 7,30,212.00 against M/S JIG BROTHERS under Section 73 of the Central Goods and Services Tax Act, 2017 was set aside due to the petitioner's lack of response stemming from their accountant's maternity leave and unawareness of the proceedings. The matter is remanded for re-adjudication, allowing the petitioner four weeks to file a reply, followed by a personal hearing and the issuance of a fresh speaking order. No comments were made on the merits of the parties' contentions, and all rights remain reserved.

M/S KOTDWAR STEEL LIMITED (THROUGH ITS DIRECTOR RAHIS MALIK) VS DIRECTORATE GENERAL OF GST INTELLIGENCE (THROUGH ITS ADDITIONAL DIRECTOR GENRAL) & ANR. [W.P.(C)-4262/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The attachment of the petitioner's cash credit account by the Directorate General of GST Intelligence was valid, but it was vacated on 08.04.2024. Canara Bank was directed to comply with the communication to lift the attachment. The judgment is considered an individual matter.

M/S KRISH OVERSEAS VS COMMISSIONER CENTRAL TAX-DELHI WEST & ORS. [W.P.(C)-5407/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The provisional attachment order under Section 83 of the Central Goods and Service Tax Act, 2017, has ceased to be effective after one year from its issuance, specifically the order dated 14.08.2019. Consequently, HDFC Bank cannot restrain the operation of the petitioner's bank account based solely on this expired order. This conclusion does not affect the validity of any other provisional attachment orders communicated to the bank.

M/S KUNDAN IMPEX VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-164/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notice issued by the Principal Commissioner of the Department of Trade and Taxes, which suspended the petitioner's GST registration, was set aside due to lack of requisite details and insufficient establishment of allegations regarding fraudulent input tax credit. Further action, including potential cancellation of registration, can occur after a proper notice and opportunity for the petitioner to be heard. The petitioner may also apply for cancellation of registration in accordance with the law.

M/S L G TRADING HOUSE VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-6542/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Principal Commissioner of the Department of Trade and Taxes, Government of NCT of Delhi, was directed to dispose of M/S L G Trading House's application for cancellation of GST registration within four weeks. The petitioner had closed its business and submitted the cancellation application on 26.03.2024, which remained pending.

M/S M. P. INDUSTRIES VS COMMISSIONER OF STATE GOODS AND SERVICES TAX, DELHI AND ANR [W.P.(C)-4096/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration retroactively from 26.07.2018, along with the associated show cause notice, lacks adequate reasoning and cannot be upheld. Retrospective cancellation based solely on non-filing of returns is insufficient without considering the implications for the taxpayer's customers who may have claimed input tax credits. The cancellation is set aside, and the GST registration is restored, though recovery of any owed tax, penalty, or interest remains permissible under the law.

M/S MAA JHANDEWALI TRADERS VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX NORTH DELHI [W.P.(C)-1131/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The cancellation of the petitioner's GST registration was set aside due to infirmities in the show cause notice. The petitioner had previously responded to the notice, but the response did not adequately address the reasons for cancellation. The petitioner has one week to file a detailed response, after which the authorities must re-adjudicate the matter within 30 days and allow a personal hearing. Merits of the parties' contentions remain unconsidered, with all rights preserved.

M/S MANISHA ENTERPRISES VS COMMISSIONER OF CUSTOMS (SIIB EXPORTS) [W.P.(C)-7678/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Commissioner of Customs (SIIB Exports) must serve a copy of the order dated 31.08.2022 on M/S Manisha Enterprises within two days, in addition to serving it through the petitioner's counsel. The Show Cause Notice dated 10.05.2022 had been adjudicated and communicated via speed post, but the petitioner's counsel claimed non-receipt. The petitioner retains the option to seek further remedies if aggrieved by the order dated 31.08.2022.

M/S MANYATA ENTERPRISES VS UNION OF INDIA & ORS. [W.P.(C)-16131/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The maximum period for the attachment of cash credit accounts under Section 83(2) of the CGST Act is one year from the date of the initial order under Section 83(1). The original attachment order expired after one year. A fresh attachment order was issued on 13.12.2023 under Section 83(1). The petition was disposed of, allowing the petitioner to challenge the new order and leaving the validity of repeated attachment orders under Section 83 unresolved.

M/S MAURYA INDUSTRIES VS THE UNION OF INDIA & ANR. [W.P.(C)-10155/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration was invalid since the petitioner had applied for cancellation due to business discontinuation. The show cause notice and cancellation order lacked adequate reasons. The registration is deemed cancelled from the date of the petitioner's application, 12.04.2023. The respondents can still pursue recovery of any tax, penalty, or interest due from the petitioner as permitted by law.

M/S MITTAL FOOTCARE THROUGH ITS PROPRIETOR MR. ASHWANI MITTAL VS THE COMMISSIONER OF CENTRAL GOODS AND SERVICES TAX AND ANR. [W.P.(C)-15518/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order-in-original dated 10.10.2022 and the order in appeal dated 29.08.2023 were set aside, and the matter was remitted for re-adjudication of the petitioner's Input Tax Credit refund application for April 2021 to March 2022. Misinterpretation of the petitioner's claims regarding technical glitches that hindered document uploads contributed to the decision. A refund cannot be denied solely due to lack of authenticated documents, and the authority is instructed to consider the available documentation. Re-adjudication should occur within eight weeks, with provisions for requesting additional documents if necessary.

M/S MK TRADERS THROUGH ITS PROPRIETOR AJAY KUMAR VS SALES TAX OFFICER CLASS II AVATO [W.P.(C)-2568/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration lacked adequate justification and was deemed invalid. Cancellation with retrospective effect is permissible only if warranted by the consequences. The registration was modified to be canceled prospectively from the date of the cancellation application, but the department retains the right to recover any due tax, penalty, or interest in accordance with the law.

M/S NIRMAL METAL TRADING COMPANY (THROUGH ITS PROPRIETOR SH. NIRMAL KUMAR) VS UNION OF INDIA & ORS. [W.P.(C)-2974/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The cancellation of the petitioner's GST registration from 28.07.2022 was deemed invalid due to insufficient reasoning and lack of opportunity for the petitioner to contest the retrospective cancellation. Under the CGST Act, retrospective cancellation requires consideration based on objective criteria. The consequences of such cancellation, including loss of input tax credit for customers, were noted. The registration was modified to be effective from the show cause notice date, 19.05.2023, with a directive for the petitioner to comply accordingly. The respondents retain the right to recover any tax, penalty, or interest related to the firm, including through retroactive cancellation of the registration.

M/S NORTHERN HOSIERY FACTORY THROUGH ITS PROPRIETOR MR. SUNIL KUMAR BANSAL VS COMMISSIONER OF CENTRAL GOODS AND SERVICES TAX AND ANR [W.P.(C)-2464/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration retrospectively from 01.07.2017 is not valid. Registration can only be cancelled retroactively if the proper officer makes a decision based on objective criteria, and non-filing of returns does not justify such action. The registration is modified to be cancelled from 11.07.2023, the date of the show cause notice, as the petitioner does not wish to continue the registration. Recovery of any tax, penalty, or interest due in relation to the petitioner is still permissible under the law.

M/S NP TRADING CO. VS COMMISSIONER OF GST & ANR. [W.P.(C)-1399/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the GST registration of M/S NP Trading Co. dated 23.12.2021 is set aside due to a defective Show Cause Notice from 05.11.2021, which lacked details about alleged invoices or bills issued without supply. No prior inquiry was conducted regarding the invoices. The Commissioner of GST must provide supporting materials to the petitioner within one week, allowing the petitioner seven days to respond. Adjudication of the Show Cause Notice must occur within two weeks after the petitioner's reply, without any influence from previous rulings. The petitioner retains the right to pursue further legal remedies if dissatisfied with the outcome.

M/S OPTIEMUS INFRACOM LIMITED. VS DEPUTY COMMISSIONER OF CUSTOMS (REFUND) & ANR. [W.P.(C)-12344/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The orders of the Principal Commissioner of Customs regarding unjust enrichment and customs refund appropriation in the Consumer Welfare Fund were set aside due to errors in interpreting the documents. The matter was remitted for re-adjudication, with an instruction for a personal hearing for the petitioner before the final decision on the refund credit. The re-adjudication must be completed within six weeks.

M/S OPTIMUM VIKING SATCOM INDIA PVT. LTD. VS PRINCIPAL COMMISSIONER & ORS. [W.P.(C)-3220/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The cancellation of the petitioner's GST registration from July 1, 2017, was invalid due to the lack of proper reasoning in the show cause notice and cancellation order. Registration cannot be retroactively cancelled without objective justification. The cancellation was modified to November 30, 2021, the last period for which GST returns were filed. Recovery of any due tax, penalty, or interest remains permissible under the law, including potential retrospective cancellation if justified.

M/S PERFECT TRADER VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-3831/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Principal Commissioner of the Department of Trade and Taxes must process the Petitioner's application for cancellation of GST registration within two weeks. The application, submitted on 3 October 2023, remains unprocessed despite an inquiry having been raised and answered. Statutory timelines under the Central Goods and Service Tax Rules should be interpreted reasonably rather than strictly.

M/S POINT FOOTWEAR PRIVATE LIMITED VS COMMISSIONER TRADE AND TAXES & ANR. [W.P.(C)-5515/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/S Point Footwear Private Limited's writ petition was disposed of, directing the Commissioner of Trade and Taxes to resolve the refund and interest claims under Section 42 of the DVAT Act within four weeks. The respondents indicated that the claims were under consideration, and a decision would be made within the specified timeframe. The petitioner retains the option to seek further remedies if dissatisfied with the outcome of the claims.

M/S RADHEY TRADING COMPANY VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICES TAX, NORTH DELHI [W.P.(C)-143/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notice and the order cancelling the GST registration of M/s Radhey Trading Company were set aside due to the notice's lack of specific grounds for fraud or misstatement, and the cancellation order's failure to provide reasons for its retrospective effect. The defects in the show cause notice invalidated the cancellation order. Tax authorities may take further action following proper procedures, including issuing a new show cause notice and allowing the petitioner a hearing.

M/S RAHUL PACKAGING VS UNION OF INDIA & ORS. [W.P.(C)-5373/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notice and the subsequent adjudication order rejecting the refund application were invalid because the notice was issued by a Superintendent, who lacked the authority required by law. Only officers of the rank of Assistant Commissioner and above are authorized to issue such notices. Additionally, the Superintendent also handled the reply instead of the Competent Adjudicating Authority, which resulted in a lack of independent assessment. Consequently, the order on the merits was set aside, and the appropriate authority was instructed to consider the refund application without the influence of the invalid notices.

M/S REVA GIANT IMPEX LLP VS ASSISTANT COMMISSIONER CGST ROHINI DIVISION & ANR. [W.P.(C)-12466/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order dated 26.05.2023 rejecting the petitioner's appeal as time-barred was set aside. There was no evidence to disbelieve that the certified copy of the original order was included with the appeal during online submission. The matter was remanded to the Appellate Authority for consideration of the appeal on its merits, without addressing the merits of the case.

M/S RG REFINERIES PVT. LTD. VS ASSISTANT COMMISSIONER OF CUSTOMS (GROUP III), NEW DELHI & ORS. [W.P.(C)-5499/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order denying duty-free tariff preference to M/S RG Refineries Pvt. Ltd. for importing Gold Dore Bars from Least Developed Countries was set aside due to an oversight regarding updated signatures and seals on the certificate of country of origin. The relevant authority was instructed to reconsider the case with the updated information and issue a new order within four weeks.

M/S ROHAN BOOK COMPANY PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-3284/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Two orders dated 13.12.2023 that disposed of Show Cause Notices issued to M/S Rohan Book Company Private Limited were set aside. The orders were based on the absence of a reply due to the Director's travel. The company was granted two weeks to file a reply, and a fresh speaking order must be issued after a personal hearing. The company claims its goods are exempt from Sales Tax under the Goods and Service Tax Act.

M/S ROSMERTA HSRP VENTURES PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-1061/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Retrospective cancellation of the petitioner's GST registration was invalid due to a lack of proper reasons and failure to provide an opportunity for response. Section 29(2) of the Central Goods and Services Tax Act, 2017 allows for retrospective cancellation only if deemed appropriate by the proper officer based on objective criteria, considering the consequences of such action. The cancellation order was set aside, and the registration was restored, with a directive for compliance with necessary formalities. Recovery of any tax, penalty, or interest dues from the petitioner remains possible, including potential retrospective cancellation following due process.

M/S SAFFRON ART PRIVATE LIMITED VS COMMISSIONER OF TRADE AND TAXES & ANR. [W.P.(C)-16743/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/S Saffron Art Private Limited is entitled to a refund of Rs. 11,09,895/- for the fourth quarter of 2014-15, along with statutory interest at 6% per annum from the due date. The Commissioner of Trade and Taxes must process the refund application within two weeks.

M/S SAGAR ENTERPRISES VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX WEST DELHI [W.P.(C)-2244/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the GST registration of M/s Sagar Enterprises with retrospective effect was set aside due to insufficient time given to respond to the show cause notice and a lack of identification of the issuing officer, which hindered the petitioner's ability to present its case. The cancellation order lacked adequate reasoning, and while the CGST Act allows for retrospective cancellation, it must be exercised reasonably, considering the impact on the input tax credit of the petitioner's customers. The petitioner was granted one week to reply to the show cause notice, after which the proper officer must adjudicate the matter with an opportunity for a personal hearing within four weeks. A fresh inspection of the petitioner's premises may also be directed if necessary.

M/S SALASAR TRADING COMPANY VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX NORTH DELHI [W.P.(C)-1509/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order canceling the GST registration of M/s Salasar Trading Company from 28.05.2022 was set aside due to inadequate reasons and lack of opportunity provided to the petitioner. Retrospective cancellation of GST registration must be based on objective criteria, considering the impact on customers. The GST registration was restored, with the indication that recovery of any tax, penalty, or interest due can still be pursued in accordance with the law.

M/S SAMAYSHRISTI ENTERPRISES VS SUPERINTENDENT, RANGE - 31, GST DIVISION, NEW DELHI. [W.P.(C)-2912/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order rejecting the petitioner's application for cancellation of GST registration was set aside due to a lack of detail and reasons. The application for cancellation was allowed, effective from 21.11.2023. Recovery of any tax, penalty, or interest due from the petitioner's firm remains permissible.

M/S SANT STEEL AND ALLOYS PRIVATE LIMITED(THROUGH ITS DIRECTOR ARSHAD ALI) VS DIRECTORATE GENERAL OF GOODS AND SERVICES TAX INTELLIGANCE (THROUGH ITS ADDITIONAL DIRECTOR GENERAL) & ANR. [W.P.(C)-4410/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The writ petition filed by M/S Sant Steel and Alloys Private Limited regarding the attachment of their cash credit account was disposed of after the Directorate General of Goods and Services Tax Intelligence vacated the attachment on 08.04.2024. Canara Bank was instructed to comply with the directions from the Principal Additional Director General.

M/S SATBIR FILING STATION VS DELHI VALUE ADDED TAX OFFICER WARD 101 & ORS. [W.P.(C)-5293/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/S Satbir Filing Station is entitled to receive simple interest at the government-notified annual rate on a delayed refund, as per Section 42(1) of the Delhi Value Added Tax Act, 2017. The respondents must either sanction and disburse the interest within four weeks or issue a speaking order if they believe interest is not payable.

M/S SERVICES INTERNATIONAL VS UNION OF INDIA AND ORS [W.P.(C)-6696/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner, M/S Services International, is granted an opportunity to file a reply to the show cause notice issued under Section 73 of the Central Goods and Services Tax Act, 2017. The order dated 18.04.2024, which upheld the demand and penalty for the Financial Year 2018-19, is set aside. The matter is remitted for re-adjudication, requiring the petitioner to submit a reply within 30 days. The Proper Officer must provide a personal hearing and issue a fresh speaking order in accordance with the law. The merits of the contentions and the challenge to the related notification remain unaddressed.

M/S SHIV ENTERPRISES VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-345/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/S Shiv Enterprises sought cancellation of its GST registration, alleging wrongful claims of input tax credit linked to dealers with canceled registrations. The department is investigating these allegations and confirmed that a decision on the cancellation application would be made and communicated within six weeks. The department is instructed to process the application promptly and issue an order in accordance with the law, with the petitioner retaining the right to pursue further legal remedies if dissatisfied.

M/S SHOPPERS HOME VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX NORTH DELHI [W.P.(C)-5888/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The dismissal of the petitioner's application for cancellation of GST registration was found unsustainable due to the lack of proper opportunity for a personal hearing. The notice issued did not notify the petitioner of the requirement to appear or identify the relevant officer. The impugned order was set aside, and the petitioner's application was restored for further action by the Proper Officer, who is to provide a personal hearing and re-adjudicate the application in accordance with the law.

M/S SHREE BALAJI INDUSTRIES VS COMMISSIONER OF DGST AND ANR. [W.P.(C)-1448/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The cancellation order of M/S Shree Balaji Industries' GST registration was set aside due to the lack of proper reasoning in the show cause notice and cancellation order, which did not allow the petitioner an opportunity to respond. Registration cannot be cancelled retrospectively without valid reasons, and the implications for the taxpayer's customers must be considered. The GST registration was restored, allowing for further action to recover any due taxes, penalties, or interest.

M/S SHREE PADMA INDUSTRIES VS UNION OF INDIA & ORS. [W.P.(C)-6274/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order imposing a demand of Rs. 9,04,200/- against the petitioner under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside due to the lack of access to Annexure-B referenced in the show cause notice. This absence hindered the petitioner’s ability to file a response. Since the respondents claimed that no separate Annexure-B existed, the petitioner is granted another opportunity to respond. The case is remitted for re-adjudication following the petitioner’s further reply within two weeks, ensuring a personal hearing before issuing a new order. No comments were made regarding the merits of either party's contentions.

M/S SHREE SHAKTI SALES VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-2745/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Principal Commissioner of the Department of Trade and Taxes is required to process the petitioner's application for GST registration cancellation, submitted on 05.04.2021, and resolve it within two weeks, as the petitioner had closed its business on that date, and the application remains pending.

M/S SHREYA INTERNATIONAL VS PRINCIPAL COMMISSIONER, DEPARTMENT OF TRADE AND TAXES & ANR. [W.P.(C)-295/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notice and order canceling the petitioner's GST registration with retrospective effect were deemed unsustainable due to lack of reasoning and particulars. Under the CGST Act, cancellation with retrospective effect requires objective criteria and consideration of consequences. The show cause notice and order were set aside, the petitioner's GST registration was restored, and the respondents were allowed to take further action according to law after providing the petitioner an opportunity for a hearing.

M/S SHRI GANESH ENTERPRISES VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICES TAX, SOUTH DELHI [W.P.(C)-2574/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order rejecting the application for cancellation of GST registration was set aside, with the cancellation effective from 23.02.2023, the date of the initial cancellation request. The petitioner voluntarily deposited Rs. 7,50,107/- after identifying discrepancies in its returns. The respondents retain the right to take further action and recover any tax, penalty, or interest owed by the petitioner.

M/S SHRI SHYAM METAL VS THE UNION OF INDIA & ANR. [W.P.(C)-2237/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The impugned order dated 29.12.2023 and the show cause notice dated 23.09.2023 were set aside due to their cryptic nature and lack of response to the petitioner's detailed submissions. The petitioner did not receive adequate opportunity for a personal hearing. The matter is remitted to the GST Officer for re-adjudication, with instructions to allow the petitioner to submit additional details or documents. The validity of the notification dated 31.03.2023, which extended the time period under Section 73(10) of the CGST Act, remains unresolved, and the petitioner may challenge any further orders related to this notification.

M/S SHUBH BALL BEARINGS COMPANY VS THE ASSISTANT COMMISSIONER [W.P.(C)-15591/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration from 31.10.2017 was deemed invalid due to insufficient details in the show cause notice and cancellation order regarding the alleged wrongful availment of input tax credit. The cancellation was modified to take effect from 01.02.2021, when the petitioner ceased business operations. The respondent can issue a proper show cause notice regarding the alleged wrongful input tax credit claims and recover any due tax, penalty, or interest from the petitioner. Consideration of the effects of retrospective cancellation on the petitioner's customers' input tax credit claims was necessary.

M/S SINGH TRADING CO VS SALES TAX OFFICER CLASS II / AVATO, WARD 79 ZONE 7 DELHI [W.P.(C)-1179/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the GST registration of M/S Singh Trading Co was set aside due to the Proper Officer's failure to provide the petitioner with the material supporting the allegations of tax evasion in the show cause notice. The Proper Officer is required to furnish all relevant material to the petitioner, allow the petitioner to file a reply, and re-adjudicate the show cause notice with a personal hearing. The violation of principles of natural justice was noted because the petitioner was not given the supporting material.

M/S SLG TRADING CO (THROUGH ITS PROPRIETOR SALMAN) VS SALES TAX OFFICER CLASS II/ AVATO [W.P.(C)-5269/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The proper officer must adjudicate the show-cause notice issued to M/S SLG Trading Co. within 30 days, allowing the petitioner an opportunity for a personal hearing. A fresh visit to the petitioner's premises is required to confirm their existence, as the previous visit lacked prior notice. The proposed cancellation of the petitioner's GST registration is based on the claim that the petitioner was not functioning at the specified location during the officer's prior visit. Due process must be followed in addressing the show-cause notice.

M/S SRI KRISHAN TRADERS VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX NORTH DELHI [W.P.(C)-986/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/S Sri Krishan Traders' GST registration is to be cancelled effective 23.02.2023, the date of its cancellation application. Both the petitioner and the Principal Commissioner of Goods and Service Tax West Delhi agreed on the cancellation for different reasons. The petitioner must provide necessary details to determine any potential tax liability. Recovery steps for any due tax, penalty, or interest from the petitioner remain permitted.

M/S SRI RADHA KRISHNA INTERNATIONAL VS UNION OF INDIA & ANR. [W.P.(C)-3227/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order imposing a demand of Rs. 22,10,220, including penalty, on the petitioner for claiming Input Tax Credit from a dealer with a cancelled registration was set aside. The order did not adequately consider the petitioner's detailed response, labeling it as "vague" without specific justification. The matter was remitted to the Proper Officer for re-adjudication, with instructions to allow the petitioner to present the necessary details and documents before the assessment. No merits of the parties' contentions were addressed, and the challenge to the notification remains open.

M/S SRI SAI VISHWAS POLYMERS VS COMMISSIONER OF GST & ANR. [W.P.(C)-1400/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration retrospectively from 2017 and the subsequent demand notice lacked proper reasoning and justification. Authorities failed to provide adequate grounds for such cancellation, which can significantly impact the taxpayer's customers. The impugned orders were set aside, and the authorities were directed to re-adjudicate the matter while allowing the petitioner an opportunity for a personal hearing. Registration cannot be cancelled retrospectively without objective criteria and valid reasons.

M/S STAR CATALYST THROUGH PROP. AMIT AMARPURI VS COMMISSIONER OF DELHI VALUE ADDED TAX & ANR. [W.P.(C)-2549/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Star Catalyst is entitled to a refund of Rs. 13,51,389/- for the first quarter of the financial year 2017-18, as the return was filed on time. The respondents must process the refund application according to the law, and if admissible, pay the amount along with statutory interest as per Section 42 of the DVAT Act, 2004. If the refund is not granted, the respondents are required to communicate the reasons to the petitioner within four weeks, allowing for any permissible remedies.

M/S SUPREME ENTERPRISES VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX NORTH DELHI [W.P.(C)-2971/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The tax authorities' orders cancelling the petitioner's GST registration retrospectively were invalid due to a lack of reasoning and failure to provide an opportunity to object. Registration cannot be cancelled retrospectively without objective reasons as outlined in the law. The order was modified to reflect cancellation only from the date the petitioner closed its business activities.

M/S TECHNOLOGY NEXT THROUGH ITS PROPRIETOR SH. ASHIM GUPTA VS PRINCIPAL COMMISSIONER OF CUSTOMS, ACC IMPORT, NEW CUSTOM HOUSE NEW DELHI & ANR. [W.P.(C)-2674/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/s Technology Next filed a petition regarding a refund of excess customs duty amounting to Rs. 8,42,518/- paid for networking equipment due to a change in classification by the Assessing Authority. The appeal against this assessment was allowed, prompting a remand for the Assessing Authority to issue a speaking order. The adjudicating authority was directed to expedite proceedings within six weeks, ensuring the petitioner received a personal hearing, while maintaining the option for further legal remedies if dissatisfied with the outcome.

M/S TRENDZ VS SALES TAX OFFICER CLASS II/AVATO, WARD 54 & ORS. [W.P.(C)-6831/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order imposing a demand on the petitioner under Section 73 of the Central Goods and Services Tax Act, 2017 was set aside due to the petitioner's inability to respond to the show-cause notice because its GST registration was cancelled, preventing access to the portal. The petitioner is granted an opportunity to reply to the show-cause notice.

M/S UNIQUE SALES VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-7323/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/s Unique Sales must appear before the Proper Officer on 04.06.2024 to provide documents and clarification regarding its GST registration cancellation application. The Proper Officer raised a query on 25.10.2023 that was not satisfactorily answered, and the petitioner did not appear to assist with the application. The Proper Officer is required to dispose of the application within four weeks of the petitioner's appearance. The petitioner can seek further legal remedies if dissatisfied with the outcome.

M/S USHA INDUSTRIES THROUGH ITS PARTNER MR SANDEEP SINGHAL VS ASSISTANT COMINISSIONER WARD 82 AND ANOTHER [W.P.(C)-6510/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The cancellation of the petitioner's GST registration with retrospective effect from July 1, 2017 was deemed invalid due to the absence of sufficient reasons in the show cause notice and subsequent order. Registration cannot be retroactively canceled solely for non-filing of returns, as this can negatively impact customers who utilized input tax credit. The cancellation was modified to take effect from January 12, 2021, while allowing for recovery of any tax, penalty, or interest due, provided proper procedures are followed.

M/S VAANI ENTERPRISES VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX NORTH DELHI [W.P.(C)-2810/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner's GST registration is deemed cancelled as of 12.01.2024, contingent on providing required information and documents under Section 29 of the Goods and Services Tax Act, 2017. The petitioner must provide additional information regarding a change of address. Investigations into the petitioner's past transactions may continue, and the petitioner is responsible for any dues that may arise, while retaining the right to challenge such demands legally.

M/S VEETRAG TRADERS VS THE COMMISIIONER OF SGST DELHI & ORS. [W.P.(C)-2416/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration with retrospective effect from 01.07.2017 was deemed invalid due to insufficient reasoning in the show cause notice and cancellation order, as well as inadequate opportunity for the petitioner to respond. Registration can only be cancelled retrospectively if objective criteria are met, not simply due to non-filing of returns. The cancellation was modified to take effect from 01.10.2019, the date of the petitioner's cancellation application. Authorities retain the ability to recover any due taxes, penalties, or interest, including potential retrospective cancellation if justified.

M/S VIBGYOR SERVICES VS UNION OF INDIA & ORS. [W.P.(C)-13058/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/s Vibgyor Services' writ petition was successful, resulting in the cancellation of the Order-in-Appeal from 14.07.2023 that rejected the appeal based on limitation. The actual service date of the Order-in-Original was determined to be 07.03.2023, rather than 30.12.2022 as claimed by the department. This established that the 90-day limitation for filing the appeal commenced on 07.03.2023, making the appeal filed on 22.05.2023 timely. The appeal was restored for further proceedings.

M/S VIMAL ELECTRICAL PVT LTD VS COMMISSIONER OF VAT & ANR. [W.P.(C)-5384/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The respondents processed and sanctioned the petitioner's refund for the tax period from 01.01.2017 to 31.03.2017 but did not include interest. A consideration for interest payment under Section 42 of the Delhi Value Added Tax Act, 2004 is required, along with a speaking order to be issued within four weeks. If interest is found payable, it must be paid to the petitioner within that timeframe. The petitioner may seek further remedies if dissatisfied with the subsequent order.

M/S WELLNESS MARKETING EXI PVT. LTD. VS UNION OF INDIA AND ORS. [W.P.(C)-6029/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order imposing a demand of Rs. 5,04,98,487 under the Central Goods and Services Tax Act was set aside due to improper consideration of the petitioner's detailed reply. The claim that the reply was incomplete and unsupported was deemed insufficient. The matter was remitted for re-adjudication, allowing the petitioner to submit an additional reply within 30 days. No commentary was made on the merits of either party's contentions.

M/S WHITE MOUNTAIN TRADING PVT. LTD. VS ADDITIONAL COMMISSIONER, CGST APPEALS-II, DELHI [W.P.(C)-2752/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The appeal by M/s White Mountain Trading Pvt. Ltd. was not barred by limitation as it was filed online within the three-month deadline under Section 107(1) of the Central Goods and Service Tax Act 2017, despite the physical copy being submitted later. The initial online filing date is recognized as the actual filing date, and the Commissioner Appeals is authorized to condone delays up to one month under Section 107(4). The previous dismissal of the appeal for being late was incorrect, leading to the case being sent back for consideration of the delay condonation application without commentary on the appeal's merits.

M/S. ANJU INDUSTRY VS SPECIAL COMMISSIONER-1 , DEPARTMENT OF TRADE AND TAXES [W.P.(C)-2985/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The cancellation of the petitioner's GST registration was deemed invalid due to the lack of sufficient reasons in the show cause notice and order. The petitioner was not given an adequate opportunity to respond, and retrospective cancellation cannot be applied mechanically without valid grounds. The registration was modified to be canceled prospectively from February 3, 2022, as the petitioner no longer wishes to continue the business. Respondents retain the right to recover any due tax, penalty, or interest in accordance with the law, including the possibility of retrospective adjustment.

M/S. BALAJI TRADING CO. VS THE COMMISSIONER & ANR. [W.P.(C)-5169/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The proper officer must decide the show cause notice issued to M/s Balaji Trading Co. within two weeks, allowing the petitioner a personal hearing. The notice was for potential cancellation of GST registration due to the firm being locked during a visit and the proprietor's inadequate response to a GST Inspector's phone call. A detailed reply to the notice by the petitioner was not considered, leading to the suspension of the GST registration. No comments were made on the merits of either party's contentions.

M/S. DELHI MSW SOLUTIONS LIMITED VS THE ASSISTANT COMMISSIONER OF STATE TAX & ORS. [W.P.(C)-5236/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order of the Proper Officer, which partially deemed the petitioner's reply to a show cause notice under Section 73 of the Central Goods and Services Tax Act, 2017 as unsatisfactory, was set aside. The matter is remanded for re-adjudication concerning excess input tax credit claimed due to non-reconciliation, under-declaration of ineligible input tax credit, and claims from cancelled dealers, return defaulters, and tax non-payers. It was noted that the petitioner's detailed reply and supporting documents were not fully considered. The challenge regarding the notification extending the time period remains open.

M/S. JINDAL TRADING CO. THROUGH ITS PROPRIETOR SH. SURESH JINDAL VS UNION OF INDIA AND ORS. [W.P.(C)-5966/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Two orders under the Central Goods and Services Tax Act, 2017, were set aside due to unsustainability. The first order creating an ex-parte demand was invalid because the petitioner was not given a chance to respond. The second order upheld a demand despite the petitioner providing a detailed reply with supporting documents, which the Proper Officer failed to consider adequately. Both orders were annulled, and show cause notices were remitted for re-adjudication, allowing the petitioner 30 days to submit a further reply. The Proper Officer was instructed to issue a fresh speaking order.

M/S. SWASTIK ENTERPRISES THROUGH ITS PROPRIETOR SH. SANJAY GUPTA VS UNION OF INDIA AND ORS. [W.P.(C)-5938/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order dated 21.12.2023 demanding Rs 10,85,557.20 from M/s. Swastik Enterprises under Section 73 of the Central Goods and Services Tax Act, 2017 was set aside. The demand was based on the petitioner's failure to respond, as the business had closed in 2020 and the show cause notice was only uploaded online. The petitioner was granted another opportunity to reply, and the matter was sent back for re-adjudication with a personal hearing.

M/S. UMANG REALTECH PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-7184/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order from December 7, 2023, that disposed of a show cause notice dated September 25, 2023, against M/s. Umang Realtech Private Limited was set aside. The petitioner was unaware of the proceedings since the show cause notice was only uploaded on the GST portal in a location not typically checked for such notices. Issues with the categorization of notices on the GST portal had led to similar problems for other taxpayers. The petitioner is to be given an opportunity to respond to the notice, with the matter to be re-adjudicated after a personal hearing. No comments were made on the merits of the case, and the challenge to the notification regarding the extension of time remains open.

M/S. VISHAL CHEM (INDIA) VS ASSISTANT COMMISSIONER, DEPARTMENT OF TRADE AND TAXES [W.P.(C)-5288/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order raising a demand against M/s. Vishal Chem (India) under Section 73 of the Central Goods and Services Tax Act, 2017 was set aside due to insufficient consideration of the petitioner's detailed reply by the Proper Officer, who deemed it "unsatisfactory" without adequate analysis. The Proper Officer must re-adjudicate the matter, taking the petitioner's reply into account and allowing for a personal hearing.

M/S. VISHWAS OVERSEAS INC. VS COMMISSIONER OF CUSTOMS & ANR. [W.P.(C)-1718/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

M/S. Vishwas Overseas Inc. had their petition dismissed, aimed at quashing the provisional assessment of a bill of entry and securing the unconditional release of goods. The Certificate of Origin submitted was found to be forged, as the QR code could not be verified through official sources, and the Department of Commerce in Colombo confirmed it had not issued the certificate. A cost of Rs 50,000/- was imposed on the petitioner to be paid to the Custom Authorities.

MAA PADMAWATI LAMINATION THROUGH ITS PROPRIETOR MR ANKUR JAIN VS COMMISSIONER DELHI GOODS AND SERVICE TAX AND OTHERS [W.P.(C)-7347/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order against Maa Padmawati Lamination for an excess claim of Input Tax Credit for the financial year 2018-2019 was set aside. The petitioner's belated reply to the order was not considered by the Proper Officer. Examination of Form GSTR-2A indicated insufficient review of the records. The matter is remanded for re-adjudication, requiring consideration of the petitioner's reply and a personal hearing opportunity. No assessment of the merits of the parties' contentions was made.

MAHAVIR SINGH VS ASSISTANT COMMISSIONER, ANTI-EVASION CELL - I & ORS. [W.P.(C)-15845/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Rs. 35 lakhs deposited by the petitioner during a search operation was deemed coerced and not voluntary. The absence of evidence supporting the respondents' claim of voluntary payment was noted, as the deposit occurred before the search's completion. A directive was issued for the respondents to refund the amount with statutory interest at 6% per annum within 4 weeks, with the refund being without prejudice to ongoing proceedings under Section 73 of the CGST Act.

MANISH ANAND (PROP. M/S EVERYDAY) VS AVATO WARD -45 STATE GOODS AND SERVICES TAX & ORS. [W.P.(C)-3533/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order canceling the petitioner's GST registration from July 1, 2017, was invalid due to the lack of cogent reasons in the Show Cause Notice and failure to inform about the possibility of retrospective cancellation. The cancellation order was contradictory regarding the submission of a reply. Registration cannot be canceled retroactively solely based on the failure to file returns without objective reasons, and such actions may adversely affect customers who accessed input tax credits.

MANOJ DIWAKAR VS UNION OF INDIA AND ANR. [W.P.(C)-3237/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The orders dated 26.12.2023 issued by tax authorities were set aside due to a lack of reasoning and specific factual references in the petitioner's case. There was a complete lack of application of mind concerning the Show Cause Notice dated 26.09.2023. The matter is remanded to the proper officer for re-adjudication, requiring consideration of the petitioner's replies, including a supplementary reply to be filed within two weeks. No comments were made on the merits of the parties' contentions, focusing solely on procedural issues in the orders.

MANPOWERGROUP SERVICES INDIA PVT LTD VS THE SALES TAX OFFICER CLASS-II WARD-I ZONE-I DELHI & ORS. [W.P.(C)-4700/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

ManpowerGroup Services India Pvt Ltd received show cause notices from the Sales Tax Officer regarding input tax credit discrepancies for the financial years 2018-19, 2019-20, and 2020-21. A response to the notices for the financial years 2019-20 and 2020-21 must be filed within 30 days, with an option to request an extension for submission, which should be considered according to the law. The merits of the case were not addressed, focusing only on procedural aspects.

MAPLE ODC MOVERS PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-4693/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order demanding Rs. 1,21,64,174/- against Maple ODC Movers Private Limited under Section 73 of the Central Goods and Service Tax Act, 2017 was set aside due to the petitioner not being aware of the show cause notice, which was not uploaded on the GST portal. The petitioner also did not receive the impugned order. The petitioner is allowed to file a reply to the show cause notice within 30 days, and the Proper Officer is instructed to re-adjudicate the matter after providing a personal hearing and issuing a new speaking order.

MAX HEALTHCARE INSTITUTE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-3355/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order demanding Rs. 8,22,82,330 from Max Healthcare Institute Limited under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside due to improper consideration of the petitioner's detailed reply, which was dismissed without reasoning. The Proper Officer is instructed to re-adjudicate the show cause notice, allowing the petitioner to present additional details or documents, and to issue a fresh, reasoned order in compliance with the law.

MD MUSTAFA RAZA VS SUPERINTENDENT RANGE 21 CENTRAL GOODS AND SERVICE TAX & ANR. [W.P.(C)-3328/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Retrospective cancellation of the petitioner's GST registration from March 1, 2023, is invalid due to lack of cogent reasons in the show cause notice and cancellation order. The petitioner cited his father's death and involvement in last rituals as reasons for delays in filing returns. The Proper Officer must decide on the petitioner's application for revocation of cancellation within two weeks, without addressing the case's merits.

MITCHEM IMPEX THROUGH ITS PARTNER MR BHAVYA GUPTA VS GOVT OF NCT OF DELHI THROUGH CHIEF SECRETARY & ORS. [W.P.(C)-7034/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order creating a demand against the petitioner was deemed unsustainable as it was issued before the petitioner could respond to the show cause notice. The notice lacked an opportunity for a personal hearing, violating principles of natural justice. The matter is to be re-adjudicated, allowing the petitioner 30 days to respond and to attend a personal hearing. The merits of the case remain unaddressed, with all parties retaining their rights and contentions.

MITSUBISHI ELECTRIC INDIA PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-7443/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order creating a demand of Rs. 6,27,53,208/- against Mitsubishi Electric India Pvt Ltd under the Central Goods and Services Tax Act, 2017, was set aside due to inadequate consideration of the petitioner's detailed reply and supporting documents. The matter is remitted to tax authorities for re-adjudication, allowing the petitioner to submit a further reply within 30 days and requiring the authorities to issue a fresh speaking order after a personal hearing. The merits of the parties' contentions and the challenge to the notification regarding the extension of time remain open.

MOHD ZAHID VS SALES TAX OFFICER CLASS II/AVTO WARD 10 ZONE 2, STATE GST, DELHI & ANR. [W.P.(C)-5251/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order imposing a demand against the petitioner under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside due to insufficient consideration of the petitioner's detailed reply. The Proper Officer's assessment was deemed inadequate as it lacked a thorough examination of the merits. The matter was sent back for re-adjudication, allowing the petitioner to submit a fresh reply within 30 days. No comments were made on the merits of the parties' contentions, preserving all rights and arguments for future consideration.

MOTHER DAIRY FRUIT AND VEGETABLE PRIVATE LIMITED VS SALES TAX OFFICER, CLASS II WARD 207 ZONE 11 DELHI & ORS. [W.P.(C)-3736/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order imposing a demand of Rs. 7,95,34,514 on Mother Dairy under the Central Goods and Services Tax Act, 2017 is unsustainable due to inadequate consideration of the petitioner's detailed reply, which was deemed "not satisfactory" without specific reasons. The Proper Officer must re-adjudicate the matter, allowing the petitioner to provide additional details or clarifications, and issue a fresh speaking order. All rights and contentions are reserved.

MRISHI MARCNDEY INDIA LTD. (FORMERLY KNOWN AS SAMSUNG OVERSEAS LTD.) VS SALES TAX OFFICER CLASS II/AVATO, DEPARTMENT OF TRADE AND TAXES [W.P.(C)-6467/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order dated 21.12.2023, which upheld a demand of Rs. 46,41,15,492/- under Section 73 of the Central Goods and Services Tax Act, 2017, has been set aside due to failure to consider the petitioner’s evidence regarding Input Tax Credit claims. The petitioner is given two weeks to respond to the show cause notice, and a re-adjudication will occur with a personal hearing opportunity provided. No comments were made on the merits of either party's contentions; all rights and claims remain reserved.

MS BABAJI BAGS A PROPRIETARY FIRM VS UNION OF INDIA MINISTRY OF FINANCE DEPARTMENT RESPONDANT OF REVENUE OFFICE OF THE DEPUTY COMMISSIONER OF CENTRAL TAX & ORS. [W.P.(C)-1827/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order from 21.11.2023 against MS Babaji Bags A Proprietary Firm regarding a show cause notice was set aside due to lack of communication about the hearing, as the notice was sent to an incorrect email address. The matter was remitted for fresh adjudication with a proper opportunity for the petitioner to be heard. The competent authority was also directed to consider the petitioner's application for rectification of mistakes in tax returns.

MS PN GLOBAL TRADERS VS THE GOODS AND SERVICES TAX NETWORK & ORS. [W.P.(C)-1240/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notice issued by the Goods & Services Tax Network to M/S. P.N. Global Traders for suspected fraud lacked adequate justification and details. The GSTN must provide all supporting material to the petitioner, allow a response, and adjudicate the notice within a specified timeframe, granting the petitioner a personal hearing. Rights and contentions of both parties remain reserved.

MS SUMIT ENTERPRISES THROUGH ITS PROPRIETOR MR SUMIT JINDAL VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX AND ANR [W.P.(C)-226/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The proper officer rejected the application for cancellation of GST registration due to the petitioner's failure to provide necessary details regarding stock position, value of raw materials, and capital goods, which are required to assess payable amounts upon cancellation. However, the order for retrospective cancellation of the GST registration was found erroneous, as such an action requires intended consequences. The cancellation was modified to take effect from the date of suspension, September 2, 2021.

MUDITA EXPRESS CARGO PRIVATE LIMITED VS COMMISSIONER, STATE GOODS AND SERVICES TAX DELHI & ANR. [W.P.(C)-6062/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order imposing a demand of Rs 2,40,37,812 on Mudita Express Cargo Private Limited under Section 73 of the Central Goods and Services Tax Act, 2017, is unsustainable. The findings that the company's replies were incomplete and inadequately supported lack justification, as detailed replies with supporting documents were submitted. The matter is remitted for re-adjudication, allowing the petitioner to file a further reply, with all parties' rights and contentions reserved.

MUKESH KAPOOR AND OTHERS & ORS. VS THE DIRECTOR GENERAL DIRECTORATE GENERAL OF GOODS AND SERVICE TAX INTELLIGENCE DGGI, HEADQUARTERS & ANR. [W.P.(C)-363/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Officers of the respondents lacked the authority to seize cash under Section 67 of the Central Goods and Services Tax (CGST) Act, 2017, as cash is not classified as "goods." The seizure of Rs. 1,90,66,000/- was deemed illegal and arbitrary due to insufficient evidence linking the cash to unaccounted goods. The cash must be returned to the petitioners, as the criteria for retaining it under Section 67(7) were not satisfied.

MUKESH KUMAR SINGH VS COMMISSIONER OF DELHI GST AND ORS [W.P.(C)-5791/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration from 01.07.2017 was deemed unsustainable as the show cause notice and cancellation order lacked coherent reasons for retrospective action. Under GST law, retrospective cancellation is permitted only if warranted by circumstances, requiring objective justification. This type of cancellation can negatively impact the taxpayer's customers by denying them input tax credit. Therefore, the cancellation order was modified to take effect from the date of the show cause notice (18.08.2021), allowing the petitioner to complete necessary compliances. The respondents can still pursue recovery of any tax, penalty, or interest due through the appropriate process.

N K INDUSTRIES THROUGH ITS PARTNER MR NEERAJ KATYAL VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX AND ANR [W.P.(C)-1185/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration was invalid due to inadequate reasons and lack of opportunity to respond. The registration was modified to be canceled from the date of the show cause notice (31.01.2022) instead of an earlier retrospective date, as the petitioner is no longer interested in continuing business. Recovery of any tax, penalty, or interest remains permissible with a proper show cause notice and hearing.

NATIONAL COOP.CON.F.O I.LTD. VS UOI & ORS. [W.P.(C)-16905/2004]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The review petition was allowed, and the previous order dated 19.07.2018 was recalled. A notification dated 28.02.2011 and an office memorandum dated 02.02.2024 indicated that imports of fresh garlic under a central government license, cleared after 15.01.2003, are exempt from customs duty exceeding 30% ad valorem from that date. An error was identified in the previous order, leading to the writ petition being disposed of in favor of the petitioner.

NODIRKHON KHAMIDKHOJIEV VS THE COMMISSIONER OF CUSTOMS [W.P.(C)-3748/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Nodirkhon Khamidkhojiev petitioned for the release of goods and jewelry detained by the Commissioner of Customs, focusing on whether a Show Cause Notice was issued within the six-month statutory period. The Commissioner asserted that the notice was sent on 07.11.2023 to the petitioner's disclosed address. Although the petitioner disputed receipt, a copy was presented during the hearing, and service was accepted. The petitioner was granted 30 days to reply to the Show Cause Notice, and the Adjudicating Authority was instructed to adjudicate in accordance with the law, with an option for the petitioner to seek further remedies if necessary.

OGULJEREN HAJYYEVA VS COMMISSIONER OF CUSTOMS [W.P.(C)-11354/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner's request for redemption of seized foreign currency was granted despite the expiration of the 3-month deadline. It was interpreted that, given the currency was already with the department and the order allowed for the adjustment of the redemption fine and penalty from the total amount, the petitioner had opted to pay the fine. The remaining amount is to be released to the petitioner within two weeks.

ORIENTAL TRIMEX EXPORT PVT. LTD. VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX & ANR. [W.P.(C)-8019/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order demanding tax from the petitioner company was set aside due to improper consideration of the petitioner's detailed reply and supporting documents by the Proper Officer. The decision indicated that the response was dismissed without proper analysis. The matter was remanded for re-adjudication, allowing the petitioner to submit a further reply within 30 days, while leaving the rights and contentions of the parties open.

OSWAL AGENCIES PVT LTD VS UNION OF INDIA & ORS. [W.P.(C)-208/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order issued by tax authorities against Oswal Agencies Pvt Ltd under Section 73 of the Central Goods and Services Tax Act, 2017 was set aside due to its lack of reasons and failure to consider the petitioner's response, which indicated errors in details provided. The matter has been sent back for a new speaking order that includes consideration of the petitioner's reply and allows for a personal hearing. No comments on the merits of either party's arguments have been made, preserving all rights and contentions.

P S ENTERPRISES THROUGH PROPRIETOR PANKAJ SHARMA VS UNION OF INDIA & ORS. [W.P.(C)-6768/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order imposing a demand of Rs.2,87,99,294.00 under the Central Goods and Services Tax Act, 2017 was set aside due to inadequate consideration of the petitioner's detailed reply and supporting documents regarding transactions with a cancelled dealer. The matter was remitted for re-adjudication, allowing the petitioner to submit a further reply.

PANKAJ KUMAR KATARIA VS ADDL COMMISSIONER OF CGST & ANR. [W.P.(C)-3009/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The common order rejecting the petitioner's three appeals based on limitation was set aside. The appeals were delayed by 14 days due to the petitioner's incorrect belief about the upload date of the original orders. The appeals were restored, and the petitioner was given the opportunity to file for condonation of delay within two weeks, which shall be considered by the Appellate Authority without bias from prior observations.

PARAS ENTERPRISES THROUGH PROPRIETOR SULABH GUPTA VS UNION OF INDIA & ORS. [W.P.(C)-1983/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order confirming a demand of Rs. 10,11,855.60/- against the petitioner under the Central Goods and Services Tax Act, 2017 was set aside due to inadequate consideration of the petitioner's detailed reply to the show cause notice. The Proper Officer failed to provide an opportunity for clarification or additional details. The matter was remitted for re-adjudication, with instructions for the Proper Officer to inform the petitioner of any further requirements and to grant a hearing before re-decision within a specified timeframe. No comments were made on the merits of the case, and rights and contentions of both parties were reserved.

PARTHAVI METAL AND ALLOYS VS UNION OF INDIA & ORS. [W.P.(C)-938/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order dated 04.08.2022, which provisionally attached the petitioner's cash credit accounts under Section 83 of the Central Goods and Services Tax Act, 2017, ceased to operate after one year as mandated by Section 83(2) of the Act. A fresh attachment order was issued on 13.12.2023 under Section 83(1). The validity of repeated attachment orders under Section 83 remains open for challenge, with the petitioner retaining the right to contest the new order in accordance with the law.

PASRICHA ENTERPRISES THROUGH ITS PROPRIETOR MR. DEEPAK PASRICHA VS THE COMMISSIONER DELHI GOODS AND SERVICES TAX AND ORS [W.P.(C)-2820/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order by the Commissioner of Delhi Goods and Services Tax was set aside due to inadequate consideration of the petitioner's detailed reply to the show cause notice. The Proper Officer only stated that the reply was "not satisfactory" without assessing the merits. It was noted that the Proper Officer should have requested additional details if needed. The matter was remitted for fresh adjudication, allowing the petitioner to provide further information. There was no comment on the merits of the case, and all rights and contentions remained reserved.

PEDERSEN CONSULTANTS INDIA PVT LTD VS UNION OF INDIA & ORS. [W.P.(C)-1039/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Pedersen Consultants India Pvt Ltd is entitled to file a refund application under Section 54 of the Central Goods & Services Tax Act, 2017 for Input Tax Credit on certain invoices. The period between the petition filing on 19.01.2024 and the judgment on 19.03.2024 is excluded for limitation purposes. The proper officer must consider the claim under Notification No. 13/22, which excludes the period from 01.03.2020 to 28.02.2023 for filing a refund application. The merits of the case remain undecided, with the evaluation of the refund claim left to the proper officer.

POLYTEC INDUSTRIES THROUGH ITS PROPRIETOR MR.ROHIT GUPTA VS THE COMMISSIONER DELHI GOODS AND SERVICES TAX TRADE AND TAX DEPARTMENT AND ORS [W.P.(C)-2533/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner's GST registration was cancelled retrospectively, which prevented access to the GST portal for responding to show cause notices. An opportunity to respond to these notices was granted, leading to the impugned orders being set aside and proceedings restored. The petitioner is directed to upload a reply within one week, after which the Proper Officer will adjudicate the notices according to law.

PRAMOD KUMAR TOMAR (PROP.M/S PARAMOUNT STEEL) VS ASSISTANT COMMISSIONER MUNDKA DIVISION DELHI WEST, CENTRAL GOODS AND SERVICES TAX & ANR. [W.P.(C)-4401/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Appellate Authority's dismissal of the petitioner's appeal based on limitation was found to be erroneous. The Order-in-Original had been uploaded with the online filing of the appeal, and the appeal was filed within the three-month period as per the Limitation Act. The impugned order was set aside, and the matter was remanded for a merits-based decision.

PRINCIPAL COMMISSIONER OF CUSTOMS VS M/S. LINEAR TECHNOLOGIES INDIA PVT. LTD. [CUSAA-88/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An appeal by the Principal Commissioner of Customs regarding a duty of R.S. 86,34,821 was deemed not maintainable as it fell below the R.S. 1,00,00,000 threshold set by the Central Board of Indirect Taxes and Customs (CBIC) for appeals. Only the duty amount is considered for determining this limit; penalties and redemption fines are excluded. The appeal was dismissed due to the low tax effect.

PRINCIPAL COMMISSIONER OF CUSTOMS VS TASHA GOLD PVT. LTD [CUSAA-1/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Customs Excise and Service Tax Appellate Tribunal allowed the provisional release of 26 out of 27 gold dore bars imported by Tasha Gold Pvt. Ltd. from Rwanda under a preferential tariff scheme. Of the 26 bars, 25 had a purity below 95%, while one bar had a purity of 95.05%, falling within the permissible margin of error of +/- 0.25%. The matter was deemed factual with no substantial question of law.

PTA USERS ASSOCIATION VS UNION OF INDIA AND ORS [CUSAA-3/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Tribunal's observations on the impact assessment of injury to the domestic industry are considered prima facie and not conclusive for the Designated Authority. An independent assessment of material injury must be conducted based on existing data, without influence from the Tribunal's views on price depression or the need for anti-dumping duty. The matter is remanded for re-evaluation regarding the impact assessment.

PUSPENDAR VS SUPERINTENDENT RANGE-152, CENTRAL GOODS AND SERVICES TAX & ANR. [W.P.(C)-2761/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration was set aside due to insufficient reasoning and evidence in the show cause notice and cancellation order. Registration cannot be cancelled retrospectively without proper justification based on objective criteria. The proper officer is directed to re-adjudicate the notice, providing the petitioner with supporting material and an opportunity for a personal hearing.

R. TRADING CO. PROPRIETORSHIP OF MR.RAJENDRA KUMAR BOTHRA THROUGH LEGAL HEIR SH. MUDIT BOTHRA VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX AND ANOTHER [W.P.(C)-809/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the GST registration for the petitioner's firm was deemed unwarranted due to a lack of evidence regarding the deceased proprietor's compliance with the Act. The show cause notice failed to indicate that the registration could be cancelled retrospectively, preventing the petitioner from raising objections. Consequently, the registration was cancelled effective from the date of the proprietor's demise (13.04.2021), rather than from 01.07.2017.

R.D. AUTO LIGHTS PVT. LTD. VS UNION OF INDIA AND ORS. [W.P.(C)-15057/2022]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

R.D. Auto Lights Pvt. Ltd. filed a petition for a refund of Rs. 2,74,37,701/- for the period from June 2020 to November 2021. The proper officer is to consider the application and decide within 4 weeks, ensuring compliance with the law. An order regarding the payment of interest on any delayed refund under Section 56 of the CGST Act, 2017 is also required. The petitioner may seek further legal remedies if dissatisfied with the resulting decision.

R8 SPACE DESIGN PVT LTD VS THE PRINCIPAL COMMISSIONER STATE TAX DELHI & ANR. [W.P.(C)-3930/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order canceling the petitioner's GST registration retroactively from 01.07.2017 was deemed invalid due to the lack of adequate details and reasoning in the Show Cause Notice and the cancellation order. Under Section 29(2) of the CGST Act, retrospective cancellation requires objective criteria rather than simply the failure to file returns. The consequences of such cancellation, including impacts on customers' input tax credit, were noted. Since the petitioner chose not to continue the business, the registration cancellation was modified to be effective from the Show Cause Notice date (19.11.2020), while allowing for recovery of any outstanding tax, penalty, or interest.

RADIANT CASH MANAGEMENT SERVICES LTD VS ASSISTANT COMMISSIONER OF STATE GST [W.P.(C)-339/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Orders against Radiant Cash Management Services Ltd. regarding incorrect carry forward of input tax credit were quashed due to being cryptic and contradictory, indicating a lack of reasoning. The Proper Officer is instructed to re-evaluate the show cause notices, consider the petitioner's arguments, and issue a new order within three weeks, allowing for a personal hearing.

RAGHAV ARORA L/H OF SH. GOPAL KISHAN ARORA VS GST OFFICER, WARD 78, DELHI & ORS. [W.P.(C)-2154/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Cancellation of a taxpayer's GST registration with retrospective effect cannot occur solely due to non-filing of returns. An objective assessment is required to justify such cancellation, especially considering the impact on customers' input tax credits. In this case, the registered cancellation date was modified to align with the show cause notice date of 14.08.2019, rather than the earlier date of 01.07.2017, as the notice did not indicate that retrospective cancellation was considered. Both the taxpayer and the department sought cancellation for different reasons.

RAGHAV VENTURES VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX [W.P.(C)-12209/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner, an exporter of mobile phones and accessories, is entitled to statutory interest under Section 56 of the CGST/DGST Act on delayed IGST refunds for the tax periods of December 2022, February 2023, March 2023, and May 2023. The refunds were sanctioned without interest, despite the provision mandating a 6% interest payment if refunds are not issued within 60 days of the application receipt. A circular from the Central Board of Excise and Customs clarified that interest payment is automatic, independent of the petitioner's request. The respondent must process the interest refund and credit it to the petitioner's account within four weeks.

RAJ INTERNATIONAL VS COMMISSIONER OF CUSTOMS [CUSAA-6/2010]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The dismissal of appeals by the Customs, Excise & Service Tax Appellate Tribunal was upheld due to the appellants' failure to deposit the disputed duty drawback amounts as required under Section 129E of the Customs Act. The right to appeal is subject to conditions, and the appellate authorities lacked sufficient grounds for waiving the deposit requirement in this case. This involved two appeals.

RAJ KUMAR BATRA VS COMMISSIONER OF CUSTOMS (PREVENTIVE) [W.P.(C)-2711/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner is entitled to interest at a rate of 6% per annum on the total amount of Rs. 9,30,000 (redemption fine and penalty) deposited, not just the 7.5% pre-deposit amount. The reasoning includes that the revenue cannot retain money without a right, and the petitioner is entitled to interest on refunded amounts. The Corrigendum issued by the Assistant Commissioner (Refund) was quashed, and the respondent is directed to refund the amount along with interest within two weeks.

RAJ KUMAR KUKREJA VS PRINCIPAL COMMISSIONER DELHI GOODS AND SERVICE TAX AND ANR [W.P.(C)-1361/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Raj Kumar Kukreja's petition resulted in the cancellation of a show cause notice and the order that retrospectively canceled his GST registration from July 1, 2017. The show cause notice and cancellation order lacked sufficient reasons and objective criteria. Kukreja was not given the chance to contest the retrospective cancellation since the notice did not indicate such a possibility. Registration cannot be canceled retrospectively without proper justification from the designated authority. The decision restored Kukreja's GST registration, allowing for lawful recovery of any due tax, penalty, or interest.

RAJAT KAPOOR VS COMMISSIONER, STATE TAX, GST, DELHI & ANR. [W.P.(C)-4860/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the GST registration from July 1, 2017 was deemed invalid due to the lack of cogent reasons in the show cause notice and cancellation order, along with the absence of an opportunity for the petitioner to object. The cancellation order was found to be contradictory regarding the petitioner's reply. Since the petitioner is not continuing the business and the proprietor has died, the cancellation is modified to be effective from November 18, 2021, the date of the proprietor's death. Recovery steps for any due tax, penalty, or interest regarding the firm can still be pursued, including the possibility of retrospective cancellation of the registration.

RAJENDRA PROP. RAMP WELDSAFE AND METAL INDUSTRIES VS COMMISSIONER OF CENTRAL GOODS AND SERVICES TAX AND ANR. [W.P.(C)-2352/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notice and order canceling the petitioner's GST registration were set aside due to insufficient reasoning. Cancellation cannot occur retrospectively without meeting the criteria under Section 29(2) of the CGST Act and considering the impact on the taxpayer's customers. The petitioner's GST registration was restored, with permission for further lawful actions.

RAJESH GARG VS COMMISSIONER (STATE TAX) & ORS. [W.P.(C)-14797/2021]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The GST demand orders (GST DRC-07) dated 07.09.2021 were set aside due to the prior order dated 18.03.2021 not being a final adjudication but merely an opinion for issuing the notice. The Proper Officer must re-adjudicate the Show Cause Notice, considering the petitioner's reply and providing a personal hearing, within the time period prescribed under the Act.

RAJESH KUMAR SINGHAL, SOLE PROPRIETOR RS INTERNATIONAL VS THE GOODS AND SERVICES TAX NETWORK & ORS. [W.P.(C)-4497/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Show Cause Notice issued by the GST authorities to cancel the petitioner's GST registration was quashed due to its lack of details regarding the alleged violations. A Notice without specific particulars does not allow for a proper response. Authorities can issue a new Show Cause Notice with all necessary details and offer the petitioner a chance for a personal hearing, as well as pursue any legal actions for tax recovery, penalties, or interest.

RAJKUMAR SINGHAL, SOLE PROPRIETOR SHRI BALAJI AGRO INDUSTRIES VS THE GOODS AND SERVICES TAX NETWORK & ORS. [W.P.(C)-3773/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notice and Form GST REG 31 issued by the Goods and Services Tax Network (GSTN) to the petitioner were set aside due to defects. The notice lacked the name and designation of the issuing officer and proper signatures, while referring to unsupported documents. Additionally, Form GST REG 31 was not an official show cause notice for cancellation of registration and was not served electronically as required. A fresh and proper show cause notice may be issued, allowing for a personal hearing if any infraction is found.

RAJNI GUPTA PROPRIETOR OF GUPTA SALES CORPORATION VS PRINCIPAL COMMISSIONER STATE GST AND ANR [W.P.(C)-491/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Retrospective cancellation of the petitioner's GST registration from 01.07.2017, due to non-filing of returns, was deemed invalid. The petitioner had applied for cancellation on 25.02.2019, and prior provisional cancellations occurred on 21.09.2019 and 19.03.2020 without stated reasons. Registration cannot be canceled retroactively without objective reasoning, and the consequences of such actions must be considered. The order for cancellation was modified to take effect from 25.02.2019, allowing the recovery of any due taxes, penalties, or interest according to the law.

RAMESH CHANDER VS ASSISTANT COMMISSIONER OF GOODS AND SERVICE TAX, DWARKA DIVISION, CGST DELHI & ANR. [W.P.(C)-822/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notice and cancellation of the petitioner's GST registration were invalidated due to insufficient reasons and clarity. GST registration cannot be canceled retroactively solely for non-filing of returns, as objective criteria must be considered. The petitioner's registration was restored, contingent upon filing all overdue returns, and no penalties will apply for delays caused by the suspension of registration.

RANE BRAKE LINING LIMITED VS SUPERINTENDENT, RANGE-17, CENTRAL GST DIVISION & ANR. [W.P.(C)-2259/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notices dated 27.12.2022 and 04.01.2024, along with the orders from 09.01.2023 and 16.01.2024 that cancelled the petitioner's GST registration and rejected the revocation application, were set aside. Several issues were identified, including discrepancies between the grounds for cancellation and the notices, inadequate notification of the reasons for cancellation, unjustified retrospective cancellation, and defects in the show cause notices. The application of mind by the proper officer regarding the petitioner's responses was also noted as lacking. The petitioner's GST registration was restored, while allowing for lawful recovery of any due tax, penalty, or interest.

RAVI PARKASH GOEL, PROPRIETOR OF M/S. GOPISH PHARMA VS SALES TAX OFFICER CLASS II/AVATO, WARD 71, DELHI & ANR. [W.P.(C)-5264/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration from July 1, 2017 was deemed invalid due to the lack of proper reasons in the show cause notice and final cancellation order. Registration cannot be canceled retroactively without objective criteria. The cancellation was modified to take effect from April 25, 2022, the date of the petitioner's cancellation application, as both parties agreed the petitioner no longer wished to continue the business. The respondents retain the right to recover any due tax, penalty, or interest, including possible retrospective cancellation, provided proper notice and hearing are given.

RAVIN SACHDEV PROPRIETOR OF M/S SEAMS VS UNION OF INDIA AND ANR. [W.P.(C)-1223/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The appeal filed by the petitioner against the rejection of his refund application was within the time limit set by Section 107 of the Goods and Services Tax Act, 2017. The petitioner submitted the appeal electronically within three months, accompanied by a scanned copy of the order. The delay in submitting the physical copy was considered a bona fide error, warranting condonation under Section 107(4). Consequently, the order dismissing the appeal due to delay was set aside, and the Appellate Authority was instructed to review the appeal on its merits.

RCUBE INTERNATIONAL VS SALES TAX OFFICER & ANR. [W.P.(C)-7379/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order dated 21.03.2024 demanding Rs 3,50,60,125.00 from RCUBE International under Section 73 of the Central Goods and Services Tax Act, 2017 is unsustainable due to the Proper Officer's inadequate consideration of the petitioner's detailed reply submitted on 11.01.2024. The response was dismissed as "devoid of merits" without justification. The matter is remitted for re-adjudication, requiring the petitioner to submit a further reply within 30 days and granting a chance for a personal hearing. All rights and contentions of the parties remain reserved.

REALSTEEL TYRE COMPANY (INDIA) VS THE PRINCIPAL COMMISSIONER OF GST [W.P.(C)-3636/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order dated 29.12.2023 imposed by the Principal Commissioner of GST on RealSteel Tyre Company (India) for a demand of Rs. 36,60,531, including penalty, under Section 73 of the Central Goods and Services Tax Act, 2017 was set aside. The Proper Officer failed to adequately consider the petitioner's detailed reply to the show-cause notice and did not provide sufficient reasoning or an opportunity for further clarification. The matter was remitted for re-adjudication, with instructions to allow the petitioner to submit additional explanations or documents and to issue a fresh speaking order.

ROUSE AVENUE BAR ASSOCIATION VS THE BAR COUNCIL OF DELHI & ANR [W.P.(C)-3713/2019]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The fundamental right under Article 19(1)(c) to form an association does not guarantee recognition as a court-annexed or state bar council recognized association. Serious irregularities were identified in the membership enrollment of the Rouse Avenue Bar Association and similar groups, leading to a denial of their recognition. The Central Delhi Court Bar Association, formed by the Bar Council of Delhi, was recognized as the official court-annexed association for the Rouse Avenue District Court Complex. An ad-hoc committee was established to manage the Central Delhi Court Bar Association until elections are held on 19.10.2024, alongside detailed directions for membership, fees, and election conduct. This matter involved disputes over the recognition of bar associations for the Rouse Avenue District Court Complex.

RR BALAJI AD VS COMMISSIONER OF SGST DELHI & ORS. [W.P.(C)-12823/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The cancellation of the petitioner's GST registration from July 1, 2017 was deemed invalid due to insufficient reasons in the show cause notice and cancellation order, failing to meet the requirements under Section 29(2) of the CGST Act. Registration cannot be cancelled retrospectively without objective justification and consideration of the impact on the taxpayer's customers regarding input tax credit. The cancellation order was set aside, restoring the GST registration, while allowing the respondents to pursue any recovery of tax, penalty, or interest in accordance with the law.

RUCHIKA JAIN (PROPRIETOR OF M/S. SHREE METALS) VS SALES TAX OFFICER CLASS II/AVATO, WARD 71 & ANR. [W.P.(C)-4149/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order of the Sales Tax Officer against M/s Shree Metals, which raised a tax demand with a penalty, was set aside due to inadequate consideration of the petitioner's detailed replies. The Proper Officer's conclusion that the replies were "devoid of merits" lacked reasoned analysis. The matter has been remanded for fresh adjudication, allowing the petitioner to provide additional information and requiring a reasoned order to be issued. The focus remained on procedural lapses without addressing the merits of the contentions.

S S ENTERPRISES THROUGH ITS PROP VS COMMISSIONER OF DELHI GST & ANR. [W.P.(C)-1539/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration retroactively from July 1, 2017, was deemed invalid due to insufficient reasoning and lack of adherence to natural justice principles. GST registration cannot be cancelled retroactively without proper objective assessment. The cancellation was modified to take effect from June 27, 2019, instead of the earlier date. Recovery of any tax, penalty, or interest remains possible through proper procedures, even with retrospective cancellation.

SADHNA KOHLI VS SALES TAX OFFICER CLASS II, AVATO WARD 80 & ANR. [W.P.(C)-4537/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration from July 1, 2017 was deemed invalid due to a lack of proper reasoning in the show cause notice and subsequent order. Such cancellation requires objective criteria and warranted consequences. Failure to file returns for six months does not justify retrospective cancellation. The registration is now treated as cancelled from January 7, 2020, and the petitioner must comply with legal requirements.

SAFE FLY AVIATION SERVICES PRIVATE LIMITED VS UNION OF INDIA AND ORS [W.P.(C)-4747/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order demanding tax under Section 73 of the Central Goods and Services Tax Act, 2017, was found unsustainable due to inadequate consideration of the petitioner's detailed reply, which was dismissed as unsatisfactory without proper reasoning. The Proper Officer is required to re-evaluate the matter, allowing the petitioner to provide further clarification, and issue a new speaking order in accordance with the law. No comments were made on the merits of either party's arguments, and the challenge to the extension of time remains open.

SAMSUNG INDIA ELECTRONICS PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-2553/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order concluding proceedings under Section 73 of the Central Goods and Services Tax Act, 2017 against Samsung India Electronics Private Limited was set aside due to the improper consideration of the detailed reply filed by the petitioner. The matter was remitted for re-adjudication of the show cause notice, with an opportunity for a personal hearing for the petitioner. The challenge to the notification extending the limitation period under Section 73 remains open.

SAMSUNG INDIA ELECTRONICS PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-7351/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order of the Proper Officer that disposed of the show cause notice issued to Samsung India Electronics Private Limited was set aside due to insufficient consideration of the petitioner's detailed reply and supporting documents. The matter is remanded for re-adjudication, allowing the petitioner to file a further reply, followed by a fresh speaking order. The merits of the contentions of either party have not been addressed, leaving all rights and contentions open.

SANDEEP JAIN PROPRIETOR OF M/S NANDI POLYCHEM VS THE UNION OF INDIA REVENUE SECRETARY, MINISTRY OF FINANCE & ORS. [W.P.(C)-2796/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order confirming a demand exceeding R.S. 10 crore against the petitioner under the Central Goods and Services Tax Act, 2017 was set aside. The Proper Officer failed to fully consider the detailed replies submitted by the petitioner, concluding only that the replies were unsatisfactory without a merits examination. The Proper Officer is instructed to re-adjudicate the matter, allowing the petitioner to provide additional information as needed. No comments were made on the merits of the case, and the challenge to the relevant notification remains open.

SANJAY KUMAR VS UNION OF INDIA & ANR. [W.P.(C)-1584/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration was set aside because the petitioner had submitted the necessary returns, despite delays caused by a family member's illness. The GST registration was restored, contingent upon the petitioner adhering to relevant regulations. The respondents retain the right to pursue recovery of any outstanding tax, penalty, or interest owed by the petitioner.

SATENDRA VS SUPERINTENDENT CIRCLE -152,CENTRAL GOODS AND SERVICES TAX & ANR. [W.P.(C)-819/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notice and the order cancelling the petitioner's GST registration were deemed unsustainable due to a lack of reasoning and particulars. The notice used a standard template that failed to detail the alleged issues. Registration cannot be cancelled retrospectively without objective criteria and consideration of consequences for the taxpayer's customers. The show cause notice and order were set aside, allowing for further action in accordance with the law, provided that a proper show cause notice and opportunity for hearing are given to the petitioner.

SAVI LEATHERS VS UNION OF INDIA AND ORS [W.P.(C)-11962/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner is entitled to interest at a rate of 6% per annum on the delayed credit of duty drawback amounting to Rs. 41,82,661, as per Sections 75-A and 27-A of the Customs Act, 1962. The duty drawback claim has been accepted, and the amount has been remitted, but no interest was granted on the delay. The interest payment is to be made within four weeks.

SAVINDER SHARMA VS DIRECTOR GENERAL DIRECTORATE OF REVENUE INTELLIGENCE AND ORS [W.P.(C)-7307/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Savinder Sharma sought copies of documents seized from his premises, claiming the seizure was illegal and asserting no connection to the searched company. The respondents indicated the search was conducted on the first floor due to the second floor being locked, with a signboard of the firm present on the first floor. A direction was issued for the respondents to address the petitioner's representation within two weeks, with clarification that merits of the arguments were not assessed and that further legal remedies remain available to the petitioner if dissatisfied with the outcome.

SEAGULL MARITIME AGENCIES PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-3800/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Orders imposing demands of Rs. 18,04,132 and Rs. 1,43,59,445 against the petitioner under Section 73 of the CGST Act, 2017 were set aside. The orders were issued without considering the petitioner's claim of unawareness regarding the show cause notices, which were only uploaded online and not directly served. The matter was remanded for re-adjudication, with instructions for the petitioner to file a reply within two weeks and for the proper officer to issue a fresh speaking order after a personal hearing.

SEEMA GUPTA VS THE PRINCIPAL COMMISSIONER OF GST AND ORS [W.P.(C)-7387/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The provisional attachment order against Seema Gupta's bank account under Section 83 of the Central Goods and Service Tax Act, 2017, ceased to have effect after one year as required by Section 83(2) of the Act.

SETHIA ENTERPRISES THROUGH ITS PROPRIETOR MR VIKASH JAIN VS COMMISSIONER DELHI GOODS AND SERVICE TAX AND OTHERS [W.P.(C)-7730/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order issued by the Proper Officer under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside due to a failure to consider the petitioner's detailed reply supported by documents and the lack of opportunity for the petitioner to clarify or provide further information. The matter is remitted to the Proper Officer for re-adjudication, with the petitioner directed to submit a further reply within 30 days and the Proper Officer required to issue a fresh speaking order. The merits of the contentions remain unaddressed, and the challenge to the notifications regarding the extension of time is open.

SHIBENDRA NARAYAN GUHA VS COMMISSIONER OF GST & ANR. [W.P.(C)-2823/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration retrospectively from July 1, 2017, was deemed invalid due to insufficient reasons and justification in the show cause notice and cancellation order. GST registration can only be cancelled retroactively based on objective criteria, not merely due to the taxpayer's failure to file returns. The potential consequences for customers who received input tax credit were acknowledged. The registration was modified to be cancelled effective from October 7, 2022, allowing compliance with legal requirements, while the department retains the right to recover any due tax, penalty, or interest in accordance with the law.

SHREE BANKEY BIHARI TARDING COMPANY VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES AND ANR. [W.P.(C)-6727/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The GST registration of the petitioner was canceled retrospectively without proper reasoning or adherence to natural justice principles. Retrospective cancellations must be based on objective criteria, and such actions can impact customers by denying them input tax credit. The order was modified to cancel the registration from the date of the show cause notice, allowing for potential recovery of any outstanding tax, penalty, or interest after following appropriate procedures.

SHRI KRISHNA INDUSTRIES THROUGH ITS PROPRIETOR MR. MOHAN LAL VS COMMISSIONER DELHI GOODS AND SERVICE TAX AND OTHERS [W.P.(C)-3357/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order by the Commissioner of Delhi Goods and Service Tax, which raised a demand of Rs.51,64,782 against Shri Krishna Industries, including a penalty, was set aside due to inadequate consideration of the petitioner's detailed reply to the show cause notice. The Proper Officer's conclusion of unsatisfactory response lacked reasoning. The matter was remanded for re-adjudication with directions to allow the petitioner to submit further details or documents, leading to a fresh speaking order. No comment was made on the merits of the parties' contentions or the challenge to the notification extending the time period.

SHRI RAMESHWAR TIWARI VS UNION OF INDIA & ORS. [W.P.(C)-9273/2021]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Confiscation of 3203.900 grams of concealed gold imported in violation of prohibition was upheld. The petitioner was found liable for penalties under Section 112(a) and 112(b) of the Customs Act due to the actions rendering the gold subject to confiscation and the established knowledge of the prohibition. The arguments presented by the petitioner were rejected, and a penalty of Rs. 10,00,000 was deemed reasonable.

SIDHESHWAR PRASAD VS M/S VIAN INFRASTRUCTURE LTD THROUGH MR SURYA KRITICHAND THAPAR, EX DIRECTOR & ANR. [CO.APP.-2/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The appeal by Sidheshwar Prasad regarding a claim of Rs. 1,72,500/- was addressed, with the Official Liquidator admitting the claim after the appellant submitted original documents. The appellant was granted an additional week to present any further original documents, which the Official Liquidator is to consider. If no additional documents are provided, the appellant may pursue other legal remedies concerning the admission of his claim.

SIGHT SOUND ELECTRONICS (I) PVT LTD VS COMMISSIONER, TRADE & TAXES & ORS. [W.P.(C)-16635/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The respondents must refund Rs. 15,86,956/- plus interest to Sight Sound Electronics (I) Pvt Ltd within two weeks. The refund order erroneously named "Sight Sound Electronics" instead of the full company name. The respondents confirmed the refund process is underway and will be completed in the specified timeframe.

SIMLA HOLDINGS VS THE ASSISTANT COMMISSIONER CENTRAL TAX DIVISION ROHINI, DELHI WEST AND ORS [W.P.(C)-2469/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner's writ petition challenging an order affirming a demand is not maintainable due to the availability of an alternative remedy through an appeal. The respondents are required to upload the impugned order dated 16.06.2023 on the common portal, with the date of upload marking the start of the limitation period for the appeal. The merits of the parties' contentions were not addressed.

SINGLA ENTERPRISES THROUGH ITS PROPRIETOR MR SHIV KUMAR SINGHAL VS COMMISSIONER DELHI GOODS AND SERVICE TAX AND OTHERS [W.P.(C)-3619/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The demand of Rs. 36,63,454, including penalty, against Singla Enterprises under Section 73 of the Central Goods and Services Tax Act, 2017 was set aside. The petitioner could not respond to the show cause notice due to the retrospective cancellation of their GST registration, which blocked access to the portal. The matter is to be re-adjudicated, allowing the petitioner to file a reply and have a personal hearing in accordance with the law.

SINGLA ENTERPRISES THROUGH ITS PROPRIETOR MR SHIV KUMAR SINGHAL VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX AND ANR [W.P.(C)-3617/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration retroactively from 01.07.2017 was invalid due to insufficient reasons. Retrospective cancellation requires objective criteria, not a mechanical approach. Such cancellation can affect customers by denying input tax credit. The registration was modified to be canceled effective from the show cause notice date, 18.02.2021, while allowing authorities to recover any due tax, penalty, or interest.

SIS LIMITED VS ASSISTANT COMMISSIONER (DGST) WARD 201 203 AND 206 [W.P.(C)-5425/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order by the Assistant Commissioner (DGST) confirming a tax and interest demand against SIS Limited was set aside due to inadequate consideration of the petitioner's detailed reply and supporting documents. The observation that the reply was incomplete was deemed unsustainable. The Proper Officer failed to provide the petitioner an opportunity to clarify the reply, constituting a violation of natural justice. The matter was remanded for re-adjudication, allowing SIS Limited to file a further reply within 30 days, with no comments on the merits of either party's contentions.

SK CREATIONS VS COMMISSIONER OF CENTRAL TAX AND GST, DELHI (WEST) AND ANR [W.P.(C)-8306/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Order-in-Appeal dated 07.03.2023 and part of the Order-in-Original dated 10.06.2022 rejecting SK Creations' refund application has been set aside. The realization of export proceeds in INR was confirmed as correct. The matter is to be reconsidered by the Competent Authority regarding the previously rejected refund application, with completion expected within eight weeks, taking Section 56 of the Central Goods & Service Tax Act, 2017 into account.

SMARTADMEDIA THROUGH ITS SOLE PROPRIETORE NAVDEEP SINGH SAHNI VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX & ANR. [W.P.(C)-6517/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The proper officer must comply with Section 54(7) of the Central Goods and Service Tax Act, 2017, and the guidelines in Circular No. 125/44/2019-GST when processing refund applications. The processing of the petitioner's refund application of Rs. 9,69,017/- must be expedited and completed within two weeks in accordance with the law and the circular. No further directions are necessary as the existing legal framework and guidelines adequately address the issues.

SPINCLABS PRIVATE LIMITED VS THE COMMISSIONER OF DELHI GOODS AND SERVICES TAX AND ORS. [W.P.(C)-4187/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Orders passed by the Commissioner of Delhi Goods and Services Tax against Spinclabs Private Limited under Section 73 of the Central Goods and Services Tax Act, 2017 were deemed unsustainable due to improper consideration of the petitioner's detailed replies and supporting documents. The matter has been remanded for re-adjudication, allowing the petitioner to submit fresh replies within 30 days and granting an opportunity for a personal hearing.

SPS ENTERPRISES VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX & ANR. [W.P.(C)-6053/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order demanding a tax amount of Rs. 5,46,288 from SPS Enterprises cannot be sustained due to a lack of proper consideration of the petitioner's detailed reply and supporting documents. The Proper Officer merely stated that the reply was unsatisfactory without adequate analysis. The matter is remitted for re-adjudication, allowing the petitioner to file a further reply and attend a personal hearing. No comments were made on the merits of the contentions, and all rights of the parties are reserved.

SRIAANSHU LOGISTICS THROUGH PROPRIETOR VS COMMISSIONER OF CUSTOMS (GENERAL) [CUSAA-17/2021]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The revocation of the appellant's customs broker license was upheld due to the appellant's admission of subletting the license to third parties for remuneration, which violated the Customs Broker Licensing Regulations. Such misconduct justifies license revocation, as compliance with regulations is essential for maintaining the integrity of the customs broker position. The decision was unanimous and not part of a batch matter.

STAR CATALYST THROUGH PROP. AMIT AMARPURI VS COMMISSIONER OF DELHI VALUE ADDED TAX & ANR. [W.P.(C)-2546/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Star Catalyst is entitled to a refund of Rs. 11,78,453 for the fourth quarter of the financial year 2016-17. The refund application was filed on time, with a due date for issuance set for 22.05.2018. The respondents are instructed to process the refund application according to the law and to pay the admissible amount to the petitioner along with statutory interest under the Delhi Value Added Tax Act, 2004, within four weeks.

SUBHASH KULKARNI PROP OM SAI GOLD CASTING VS UNION OF INDIA THROUGH SECRETARY MINISTRY OF FINANCE & ORS. [W.P.(C)-1198/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order cancelling the petitioner's GST registration retroactively from July 1, 2017 was unjustified due to non-compliance with legal requirements, lack of material support for the cancellation, and failure to provide an opportunity for the petitioner to object. Registration can only be cancelled retroactively if deemed fit by the proper officer based on objective criteria. The cancellation order was modified to take effect from the date of the petitioner's cancellation application, March 11, 2022. The petitioner was directed to comply with legal requirements for cancellation, and the respondents may still pursue recovery of any taxes, penalties, or interest owed.

SUMEET SINGH LEGAL HEIR OF LATE SH. MOHINDER MOHAN SINGH PROPRIETOR OF M/S SARAN SINGH AND SONS VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX AND ORS [W.P.(C)-5382/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration lacked valid details and reasoning, making it invalid. A proper officer must satisfy objective criteria for such cancellation, not merely rely on non-filing of returns. The registration was modified to be canceled from the date of the proprietor's death since the petitioner did not intend to continue the business. However, recovery of any due tax, penalty, or interest remains permissible after a proper show cause notice and adherence to natural justice principles.

SUN & SAND INDUSTRIES AFRICA PVT. LTD VS SALES TAX OFFICER CLASS-II/AVATO DEPARTMENT OF TRADE AND TAXES [W.P.(C)-5670/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The ex-parte order against Sun & Sand Industries Africa Pvt. Ltd. was deemed cryptic, lacking adequate consideration of the company's requests for an extension to reply and a personal hearing. The law permits up to three adjournments for personal hearings, but it is not obligatory. The order was set aside, and the matter was remitted for re-adjudication, with instructions for the petitioner to respond within 30 days and for the proper officer to allow a personal hearing and issue a new speaking order. No comments were made on the merits of the case, and all parties' rights and contentions remain preserved.

SUN N SAND EXIM INDIA PVT LTD VS SUPERINTENDENT DIVISION KAROL BAGH RANGE 14 GST DELHI NORTH 4 10 ASAF ALI ROAD NEW DELHI 110002 [W.P.(C)-1436/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

GST registration of Sun N Sand Exim India Pvt Ltd cannot be cancelled retrospectively without proper reasons and opportunity for the petitioner. The show cause notice and order lacked necessary details, making retrospective cancellation impermissible. The registration was modified to be cancelled from the date of the show cause notice, as the petitioner did not wish to continue in Delhi. Recovery of any tax, penalty, or interest related to the firm can still proceed in accordance with the law, including the option for retrospective cancellation.

SUNIL PATIL VS THE UNION OF INDIA & ORS. [W.P.(C)-12295/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Custom authorities cannot use "detention" of goods as a substitute for "seizure" to avoid compliance with Section 110(2) of the Customs Act 1962. Gold chains seized on December 20, 2022, remain unaccompanied by a show cause notice. Consequently, the authorities must release the gold chains to the petitioners immediately. The release does not inhibit the authorities from pursuing other legal actions regarding the alleged wrongful import of the gold chains.

SUNRISE INDIA VS THE COMMISSIONER, DELHI GOODS AND SERVICE TAX & ANR. [W.P.(C)-5672/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The show cause notice and order cancelling the petitioner's GST registration were invalid due to the lack of cogent reasons and inadequate explanation for retrospective cancellation. Registration cannot be cancelled retrospectively without valid, objective reasons, and such cancellation can impact the taxpayer's customers. The order and notice were set aside, restoring the petitioner's GST registration, while allowing for recovery of any tax, penalty, or interest due in accordance with the law after proper notice and opportunity for hearing.

SURESH KUMAR JAIN VS SALES TAX OFFICER CLASS II AVATO & ANR. [W.P.(C)-3558/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The impugned order dated 29.12.2023 by the Sales Tax Officer lacked proper consideration of the petitioner's detailed reply, merely labeling it unsatisfactory without thorough examination or providing an opportunity for clarification. The order was set aside, and the matter was remitted for re-adjudication, with directions to inform the petitioner of any additional requirements and to conduct a personal hearing before issuing a new decision.

SURINDER KUMAR GARG PROPRIETOR SHRI BALAJI POLYMERS VS THE UNION OF INDIA REVENUE SECRETARY, MINISTRY OF FINANCE & ANR. [W.P.(C)-4524/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order dated 31.12.2023, which included a penalty against the petitioner under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside. The Proper Officer did not adequately consider the petitioner's detailed reply to the show cause notice, simply labeling it as "insufficient and unsatisfactory." The matter was remanded for re-adjudication, allowing the petitioner to submit a fresh reply within 30 days and granting an opportunity for a personal hearing before a new decision is made. The merits of the parties' contentions were not addressed.

SUSHIL KUMAR VS DELHI STATE GST GOVT NCT OF DELHI AND ORS [W.P.(C)-15519/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner deposited Rs. 40.06 lakh during a GST search operation, which occurred at 3 AM before the search concluded at 5 AM, indicating the deposit was not voluntary. This timing violated CBIC's instructions that required voluntary payments to be made post-search. Consequently, Rs. 15.06 lakh will be refunded with 6% interest, and Rs. 25 lakh will be re-credited to the petitioner's electronic credit ledger, with the refund stating it does not affect any ongoing proceedings under Section 73 of the GST Act.

SVELTE FURNITURES PRIVATE LIMITED VS SALES TAX OFFICER CLASS II AVATO WARD 95 DELHI & ANR. [W.P.(C)-13964/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order creating a demand against the petitioner under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside due to the improper consideration of the petitioner's detailed reply. The matter was remitted for re-adjudication of the show cause notice, with the proper officer instructed to address jurisdiction and validity issues. A speaking order must be passed after providing the petitioner an opportunity for a personal hearing within four weeks.

SVERA AGRO LIMITED VS COMMISSIONER OF CENTRAL TAX AND GST, GST DELHI NORTH COMMISSIONERATE [W.P.(C)-11926/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The requirement for a chartered accountant's certificate under Rule 89(2)(m) of the Central Goods and Services Tax Rules does not apply to Svera Agro Limited's claim for refund of unutilized input tax credit, as it falls under the exemption in the proviso to Rule 89(2)(l) and (m). Deficiency memos issued by the Commissioner of Central Tax and GST were set aside, and the refund claim must be sanctioned along with interest for delayed payment as stipulated in Section 56 of the Central Goods and Services Tax Act, 2017.

SWATI GUPTA VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX & ANR. [W.P.(C)-5897/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Retrospective cancellation of the petitioner's GST registration from July 1, 2017 was deemed improper due to insufficient reasoning in the show cause notice and cancellation order. Registration can only be cancelled retrospectively based on objective criteria, not merely for non-filing of returns. The consequences of such cancellation, including denial of input tax credit to customers, must be considered. The cancellation order was modified to reflect cancellation from June 20, 2020, the date of the cancellation application.

TARAPORE & CO VS COMMISSIONER OF TRADE & TAXES & ANR [W.P.(C)-9877/2019]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Tarapore & Co. is entitled to interest at a rate of 6% per annum on a refund amount of Rs. 37,99,453 for three years preceding the filing of the petition, until the date of disbursal of the refund. The principles of the Limitation Act apply, establishing a 3-year limitation period for interest on money due.

TARAPORE & CO VS COMMISSIONER OF TRADE & TAXES & ANR [W.P.(C)-9302/2019]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Tarapore & Co. is entitled to interest at 1.5% per month on a refund amount of Rs. 20,18,729/- for three years prior to filing, due to a delay in the refund not attributable to them. This entitlement is based on Section 30 of the Delhi Sales Tax Act, 1975, which addresses timelines and interest rates for delayed refunds. The claim for refund was made within the prescribed 12-month period, and the delay by the respondents was unjustified. Therefore, the applicable interest must be paid as per statutory provisions.

TATA MOTORS LIMITED VS GOODS AND SERVICE TAX OFFICER (GSTO) WARD 203 & ORS. [W.P.(C)-8105/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order of the Goods and Services Tax Officer that created a demand of Rs. 23,82,40,692 against Tata Motors Limited for the financial year 2018-19 was set aside. The GSTO's conclusion regarding the petitioner's reply to the show-cause notice lacked adequate analysis. The matter was remitted back to the GSTO for fresh adjudication, allowing the petitioner to submit a further reply within 30 days and requiring the GSTO to issue a new reasoned order in accordance with the law.

TEK XPLORE THROUGH ITS PROPRIETOR MS. RENUKA MAINI VS UNION OF INDIA & ORS. [W.P.(C)-2241/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order dated 24.12.2023, which upheld a show cause notice issued under the Goods and Services Tax Act, was set aside due to lack of detail and reasoning. The petitioner was granted one week to reply to the notice, and the proper officer must adjudicate the notice anew within four weeks, including a personal hearing for the petitioner and issuing a detailed order.

THALES INDIA PRIVATE LIMITED VS COMMISSIONER OF CGST, BHIKAJI CAMA PLACE, NEW DELHI AND ANR [W.P.(C)-12031/2022]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Appellate Authority's order was set aside and the matter remitted back for reconsideration due to the inability to determine the nature of services provided by Thales India Private Limited. The absence of service agreements with foreign clients hindered this determination. Thales India Private Limited has been directed to submit the relevant service agreements, and a fresh order will be issued after a personal hearing.

THE PRINCIPAL COMMISSIONER OF CUSTOMS, ACC IMPORTS NEW DELHI VS M/S SALASAR SYNTHETICS [CUSAA-135/2022]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The appeal by the Principal Commissioner of Customs, ACC Imports New Delhi, was found to be not maintainable due to the total amount involved—comprising a redemption fine of Rs. 40 lakhs and a penalty of Rs. 20 lakhs—being below the monetary limit set for departmental appeals. The appeal was dismissed due to low tax effect, in line with directives from the Central Board of Indirect Taxes aimed at reducing government litigation.

THREE ESS INDUSTRIES VS COMMISSIONER OF VAT AND ANR . [W.P.(C)-16298/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The respondents are to consider the petitioner's claim for interest on a delayed refund under Section 42 of the Delhi Value Added Tax Act. A speaking order regarding the interest payability must be issued within 2 weeks, and any payable interest should be disbursed to the petitioner within 4 weeks. The decision addresses two writ petitions as a batch matter.

TIM DELHI AIRPORT ADVERTISING PRIVATE LIMITED VS SALES TAX OFFICER, NEW DELHI [W.P.(C)-4082/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order by the Sales Tax Officer raised a demand of Rs. 2,18,73,860.00 including penalty against Tim Delhi Airport Advertising Private Limited. The Proper Officer failed to adequately consider the petitioner's detailed reply to the show cause notice, dismissing it as "not clear and unsatisfactory" without proper evaluation. The matter is to be re-adjudicated, with the petitioner informed of any additional requirements and given a chance for a personal hearing. The petitioner may also file an additional reply within one week, while rights and contentions of both parties remain reserved.

TRANS BHARAT AVIATION PRIVATE LIMITED VS UNION OF INDIA THROUGH SECRETARY, DEPARTMENT OF REVENUE, MINISTRY OF FINANCE, & ORS. [W.P.(C)-2357/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Trans Bharat Aviation Private Limited's petition challenging the Customs Excise and Service Tax Appellate Tribunal's final order was dismissed. The Tribunal had dismissed the petitioner's appeal on the merits due to the absence of the petitioner or its representative. The only available remedy was to file an appeal before the Supreme Court under Section 35L of the Central Excise Act, 1944, as the Tribunal's decision on service classification was based on a precedent case. The petition was dismissed, allowing the petitioner to seek appropriate legal remedies.

TRUTH FASHION VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX ACT [W.P.(C)-324/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Truth Fashion is entitled to a refund of Rs. 18,33,000/- as GST for the period from April 2022 to March 2023. The Commissioner of Delhi Goods and Services Tax Act is to expedite the adjudication of the refund application and dispose of it within four weeks. Additionally, a deficiency memo is to be provided to the petitioner on the same day.

TUSHAR ANAND VS AVATO WARD 63 STATE GOODS AND SERVICE TAX & ANR. [W.P.(C)-6572/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Tushar Anand is entitled to a hearing regarding a Show Cause Notice proposing the cancellation of his GST registration. The proper officer must dispose of the Show Cause Notice within four weeks after providing an opportunity for personal hearing. All rights and contentions of the parties remain reserved, allowing the petitioner to seek further remedies if dissatisfied with the final order.

UDAYRAJ YADAV PROPRIETOR - ZENITH CREATIVE SERVICES VS SALES TAX OFFICER CLASS II/AVATO, WARD 96, ZONE -09, DELHI & ANR. [W.P.(C)-6690/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration from July 1, 2017 was found to be improper due to inadequate reasons and lack of opportunity provided to the petitioner. Registration can only be canceled retrospectively if consequences are intended and warranted. Since the petitioner no longer wishes to continue the business, the cancellation was modified to take effect from April 27, 2023. Tax authorities may recover any wrongfully availed ITC or dues after issuing a proper show cause notice and granting a hearing opportunity.

UDAYRAJ YADAV PROPRIETOR ZENITH CREATIVE SERVICES VS SALES TAX OFFICER WARD-96 ZONE 09 DELHI & ANR. [W.P.(C)-7396/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner demonstrated a lack of awareness regarding the show cause notice, as it was only available on the GST portal and not communicated through other means. This issue, noted previously by the Madras High Court, led to the impugned order being set aside, with instructions for a re-adjudication of the notice, allowing the petitioner to respond. No comments were made on the merits of either party's arguments, preserving all rights and contentions.

UDAYRAJ YADAV PROPRIETOR-ZENITH CREATIVE SERVICES VS SALES TAX OFFICER CLASS II AVATO WARD 96 ZONE 09 DELHI & ANR. [W.P.(C)-7436/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The order was set aside due to the petitioner's lack of awareness of the show cause notice, which was incorrectly uploaded under the "Additional Notices" tab on the GST portal instead of the "View Notices and Orders" tab. As a result, the portal will be reopened to allow the petitioner to file a response, with instructions for re-adjudication and an opportunity for personal hearing.

VAIBHAV SINGHAL VS THE PRINCIPAL COMMISSIONER OF GST AND ORS [W.P.(C)-7473/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The provisional attachment order under Section 83 of the Central Goods and Service Tax Act, 2017, attaching the petitioner's bank account, has ceased to have effect after one year from its issuance on 27.01.2022, with no new attachment order made. The respondent bank must allow the petitioner to operate their bank account without any restrictions based on the expired provisional attachment.

VAIBHAV SINGHAL VS THE PRINCIPAL COMMISSIONER OF GST AND ORS [W.P.(C)-7382/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The provisional attachment of Vaibhav Singhal's bank account under Section 83 of the Central Goods and Service Tax Act, 2017 has ceased, as no fresh attachment order was issued following the original order dated 27.01.2022. The respondent bank is directed to allow operation of the bank account.

VAIBHAV SINGHAL VS THE PRINCIPAL COMMISSIONER OF GST AND ORS. [W.P.(C)-7472/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The provisional attachment order under Section 83 of the Central Goods and Service Tax Act, 2017, against the petitioner's bank account, issued on 27.01.2022, has ceased to have effect after one year due to the absence of a fresh attachment order. Consequently, the respondent bank is required to allow the operation of the petitioner's bank account without any restrictions based on the expired provisional attachment order.

VIDEOJET TECHNOLOGIES INDIA PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-2984/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The respondents, including the Union of India, are directed to consider the representation from Videojet Technologies India Private Limited regarding an antidumping notification. The goods of the petitioner are distinct from the product under investigation, and the petitioner was not provided an opportunity to represent during the investigation. There is no comment on the objection related to the maintainability of the petition, and all rights and contentions of the parties are reserved.

VIJAY CHOUDHARY VS DIRECTORATE OF ENFORCEMENT & ANR. [MISC. APPEAL(PMLA)-4/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Appellate Tribunal erred by stating that the appeal only contested the order confirming the provisional attachment, neglecting the challenge to the order rejecting the application for legible copies of documents. The appeal addressed both orders, leading to the decision to set aside the Appellate Tribunal's order and remit the matter for a proper consideration of the application for document supply.

VISIONTEK ENGINEERS VS COMMISSIONER OF SGST DELHI & ANR. [W.P.(C)-6729/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The retrospective cancellation of the petitioner's GST registration was found unjustified due to a lack of coherent reasoning and objective criteria. Non-filing of returns alone does not justify such cancellation, particularly for periods of compliance. Retrospective cancellation can negatively impact taxpayers' customers by denying them input tax credit. The order of retrospective cancellation was set aside, restoring the petitioner's GST registration, with the understanding that lawful steps for tax recovery may still be pursued.

VIZIEN ORGANICS VS UNION OF INDIA & ORS. [W.P.(C)-185/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The petitioner may respond to the show cause notice regarding the confiscation of seized goods within two weeks. The respondent authority must attempt to resolve the notice within two months after receiving the reply. The authority is instructed to assess the actual value of the goods, considering the petitioner's claims about distributor discounts. No comments were made on the merits of the case, and the petitioner retains the right to pursue further legal remedies if dissatisfied with the final order.

YAMAL MANOJBHAI JAGADA VS CHIEF COMMISSIONER OF CUSTOMS & ORS. [W.P.(C)-5248/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The Show Cause Notice dated 31.03.2023 issued by the Additional Commissioner of Customs can be adjudicated by an officer below the rank of Commissioner of Customs. The argument that prior involvement of the Commissioner of Customs through an affidavit affects the ability of lower-ranking officers to decide the case was rejected. The Commissioner's affidavit does not limit the authority of the Additional Commissioner to adjudicate the matter, which has not been challenged by the petitioner. The decision is an individual case without indication of disagreement among the judges.

ZENON ANALYTICS PVT. LTD. VS UNION OF INDIA & ANR. [W.P.(C)-8338/2022]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Zenon Analytics Pvt. Ltd. had its refund applications for May-July 2019 and August-September 2019 rejected on grounds of limitation. A notification from the Central Board of Indirect Taxes and Customs, dated 05.07.2022, excluded the period from 01.03.2020 to 28.02.2022 for calculating the limitation period for filing such applications. The prior rejection was set aside, and the Assessing Authority was instructed to decide on the refund applications according to the law within four weeks.

ZOMLIM INDIA TRADE INDIA PVT LTD VS DIRECTORATE OF REVENUE INTELLIGENCE NEW DELHI & ANR. [W.P.(C)-3257/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

Zomlim India Trade India Pvt Ltd's writ petition resulted in a directive for the Directorate of Revenue Intelligence to expedite the decision on the release of seized goods within 10 days. The goods were seized under Section 110 of the Customs Act, 1962, due to concerns about mis-declaration regarding item description, country of origin, and product value. The petitioner is allowed to present its case, and the Competent Authority must make a decision independent of any court observations. Rights and contentions remain reserved, and the petitioner can seek further legal remedies if dissatisfied with the outcome.

BCC DEVELOPERS AND PROMOTERS PVT. LTD. VS PRINCIPAL COMMISSIONER OF CENTRAL GOODS AND SERVICES TAX, DELHI-SOUTH [W.P.(C)-13075/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The amount of Rs. 16,19,838/- in the petitioner's non-migrated GST number (07AAACB0226C1ZJ) is to be transferred to the migrated GST number (07AAACB0226C2ZI). The non-migrated GST number was generated by the system without the petitioner's knowledge. There is a directive to identify and cancel such non-migrated GST numbers within four weeks.

M/S. RPJ POLYMERS THROUGH ITS PROPRIETOR SH. RAHUL JAIN VS UNION OF INDIA AND ORS. [W.P.(C)-5376/2024]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

An order imposing a demand against M/S. RPJ Polymers under Section 73 of the Central Goods and Services Tax Act, 2017 was set aside due to the Proper Officer's failure to consider the petitioner's detailed reply. The Proper Officer did not seek additional details from the petitioner prior to the order. The matter is remanded for re-adjudication, requiring the petitioner to file a reply within 30 days and the Proper Officer to issue a fresh speaking order in accordance with the law.

RASHTRIYA TRANSPORT CORPORATION VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX & ANR. [W.P.(C)-11463/2023]

Judges: Justice Ravinder Dudeja, Justice Sanjeev Sachdeva

The provisions of the Delhi Value Added Tax (DVAT) Act apply to a transporter, classified as a "person," rather than just a dealer. Interest on the refund should be calculated from the dates of orders by the DVAT Appellate Tribunal at a statutory rate of 6% per annum. The claim for a higher rate of interest or interest from the date of deposit was not accepted. The writ petition was dismissed.

RAMESH KUMAR SHAFRMA AND ANRS VS USHA NINDAWAT [FAO(OS)-142/2023]

Judges: Justice Ravinder Dudeja, Justice Tushar Rao Gedela

A temporary injunction was granted, restraining the appellants from selling the suit property. Specific findings on the principles for granting a temporary injunction—prima facie case, balance of convenience, and irreparable loss—were recorded in favor of the plaintiff. No evidence indicated arbitrary discretion or disregard for established legal principles, leading to the decision to maintain the temporary injunction order.

AKSHAY CHOUDHARY VS UNION OF INDIA MINISTRY OF HOME AFFAIRS & ORS. [W.P.(C)-5602/2024]
Judges: Justice Ravinder Dudeja, Justice V. Kameswar Rao
The petitioner's application for the post of Assistant Commandant in the Central Armed Police Forces was rejected due to a tattoo on their right forearm, violating eligibility conditions. A fresh medical examination is required to assess whether the scar from the tattoo removal has completely healed. If healed, the petitioner's appointment will be contingent upon vacancy availability. This re-examination process must be completed within six weeks.

KHAJAN SINGH VS UNION OF INDIA AND ORS [W.P.(C)-15201/2023]
Judges: Justice Ravinder Dudeja, Justice V. Kameswar Rao
The petitioner governed by the Central Civil Services (Classification, Control and Appeal) Rules, 1965 has a remedy of representation against the findings of the Central Level Internal Complaints Committee before the Disciplinary Authority as per Rule 15 of the Rules, which serves the purpose of an appeal under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The petitions were considered not maintainable, and the petitioner was granted time to submit a representation against the UPSC's advice to the Disciplinary Authority, which will proceed according to the Rules of 1965.

PREMJEET KUMAR AND ORS. VS UNION OF INDIA AND ORS [W.P.(C)-6833/2024]
Judges: Justice Ravinder Dudeja, Justice V. Kameswar Rao
The petition challenging the promotion provision in the Central Industrial Security Force Fire Wing Recruitment Rules, 2011, was dismissed. The stipulation allowing promotion from Head Constable (Driver-cum-Pump Operators) to Assistant Sub Inspector (Fire) was deemed valid because the role indicates relevant experience for fire-related duties. Precedents indicated that the formulation of recruitment rules falls within the employer's discretion and cannot be mandated by external parties.

SANAPALA JANARDHANA RAO VS UNION OF INDIA & ORS. [W.P.(C)-12807/2023]
Judges: Justice Ravinder Dudeja, Justice V. Kameswar Rao
The petitioner, a member of the Indian Coast Guard, lacks an absolute right to resign and pursue employment outside the Coast Guard. The Coast Guard Act, 1978, and the Coast Guard (General) Rules, 1986, allow for restrictions on resignations to ensure duty performance and discipline. Authorities considered factors such as workforce shortages and the retention of trained personnel when denying the resignation request. While there was no merit in the writ petition, the authorities were instructed to sympathetically reconsider the petitioner's case based on family circumstances, allowing for a representation to be made within two weeks, with a decision expected within the following two weeks.

SARJEET SINGH VS UNION OF INDIA & ANR. [W.P.(C)-11850/2023]
Judges: Justice Ravinder Dudeja, Justice V. Kameswar Rao
The EWS certificate issued by a Naib Tehsildar, even with a later countersignature by a Tehsildar, is not valid for the petitioner's claim under the EWS category for Central Armed Police Forces recruitment. Only certificates issued by a Tehsildar or higher, as mandated by government notifications, can be accepted. The argument that the countersignature constitutes a valid "ratification" was rejected. The petitioner did not hold the requisite certificate in the prescribed format by the application closing date, leading to the dismissal of the petition.

SHOVENDRA JHA VS DIRECTOR GENERAL CRPF AND ORS [W.P.(C)-6783/2024]

Judges: Justice Ravinder Dudeja, Justice V. Kameswar Rao

Shovendra Jha's writ petition challenging the CRPF's order of compulsory retirement was dismissed. The charges against Jha were fully substantiated, and the retirement order was deemed justified. The petition was filed eight years after the original orders without a valid explanation for the delay, precluding extraordinary intervention under Article 226 of the Constitution.

ABHISHEK MANOJ WARTHI VS UNION OF INDIA & ORS. [W.P.(C)-12800/2023]

Judges: Justice Ravinder Dudeja, Justice V. Kameswar Rao

The petitioner, a member of the Indian Coast Guard, lacks an absolute right to resign or seek outside employment, as determined by the Coast Guard Act, 1978 and associated rules, which allow discretion based on service needs. Personal circumstances were acknowledged, prompting a recommendation for a sympathetic reconsideration of the resignation on compassionate grounds. However, the decision to reject the request for a No Objection Certificate (NOC) was upheld as consistent with relevant laws and policies.

SACHIN YADAV VS UNION OF INDIA & ORS. [W.P.(C)-274/2024]

Judges: Justice Ravinder Dudeja, Justice V. Kameswar Rao

The Competent Authority rejected the petitioner's request for resignation from the Indian Coast Guard Service. The Coast Guard, as an armed force, is governed by specific rules and regulations that do not guarantee resignation as a right but allow it at the discretion of the authority. Precedents established that armed forces personnel cannot leave service at will due to security and operational considerations. The rejection was justified by service exigencies, including a shortage of trained personnel, differentiating this case from others cited by the petitioner. The writ petition was dismissed.

DELHI TOURISM AND TRANSPORTATION DEVELOPMENT CORPORATION LTD (DTTDC) VS SUNEHARI BAGH CONSTRUCTION PRIVATE LIMITED [FAO (COMM)-199/2022]

Judges: Justice Ravinder Dudeja, Justice Vibhu Bakhru

The order of the Commercial Court dismissing the appellant's application under Section 34 of the Arbitration and Conciliation Act for lack of territorial jurisdiction was set aside. A procedural order from the Arbitral Tribunal, agreed upon by both parties, established Delhi as the place of arbitration. This order was overlooked by the Commercial Court, which should have entertained the appellant's application. The appellant's application was restored for prompt disposal.

M/S AVON INDUSTRIES VS M/S MASARSINSA STEELS PVT LTD [RFA(COMM)-267/2023]

Judges: Justice Ravinder Dudeja, Justice Vibhu Bakhru

The appeal by Avon Industries was dismissed, with Masarsinsa Steels Pvt. Ltd. awarded recovery of Rs. 11,35,731 plus interest. Avon Industries' defenses regarding sub-standard goods and stolen cheques were unsubstantiated. The suit was deemed timely, supported by the appellant's acknowledgment of debt and an unsuccessful attempt to encash the cheques.

M/S GURPRAKASH ENTERPRISE & ORS. VS KAILASH SEWANI & ANR. [RFA(COMM)-12/2024]

Judges: Justice Ravinder Dudeja, Justice Vibhu Bakhru

The Commercial Court's decree in favor of the respondent was upheld based on admissions. The execution of the lease deed was not disputed since a partner of the appellant firm admitted to signing it. The defenses raised by the appellants lacked merit and did not present genuine triable issues. Material facts were acknowledged as true, justifying the decree. A point of contention regarding the third defendant's claimed resignation was irrelevant since the other appellants were confirmed partners and liable for recoverable amounts.

NIKHIL BHALLA VS M/S ORAVEL STAYS PVT. LTD. [FAO (COMM)-243/2023]

Judges: Justice Ravinder Dudeja, Justice Vibhu Bakhru

An arbitration agreement exists between the parties as the Marketing and Operational Consulting Agreement (MOCA) incorporates Terms and Conditions from Oravel Stays Pvt. Ltd.'s website, which includes an arbitration clause. Disputes regarding non-compliance with the MOCA's terms fall under this arbitration agreement. There is a dissenting opinion on the agreement's existence, but the majority view supports referral to arbitration, leaving all rights and issues, including arbitrability, to be determined by the arbitral tribunal.

ACME HEERGARH POWERTECH PRIVATE LIMITED VS ASSISTANT COMMISSIONER OF CUSTOMS, ICD CONCOR, JODHPUR & ANR. [W.P.(C)-12386/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The instruction from the Central Board of Indirect Taxes and Customs was deemed invalid and outside the scope of Section 151A of the Customs Act, as it interfered with the discretion of licensing authorities. Sections 61 and 65 of the Customs Act were interpreted to include solar power generation, rejecting the argument that imported capital goods must undergo manufacturing to meet the "in relation to such goods" requirement of Section 65. Additionally, contemporaneous materials, such as FAQs and circulars, confirmed that capital goods could be imported and warehoused indefinitely under the MOOWR Scheme. The impugned instruction, show cause notices issued to petitioners, and the cancellation of a license were all quashed.

ACRY MONOMERS INDIA PVT LTD & ORS. VS ADDITIONAL DIRECTOR GENERAL DIRECTORATE OF REVENUE INTELLIGENCE & ANR. [W.P.(C)-13509/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The principal challenge by the writ petitioners was the excessive delay in finalizing adjudication proceedings, with decades of inaction constituting grounds for annulment. It was noted that the respondents did not follow the required procedures under the First Proviso to Section 28(9) of the Customs Act, 1962, and failed to seek necessary extensions. They exhibited a pattern of inaction, repeatedly placing matters in a call book without proper assessment. There was no justification for the delays, as the respondents did not demonstrate any significant obstacles impeding their ability to conclude proceedings. Legislative amendments intended to facilitate the process were not adhered to. Consequently, the show cause notices and any final orders were quashed.

AIRPORTS AUTHORITY OF INIDA VS JAI KUMAR & ORS [LPA-30/2018]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Airports Authority of India successfully appealed against the dismissal of a writ petition by the respondents claiming an alternative plot. The claim was barred by prior judgments regarding land acquisition in Village Nangal Dewat and was also affected by laches due to an inordinate delay in asserting rights. The respondents failed to act during their ancestors' lifetime and approached the matter only in 2012, long after the rehabilitation process concluded, leading to the conclusion that the writ petition could not be entertained at such a belated stage.

AKASH PODDAR VS ACIT CIRCLE 30(1) NEW DELHI [ITA-270/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The entire lump sum consideration of Rs. 3.03 crores received by the assessee as part of a settlement agreement is to be taxed as capital gains rather than "profits in lieu of salary" under Section 17(3)(iii) of the Income Tax Act. The consideration pertains to the relinquishment of the right to 50,000 sweat equity shares, not the termination of employment. The decision to divide the consideration into capital gains and "profits in lieu of salary" is unsustainable, as the entitlement to the shares was undisputed. The previous order has been set aside, with the legal question answered in favor of the assessee.

ARADHYA EXPORT IMPORT CONSULTANTS PVT LTD VS COMMISSIONER OF CUSTOMS (AIRPORT AND GENERAL), NEW CUSTOMS HOUSE NEW DELHI [CUSAA-81/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The appeal was allowed, and the order of the Customs, Excise And Service Tax Appellate Tribunal (CESTAT) was set aside. The suspension of the appellant's customs broker license was identified as a regulatory measure, not a penalty. Additionally, the appellant was not found guilty of violating Regulation 10(n) of the Customs Brokers Licensing Regulations, 2018, as they relied on credible documents such as the Importer Exporter Code and Goods and Services Tax Identification Number. The case stands as a standalone matter.

ASHOK LEYLAND LTD VS THE COMMISSIONER VALUE ADDED TAX [W.P.(C)-11708/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The petitioner is entitled to a refund of Rs. 3.5 crore deposited with tax authorities, along with applicable interest under Section 42 of the DVAT Act. The delay in claiming the refund was justified since the cause arose only after the 2018 order from the Special Objection Hearing Authority. The retention of the refund claim by tax authorities cannot be justified on the grounds of it being a voluntary deposit or limitation. The delay in processing the refund was due to the authorities, and the petitioner's delay in seeking the refund was insignificant. Interest is owed on the refund amounts, including those from the quarters of 2012-13, to be paid within four weeks.

ASHOK LEYLAND LTD. VS THE COMMISSIONER, VALUE ADDED TAX [W.P.(C)-11710/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Ashok Leyland Ltd. is entitled to interest on a refund of Rs. 94,71,440 under the Delhi Value Added Tax Act, 2004, due to the failure to process the refund claim within the required two-month statutory time limit. The respondent is ordered to pay simple interest at a rate of 6% per annum on the refund amount within four weeks.

ASIAN COLOUR COATED ISPAT LIMITED VS ASSISTANT COMMISSIONER OF INCOME TAX & ANR. [W.P.(C)-3498/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The impugned reassessment notice under Section 148 of the Income Tax Act for Assessment Year 2014-15 cannot be sustained following the approval of the Resolution Plan under the Insolvency and Bankruptcy Code. The approved Resolution Plan is binding on all stakeholders, including tax authorities, and extinguishes any claims from the period prior to the plan's approval, leading to the quashing of the reassessment notice.

ATS INFRASTRUCTURE LIMITED VS ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE 1 (1) DELHI & ORS. [W.P.(C)-3804/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Reassessment proceedings initiated by the Assessing Officer were invalid due to a discrepancy between the reasons recorded in the initial notice and those relied upon in the final order. The Assessing Officer cannot alter the original basis for reassessment or introduce new reasons. While Explanation 3 to Section 147 allows for the assessment of escaped income, it cannot be used to deviate from the original reasons recorded for reassessment. The impugned reassessment notices and orders were quashed, allowing for other lawful actions by revenue authorities.

AXA FRANCE VIE-INDIA VS UNION OF INDIA & ORS. [W.P.(C)-4136/2024]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The GST demand order against AXA France Vie-India for the period from July 1, 2017, to July 25, 2018, is invalid. Amendments to the GST exemption notification are deemed curative and clarificatory, allowing the exemption on reinsurance services for government-sponsored insurance schemes to apply retroactively from July 1, 2017. The GST Council recommended regularization of GST payments for this period in June 2024, leading to a clarificatory circular from the Department of Revenue in July 2024. The demand order dated December 20, 2023, has been quashed, and the petitioner is granted all consequential reliefs.

BANYAN REAL ESTATE FUND MAURITIUS VS ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE INTERNATIONAL TAX 1 1 2 & ANR. [W.P.(C)-10485/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Reassessment proceedings for AY 2016-17 against the petitioner were deemed legally unsustainable due to the incorrect assertion that the petitioner had not filed a return of income. Justifications presented after the original notice, including eligibility for DTAA benefits and handling of transactions related to a Scheme of Arrangement, were not mentioned in the original notice. The reassessment order and notice were quashed, allowing for the possibility of initiating fresh proceedings if permissible by law.

CABLE AND WIRELESS GLOBAL INDIA PRIVATE LIMITED VS ASSISTANT COMMISSIONER, CGST & ORS. [W.P.(C)-14764/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Cable and Wireless Global India Private Limited is entitled to a refund of unutilized Input Tax Credit amounting to INR 47,33,053/-. The denial of the refund claim based on the payment being received in the Bangalore office, rather than the Delhi branch, is not sustainable. The analysis of the Integrated Goods and Services Tax Act, 2017, and the Central Goods and Services Tax Act, 2017, clarifies that the supplier's location is determined by the place of business registered, which is the Delhi branch. The argument regarding separate registration under the CGST Act focused on intra-State supply is rejected. The impugned orders are quashed, and the refund claim is to be processed promptly.

CAPITAL BROADWAYS PVT. LTD. VS INCOME TAX OFFICER WARD 5(3) DELHI & ANR. [W.P.(C)-4303/2017]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The approval granted by the Principal Commissioner of Income Tax under Section 151 of the Income Tax Act for reopening the petitioner's assessment under Section 148 was deemed invalid. The PCIT's approval, consisting only of the phrase "Yes, I am satisfied" without accompanying reasons or proper consideration, failed to meet the statutory requirement. Previous judgments indicate that approval must include consideration of the reasons provided by the Assessing Officer, and a mere mechanical endorsement is insufficient. Consequently, the notice issued under Section 148 was set aside.

CHANDRA GLOBAL FINANCE LTD VS ITO WARD 6(1) NEW DELHI & ANR. [W.P.(C)-359/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Reassessment proceedings initiated by tax authorities against the petitioner were deemed an impermissible "change of opinion." The issue of the petitioner's investment in shares at a price below fair market value had previously been resolved in the petitioner's favor during original assessment and subsequent Section 263 proceedings where the matter was dropped. Tax authorities cannot reopen assessments based solely on a change of opinion, even with higher authority approval, as this contravenes established principles for initiating reassessment. Consequently, the reassessment notices and proceedings were quashed.

COMMISSIONER OF CENTRAL EXCISE VS KUBER TOBACCO PRODUCTS PVT LTD & ANR [CEAC-40/2012]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The majority view of the CESTAT was upheld in favor of Kuber Tobacco Products Pvt. Ltd. and Kuber International (India) Ltd. regarding the central excise duty and penalties for alleged clandestine removal and undervaluation of goods. The evidence provided by the Revenue, including statements and documentation, was deemed unreliable and insufficient to prove the charges. Without tangible evidence of clandestine manufacture and clearance, the allegations could not be supported based solely on assumptions.

COMMISSIONER OF CENTRAL TAX, GST DELHI EAST VS A S P METAL INDUSTRIES [CEAC-6/2019]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The appeal by the Commissioner of Central Tax was dismissed after it was found that the case of clandestine manufacture and clearance of goods lacked concrete evidence. The standard of proof for adjudication was established as "preponderance of probability," and mere suspicion was deemed insufficient. Additionally, the documentary evidence and statements from the alleged employees were regarded as unreliable due to the lack of proof of their employment status and later retraction of their statements.

COMMISSIONER OF INCOME TAX (EXEMPTIONS) DELHI VS NIIT FOUNDATION [ITA-141/2021]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Income Tax Appellate Tribunal's order favored the NIIT Foundation, affirming its activities as falling under "education" per Section 2(15) of the Income Tax Act, 1961. NIIT Foundation provided systematic educational programs, including training and skill development for underprivileged students, operating learning centers, and digital literacy initiatives. The foundation received approvals from regulatory bodies like the National Skill Development Corporation. Affiliation with such authorities is not mandatory for qualifying as educational under the Act; the emphasis is on the systematic impartation of knowledge and skills. The source of funds, whether from tuition fees or donations, does not affect the classification of activities as charitable educational purposes. The assessment confirmed that the foundation's activities were indeed charitable.

COMMISSIONER OF INCOME TAX (TDS)-1 VS M/S ADMA SOLUTIONS PVT. LTD.(FORMERLY KNOWN AS M/S INFOVISION INFORMATION SERVICES PVT.LTD.) [ITA-272/2019]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The change of the assessee company's name from Infovision Information Services Pvt. Ltd. to Adma Solutions Pvt. Ltd. did not invalidate the penalty proceedings under Section 292B of the Income Tax Act. However, the penalty order issued in July 2013 was found to be barred by limitation according to Section 275(1)(c) of the Act, as the penalty proceedings began in January 2008 and the order was issued beyond the six-month period allowed. The appeal by the Revenue was dismissed.

COMMISSIONER OF INCOME TAX (TDS)-2 VS NATIONAL HIGHWAY AUTHORITY OF INDIA [ITA-159/2021]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The capital grant subsidy paid by the National Highway Authority of India (NHAI) to Concessionaires under a BOOT contract model is not subject to withholding tax under Section 194C of the Income Tax Act. This subsidy is characterized as financial support and equity contribution rather than payment for specific "work." Precedents define "work" in this context as involving physical labor or tangible results, which the subsidy does not represent. The direct deposit of the subsidy into an Escrow Account further indicates it is not payment for "work."

COMMISSIONER OF INCOME TAX(CENTRAL)-III VS INCOME TAX SETTLEMENT COMMISSION & ANR. [W.P.(C)-6560/2016]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Income Tax Settlement Commission limited the applicability of interest under Section 234B of the Income Tax Act to the date of admission of the settlement application, rather than extending it to the final order. This approach was aligned with the interpretation of Sections 234A, 234B, and 234C in similar proceedings. A writ petition by the revenue authority challenging this decision was dismissed.

COUNCIL OF THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INIDA VS GURVINDER SINGH AND ANR [CHAT.A.REF-4/2012]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Council of the Institute of Chartered Accountants of India found the respondent guilty of "other misconduct" under the Chartered Accountants Act, 1949. The explanations for irregularities in share transactions were deemed unconvincing. The recommended punishment of a six-month removal from the Register of Members was accepted.

DESIGNCO VS UNION OF INDIA & ORS. [W.P.(C)-14477/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The audit objection letter and summons issued by customs authorities against the petitioners were unsustainable under the law. The petitioners consistently classified exported handicraft articles since 1991, a classification accepted by the authorities, and any questioning of this classification requires a determination from the DGFT. Section 28AAA of the Customs Act necessitates a prior finding by the DGFT of wrongdoing for recovery of duty benefits, which was not established. The audit objection letter represented a predetermined conclusion, violating principles of natural justice by not allowing the petitioners to adequately present their case. Customs authorities cannot question the validity of MEIS certificates issued by the DGFT, as only the DGFT has the power to suspend or cancel these instruments. The audit objection letters and summons were quashed, and the amounts collected from the petitioners were to be refunded, while leaving open the possibility for the DGFT to initiate any valid proceedings regarding the MEIS certificates.

DISCOVERY COMMUNICATIONS INDIA VS ADDL. COMMISSIONER OFINCOME TAX,SPECIAL RANGE - 3, NEW DELHI. [W.P.(C)-13225/2018]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The notice issued under Section 148 to reopen the assessment for AY 2011-12 was deemed invalid. The reasons recorded by the Assessing Officer did not indicate any failure by the petitioner to fully disclose necessary material facts, which is required for reopening assessments after four years. The information regarding the disputed expenses had been provided by the petitioner in subsequent assessment years, and deductions were allowed, suggesting no income escapement. The impugned notice under Section 148 and the resulting reassessment proceedings were set aside.

DIVINE INFRACON PRIVATE LIMITED VS DEPUTY COMMISSIONER OF INCOME TAX CENTRAL CIRCLE -18, NEW DELHI [W.P.(C)-2516/2016]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Reassessment proceedings initiated by the Assessing Officer under Section 148 of the Income Tax Act, 1962 are not sustainable. Sole reliance on the District Valuation Officer's report, without further analysis, does not establish the required "reason to believe" for reopening the assessment. The opinion of the DVO is not sufficient information on its own, and the Assessing Officer must demonstrate an application of mind to form a belief that income has escaped assessment. In this case, the reasons recorded do not indicate such analysis, leading to the quashing of the impugned notices under Section 148.

DY.CIT CENTRAL CIRCLE 28 VS M/S ASM TRAXIM PVT. LTD. & ORS. [W.P.(C)-5619/2017]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The challenge to the grant of immunity by the Income Tax Settlement Commission (ITSC) under Section 245H was found to be inseparable from the overall settlement order under Section 245D(4). The requirements for "full and true disclosure" and cooperation by the assessee were considered identical for both provisions. The ITSC deemed the applications of the respondents maintainable and their disclosures satisfactory, establishing that once the preconditions for settlement were met, they applied equally to the immunity grant. The finality of ITSC orders under the Income Tax Act was emphasized, with no procedural defects or lack of connection between reasons and decisions found. The writ petition filed by the Deputy Commissioner of Income Tax was dismissed.

ELENA SHVEDOVA VS UNOIN OF INDIA AND ORS [W.P.(C)-10971/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The writ petition was dismissed as the show-cause notice under Section 124 of the Customs Act, 1962 was properly served within the 6-month period mandated by Section 110(2). The notice was sent to the email address provided by the petitioner, and the government's email policy did not contradict the statutory requirements for notice service.

ESS SINGAPORE BRANCH VS DEPUTY COMMISSIONER OF INCOME TAX & ORS. [W.P.(C)-6589/2024]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The writ petition by ESS Singapore Branch resulted in the cancellation of the Assessing Officer's order that limited the Tax Deducted at Source (TDS) credit claim. The taxpayer is entitled to the full TDS credit of INR 2,27,83,28,430/- as shown in Form 26AS. The total refund payable to the taxpayer is recalculated at INR 2,03,40,32,090/-, including applicable interest under Section 244A of the Income Tax Act.

GDR FINANCE AND LEASING PRIVATE LIMITED VS INCOME TAX OFFICER, WARD 10(1), NEW DELHI [W.P.(C)-4512/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Jurisdictional Assessing Officer (JAO) retains concurrent jurisdiction with the Faceless Assessing Officer (FAO) for issuing notices under Section 148 of the Income Tax Act. The introduction of the Faceless Reassessment Scheme, 2022 does not entirely remove the JAO's authority to initiate reassessment proceedings. Section 144B is deemed procedural and not the exclusive basis for reassessment; the JAO can initiate reassessments using various information sources, including Risk Management Strategy and audit objections. The JAO's powers are essential for thorough investigations and evaluations, reinforcing both centralized and jurisdictional assessments within the regulatory framework. Contrasting views from other High Courts lacked the comprehensive information presented in this case.

GE NUOVO PIGNONE S.P.A (NOW KNOWN AS NUOVO PIGNONE INTERNATIONAL SRL) VS COMMISSIONER OF INCOME TAX (INTERNATIONAL TAXATION), DELHI - I & ANR. [W.P.(C)-6494/2019]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The reassessment of the appellant's income for Assessment Year 2009-10 was upheld due to valid reasons indicating that income had escaped assessment. It was established that the appellant maintained a fixed place permanent establishment (PE) and a dependent agent PE in India, supported by extensive business activities conducted by employees and an Indian associate, GEIIPL. The attribution of 3.5% of total sales in India as taxable income for the appellant was deemed reasonable and justified. The appeal and connected writ petition were dismissed, affirming the lower authorities' decisions.

GENPACT INDIA PRIVATE LIMITED VS ASSISTANT COMMISSIONER OF INCOME TAX, RANGE 10, OSD, NEW DELHI & ANR. [W.P.(C)-17364/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The reassessment action against Genpact India Private Limited for the Assessment Year 2015-16 was deemed time-barred under the First Proviso to Section 149(1) of the Income Tax Act. The notice issued under Section 148A(b) on May 27, 2022, was not considered a continuation of the original Section 148 notice from June 30, 2021, as the original notice had not been challenged. The Supreme Court's judgment in Ashish Agarwal applied only to cases where reassessment notices were challenged and quashed. The reassessment action was initiated beyond the six-year limit prescribed under the pre-amended provisions of Section 149(1)(b), leading to the quashing of the reassessment notices and all related proceedings.

HANUMAN PRASAD AND SONS VS COMMISSIONER OF CUSTOMS (ICD) PATPARGANJ [CUSAA-108/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The CESTAT's conclusion that importers' concessions to reassess the values of goods barred them from challenging the reassessment was incorrect. The importers' acceptance of increased values occurred under duress to avoid additional charges, and did not represent a waiver of their rights. A statutory obligation exists for proper officers to document reasons for questioning declared values and communicate them to importers. Reliance solely on NIDB data without adequate evidence is inadequate to reject declared values. This decision reinstated the Commissioner (Appeals)' rulings, affirming the importers' right to contest the reassessment and addressing concerns regarding the use of NIDB data for value enhancement.

HARI KISHAN SHARMA VS GOVT OF NCT OF DELHI & ANR. [W.P.(C)-915/2019]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The order rejecting the petitioner's application to file a revised return for the Assessment Year 2010-11 was quashed. The revenue authorities did not adequately consider relevant statutory provisions of the Income Tax Act, 1961, related to TDS credit, amendments of assessments, refunds, and restrictions on direct demands. The petitioner is directed to file the revised return within four weeks, with instructions for the revenue authorities to process the refund claim and applicable interest.

JASWANT SINGH JUNEJA VS INCOME TAX OFFICER, WARD-63(1), DELHI [W.P.(C)-2062/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Income Tax Department's attempt to reopen the assessment for the petitioner's AY 2014-15 through an order under Section 148-A(d) and a notice under Section 148 dated 20.07.2022 is not valid. An assessment order under Section 147 was already issued on 26.03.2022 before the new notice, making the Department's actions contrary to established principles.

JCB INDIA LIMITED VS NATIONAL FACELESS ASSESSMENT CENTRE DELHI & ANR. [W.P.(C)-12462/2021]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The failure to issue a draft assessment order as required under Section 144C of the Income Tax Act results in the final assessment order being invalid and without jurisdiction. Non-compliance with this procedure is not considered a mere irregularity, as Section 144C establishes a distinct assessment mechanism with broader powers for the Dispute Resolution Panel compared to the Deputy Commissioner under Section 144B. The time limit for completing the assessment under Section 153 had also expired, making it impossible to remand the matter back to the Assessing Officer. The final assessment orders and consequential notices were quashed.

JYOTIRMAY NANDI VS R.K. ARORA OFFICIAL LIQUIDATOR [CO.APP.-28/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The appellant is entitled to bonus under the Payment of Bonus Act, 1965, despite a salary exceeding the statutory limit, due to a legal fiction for calculating bonus for such employees. The interest rate on the gratuity claim is set at 10% per annum, following the Payment of Gratuity Act, 1972, rather than the 4% under the Companies (Court) Rules, 1959. The lower court's judgment denying the appellant's claims for bonus and higher interest rate on gratuity has been set aside, with a remand to the Official Liquidator for re-computation of the claims.

KANIKA CHAWLA VS INCOME TAX OFFICER, WARD 45(1), NEW DELHI & ORS. [W.P.(C)-11564/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Income Tax Officer's failure to issue a fresh assessment order within the 12-month limit after the earlier assessment was set aside results in the assessment order dated 11.08.2023 being barred by limitation. The Income Tax Department must refund Rs. 36,62,185/- paid by petitioner Kanika Chawla, with applicable interest, within 8 weeks, as her income for AY 2004-05 is to be accepted. This decision also applies to M/s. Ramesh Chawla (HUF) in the same matter.

LUVLEEN MAINGI VS 1. UNION OF INDIA & ORS. [W.P.(C)-11877/2018]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The petitioner, a foreign national, was not required to declare the gold chain and kara he was wearing as personal effects under the Customs Act and Baggage Rules. Personal jewellery worn by a passenger does not need to be declared or subjected to duty limits. Orders of confiscation, duty, and penalty imposed on the petitioner were deemed without legal foundation.

M /S GE CAPITAL EUROPEAN TREASURY SERVICES LIMITED VS DEPUTY COMMISSIONER OF INCOME TAX, CIRCLE INTERNATIONAL TAXATION 1 3 1, NEW DELHI & ORS. [W.P.(C)-17537/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The petitioner's claim for interest under Section 244A of the Income Tax Act, 1961 is not sustainable due to the petitioner's decision to settle all disputes, including the Revenue's appeal, under the Direct Tax Vivad Se Vishwas Act, 2020. The VSV allows settlement of both the applicant's and the Revenue's appeals. By choosing to settle all disputes, the petitioner waived the right to claim interest under Section 244A on refundable amounts resulting from the CIT(A) order. However, interest at a rate of 5% per annum is to be paid on the delayed refund determined payable under the VSV, covering the period from February 2021 to February 2023.

M/S JAGDAMBA SALES CORPORATION VS STATE (GNCT OF DELHI) & ORS [LPA-128/2019]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

M/s Jagdamba Sales Corporation's appeal was dismissed, affirming a 3-year blacklist and forfeiture of a security deposit of Rs. 26,31,250. The company failed to lift the contracted 5000 quintals of mustard de-Oiled cake within the allotted time, despite receiving an extension, leading to losses for the prison department. The actions taken against the company were deemed reasonable and not disproportionate. Arguments citing demonetization and the GST regime as factors for failure were rejected.

M/S EXPERION DEVELOPERS PVT LTD. VS INCOME TAX OFFICER & ANR. [W.P.(C)-10543/2015]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Reassessment proceedings against the Experion group companies for the assessment years 2008-09 and 2011-12 were quashed due to the acceptance of the identity and creditworthiness of Gold Hotels & Resort Pte. Ltd. (Gold Singapore) and the genuineness of the transactions by tax authorities in subsequent assessment years. Additional facts demonstrated that the grounds for reopening were no longer valid, leading to the annulment of the notices issued under Section 148 and related proceedings.

M/S FRESH PET PRIVATE LIMITED VS PRINCIPAL COMMISSIONER OF INCOME TAX, DELHI - 1 [W.P.(C)-12362/2021]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Designated Authority under the Direct Tax Vivad se Vishwas Act, 2020, erred by refusing to rectify Form 3 for the petitioner. The original assessment order had allowed for the carry forward of unabsorbed depreciation and business losses, which the Designated Authority could not deny when determining the settlement amount. The VSV Act is intended to be remedial and beneficial, ensuring that applicants are not placed in a worse position than under the original assessment. The impugned order was quashed, and the Designated Authority is instructed to issue a revised Form 3.

M/S HCC VCCL JOINT VENTURE VS UNION OF INDIA & ORS. [W.P.(C)-10940/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The revisional authority had the power under Section 108 of the CGST Act to stay the refund order from the petitioner's Electronic Cash Ledger. However, a specific finding regarding the original refund order being erroneous, prejudicial to revenue, illegal, or improper was necessary before invoking revisional powers. The lack of such a finding led to the quashing of the order that placed the refund in abeyance, allowing the respondents to proceed afresh in accordance with the law.

M/S INNOVATIVE CRAFTS VS UNION OF INDIA & ORS. [W.P.(C)-14232/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The petitioner is entitled to duty drawback, as export proceeds were received from third parties following the RBI Master Circular, and necessary documents, including a tripartite agreement, were submitted. The revision order denying the drawback was set aside, and the authorities were directed to defreeze the petitioner's bank account. Authorities' claims regarding the non-existence of the local supplier lacked proper investigation.

M/S PAWAN HANS LIMITED (FORMERLY KNOWN AS PAWAN HANS HELICOPTERS LIMITED) VS COMMISSIONER OF TRADE AND TAXES [ST.APPL.-1/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The supply of helicopters by Pawan Hans Limited to the Andaman and Nicobar Islands Administration did not amount to a "transfer of a right to use" and was not subject to taxation under the Central Sales Tax Act, 1956 or the Delhi Value Added Tax Act, 2004. Pawan Hans Limited maintained possession and control of the helicopters, providing the crew, maintenance, and operations. Although the helicopters were available exclusively for the lessee's use, effective control remained with Pawan Hans, distinguishing this case from others where a clear transfer of ownership occurred. The earlier decision by the Value Added Tax Appellate Tribunal that supported the tax levy was set aside.

MANAGEMENT OF ASHOK HOTEL (ITDC) VS THEIR WORKMEN & ANR. [LPA-199/2013]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The appeal was allowed, and the prior rulings concerning the contract between the appellant and the contractor were set aside. The Industrial Tribunal exceeded its jurisdiction by questioning the legitimacy of the contract without any allegation from the workmen. Previous legal precedent established that engaging contract labor does not automatically lead to their regular employment. In the absence of a governmental reference on the contract's nature, the Tribunal was restricted to the issues of regularization and wages for the workmen.

MANGALAM TRADERS VS COMMISSIONER OF DELHI VALUE ADDED TAX DEPARTMENT OF TRADE AND TAXES AND ANR [W.P.(C)-9990/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The petitioner is entitled to simple interest at a rate of 6% per annum on refund amounts from the dates they became due under Section 38(3)(a)(ii) of the Delhi Value Added Tax Act, 2004. The delay in processing the refund was not the petitioner's fault, leading to the order for the respondents to provide the refund along with interest within 4 weeks.

MANJU SOMANI VS INCOME TAX OFFICER WARD-70(1) & ORS. [W.P.(C)-7364/2024]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The reassessment notice issued under Section 148 of the Income Tax Act for Assessment Year 2016-17 was quashed due to being barred by the time limit in pre-amendment Section 149(1)(b). The proviso to Section 149(1) prohibits reassessment notices for assessment years prior to April 1, 2021, if the applicable time limit had already expired. Since the 6-year period had elapsed, the reassessment proceedings were deemed unsustainable.

MITSUBISHI CORPORATION VS ASSISTANT COMMISSIONER OF INCOME TAX, CIRCLE INTERNATIONAL TAX (2)(2)(1) DELHI & ANR. [W.P.(C)-12911/2021]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Mitsubishi Corporation successfully challenged final assessment orders issued by the Assessing Officer (AO). The AO was instructed to consider additional grounds raised by the petitioner, despite no revised return being filed, as the Tribunal had remanded the case for merit evaluation. It was clarified that the Tribunal's powers allow for relief irrespective of the return status and that reliance on a CBDT Circular and a Supreme Court judgment regarding declared income was incorrect, following changes to Section 143(3) of the Income Tax Act permitting refunds upon assessment. Final assessment orders and associated demand and penalty notices were quashed, with directions for the AO to reassess the additional grounds.

MITSUI AND CO INDIA PRIVATE LIMITED VS ADDITIONAL COMMISSIONER, CGST AUDIT-II, DELHI & ORS. [W.P.(C)-9801/2024]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

In cases of secondment of foreign expatriate employees by overseas group companies to Indian subsidiaries, where no invoices are issued for the services of the seconded employees, the value of such services is deemed 'Nil' according to Central Board of Indirect Taxes and Customs guidelines. Consequently, show cause notices issued to the writ petitioners were quashed, indicating no further tax liability exists for these circumstances. The clarification applies only to seconded employees; other issues in the show cause notices remain open for adjudication.

MR KINSHUK GOEL LEGAL HEIR OF LATE SHRI VIJAY SHANKER GOEL VS ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE 49(1) [W.P.(C)-16438/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

A notice under Section 148 of the Income Tax Act, 1961 issued against a deceased person is invalid, as a valid notice issued to a living assessee is a prerequisite for assessing or reassessing. Although the initial notice was issued while the assessee was alive, subsequent notices addressed to the deceased are impermissible. The impugned notices and reassessment proceedings against the deceased are set aside.

MR. AMRISH AGGARWAL TRADING AS M/S MAHALAXMI PRODUCT VS M/S VENUS HOME APPLICANCES PVT LTD. & ANR [C.O. (COMM.IPD-TM)-258/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The view in Sana Herbals Pvt. Ltd. v. Mohsin Dehlvi, stating that a civil suit does not need to be stayed during a pending rectification petition under Section 124 of the Trade Marks Act, 1999, has been deemed incorrect. Section 124 requires the stay of suit proceedings if rectification proceedings are pending at the time the suit is instituted or if a defendant raises a valid issue regarding the plaintiff's trademark. This stay is a mandatory statutory outcome and not subject to discretion. The previous decision did not consider relevant Supreme Court rulings that clarified this legal position.

MUFG BANK LTD VS ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE 2 (2)(1) & ORS. [W.P.(C)-3675/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

MUFG Bank Ltd's request for a deduction of INR 9,62,39,916 for salaries paid to expatriate employees and associated taxes was granted, as the restrictions under Section 40(a)(i) of the Income Tax Act were deemed inapplicable due to the India-Japan tax treaty provisions. The Assessing Officer is to provide the necessary relief within six weeks.

MUNCHENER RUCKVERSICHERUNGS GESELLSHAFT AKTIENGESELLSCHAFT IN MUNCHEN VS THE COMMISSIONER OF INCOME TAX INTERNATION TAXATION 2 & ANR. [W.P.(C)-14280/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The petitioner, a non-resident assessee, is entitled to the credit of tax deducted at source (TDS) by Bajaj Allianz Life Insurance Company for Assessment Year 2015-16, despite not including the income in the original return. The Assessing Officer agreed that the income was not taxable in India, leading to the processing of the return without additions. Under Section 155(14) of the Income Tax Act, an amended assessment order for TDS credit is mandatory when updated Form 26AS is submitted, eliminating the need for revising the original return. As the TDS appeared in Form 26AS and the income was not subject to tax, the impugned order was quashed, and a refund of the TDS amount was directed.

NAMAN GUPTA VS COMMISSIONER OF CUSTOMS AIRPORT AND GENERAL [W.P.(C)-15808/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The writ petition by Customs Broker Naman Gupta & Associates was successful in challenging the revocation of its license and the imposition of a penalty. A violation of natural justice occurred as the CB was not allowed to cross-examine witnesses whose statements were used against it. Additionally, the CB was not liable for the absence of exporters, as its verification of their details was valid at the time of filing. Consequently, the order revoking the license and imposing a penalty was quashed due to unjustified findings.

NATIONAL INSTITUTE OF HEALTH & FAMILY WELFARE VS DR.C.P.RAI & ANR. [LPA-501/2008]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The inquiry officer's report was flawed for not providing proper reasoning for finding the respondent guilty of 3 out of 7 charges, violating established rules. The punishment of removal was deemed disproportionate to the proven charges. The order of removal was quashed, and the respondent was to be reinstated with continuity of service and 50% back wages. The inquiry officer did not conduct a fresh inquiry as required, instead reiterating the original report. The challenge to the single judge's decision was dismissed.

NRA IRON AND STEEL PVT LTD VS INCOME TAX DEPARTMENT & ORS. [W.P.(C)-3537/2021]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The pending review petition filed by the petitioner-assessee qualifies as a "pending appeal" under the Direct Tax Vivad Se Vishwas Act, 2020 (DTVSV Act), allowing eligibility for benefits of the scheme. The interpretation of the DTVSV Act by the respondents was deemed too narrow, contrary to the legislation's intent to resolve pending income tax litigation and enhance revenue generation. The impugned order was set aside, and the respondents were directed to accept the petitioner's revised declaration form and process it according to the DTVSV Act.

OMNIPRESENT CREDITS PRIVATE LIMITED VS INCOME TAX OFFICER-WARD 19-1 & ANR. [W.P.(C)-4676/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Reassessment notices were invalid due to approval by the Joint Commissioner of Income Tax instead of the authorities specified in Section 151(1) of the Income Tax Act, 1961. The Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020 only extended timelines for issuing reassessment notices and did not change the approval requirements. Approval was required from the Principal Chief Commissioner, Chief Commissioner, Principal Commissioner, or Commissioner as per the unamended Section 151(1). The approval by the JCIT was insufficient, leading to the quashing of the reassessment notices, with respondents permitted to initiate further action as per law.

PR. COMMISSIONER OF INCOME TAX (CENTRAL)-2 VS UNO MINDA LTD [ITA-384/2024]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The disallowance under Section 14A of the Income Tax Act is limited to the exempt income earned during the year, aligning with previous decisions. Expenditure related to earning exempt income cannot be claimed against taxable income, and the principle of apportionment of expenditure applies. The Explanation added to Section 14A by the Finance Act, 2022 is applicable only from the assessment year 2022-23 onwards and does not affect past assessment years.

PR. COMMISSIONER OF INCOME TAX (CENTRAL)-3 VS M/S TDI INFRASTRUCTURE LTD [ITA-495/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Additions made by the Assessing Officer under Section 153C were deemed invalid due to the lack of seized or incriminating material in the satisfaction note prior to initiating proceedings. For jurisdiction under Section 153C, the seized documents must belong to the assessee, rather than merely relating to them. The additions were based solely on survey proceedings and not on the required seized materials. Consequently, there was no substantial question of law, leading to the dismissal of the Revenue's appeals.

PR. COMMISSIONER OF INCOME TAX VS ARUN MALHOTRA [ITA-118/2020]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The block assessment proceedings under Section 158BC were invalid as the assessee demonstrated that the export sales were genuine and the export proceeds were received through banking channels. The statement of Chander Prakash Sachdeva was deemed unreliable due to his refusal for cross-examination without valid reason. The claim for deduction under Section 80HHC of the Income Tax Act was also allowed. The appeal by the Revenue was dismissed for lack of substantial question of law.

PR. COMMISSIONER OF INCOME TAX, DELHI-7 VS VIRTUAL SOFTWARE AND TRAINING PVT. LTD. [ITA-392/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The appeals by the Revenue were dismissed, upholding the decision to delete the penalty under Section 271(1)(c) of the Income Tax Act. The notice initiating the penalty proceedings was deemed vague, lacking clarity on whether it was based on concealment of income particulars or furnishing inaccurate particulars. Previous judgments emphasized the need for specificity in penalty proceedings. It was noted that findings in assessment proceedings do not automatically lead to penalty imposition, as the focus should be on the conduct of the assessee. Additionally, a distinction was made between "concealment of particulars of income" and "furnishing inaccurate particulars of income."

PRATEEK SONI L/H OF RAJENDAR KUMAR DECEASED VS NATIONAL FACELESS ASSESSMENT CENTRE [W.P.(C)-5789/2021]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Notices for reassessment under the Income Tax Act issued in the names of deceased assessees are invalid as they fail to meet the jurisdictional requirement of Section 148. Issuing a notice to a deceased person is considered a substantive illegality. Although Section 159 allows for continuing proceedings against legal representatives, it does not eliminate the need for proper notification to them. Consequently, the invalid notices and orders were quashed, but revenue authorities may proceed against the legal heirs if permissible under law.

PRINCIPAL COMMISSIONER OF INCOME TAX-4 VS GOMANTAK EXIMIS LTD., [ITA-1163/2018]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Income Tax Appellate Tribunal erred by refusing to admit and adjudicate the legal grounds raised by the Revenue regarding the applicability of Section 115JB of the Income Tax Act. The issue was identified as purely legal, warranting the opportunity for both parties to present their arguments. The Tribunal's order was set aside for fresh consideration, allowing all rights and contentions of the parties to remain open.

QUALCOMM INDIA PVT. LTD. -AFTER MERGER OF CSR INDIA PRIVATE LIMITED. VS ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE 19-1 & ORS. [W.P.(C)-4103/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Assessment orders and notices of reassessment issued in the name of amalgamating entities that have ceased to exist are null and void. Section 292B of the Income Tax Act cannot cure these invalidities. Sections 159 and 170 of the Act do not apply to validate proceedings against non-existent entities. The writ petitions and income tax appeal have been allowed, resulting in the quashing of the impugned notices and orders.

RAM NIWAS VS COMMISSIONER OF CENTRAL GOODS AND SERVICES TAX & ANR. [W.P.(C)-13450/2024]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Cancellation of the petitioner's GST registration was found to be improper due to inadequate reasoning and a defective notice. There was a violation of natural justice, as the petitioner did not receive sufficient opportunities for a personal hearing. The impugned show cause notices and orders were set aside, and the petitioner's GST registration was directed to be restored, with no hindrance on the respondents to take lawful actions.

RAMESH CHAWLA (HUF) VS INCOME TAX OFFICER, WARD 45(1), NEW DELHI & ORS. [W.P.(C)-11284/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Income Tax Department's failure to issue a fresh assessment order within the 12-month limit under Section 153(3) of the Income Tax Act made subsequent notices by the Assessing Officer time-barred. As a result, the notices were set aside, and a refund of ₹37,73,012/- was mandated along with applicable interest, as the income declared by Ramesh Chawla HUF must be accepted due to the limitation on fresh assessment.

SANGEETA GOYAL VS COMMISSIONER OF CUSTOMS (EXPORTS) [W.P.(C)-13025/2019]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Show Cause Notice and recovery proceedings initiated against deceased exporter Arun Kumar Goyal were deemed invalid because a notice cannot be issued to a deceased person without involving legal heirs. This procedural error rendered all subsequent actions, including the Order-in-Original regarding duty drawback and penalties, invalid. Recovery proceedings were quashed.

SANJAY KHER & ORS VS UNION OF INDIA & ANR [LPA-675/2013]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The appeal by the appellants, employees of a public sector undertaking in Iraq, was dismissed. Foreign allowances for these employees cannot exceed the rates applicable to non-IFS officers of the Government of India, as established by applicable rules. Determination of pay scales and allowances is regarded as an executive function, with judicial intervention only in cases of clear arbitrariness or illegality.

SATISH CHAND JAIN VS ASSISTANT COMMISSIONER OF INCOME TAX, CIRCLE 52(1), DELHI & ANR. [W.P.(C)-12044/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The writ petition resulted in the quashing of the order dated 19.07.2022 under Section 148A(d) and the subsequent notice under Section 148 of the Income Tax Act. The issuance of fresh notices to reopen assessment proceedings for the assessment year 2014-15 was deemed unjustified, as the assessment had concluded on 30.03.2022, and the judgment in Union of India vs. Ashish Agarwal did not require the reopening of completed assessments.

SATISH KUMAR DHINGRA VS ASSISTANT/DEPUTY COMMISSIONER OF INCOME TAX CIRCLE 61(1), NEW DELHI & ANR. [W.P.(C)-17323/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Income Tax authorities cannot invoke rectification powers under Section 154 of the Income Tax Act, 1961 to reopen a tax dispute already settled under the Direct Tax Vivad Se Vishwas Act, 2020. The DTVSV Act provides finality to the determinations made by the Designated Authority, and actions under Section 154 do not fall within the limited grounds specified in Section 4(6) of the DTVSV Act. The rectification notice and order issued by the Income Tax authorities were quashed.

SATYA REALTORS PRIVATE LIMITED THROUGH DIRECTOR SANJAY GUPTA VS INCOME TAX OFFICER WARD 22(3) DELHI & ORS. [W.P.(C)-12832/2024]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Observations made by the Supreme Court in the Abhisar Buildwell case do not constitute a "finding or direction" under Section 150 of the Income Tax Act, 1961, allowing the Revenue to bypass the time limit set by Section 149 for reassessment. The Supreme Court's remarks were not intended as binding and do not permit the Revenue to disregard statutory time limits. The time limit for reassessment under Section 149, as amended by the Finance Act 2021, must be strictly followed. As a result, the reassessment notices issued by the Revenue are invalid due to being barred by limitation.

SBC MINERALS PVT. LTD VS ASSISTANT COMMISIONER OF INCOME TAX CIRCLE 22(2), DELHI [W.P.(C)-7885/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The sanction granted by the Principal Chief Commissioner of Income Tax under Section 151 of the Income Tax Act for reopening the assessment was invalid due to a lack of reasons and independent application of mind. Consequently, the order under Section 148A(d) and the subsequent notice under Section 148 were set aside and quashed.

SH. MEENU GUPTA (LEGAL HEIR OF LATE SH. VIPIN GUPTA) VS ASSISTANT COMMISSIONER OF INCOME TAX, CIRCLE 67(1), DELHI & ORS. [W.P.(C)-10162/2024]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Notices and orders issued under Sections 148-A and 148 of the Income Tax Act, 1961 against the deceased assessee Sh. Vipin Gupta are void, as they must be issued in the name of a living person. Previous judgments confirm that a notice against a deceased individual is invalid unless legal representatives acquiesce without objection. Legal representatives had notified authorities of the assessee's death, yet proceedings continued improperly. Additionally, the deceased's salary income for the assessment year 2020-21 was already subject to TDS, indicating no unassessed income. The notices and order were set aside.

SHAILY JUNEJA VS ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE 34 -1 AND ANR. [W.P.(C)-10298/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Failure to issue a notice under Section 143(2) of the Income Tax Act during reassessment proceedings renders the action invalid. The distinction from the Ashok Chaddha case, related to Section 153A assessments, underscores that a Section 143(2) notice is mandatory in reassessment cases. Consequently, the notices under Section 147/148 and the assessment orders were quashed.

SHREE BHAVANI POWER PROJECTS PVT. LTD. VS INCOME TAX OFFICER, WARD 23(3), & ANR. [W.P.(C)-8972/2019]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Failure to electronically upload Form 10CCB with the Return of Income does not justify reassessment under Section 148 of the Income Tax Act. The requirement to furnish the audit report under Section 80-IA(7) is considered directory, allowing submission before the end of assessment proceedings. The case differs from the Supreme Court's ruling in Wipro Limited concerning Section 10B(8), which is mandatory. Notices issued under Section 148 and the initiation of reassessment for the assessment years 2013-14 and 2014-15 were quashed. The implications of amendments to Section 80-IA(7) by the Finance Act, 2020, regarding the audit report submission date remain open for consideration.

SHRI VEERENDRA SINGH VS UNION OF INDIA & ANR. [W.P.(C)-6492/2019]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Joint Secretary's decision to impose a penalty of Rs. 4 lakhs on Shri Veerendra Singh for abetting the smuggling of 9,500 memory cards valued at Rs. 15,01,000 was upheld. Incriminating statements made by the petitioner under Section 108 of the Customs Act, along with supporting recovery panchnamas and witness statements, established his guilt despite later retraction. It was noted that Customs authorities are not required to prove cases with mathematical precision, and statements under Section 108 can serve as substantive evidence.

SPICEJET LIMITED VS KAL AIRWAYS PRIVATE LIMITED & ANR. & ORS. [FAO(OS) (COMM)-180/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The High Court dismissed the appellants' challenge to the Arbitral Award under Section 34 without adequately considering claims of patent illegality regarding the Tribunal's refund directions and the lack of reasoning for pendent lite and post-award interest. These arguments were crucial to the case, necessitating a closer examination rather than a summary affirmation of the Award. The matter was sent back for fresh consideration of the Section 34 petitions in light of these observations.

TATA STEEL LIMITED VS TYO TRADING ENTERPRISES & ORS [FAO(OS) (COMM)-19/2019]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The High Court of Delhi has territorial jurisdiction over the suit filed by Tata Steel Limited against the respondents. The order for goods was placed by Tyo Trading Enterprises through M.G. Trading Worldwide Pvt. Ltd., a Delhi-based company, and related documents were negotiated in Delhi, establishing a cause of action within this jurisdiction. Arcadia Shipping Ltd. is liable for the loss of goods and must pay Tata Steel Limited without interest. No liability was found for Tyo Trading Enterprises and the Commercial Bank of Ethiopia due to a lack of positive evidence against them.

TELECARE NETWORK (INDIA) PVT. LTD. VS UNION OF INDIA & ORS. [W.P.(C)-13906/2018]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The petitioner is entitled to interest under Section 27A of the Customs Act, 1962 for a refund of excess Countervailing Duty paid at 12.5% rather than 1%. The excess CVD was not legally payable, and interest on the refund is warranted as compensation for the unjustified retention of funds. Interest is to be paid from the date of the original refund application, and costs are imposed on the respondents for their unfair stance.

THE ASSOCIATED CHAMBERS OF COMMERCE AND INDUSTRY OF INDIA VS DEPUTY COMMISSIONER OF INCOME TAX & ORS. [W.P.(C)-10520/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The reassessment action against the petitioner for the Assessment Year 2016-17 is deemed unjustified. The petitioner submitted Forms 10 and 10B to the Assessing Officer before the completion of original assessment proceedings, despite submitting after the due date under Section 139(1) of the Income Tax Act. Importance was placed on due disclosure of information over strict procedural compliance. Acknowledgment of functionality issues in digitally submitting Form 10 in AY 2016-17 allowed for delay condonement if reasonable cause was present. The order under Section 148A(d) and the initiation of reassessment proceedings via notice under Section 148 are quashed.

THE COMMISSIONER OF INCOME TAX - INTERNATIONAL TAXATION -1 VS A.T. KEARNEY LTD. [ITA-160/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The decision of the Income Tax Appellate Tribunal (ITAT) in favor of A.T. Kearney Ltd. was upheld regarding Intra-Group Services (IGS) payments, with the disallowance deemed impermissible due to lack of commercial expediency. The interest on receivables was affirmed, consistent with prior decisions for earlier years. Additionally, established principles regarding the examination of controlled transactions were reiterated, emphasizing that actual transactions should not be disregarded and that the commercial soundness of business decisions cannot be questioned. Appeals by the Commissioner of Income Tax were dismissed.

THE COMMISSIONER OF INCOME TAX - INTERNATIONAL TAXATION -3 VS WESTERN UNION FINANCIAL SERVICES INC [ITA-597/2019]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The respondent-assessee's Liaison Office in India did not constitute a Permanent Establishment (PE) under Article 5 of the India-USA Double Taxation Avoidance Agreement. The activities of the Liaison Office were deemed preparatory or auxiliary, aligning with the exclusion under Article 5(3)(e). Additionally, the Liaison Office did not qualify as a Dependent Agent PE under Article 5(4). The installation of the "Voyager" software, classified as intangible property, did not create a PE.

THE COMMISSIONER OF INCOME TAX XIII VS RAVI KUMAR SINHA [ITA-770/2008]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Fair Market Value (FMV) of shares allotted under the Employees Stock Purchase Scheme (ESPS) is limited to the face value of R.S. 15 per share due to a lock-in restriction. A Valuation Report from the employer company is insufficient for determining FMV, as it serves only to address withholding tax obligations and does not provide a conclusive valuation. Market price or hypothetical valuations are not applicable for shares under lock-in, as they lack realizable value during that period.

THE PR. COMMISSIONER OF INCOME TAX -CENTRAL -1 VS KARINA AIRLINES INTERNATIONAL LTD. [ITA-690/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Reassessment proceedings under Section 153C of the Income Tax Act, 1961 against the respondent-assessee, a non-searched entity, were barred by limitation. The search occurred on 7 April 2016, and amendments from the Finance Act, 2017 extending the reassessment block period from 6 to 10 years do not apply since the search predated 1 April 2017. The second proviso to Section 153A(1) specifies that the extended block period applies only to searches initiated on or after that date. The date of recording the satisfaction note for the non-searched entity is the relevant date for determining the limitation period, regardless of a common Assessing Officer. The appeal by the Principal Commissioner of Income Tax was dismissed, upholding the Tribunal's decision to quash the reassessment as time-barred.

TOSCA MASTER VS THE DEPUTY COMMISSIONER OF INCOME TAX, CIRCLE 3(1)(1), (INT. TAX), NEW DELHI [W.P.(C)-10507/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The investment by the petitioner, a foreign portfolio investor, in Indian securities is classified as a "capital account transaction" rather than "income" subject to assessment. The Assessing Officer cannot introduce new reasons for initiating reassessment after the initial notice, as the validity of the proceedings must be based on the original notice's reasons. Additionally, the Assessing Officer cannot replace recorded reasons with new ones in the final order without addressing the change with the petitioner. The notices and order were quashed due to non-compliance with the principles of natural justice and statutory requirements for reassessment.

UNION OF INDIA & ANR. VS SHRI TEK CHAND NARULA & ORS. [LPA-89/2023]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The L&DO has the authority to levy misuse charges and recover damages for unauthorized construction or revocation of re-entry orders, but delayed formalizing demands for over 28 years. A fresh computation of amounts payable by the respondents is mandated according to Office Order No. 23/1976, with the respondents expressing willingness to deposit the computed amounts. The NDMC is instructed to authenticate previously sanctioned regularization plans upon receipt of a copy from the respondents.

VINOD KUMAR SOLANKI VS ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE-61-1, DELHI & ORS. [W.P.(C)-4196/2022]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

Approval granted by the Principal Commissioner of Income Tax under Section 151 of the Income Tax Act for issuing a notice under Section 148 was deemed invalid due to a lack of proper application of mind. The requirement for clear discernibility of satisfaction from the approval was not met, as a mere endorsement of "Yes" is insufficient. The notice issued under Section 148 and the resulting proceedings were quashed.

WELL TRANS LOGISTICS INDIA PVT.LTD. VS ADDL.COMMISSIONER OF INCOME TAX & ORS. [W.P.(C)-13273/2018]

Judges: Justice Ravinder Dudeja, Justice Yashwant Varma

The Assessing Officer's reasons for reopening the assessment under Section 147 of the Income Tax Act for the Assessment Year 2011-12 did not meet legal requirements. The reliance on information from the Investigating Wing lacked independent verification or additional material to support the belief that the assessee's income had escaped assessment. The absence of a tangible connection between the material and the belief necessitated the setting aside of the reassessment notice and related proceedings.

DSSSB VS TANISHA ANSARI AND ANR [W.P.(C)-16098/2023]

Judges: Justice Rekha Palli, Justice Sachin Datta

The respondent's caste certificate dated 31.03.2021, along with the Lieutenant Governor's orders from 27.07.2007, establishes the respondent's eligibility as an OBC community member for civil employment under the Government of NCT of Delhi. The submission of a compliant caste certificate dated 02.05.2022 within an extended timeframe is deemed valid, and rejection of the respondent's candidature in the OBC category is not permissible.

UNION OF INDIA & ORS. VS ANIL KUMAR SHARMA & ORS. [W.P.(C)-386/2024]

Judges: Justice Rekha Palli, Justice Sachin Datta

The writ petition filed by the Union of India and others was dismissed, upholding the Central Administrative Tribunal's order that referenced a prior decision from the Bangalore Bench. The parties had agreed to be bound by a Supreme Court decision in a pending Special Leave Petition, and the petitioners did not promptly contest the Central Administrative Tribunal's order, indicating their acceptance of the Bangalore Bench decision. Although the Supreme Court dismissed the petitioners' SLP while leaving the question of law open for future cases, the dismissal of the writ petition does not prevent the petitioners from raising objections in similar pending or future cases involving other employees.

ANANT VERINDER SINGH (DECEASED) TH LR VS COL INDERJEET SINGH (DECEASED) THR LR [RFA(OS)-4/2020]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The appeal against the final decree for partition of the property was dismissed. The preliminary decree establishing 50% shares for the plaintiff and two defendants was considered final, necessitating the sale of the property and distribution of proceeds according to those shares. Arguments for re-determination of shares based on a prior family settlement were rejected, as the preliminary decree had already been finalized. An application for condonation of delay in re-filing the appeal was also dismissed.

ANJUM NAYYAR VS YAVAR EHSAN [MAT.APP.(F.C.)-37/2023]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The Family Court's dismissal of a joint petition for the dissolution of marriage through Mubaraat on 24.01.2020 was addressed, clarifying that Mubaraat is a valid form of extra-judicial divorce under Muslim Personal Law. The marriage between the parties is declared dissolved as of that date, accompanied by guidelines for Family Courts regarding such petitions.

APPELLATE TRIBUNAL FOR FORFEITED PROPERTY VS SHAILENDER KUMAR AND ANR. [W.P.(C)-7402/2015]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The departmental charge memo and inquiry against a government employee were quashed due to a lack of witness examination, which violated principles of natural justice. The employee was reinstated with 50% back wages. The government authority was allowed to conduct a new inquiry, using available documentary evidence and must provide a list of witnesses for the fresh inquiry.

ATUL KUMAR AND ORS VS THE CHIEF SECRETARY AND ORS [W.P.(C)-7256/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The writ petition seeking provisional permission for the Combined Examination 2023 was dismissed due to the petitioners being over the age limit of 27 years. The examination's six-year delay did not justify age relaxation, as it would unfairly advantage these petitioners over similarly situated candidates. Granting such relaxation could lead to a flood of applications from other over-age individuals. The decision of the Central Administrative Tribunal to reject the petitioners' interim request was upheld.

BHARAT BROADBAND NETWORK LTD VS PARAMOUNT COMMUNICATIONS LTD [FAO(OS) (COMM)-241/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The arbitral award in favor of Paramount Communications Ltd was upheld, affirming that the claim for reimbursement of differential excise duty due to a change in classification of goods was covered under the "change in taxes/duties" clause of the contract. The interpretation provided by the arbitrator was considered plausible and justifiable, leading to the dismissal of the appeal by Bharat Broadband Network Ltd.

PRASHANT KUMAR SONA & ANR. VS UNION OF INDIA AND ORS [W.P.(C)-4339/2020]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The general principles prohibit the grant of retrospective seniority, but specific rules for the Indian Foreign Service (Branch B) allow it for officers promoted through the Limited Departmental Competitive Exam (LDCE) from July 1 of the examination year. This principle cannot be applied absolutely due to the breakdown of quota rules from the LDCE not being held for several years. The decision of the Central Administrative Tribunal to prepare a fresh seniority list without granting retrospective seniority to LDCE candidates was upheld to ensure justice for promotees who had been working as Section Officers for longer periods.

COMMISIONER OF POLICE DELHI & ORS. VS PRADEEP [W.P.(C)-7826/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The writ petition filed by the Commissioner of Police, Delhi, and others against the Central Administrative Tribunal's decision to set aside Pradeep's dismissal was dismissed. The Tribunal correctly identified that the petitioners improperly bypassed the departmental inquiry, citing insufficient justification for doing so. The reasons for dismissal, based on a presumption that Pradeep might threaten witnesses due to his police status, did not meet the necessary criteria under Article 311(2)(b) of the Constitution. This decision was consistent with a previous case that similarly rejected the petitioners' challenge regarding the dismissal order.

COMMISSIONER OF POLICE & ORS. VS MANISH KUMAR MEENA [W.P.(C)-6320/2023]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The dismissal of a police constable was deemed unjustified due to the absence of a departmental inquiry. The disciplinary authority did not provide sufficient reasons for bypassing the inquiry process, which is necessary even in cases of serious alleged misconduct. The dismissal order and the appellate order were quashed, and the disciplinary authority was granted three months to conduct a new inquiry according to legal standards.

COMMISSIONER OF POLICE AND ORS VS MANDEEP KUMAR [W.P.(C)-5723/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The Central Administrative Tribunal directed the Delhi Police to offer Mandeep Kumar a position as Sub-Inspector (Executive) after determining that the cancellation of his candidature due to his name being in an FIR was arbitrary. The issue of the FIR was previously addressed by the Tribunal, preventing the Delhi Police from re-examining it, and the findings of the Tribunal were accepted.

COMMISSIONER OF POLICE AND ORS VS RAVINDER SINGH [W.P.(C)-12944/2023]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The order of the Central Administrative Tribunal, which set aside the dismissal of Ravinder Singh from the Delhi Police, was upheld. The Commissioner of Police and others could not provide sufficient reasons to justify bypassing a regular departmental inquiry, and their dismissal order was deemed casual, violating principles of natural justice. There was emphasis on the need for proper reasoning in future orders. The Tribunal's decision allowed for the possibility of initiating fresh disciplinary proceedings against Singh.

COMMISSIONER OF POLICE AND ORS VS SANT RAM [W.P.(C)-5562/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The dismissal of Sant Ram from service without a departmental inquiry was deemed invalid. The reasons for bypassing the inquiry, such as the assumption that Sant Ram would threaten witnesses and traumatize the complainant, were not justified. The fact that Sant Ram was a police officer did not warrant skipping the inquiry, particularly since the witnesses and complainant were also police personnel. The ruling upheld the Central Administrative Tribunal's decision to cancel the dismissal and allowed for the initiation of new disciplinary proceedings in accordance with the law.

COMMISSIONER OF POLICE AND ORS VS SMT KANTA DEVI [W.P.(C)-982/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The order of the Central Administrative Tribunal was upheld, allowing the widow of a Group C government employee to challenge the recovery of overpayments made to her late husband. The principles from State of Punjab v. Rafiq Masih indicated that such recoveries, especially from lower pay grade employees, could be iniquitous and arbitrary. The recoveries were deemed excessive as they occurred posthumously and without notice, leading to the dismissal of the writ petition regarding the recoveries.

COMMISSIONER OF POLICE DELHI AND ORS VS YASH VIR SINGH [W.P.(C)-16009/2023]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The decision to dismiss a constable from the Delhi Police was set aside due to insufficient reasoning and lack of proper inquiry. The dismissal order lacked adequate application of mind, although disciplinary proceedings could still be initiated as permitted by the Central Administrative Tribunal.

D N GANDHI VS UNION OF INDIA & ANR. [W.P.(C)-1892/2021]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The Central Administrative Tribunal (CAT) erred in denying D.N. Gandhi arrears of upgraded pay, mistakenly believing he had already superannuated, while he was still in service when he filed the petition. Gandhi's claim was based on a 2012 circular that granted an additional increment to railway employees, which was extended to his juniors in 2013. After his representation for stepping up of pay was rejected in 2014, he approached CAT in 2015, demonstrating no undue delay. The decision modified the CAT's order, directing the grant of all arrears of the upgraded pay to Gandhi.

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD. VS AGHUM BAHL & ANR. [LPA-553/2023]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The appeal by the Delhi State Industrial and Infrastructure Development Corporation Ltd. (DSIIDC) was dismissed regarding a judgment that entitled Aghum Bahl to an alternative industrial plot. DSIIDC's request to condone a 166-day delay in filing the appeal lacked sufficient justification, as mere departmental reasons were inadequate under the limitations set by the Supreme Court. Additionally, DSIIDC had issued the allotment letter to Bahl in 2004 and accepted payment, later canceling the allotment after six years without fault on Bahl's part.

DELHI TRANSPORT CORPORATION VS PURAN MASI RAM [W.P.(C)-10227/2015]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The orders of the Central Administrative Tribunal granting enhanced gratuity of Rs. 10,00,000/- based on the 6th Central Pay Commission recommendations were set aside. The Delhi Transport Corporation (DTC) is an autonomous organization and is not obligated to adopt Pay Commission recommendations or set implementation dates. DTC decided to implement the gratuity ceiling increase to Rs. 10,00,000/- effective from 24.05.2010, which means that employees who retired before this date are not eligible for the higher amount. This matter involved two connected writ petitions filed by DTC.

DR. NIKHIL KUMAR AND ORS VS UNIVERSITY GRANTS COMMISSION AND ORS [W.P.(C)-7656/2020]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The order of the Central Administrative Tribunal (CAT) regarding the selection process for the post of Education Officer has been set aside. The application of an 85% weightage to the written examination and 15% to the interview for only two petitioners was deemed impermissible, as such a formula should apply to all candidates. The matter has been remanded to the CAT for fresh adjudication, while the two appointed petitioners may continue in service until a new decision is made. The appropriateness of the 85:15 weightage formula remains for the CAT to decide.

EMPLOYEE STATE INSURANCE CORPORATION VS NARENDRA KUMAR VERMA [W.P.(C)-2452/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The decision of the Central Administrative Tribunal to appoint the respondent to the position of Nursing Orderly was upheld. The respondent's experience in a government-run dispensary was deemed relevant for meeting the eligibility criteria, as staff in government dispensaries and hospitals are often interchangeable. The cancellation of the respondent's appointment offer by the ESIC was deemed arbitrary and unjustified.

EMPLOYEES STATE INSURANCE CORPORATION VS DR. ASHOK KUMAR GUPTA [W.P.(C)-4785/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The Employees' State Insurance Corporation (ESIC) must consider the respondent for the Insurance Medical Officer (IMO), Grade-II position, granting age relaxation benefits. The advertisement included all "Government servants," applying to both central and state employees. The respondent, a Gujarat state government employee, is eligible for the age relaxation, and the decision of the Central Administrative Tribunal was upheld. The ESIC's arguments against this were rejected.

GEETAKATYAL VS SUDARSHAN GABA [RFA(OS)-22/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The dismissal of the appellant's suit (CS (OS) 221/2022) was upheld due to the prior withdrawal of an identical suit (Civil Suit no. 767/2017) without permission to refile. The decree in favor of the respondents in their suit (CS (OS) 344/2019) for declaration, possession, and mesne profits was affirmed, with their title considered prima facie valid based on the registered will and sale deed.

HUGHES COMMUNICATIONS INDIA PRIVATE LIMITED VS IMAGING SOLUTIONS PRIVATE LIMITED [FAO(OS) (COMM)-144/2023]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The decisions rejecting challenges to an Arbitral Award dated 04.10.2018 were deemed unsustainable due to insufficient consideration of the parties' grounds. The appeals were allowed, the previous orders were set aside, and the matters were remanded for fresh adjudication under Section 34 of the Arbitration and Conciliation Act, 1996. This involved two appeals arising from similar cases.

KENDRIYA VIDYALAYA SANGATHAN & ANR. VS MAHIPAL SINGH [W.P.(C)-6703/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The writ petition filed by Kendriya Vidyalaya Sangathan (KVS) was dismissed, confirming an order that directed KVS to grant notional seniority and pay fixation to the respondent as Principal from October 2012. KVS acknowledged the original select list from 2012 was erroneous, and the respondent was entitled to the same benefits as candidates on the corrected list. The decision referenced an unchallenged previous judgment in a similar case. The order was upheld without finding any errors.

KISHOR KUMAR MAKWANA VS UNION OF INDIA & ANR [W.P.(C)-239/2016]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The respondents justified reverting the petitioner from the position of Research Officer to Economic Officer but could not recover the differential amount paid during the reversion period. The petitioner worked in the higher role for over 14 years without complaints, so terminal benefits should be based on the higher salary received as a Research Officer. The order was set aside, directing the release of the petitioner's terminal benefits, including pension, calculated on the higher scale, while not permitting the continuation of the higher pay post-reversion.

KRISHNA GOPAL AND ORS VS INDIAN BANK AND ORS [W.P.(C)-17914/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The writ petition filed by the subsequent purchasers of the mortgaged property was allowed, leading to the order of the Debts Recovery Appellate Tribunal being set aside. The appeal was deemed maintainable under Section 18 of the SARFAESI Act, resulting in the matter being remanded to the DRAT for adjudication on the merits. No opinion was expressed regarding the merits of the grounds raised by the petitioners, and it was suggested that the DRAT could require a pre-deposit before proceeding with the appeal.

M/S CHIBBA AGRO PVT LTD VS NARENDER KUMAR GUPTA [RFA(COMM)-489/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The requirement of pre-litigation mediation under Section 12A of the Commercial Courts Act, 2015 was complied with, despite no settlement being reached. The plaintiff invoked mediation as required, and the lack of a settlement did not indicate a violation of Section 12A. The argument for rejecting the suit based on non-compliance with Section 12A was dismissed, as the statute mandates only the invocation of mediation rather than a successful settlement.

M/S SATYADHARA COMMUNICATIONS PVT LTD VS M/S INDIASIGN PVT LTD [FAO(OS) (COMM)-66/2023]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

M/S Satyadhara Communications Pvt Ltd's appeal to set aside an arbitral award was dismissed due to inadequate justification for delays of 670 days in filing and 591 days in re-filing. Exceptional circumstances required to condone delays beyond the statutory period under the Arbitration Act were not demonstrated. The applications for condonation of delay were dismissed, resulting in the dismissal of the appeal.

MOHAMMED ATIQUE VS APARAJITA ATIQUE [MAT.APP.(F.C.)-421/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

A divorce decree was upheld in favor of the wife under Section 27(1)(d) of the Special Marriage Act, 1954, citing cruelty. The husband's argument that the marriage was invalid due to the wife's pre-marital conversion to Islam was dismissed as res judicata. Evidence showed the husband's actions constituted mental, physical, and economic cruelty, which he did not contest, leading to admission of those claims. A separation period exceeding 10 years was also recognized as cruelty. The appeal was dismissed with costs of Rs. 1,00,000.

MR. DHARMENDRA PRASAD SINGH AND ANR. VS STATE BANK OF INDIA THR CHAIRMAN AND ORS [LPA-705/2022]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The decision affirmed the rejection of the writ petition filed by the appellants, who were appointed as Officers-Marketing and Recovery (Rural S-1) on a contractual basis. They were found ineligible for permanent absorption under the bank's policies from 20.07.2010 and 18.08.2010, which mandated prior experience as OMR (Rural) and a minimum 60% performance target. The appellants had never worked as OMR (Rural), making them unable to meet the performance evaluation requirements. The rationale behind the bank's policy limiting absorption to specific employees was not subject to judicial examination. The appeal was dismissed.

MUNICIPAL CORPORATION OF DELHI VS RAKESH GUPTA [W.P.(C)-4396/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The Central Administrative Tribunal's decision was upheld, directing the Municipal Corporation of Delhi to convene a review DPC and consider the respondent for promotion to Deputy Director (Press & Information), counting his ad hoc service as Assistant Director towards eligibility. Despite general practices of excluding ad hoc service from regular service count, the respondent's circumstances warranted consideration due to having been eligible for regular promotion yet only granted an ad hoc role. A prior judgment that allowed counting ad hoc service in similar cases was deemed applicable. The writ petition by the Municipal Corporation was dismissed.

NATIONAL HEALTH AUTHORITY VS M S INTERMARC [FAO (COMM)-137/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The application by the National Health Authority to set aside an arbitral award in favor of M S Intermarc was rejected due to being filed beyond the 120-day limitation period mandated by the Arbitration and Conciliation Act. Despite considering time exclusions under the Limitation Act during an earlier application, the 14-day delay for condonation was deemed without merit, as the statutory limitation period is inflexible.

NAVEEN KUMAR VS UNION OF INDIA AND ORS. [W.P.(C)-7071/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The writ petition challenging orders of the Central Administrative Tribunal was dismissed. The Navodaya Vidyalaya Samiti used a uniform marking scheme for the PGT (Computer Science) exam, awarding composite marks for each question instead of separate marks for sub-parts. The marking procedure was applied consistently to all candidates, and the discretion in deciding the marking process lies with the examining body, not within judicial oversight under Articles 226 and 227 of the Constitution. The petition was deemed meritless.

NORTH DELHI MUNICIPAL CORPORATION VS M/S VEERA BUILDERS THR ITS PARTNER & ORS [RFA(OS)-85/2016]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The suit filed by the North Delhi Municipal Corporation for a declaration of ownership and possession of certain plots of land was dismissed as lacking cause of action. The Corporation had previously sanctioned building plans for the land, acknowledging the respondents' ownership. The claim was also barred by the principle of constructive res judicata, rendering the suit frivolous.

NORTH DELHI MUNICIPAL CORPORATION VS SUDHA SHARMA [W.P.(C)-10565/2017]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The Central Administrative Tribunal's decision to allow reimbursement for expenses related to the respondent's husband's bariatric surgery is upheld. Prior approval was not obtained, but the surgery was categorized as an emergency since it was performed at an MCD panel hospital upon doctor's advice. The cost was lower than the approved rate, and the genuineness of the claim was not disputed. The specific circumstances of the case justified the Tribunal's decision.

NTPC LIMITED VS R S TYAGI [LPA-390/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The appeal by NTPC Limited was dismissed, upholding the quashing of the penalty order against R S Tyagi. The initiation of disciplinary proceedings, 17 years after the alleged misconduct, was deemed unreasonable, as the misconduct had been flagged by the CVC in 1987 but no action was taken until 2004. The delay rendered the cause of action stale, making it impermissible for NTPC to pursue the case at this late stage.

ORIENTAL INSURANCE CO. LTD VS SHARP MINT LTD [RFA(OS)(COMM)-22/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The appeal by Oriental Insurance Co. Ltd. was dismissed due to the appellant's failure to demonstrate "sufficient cause" for a 182-day delay in filing. The reasons provided indicated negligence and a lack of good faith, rather than an inability to meet the statutory deadline. Allowing the delay would undermine the intent of the Limitation Act.

POOJA SHARMA VS ARUN SHARMA [MAT.APP.(F.C.)-428/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The appeal by the wife against the lower court's rejection of her interim maintenance application was allowed. Despite an earlier settlement not being implemented, the wife retains the right to claim maintenance. The lower court's order was deemed unsustainable and set aside, with the matter remanded for fresh assessment of the maintenance application. No opinion was provided on the merits of the claims, leaving the decision to the lower court.

POOJA SHARMA VS ARUN SHARMA [MAT.APP.(F.C.)-435/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The Family Court closed the appellant's right to examine herself after a lengthy cross-examination. This decision was viewed as arbitrary, as family matters require greater sensitivity. The appeal was partially allowed, reinstating the appellant's right to self-examination, and mandating the completion of her cross-examination before final arguments. Additionally, it was emphasized that Family Courts should expedite cross-examinations to facilitate the swift resolution of disputes as per the Family Courts Act.

PREM SINGH VS STATE BANK OF TRAVANCORE [LPA-248/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The appeal resulted in modification of the lower court's order regarding compensation. The amount paid under Section 17B of the Industrial Disputes Act during proceedings should not be included in the calculation of lump-sum compensation for reinstatement. It was established that Section 17B payments are non-refundable and cannot offset the compensation. An additional sum of Rs. 3,00,000 was awarded as lump-sum compensation, in addition to the Rs. 1,00,000 already granted.

PUNJAB NATIONAL BANK VS D B MADAN [LPA-608/2023]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The respondent's acquittal in the criminal case was categorized as an "honourable acquittal" under Regulation 15 of the PNB Officer Employee (Discipline & Appeal) Regulations, 1977. The acquittal occurred after thorough consideration of evidence by the CBI Court, not simply on the basis of benefit of doubt or lack of witness examination. The appellant was directed to pay the respondent full salary during the suspension period and to treat that period as duty time for pension calculations.

RAJIV KUMAR VS JAWAHAR LAL VOHRA [RFA(COMM)-447/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The appeal against the trial court's judgment granting possession of the property to the respondent and recovery of arrears was considered meritless. The appellant had been allowed to vacate the property by April 30, 2025, and pay R.S. 25 lakhs in three installments towards arrears, based on an oral undertaking. Failure to comply with the terms of the settlement, including non-filing of the required affidavit and non-payment, led to the revival of the appeal and its subsequent dismissal. Costs of R.S. 50,000 were awarded to the respondent, confirming the absence of any infirmity in the original judgment.

RAKESH CHOPRA VS UNION OF INDIA & ORS. [W.P.(C)-16645/2022]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The rejection of the petitioner's request for deputation to the Executive Director position was deemed unjustified because ongoing departmental inquiries should not have affected the application. However, the specific vacancy for which the petitioner was selected was no longer available. Authorities were directed to consider granting age relaxation for the petitioner’s deputation application until 31.12.2024, given the unique circumstances of the case.

RAVI KUMAR & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-7674/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The seniority list of Inspectors dated 15.03.2018 was not final when the Supreme Court's decision in K. Meghachandra Singh v. Ningam Siro was made. The Central Administrative Tribunal's order to redraw the seniority list according to principles from that decision was upheld. The argument for determining seniority based on Union of India v. N.R. Parmar and Office Memorandums from the DoPT was rejected. Multiple connected petitions were part of the case.

RITIKA GULATI VS CHASER FINANCIAL SERVICES PVT. LTD. [RFA(COMM)-463/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The defendant failed to prove that the Rs. 20 lakhs received from the plaintiff was for the sale of gold instead of a loan. Evidence included the defendant's admission of receipt and entries in the plaintiff's books, supporting the loan transaction. The absence of a formal loan agreement or compliance with RBI guidelines did not invalidate the loan. The appeal was dismissed.

SACHIN VS UNION OF INDIA & ANR [W.P.(C)-10076/2016]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

Sachin's writ petition was allowed, and the previous rejection by the Central Administrative Tribunal was set aside. The Tribunal's reliance on an unsubstantiated expert opinion and an inconclusive FSL report was criticized. Sachin was granted the benefit of doubt, ordered to be appointed to the selected post with seniority from the date of appointment of similarly placed individuals, but without back wages. The respondents were given four weeks to implement the decision, after which Sachin would be entitled to receive wages from the date of judgment if not executed.

SANJAY SINGH YADAV VS AIRPORT AUTHORITY OF INDIA & ANR. [LPA-391/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The letters patent appeal by Sanjay Singh Yadav was dismissed due to his lack of seriousness in joining the Airport Authority of India. He did not join within a week as required and delayed joining despite a position being kept vacant for him. The findings indicated that he could not benefit from his status as a departmental candidate given his failure to join the service at the appropriate time.

SANJEEV SEHGAL & ANR. VS PURNIMA BHATIA & ORS. [RFA(COMM)-363/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The trial court's dismissal of the appellants' suit for possession of property, rent arrears, and mesne profits was set aside. The matter was remanded to the trial court to adjudicate claims for rent arrears and mesne profits against the respondent tenants. The suit for possession was deemed not maintainable due to ongoing SARFAESI Act proceedings, but the appellants were allowed to pursue their remaining claims following changes in factual circumstances regarding property possession.

SARPAL SINGH VS UNION OF INDIA & ORS [W.P.(C)-6366/2019]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The respondent initiated departmental proceedings against the petitioner in 2008 through a charge memo. However, a delay of 16 years in concluding the inquiry, along with the petitioner's age of 74 years and partial visual impairment, would lead to significant hardship for the petitioner. The Supreme Court's guideline to complete inquiries within a year was taken into account. The charge memo and the order of the Central Administrative Tribunal were set aside, but the suspension order from 2008 was upheld, with the petitioner's suspension period counted towards total service for terminal benefits.

SATYAVEER SINGH VS DELHI TRANSPORT CORPORATION & ORS [W.P.(C)-1345/2018]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The termination of the petitioner's employment with the Delhi Transport Corporation (DTC) was set aside due to failure to consider relevant circumstances regarding a criminal case, including benefits under the Probation of Offenders Act and principles from previous judgments on employee termination for information concealment. The disciplinary authority must reassess the petitioner's case following established guidelines, with a new decision required within 8 weeks, and the petitioner retains the option to challenge the outcome if not reinstated.

SHUBHAM PAL & ORS. VS STAFF SELECTION COMMISSION & ANR. [LPA-202/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The appeal challenging the answer key for the Combined Graduate Level Examination 2023 was dismissed. There was no clear error or exceptional circumstance to warrant interference with the evaluation conducted by the Staff Selection Commission. The appellants could not conclusively prove that the answers provided by the SSC were incorrect, leading to the rejection of their request for revaluation.

SUBHASH CHANDER BAJAJ (SINCE DECEASED) THR LRS & ORS VS INDERJIT BAJAJ (SINCE DECEASED) THR LRS & ORS [FAO(OS)-23/2019]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The Memorandum of Family Settlement (MFS) dated 30.07.1997 is a valid and enforceable document that does not require compulsory registration under the Registration Act. It serves as a record of prior oral settlements and partitions made among the parties, reflecting their late father's wishes and related legal instruments. The MFS resulted from ongoing discussions after the father's demise and does not create new rights or interests. All parties are bound by its terms, and the appellant cannot challenge its validity after relying on it for property mutation and executing a sale deed.

SURENDER KUMAR VS UNION OF INDIA AND ORS. [W.P.(C)-12284/2018]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The petitioner, a casual daily wager, is entitled to wages from October 1, 2005, to May 13, 2012, due to unjustified termination orders that prevented him from working during this period.

THE STATESMAN LTD VS GOVT OF NCT OF DELHI & ORS. [LPA-779/2023]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The appeals by The Statesman Ltd. challenging orders to pay revised wages according to the Majithia Wage Board Award were dismissed. The appellant did not demonstrate suffering "heavy cash losses" that would exempt it from paying the revised wages. The Competent Authority retained the jurisdiction to issue the recovery certificate. The arguments presented lacked merit, leading to the upholding of the orders from the Competent Authority and dismissal of the writ and review petitions.

U.V. UTTAMCHANDANI VS UOI AND ORS [W.P.(C)-2792/2018]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The respondents improperly reduced the petitioner's service duration for calculating retirement benefits from 13 years 8 months to 9 years 7 months and 8 days without clear justification. The accurate calculation, after excluding 175 days of extraordinary leave, is 13 years 2 months and 15 days. The order to reduce the benefits was set aside, and the petitioner is entitled to the higher amount based on the correct service duration, plus 6% interest from July 1998.

UNION OF INDIA & ORS. VS SMT REKHA VISHNOI [W.P.(C)-13310/2022]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The decision of the Central Administrative Tribunal to set aside the Departmental Promotion Committee's minutes that downgraded the respondent's Annual Confidential Reports from 'very good' to 'good' for promotion to Chief Commissioner of Income Tax for the 2011-12 vacancy year was upheld. The finding noted that the DPC failed to provide reasons for the downgrade, which is necessary as the DPC cannot arbitrarily change gradings set by the competent authority. A review DPC must be conducted to reconsider the respondent's promotion case for the specified vacancy year.

UNION OF INDIA & ANR VS BALWANT SINGH [W.P.(C)-6113/2019]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The respondent, a retired employee of the Indian Council of World Affairs, was not entitled to leave encashment benefits under the Council's 2014 service regulations. Regulation 28(2) explicitly barred such benefits for former employees who retired before the regulations were issued. The lower tribunal misinterpreted the Indian Council of World Affairs Act, 2001, and its decision conflicted with prior rulings on similar claims from other retired employees. The lower tribunal's order was set aside, and the respondent's original application was dismissed.

UNION OF INDIA & ORS. VS CAPT MUNISH CHAUDHARY [LPA-705/2023]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The appeal by the Union of India and others was dismissed due to failure to show "sufficient cause" for a 189-day delay in filing, as required under Section 5 of the Limitation Act. Relevant Supreme Court precedents were cited regarding the interpretation of "sufficient cause" and the necessity of adhering to limitation laws. The decision was unanimous, with no disagreement or referral to a larger bench.

UNION OF INDIA AND ANR. VS GABBAR SINGH MEENA [W.P.(C)-6776/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The writ petition by the Union of India challenging the Central Administrative Tribunal's order was dismissed. Gabbar Singh Meena was deemed entitled to an offer of appointment despite not filling in the date and place in his application, as the defect was curable. He successfully passed the written exam and psycho aptitude test, and an appointment letter had already been issued, directing him to undergo training. The cases cited by the petitioners were distinguishable, with defects identified earlier in those instances. The CAT's order was upheld, but seniority and consequential benefits were denied to Meena.

UNION OF INDIA THROUGH SECRETARY MINISTRY OF INFORMATION AND BROADCASTING & ANR. VS NINA LATH GUPTA [LPA-642/2023]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The termination order dated 24.04.2018 against the respondent was deemed stigmatic, despite the removal of earlier allegations, due to its reference to a prior writ petition. In cases of tenure appointments, if a termination order is based on allegations, it qualifies as stigmatic, necessitating an opportunity for the employee to defend against the accusations. Since the respondent's tenure had expired when the petition was resolved, the appellants were directed to pay the respondent's salary and allowances for the remaining tenure, rather than reinstating her.

UNION OF INDIA THROUGH THE SECRETARY MINISTRY OF DEFENCE DEPARTMENT OF DEFENCE PRODUCTION AND SUPPLIES & ANR. VS HARI RAJ SANGWAN & ORS. [W.P.(C)-5808/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The order of the Central Administrative Tribunal was upheld, stating that the clarification issued on 14.09.2018 to the 2006 Transfer Policy should apply retrospectively. The revocation of the orders from 03.01.2019 and 17.10.2019, which upgraded the respondents from Semi-Skilled Grade to Skilled Grade, was deemed unjustified as it aligned with the 14.09.2018 clarification.

UNION OF INDIA VS BESCO LIMITED (WAGON DIVISON) [FAO(OS) (COMM)-22/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The Union of India (UoI) sought to condone a 112-day delay in filing an appeal against an order rejecting its application to challenge an Arbitral Award. The reasons for the delay were considered vague, with a 24-day personal matter mentioned. The UoI was deemed to have acted negligently, resulting in insufficient cause for the delay. Consequently, the application for condonation was dismissed, along with the appeal.

UNION OF INDIA VS RAJ SINGH [W.P.(C)-5898/2024]

Judges: Justice Rekha Palli, Justice Saurabh Banerjee

The respondent's actions regarding the shifting of registered offices of the Carnoustie Group companies were characterized as quasi-judicial functions, requiring the application of a detailed procedure and objective criteria. There were no allegations of financial impropriety, extraneous influence, or recklessness against the respondent, making the initiation of disciplinary proceedings for errors in his quasi-judicial orders inappropriate. The respondent's actions assisted in uncovering fraud within the Carnoustie Group, implying that the disciplinary actions stemmed from personal grievances of another official. The charge memorandum against the respondent was quashed, and he was to receive all consequential benefits.

AJAY KISHOR VS UNION OF INDIA AND ORS. [W.P.(C)-1799/2020]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

Ajay Kishor, acquitted of criminal charges that hindered his promotion, is entitled to notional seniority and pay fixation as Sub-Inspector (CM) effective from January 29, 2016. He will receive these benefits but will not be granted any arrears for the period between January 29, 2016, and December 30, 2016, prior to officially assuming the promotional post.

MUKESH TATERWAY VS UNION OF INDIA & ANR. [W.P.(C)-3931/2023]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

Anil Kumar Yadav and Mukesh Taterway's requests for relaxation in the mandatory 2 years of field service (MFS) requirement for Non-Functional Financial Upgradation (NFFU) were supported on the basis that their postings to the Ministry of Home Affairs (MHA) were in the public interest. They should not be penalized for not completing the MFS before the cut-off date. The case is to be reconsidered for granting relaxation in the MFS requirement and awarding NFFU benefits from the due date, along with all consequential arrears.

ARUN KUMAR VS UNION OF INDIA AND ORS. [W.P.(C)-8027/2019]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The Director General's displeasure towards the petitioner was deemed valid, as the explanation for lengthy conversations with a female constable was unsatisfactory. A Department of Personnel & Training Memorandum indicated that such displeasure does not constitute a penalty and cannot affect promotion eligibility. With the petitioner's Annual Performance Assessment Report rated 'very good,' the displeasure was considered irrelevant. The petitioner is to have their promotion to Deputy Commandant reconsidered from the date their batchmates were promoted, with notional seniority and pay fixation granted, but without any arrears.

ASST. COMDT. (IRLA NO. 9910) ASHISH KUMAR DUBEY VS UNION OF INDIA & ANR. [W.P.(C)-11560/2022]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner, an Assistant Commandant in the CRPF, is entitled to retrospective seniority and promotion from 13.01.2012, along with consequential benefits. The denial of promotion was based solely on the timing of course completion, despite the petitioner meeting all eligibility criteria, including completion of the mandatory promotional course. The relevant standing order did not link promotion to the batch in which the course was completed. Seniority and promotion will be granted from 13.01.2012, with notional pay fixation and arrears limited to three years prior to the writ petition due to delay.

ASSTT COMDT MRITUNJAY KUMAR AND ORS VS UNION OF INDIA AND ORS [W.P.(C)-7113/2023]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioners, Assistant Commandants in the CRPF, received notional seniority equivalent to their batchmates who were appointed and promoted earlier. Consequently, their basic pay must be re-fixed to match that of their batchmates, as denying equal pay to petitioners who hold the same seniority would violate Fundamental Rule 22. They are entitled to re-fixed basic pay at the rank of Assistant Commandant(GD) along with all consequential benefits, including arrears from their actual joining date.

CHANDRA BHUSHAN VS UNION OF INDIA & ORS. [W.P.(C)-9744/2022]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner's Annual Performance Assessment Reports (APARs) for the periods from 31.10.2019 to 31.03.2020 and 01.04.2020 to 10.09.2020 were quashed due to adverse remarks based on an advisory outside the assessment period and inconsistencies in the Reporting Officer's comments. The endorsements by the Reporting Officer, Reviewing Officer, and Accepting Authority were deemed casual and insufficient in considering the purpose of APARs.

COMDT. ANAND SINGH VS UNION OF INDIA & ORS. [W.P.(C)-11336/2022]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The assessment of the Accepting Officer in the petitioner's Annual Performance Assessment Report (APAR) for 2016-17 violated established procedures by endorsing the grading before receiving the Reviewing Officer's remarks. This resulted in prejudice to the petitioner, as the Accepting Officer lacked the Reviewing Officer's 'Very Good' grading at the time of assessment. Additionally, the Reviewing Officer's own assessment was improper, as it should have followed their grading process. Consequently, both assessments were deemed unsustainable, leading to the entire APAR for 2016-17 being set aside and the petitioner being entitled to all consequential benefits, including promotion considerations, while disregarding the impugned APAR.

COMMANDANT JAWAHAR SINGH NEGI VS UNION OF INDIA THROUGH SECRETARY & ORS. [W.P.(C)-9329/2024]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

Respondents cannot recover amounts from the petitioner's salary based on findings of the SCoI before the conclusion of disciplinary proceedings. The BSF (Deductions from Pay and Allowances) Rules, 1978 do not permit such recoveries until the petitioner's misconduct is conclusively determined. An order directing recovery of Rs. 7,97,804/- from the petitioner's salary was quashed, allowing for a potential fresh recovery order only after the disciplinary proceedings are completed.

DEEPAK CHATURVEDI VS UNION OF INDIA AND ORS [W.P.(C)-1216/2021]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The withdrawal of the Non-Functional Financial Upgradation (NFFU) benefit from the Chief Law Officer (IG) in the Border Security Force was deemed invalid. Despite a delay of over 9 years in notifying the Recruitment Rules for the position, the petitioner met the eligibility criteria outlined in the draft rules, which were later notified unchanged. The petitioner was not penalized for the delay, leading to the reinstatement of the NFFU benefit and the directive to release the arrears owed.

DHANANJAY YADAV VS UNION OF INDIA AND ORS. [W.P.(C)-9318/2018]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The penalty of removal from service for two constables was deemed disproportionate and discriminatory compared to lesser punishments given to senior officers present during the incident. The principles of equality and parity in punishment among co-delinquents were acknowledged. The removal orders were set aside, and the matter was remanded to the disciplinary authority for reconsideration of the penalty within 12 weeks, considering the long and unblemished service of the petitioners. Reinstatement will not occur until new orders are issued, but the petitioners may pursue further legal options if dissatisfied with the outcome.

EX CHAA MOHAMMED ZULKARNAIN, 550032-Z VS UNION OF INDIA & ORS. [W.P.(C)-12837/2024]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The decision to dismiss the petitioner's application for revocation of his unwillingness to serve on INS Vikramaditya and for re-engagement or service pension was upheld. The rejection was based on the petitioner's prior undertaking acknowledging that refusal of deputation would impact re-engagement eligibility. Additionally, the application was deemed barred by delay, as it was submitted approximately three years after the petitioner's discharge from service.

EX CONS. DAMODAR SINGH VS UNION OF INDIA AND ORS [W.P.(C)-9233/2024]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The rejection of the petitioner's claim for pensionary benefits was upheld. The petitioner, an ex-constable of the BSF, had voluntarily resigned after 11 years of service, failing to meet the 20-year requirement under the CCS (Pension) Rules. Although the petitioner was initially sanctioned pension in 1997 based on a now-invalid circular allowing pension after 10 years of service, he did not qualify for continued pension as he was not receiving any at the time of his discharge in 1982. The decision to discontinue the pension was deemed valid, leading to the dismissal of the petition.

EX SGT LAXMI NARAYAN PANDEY RETD VS UNION OF INDIA AND OTHERS [W.P.(C)-16684/2023]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The decision of the Armed Forces Tribunal to dismiss the petition for disability pension was upheld. Medical opinions consistently indicated that the petitioner's Schizophrenia was not related to military service and was constitutional in nature. Established principles highlight that medical expert opinions are paramount, and the mere occurrence of a disease during service does not imply service attribution. The petitioner had not previously challenged the Release Medical Board's findings. The Tribunal's order was deemed without infirmity, leading to the dismissal of the writ petition.

EX-HC D.K.DWIVEDI VS UOI & ORS. [W.P.(C)-15515/2006]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The proceedings of the SSFC regarding the dismissal of BSF personnel were invalid due to non-compliance with procedural requirements under Rule 142 of the BSF Rules. The plea of guilty was improperly recorded, lacking an explanation of its nature and consequences, and not obtaining the petitioner's signature. The order of dismissal was set aside, and the petitioner is entitled to 50% of the back wages from the dismissal date until superannuation, followed by full pension according to the Rules.

FEDERATION OF TATA COMMUNICATIONS EMPLOYEES UNION VS UNION OF INDIA & ANR [W.P.(C)-11069/2017]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The writ petition by the Federation of Tata Communications Employees Union was dismissed, affirming the notification that removed paragraphs 12-A and 13 of the Employees Pension Scheme, 1995. Employees still in service lack a vested right to claim benefits related to commutation of pension or return of capital with reduced pension, as these were policy decisions for managing the pension fund. Deleting these clauses does not affect the rights of employees who already utilized these options.

GOVT. NCT OF DELHI THROUGH STATE CONSUMER DISPUTES REDRESSAL COMMISSION AND ORS VS REHMAT FATIMA [LPA-199/2024]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The appeal by the Govt. NCT of Delhi regarding maternity benefits for Rehmat Fatima was dismissed, affirming the entitlement to benefits under the Maternity Benefit Act, 1961, even after the expiration of her contract. Costs of Rs. 50,000 were imposed on the appellants, to be paid to the respondent within four weeks.

GOVT. OF NCT OF DELHI & ORS V. VIRENDER PAL SINGH KULDEEP KUMAR & ORS [W.P.(C)-11719/2016]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The Government of NCT of Delhi adopted the Assured Career Progression (ACP) scheme from the Central Government, making it subject to the clarificatory Office Memorandum (OM) dated 01.11.2002. The argument that this OM did not apply to NCT employees was rejected, establishing that once the ACP scheme was fully adopted, the government could not selectively apply clarifications or modifications.

INSPECTOR TD CYRIL MIMIN ZOU VS UNION OF INDIA AND OTHERS [W.P.(C)-11133/2024]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

An ST candidate from Manipur was disqualified from the selection process for Assistant Commandant (GD) in CAPFs due to not meeting the height requirement of 165 cm, despite a relaxed standard of 162.5 cm for ST candidates. The height relaxation granted when the candidate joined the ITBP was deemed applicable to the selection process for LDCE. The candidate is to be allowed to participate in the selection process with the necessary height relaxation, provided he meets other selection criteria.

INSPR (MIN) VIJAY KUMAR SHARMA AND ORS. VS UNION OF INDIA & ORS. [W.P.(C)-3722/2022]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioners, appointed as Assistant Sub-Inspectors (Clerks) in the Border Security Force (BSF), experienced a delay of 25 years in seeking redress for their pay disparity compared to juniors appointed through the Limited Departmental Competitive Examination (LDCE). Despite this delay, it was determined that this would not prevent the relief sought, as it did not impact third parties. The petitioners were to receive their pay re-fixed to match their juniors' from the date of joining service, with arrears limited to three years prior to filing the writ petition.

ISHA VS UNION OF INDIA AND ORS. [W.P.(C)-3732/2019]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

Refusal to postpone the Physical Efficiency Test (PET) and Physical Measurement Test (PMT) for a petitioner in advanced pregnancy violated fundamental rights under Articles 14, 15, 16, and 21 of the Constitution. Pregnancy was not treated as a disability or disqualification, and the discriminatory approach breached principles of gender equality. The petitioner, having secured higher marks than the cutoff in the Computer Based Test, is entitled to appear for the PET, PMT, and document verification, with successful candidates receiving appointment as Constables with retrospective seniority and benefits.

JAGMOHAN CHAUDHARY VS UNION OF INDIA AND ORS [W.P.(C)-3952/2024]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner, an Assistant Commandant in the Sashastra Seema Bal (SSB), qualified for relaxation in medical category under Standing Order 04/2008 due to injuries sustained while on government duty during training. Orders denying his promotion to Deputy Commandant and Senior Time Scale were set aside. A review Departmental Promotion Committee is to consider his promotion with the medical relaxation, and he is to receive the Senior Time Scale benefit from the date of his batchmates' similar grant.

JAI PAL VS UOI AND ORS [W.P.(C)-665/2012]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The proceedings of the Summary Security Force Court (SSFC) that dismissed the petitioner from the Border Security Force (BSF) were quashed due to improper procedures. The SSFC failed to obtain the petitioner's signature on the plea of guilty and did not explain the consequences of pleading guilty. Despite these findings, the petitioner's long absence from service and alleged mental illness led to a decision to treat him as having been in service until the date of compulsory retirement, with 50% back wages awarded.

JAWAHAR LAL DEKA VS UNION OF INDIA AND ORS [W.P.(C)-8340/2021]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

A superannuated Sub-Inspector of the Border Security Force received an order for recovery of Rs. 11,94,860/- due to benefits received under the ACP scheme for 18 years without misrepresentation. The recovery was deemed to cause grave hardship, especially as the petitioner was nearing retirement. It was established that recovery is not permissible when excess payments have been received for more than 5 years. However, the petitioner's pay and pension may be re-fixed according to law.

KALICHARAN VS UNON OF INDIA & ORS. [W.P.(C)-6168/2020]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The writ petition filed by Kalicharan, a Sub-Inspector in the CRPF, was dismissed. His claim for a confirmation date as Constable of 01/04/1988 instead of 10/04/1988 was rejected due to delay, impacting settled seniority among his batchmates. The decision to promote him to Assistant Sub-Inspector rather than directly to Sub-Inspector was upheld, as the ASI position was introduced after the SI promotion list was created and only limited SI vacancies existed. Additionally, the claim for a third financial upgradation under the MACP was denied since he had already received promotions within the 30-year eligibility period for this upgrade.

KALYAN SINGH VS CENTRAL RESERVE POLICE FORCE & ORS. [W.P.(C)-473/2021]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The Central Reserve Police Force (CRPF) correctly denied the petitioner the benefit of Senior Time Scale from 13.01.2016 due to his low medical category (Shape-III), which disqualified him for the Standing Order's relaxation. The petitioner is entitled to the Senior Time Scale on a notional basis from 13.01.2016, aligning with his batchmates' timeline, but he will not receive arrears for the period between 13.01.2016 and 24.01.2017, when he was granted the benefit after being declared medically fit.

KAMLESH SHARMA VS UNION OF INDIA AND ORS [W.P.(C)-8945/2024]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The transfer policy for CISF personnel in the circular dated 25.09.2017 provides non-mandatory guidelines for posting in both home and out-of-home sectors. The CISF administration retains discretion to assign personnel based on operational and administrative needs. The petitioner was ranked lower for a home sector posting after assessing his out-of-home tenure. A request for home sector posting due to the father's medical condition was denied due to lack of supporting medical documentation. The writ petition was dismissed as the challenge to the transfer order lacked merit.

KEWAL KRISHAN VS UNION OF INDIA AND ANOTHER [W.P.(C)-3608/2022]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner's challenge to his seniority as a Head Constable (Clerk), made 24 years after its fixation, is barred by delay and laches. Although earlier directives aimed to determine seniority based on merit, allowing this late request would disrupt the established seniority of several other employees. The writ petition was dismissed, maintaining the long-standing seniority position.

KRISHNA KUMAR SINGH VS UNION OF INDIA AND ORS. [W.P.(C)-9080/2019]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The adverse remarks in the petitioner's Annual Performance Assessment Report (APAR) were expunged due to the disagreement from the Reviewing Officer and Accepting Officer, who upgraded the petitioner's grading to 'Very Good'. The assessment by the senior-most officer took precedence, making the Reporting Officer's negative remarks invalid. The petitioner is to be reconsidered for the grant of Non-Functional Selection Grade along with the associated benefits.

KRISHNA PADA BISWAS VS THE UNION OF INDIA & ORS. [W.P.(C)-10677/2024]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The writ petition by the former BSF constable for pension or reinstatement in service was dismissed. The petitioner was ineligible for pension due to not completing the required 20 years of service before resignation. The request for reinstatement was denied as the petitioner failed to respond to call-up notices and delayed approaching the court for 27 years, resulting in a loss of entitlement to reinstatement due to his own delay.

LALIT VS CENTRAL RESERVE POLICE FORCE & ORS. [W.P.(C)-8133/2020]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner, an Assistant Commandant in the Central Reserve Police Force (CRPF), is entitled to the notional benefit of Senior Time Scale from 12.01.2016, the date his batchmates received it. Despite being in a low medical category (SHAPE-III) due to injuries sustained in duty, Clause 4.13 of the CRPF's Standing Order allows for retrospective seniority upon regaining medical fitness. The respondents are directed to grant the notional pay scale from the stated date, but no backwages will be provided for the period until actual benefits were granted on 25.03.2017.

LBN VS VJK [MAT.APP.(F.C.)-90/2024]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The appellant/husband's application under Section 151 of the Code of Civil Procedure for directions for the respondent/wife to shift to alternate accommodation was deemed maintainable. The previous dismissal of the application by the Family Court was set aside due to the lack of a specific statutory provision for relief and the urgency of the situation, which necessitated action before the wife's pending application under Section 24 of the Hindu Marriage Act. The Family Court was directed to reconsider the appellant's application within 4 weeks, without an opinion on the merits of the claim.

LOKESH RANI VS UNION OF INDIA & ORS [W.P.(C)-5542/2019]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The review petition by Lokesh Rani for a compassionate appointment following her husband's death was dismissed. The petitioner was appropriately assessed under the MTS cadre, where she scored 88 points, lower than the last selected candidate who scored 100 points. Seeking parity with candidates from other cadres was not justifiable. The decision emphasized that compassionate appointments are intended for immediate financial crises at the time of a breadwinner's death, not as a right to be claimed after a considerable delay.

MAJ GEN VINAYAK SAINI SM VSM VS UNION OF INDIA THROUGH & ORS. [W.P.(C)-7181/2024]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

A Major General in the Indian Army was wrongfully denied special review consideration for promotion to Lt. General after the central government expunged a downgrade in his confidential report. The refusal to grant review considering the Special Selection Board (SSB) held on 09.02.2023 was deemed arbitrary and illegal. The case will be reconsidered for promotion based on the SSB's criteria, and if recommended, the Major General will be promoted with retrospective seniority and notional pay fixation, excluding any arrears. No directive was issued regarding the promotions of other officers resulting from the SSB.

MANMEET POKHRIYAL VS UNION OF INDIA AND ORS [W.P.(C)-1559/2021]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The disagreement note and dismissal order of the petitioner were set aside due to the disciplinary authority's conclusive finding of guilt, which violated established legal principles. The matter was remanded for the issuance of a fresh disagreement note while leaving the merits of the charges unexamined for future proceedings if necessary. The petitioner was directed to be reinstated immediately, with benefits for the intervening period to be determined according to applicable rules.

MANOJ DHYANI VS UNION OF INDIA AND OTHERS [W.P.(C)-13646/2022]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The Annual Performance Appraisal Report (APAR) for the petitioner, a Deputy Inspector General in the Central Reserve Police Force, for the period 2020-2021 was found to be biased and motivated by malafide intent from the Reporting Officer. The petitioner maintained a record of "Outstanding"/"Very Good" APARs until being downgraded to "Good" without prior warnings during the impugned period, suggesting bias in performance assessment. Further, the integrity of the petitioner was later certified as "Beyond Doubt," and an adverse note from the Reporting Officer was removed, highlighting potential bias. The impugned APAR was quashed, and the respondents were directed to re-consider the petitioner's promotion case while disregarding the contested APAR.

MRITUNJAY KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-8908/2022]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner's APAR for the period from 01.04.2018 to 29.10.2018 was quashed due to the Reporting Officer's lack of objectivity and reasonable likelihood of bias. Positive remarks in Part 3 conflicted with negative comments and a downgraded rating in Parts 4 and 5. The petitioner had consistently high performance ratings in previous APARs and had made prior complaints regarding the Reporting Officer's vindictive behavior. The Reviewing Officer and Accepting Authority did not adequately scrutinize the APAR or address bias issues. The quashing of the APAR prohibits reliance on it for future assessments of the petitioner.

MUNIT DINKER @ MUNNA RAM VS UNION OF INDIA & ORS [W.P.(C)-3549/2019]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner, an Inspector in the Indo-Tibetan Border Police, received authorization for a pay revision based on the 6th Central Pay Commission, effective from 16.01.2006, when he was promoted to Sub-Inspector. The rejection of his request due to his failure to submit the required option form on time was deemed unjustified, as the respondents failed to inform him of this requirement despite being aware of his pay revision request through multiple representations. The delay in submitting the form was not considered detrimental to his claim for pay revision.

MURTI DEVI VS UNION OF INDIA AND ORS. [W.P.(C)-10744/2017]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The death of a CRPF Head Constable due to cerebral malaria and acute viral hepatitis was linked to his service conditions in a malaria-prone area. Findings from a Court of Inquiry and medical evidence established a causal connection between the death and the officer's service. Extraordinary family pension and ex-gratia compensation were directed to be sanctioned to the widow, as the respondents did not prove that the death was not service-related.

NAIMISH KUMAR SINGH VS UNION OF INDIA & ORS. [W.P.(C)-4306/2020]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner, a Deputy Commandant in the CISF, is entitled to notional seniority from 07.10.2016, the date his batch mates were promoted. Delay in his pre-promotional course was attributable to the respondents, so he should not be penalized. He is to receive notional pay fixation and seniority from that date, with promotion to Commandant considered after a review DPC.

NEERAJ KUMAR PANDEY VS UNION OF INDIA AND ORS [W.P.(C)-15719/2023]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The Departmental Promotion Committee (DPC) improperly kept the petitioner's name in a sealed cover based solely on an FIR against him, contrary to DoPT guidelines. The applicable clause regarding pending prosecution requires the filing of a chargesheet, which had not occurred prior to the DPC meeting. As a result, the sealed cover must be opened, and the petitioner should be promoted to the post of DIG if found suitable, with all benefits effective from the date his batchmates were promoted.

OM PAL SINGH VS STAFF SELECTION COMMISSION & ANR [W.P.(C)-11679/2018]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The respondents' declaration of the petitioner as medically unfit for appointment in the Central Armed Police Force due to LASIK eye surgery was valid, as medical guidelines from the Ministry of Home Affairs prohibit visual correction procedures. Although LASIK is commonly performed, the established standards for medical fitness in the CAPF are to be respected. It was suggested that the guidelines be reconsidered with input from ophthalmologists, reflecting advancements in LASIK technology.

PALYAM DELHI PRASAD VS UNION OF INDIA AND ORS. [W.P.(C)-2202/2020]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The writ petition challenging the dismissal of a Constable/GD in the Border Security Force was dismissed. The dismissal was justified due to the petitioner overstaying leave for over 8 months without valid reasons and indicating a desire to resign from service. The argument that the penalty was disproportionate lacked merit, as the petitioner showed a lack of commitment to employment and failed to maintain discipline expected in an armed force. Sympathy was not warranted based solely on the petitioner's youth and family circumstances.

PARAS ARORA VS M/S AGGARWAL ASSOCIATES [RERA APPEAL-4/2023]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The appellant's complaint under the Real Estate Regulatory Authority (RERA) was deemed not maintainable as the project in question had been completed and received a Completion Certificate from the DDA prior to the enforcement of RERA. The argument that the appellant had the right to withdraw a prior complaint and initiate a new one under RERA was rejected, as the relevant proviso does not allow for complaints on projects completed before the Act's implementation. The appeal was dismissed with costs imposed on the appellant.

PAVAN SINGH RAWAT VS UNION OF INDIA & ORS. [W.P.(C)-9955/2020]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner's Annual Performance Appraisal Reports (APARs) for 2017-2018, 2018-2019, and 2019-2020 were quashed due to a downgrade from 'Very Good' to 'Good' based on his status as a paraplegic using a wheelchair. This action was deemed contrary to the duty to encourage persons with disabilities as per the Rights of Persons with Disabilities Act, 2016. The case will be considered for the grant of the Modified Assured Career Progression (MACP) scheme based on prior performance, reflecting the petitioner's sincere work despite his 100% disability. The ruling emphasizes the unique facts of this case and does not set a precedent.

PAWAN KUMAR VS UNION OF INDIA THROUGH ITS SECRETARY & ANR. [W.P.(C)-15759/2022]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

A Deputy Commandant in the Border Security Force is entitled to Non-Functional Financial Upgradation (NFFU) in the JAG level from April 1, 2017. The denial of NFFU based on the failure to complete the mandatory 2-year field service (MFS) requirement is invalid, as the petitioner was assigned to static positions in the Law Branch for public interest. A relaxation of the MFS requirement was granted by the DG, BSF, but rejected by the Union of India, which is deemed arbitrary. The case for NFFU should be reconsidered with the relaxation in mind, and if eligible, the petitioner is entitled to arrears and interest.

PRADEEP KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-6487/2021]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner, promoted to Assistant Commandant on 23.10.2009 but unable to join until 13.01.2010 due to delays caused by the respondents, is entitled to the annual increment given to batchmates on 01.07.2010. The respondents are required to re-fix the petitioner's pay to include this increment and all associated benefits. However, no arrears for differential salary will be granted for the period between 23.10.2009 and 13.01.2010, as the petitioner did not fulfill the responsibilities of the promotional role during that time.

PRADUMAN KUMAR SINGH VS UNION OF INDIA AND ORS [W.P.(C)-8975/2024]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

CISF transfer policy guidelines are not mandatory, allowing the competent authority to post personnel based on operational and administrative needs, even if it departs from specified tenure requirements. The merit-based formula was applied fairly, with the petitioner ranked lower for a "home sector" posting, leading to the dismissal of the writ petition against the transfer from West Bengal to Chandigarh.

RAJNEESH VS UNION OF INDIA [W.P.(C)-3294/2023]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

Orders of dismissal against a Border Security Force Constable by the Summary Security Force Court were quashed due to procedural irregularities. The proceedings violated the BSF Act and Rules, specifically regarding the timely provision of the Charge-Sheet and Record of Evidence, and improper recording of the guilty plea. The dismissal was set aside, and the petitioner was ordered to be reinstated with all benefits. A de novo trial was permitted within three months, and mandatory training for officers conducting SSFC proceedings was mandated to ensure adherence to proper procedures.

RAJNISH KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-10749/2022]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The downgrading of the petitioner's performance appraisal report by the Accepting Officer and the rejection of the petitioner's representation were deemed impermissible due to the conflict of interest. The order rejecting the representation was set aside, and the petitioner was directed to file a new representation to be decided by an independent authority, with requirements for a reasoned decision. If the representation is accepted, all consequential benefits must be granted to the petitioner. No opinion was expressed on the allegations of mala fide against the Accepting Officer at this time.

RAKESH KUMAR VS UNION OF INDIA AND ORS. [W.P.(C)-5538/2019]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner, granted notional seniority as an Assistant Sub-Inspector from the same date as other candidates, should have been promoted to Sub-Inspector along with junior officers on 11.09.2018. The argument regarding the need for 6 years of actual service for promotion was rejected, as it contradicted the earlier order on notional seniority. The petitioner is entitled to notional promotion as Sub-Inspector (Exe.) effective 11.09.2018, without arrears of pay.

RAM KARAN VS UNION OF INDIA & ANR [W.P.(C)-598/2020]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

A writ petition by a CISF constable challenging punishments for making false complaints against superior officers and contacting the police without following internal channels was dismissed. The actions were deemed detrimental to the discipline and image of the CISF, and the imposed penalties were not considered disproportionate. Bypassing hierarchy to lodge complaints against superior officers was recognized as a cause for gross indiscipline within the force.

RAM NIWAS VS PRINICIPAL CHIEF SECURITY COMMISSIONER AND ANR. [W.P.(C)-12649/2019]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The modified penalty of a three-stage reduction in pay scale for three years is effective from the original dismissal order date of 16.06.2008, not from the modified penalty order date of 09.11.2018. The petitioner is entitled to notional pay fixation effective from 16.06.2011, with arrears payable from 18.11.2018 when reinstated.

RAVI BALINA VS UNION OF INDIA AND ORS. [W.P.(C)-2317/2020]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The grading of '6' awarded to the petitioner in the APAR for the period 01.04.2010 to 13.11.2010 is classified as 'very good', contrary to the respondents' claim of 'good'. The adverse remarks in the APAR are inconsistent with this grading, raising doubts about its validity. The APAR is set aside, and the respondents are directed to reconsider the petitioner's case for NFFU from 01.04.2015, disregarding the impugned APAR and focusing on prior APARs.

SACHIN KUMAR VS CENTRAL RESERVE POLICE FORCE THROUGH UNION OF INDIA [W.P.(C)-5806/2012]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner, selected under the sports quota for the role of Constable (GD) in the CRPF, was denied appointment due to failure to meet physical eligibility criteria. Selection did not confer an absolute right to appointment as the Ministry of Home Affairs did not grant required relaxations. The decision to deny relaxation was justified and not made in bad faith. The writ petition was dismissed, but the petitioner was allowed to apply for future recruitment and seek age relaxation for the period the petition was pending.

SACHIN MEENA VS UNION OF INDIA & ORS [W.P.(C)-6769/2018]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

Sachin Meena's writ petition was allowed, enabling him to be examined by a new three-member medical board after being declared medically unfit by two previous boards. The opinion from a specialist at AIIMS stating he is fit was acknowledged, suggesting potential errors in the prior assessments. The argument of delay presented by the respondents was rejected, as it was not the petitioner's fault. If the new board finds Meena medically fit, he will be appointed as Navik(GD) in the Indian Coast Guard in the next available vacancy, without retrospective seniority or benefits.

SARTAJ SINGH CHAHAL VS UNION OF INDIA AND ORS [W.P.(C)-4476/2022]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

A CISF constable's writ petition challenging an APAR grading of 'good' for 2016 and requesting an upgrade to 'very good' was dismissed. The constable's previous grading was 'average', and the upgrade to 'good' was noted. His medical category was not deemed sufficient for a 'very good' rating, as the organization had provided accommodations and light duties.

SAT PAL AND ORS VS UNION OF INDIA AND ORS [W.P.(C)-5987/2017]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

Senior Railway Protection Force personnel promoted through the Limited Departmental Competitive Examination to Head Constable and Assistant Sub-Inspector ranks were denied financial upgradations under the Assured Career Progression scheme, while their juniors received such benefits. This denial was deemed arbitrary and discriminatory. The respondents were directed to upgrade the pay scale of the petitioners from the date their juniors were granted the higher pay.

SATISH KUMAR VS UNION OF INDIA & ORS [W.P.(C)-4703/2015]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

A Sub-Inspector with the CISF, dismissed for allegedly manhandling a superior officer, was reinstated due to a lack of credible evidence supporting the charge. The superior officer was subsequently compulsorily retired for attempting to sexually harass a female constable, who was also dismissed but later reinstated by another court as a victim of harassment. The petitioner was ordered to be reinstated with all consequential benefits and 75% back wages.

SHAKTI SINGH THAKUR VS UNION OF INDIA AND ORS [W.P.(C)-2575/2021]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The adverse remarks and downgraded performance appraisal of an officer in the Sashastra Seema Bal were found to violate the respondent's guidelines. The assessment was based on an inspection conducted outside the reporting period. The performance appraisal was set aside, and the petitioner's claim for Non-Functional Selection Grade was to be reconsidered, disregarding the impugned appraisal.

SHANKAR LAL JAT VS UNION OF INDIA AND ORS [W.P.(C)-9076/2020]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner's seniority in the Central Reserve Police Force (CRPF) must be fixed with the 44th Batch based on Rule 8(b)(ii), which determines seniority by aggregate marks from the selection process and training. The petitioner was placed in the 45th Batch due to an injury incurred during authorized training, not due to any fault of his own. Orders downgrading his seniority were set aside, and he is to be granted notional pay fixation in line with his original batchmates. It was established that Standing Order No. 01/2009 cannot override the seniority rules in the CRPF Rules.

SHYAMVIR SINGH TYAGI VS U.O.I & ORS [W.P.(C)-555/2008]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The departmental inquiry that led to the removal of the petitioner from service as a Head Constable in the CRPF was deemed invalid due to the denial of a defense assistant, despite requests. This denial violated principles of natural justice. As a result of the lengthy time since the removal, the penalty was modified to compulsory retirement with all pensionary benefits, rather than conducting a new inquiry.

SIKANDAR KUMAR VERMA VS UNION OF INDIA AND ORS [W.P.(C)-3577/2020]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The dismissal order against Sikandar Kumar Verma was set aside due to violations of natural justice in the departmental inquiry, specifically the improper service of the charge memorandum, show cause notice, and inquiry report while he was in custody. A fresh departmental inquiry must be conducted following due process. Verma is to be reinstated and receive salary from the date of reinstatement, although he can be suspended during the new inquiry with only suspension allowance provided. No opinion on the merits of the alleged misconduct was expressed.

SMT. VIJAY DWIVEDI VS UNION OF INDIA AND ORS. [W.P.(C)-15741/2022]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner's husband, a Head Constable in the Border Security Force, died from a heart attack while on duty, classified as an "accidental death in the course of performance of duties." As a result, the petitioner is entitled to an ex-gratia compensation of R.S. 25 lakhs under the relevant Office Memorandum. The argument that a heart attack cannot be considered an "accident" was rejected, leading to the requirement for the respondents to pay the compensation within 8 weeks, with interest at 9% per annum if not timely paid.

SONU RAJPUT VS UNION OF INDIA AND ANR [W.P.(C)-10641/2024]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

A young mother, declared medically unfit for the Constable (Washer Man) position in the Sashastra Seema Bal due to a BMI over 25, was recognized to need reasonable time to regain fitness after giving birth four months prior. A direction was issued for a fresh medical examination, stipulating that if her BMI is below 25, she would be appointed with retrospective seniority. Additionally, the sufficiency of the six-week fitness recovery guideline post-pregnancy was to be evaluated, as it may be inadequate.

SUDHIR KUMAR AND ORS. VS UNION OF INDIA AND ORS. [W.P.(C)-3376/2019]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The respondents, the Union of India and others, must conduct a periodic cadre review of the paramedical cadre in the Central Industrial Security Force (CISF) every five years as mandated by the DoPT OM dated 23.11.1987. The argument that the CISF is not comparable to other Central Armed Police Forces (CAPFs) does not exempt the respondents from this obligation. A holistic cadre review of the CISF's paramedical cadre is to be completed within nine months.

SUSHIL KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-690/2022]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The petitioner, an Inspector (Pharmacist) in the ITBP, is entitled to Non-Functional Upgradation (NFU) to a grade pay of Rs. 5,400 in Pay Band-3 starting from the completion of 4 years of service in the grade pay of Rs. 4,800 in Pay Band-2. The denial of NFU based on the petitioner receiving the grade pay through the Assured Career Progression (ACP) scheme is not permissible. The respondents must extend the NFU benefit within 8 weeks and release the arrears within 4 weeks thereafter.

TEK CHAND AND ORS. VS UNION OF INDIA AND ORS. [W.P.(C)-9286/2019]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The writ petition filed by Assistant Commandants in the Central Reserve Police Force (CRPF) for seniority from the date of their local rank was dismissed. Under CRPF Rule 76B, officers with a local rank cannot claim seniority over others. The petitioners were denied retrospective seniority over officers appointed through direct recruitment or Limited Departmental Competitive Examination while holding local rank. Reasons included the delay in raising the issue, acceptance of regular promotion, and the risk of disrupting the seniority of other Assistant Commandants.

TILAK RAJ VS UNION OF INDIA & ORS. [W.P.(C)-6166/2020]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

A CRPF sub-inspector's writ petition for 2nd upgradation under the Assured Career Progression (ACP) scheme was dismissed. The petitioner was deemed ineligible due to refusal to undergo mandatory pre-promotional training on two occasions. This refusal was not challenged. The case differed from a previous one where the petitioner had not been detailed for training. The decision to deny the 2nd upgradation was upheld despite the petitioner having 24 years of service.

UNION OF INDIA & ORS. VS NK TS GD KRISHNAN PC [W.P.(C)-10861/2024]

Judges: Justice Rekha Palli, Justice Shalinder Kaur

The provisions for condonation of shortfall in qualifying service under the Pension Regulations for the Army (PRA) apply to personnel in the Defence Security Corps (DSC), as the DSC regulations do not explicitly bar such condonation. The argument that individuals who received a service pension from the Indian Army are not entitled to a second pension for their service in the DSC is invalid, as separate pensions for Army and DSC service are provided for in the regulations. The case differs from the pending Balakrishnan Mullikote matter, which involved a shortfall of over 12 months, while the current shortfall is less than 12 months. Previous decisions permitting condonation of shortfall in DSC service support the outcome.

GOVT OF NCT OF DELHI AND ORS. VS DUSHYANT KUMAR [W.P.(C)-2407/2024]

Judges: Justice Rekha Palli, Justice Sudhir Kumar Jain

The order dismissing an Assistant Sub-Inspector in the Delhi Police was set aside due to the lack of a regular departmental inquiry. Authorities did not provide valid reasons to bypass the inquiry process as required by regulations and Supreme Court precedents, establishing that a registered criminal case alone is insufficient to negate the principles of natural justice. Authorities may initiate fresh disciplinary proceedings in accordance with the law.

GOVT. OF NCT OF DELHI & ANR VS ASHA GUPTA [W.P.(C)-1066/2017]

Judges: Justice Rekha Palli, Justice Sudhir Kumar Jain

The order allowing Asha Gupta to withdraw her voluntary retirement application, submitted after the intended retirement date of 31.08.2014, was set aside. Clear rules state that requests for withdrawal of voluntary retirement cannot be accepted post the intended date. The consideration of gender bias and a one-day delay in filing the withdrawal application were deemed insufficient to override established procedures.

GOVT. OF NCT OF DELHI AND ORS. VS JAGBIR SINGH [W.P.(C)-10006/2018]

Judges: Justice Rekha Palli, Justice Sudhir Kumar Jain

The decision of the Central Administrative Tribunal, which set aside the extension of the respondent's suspension beyond 90 days without a chargesheet, was upheld. The delay in obtaining advice from the Central Vigilance Commission was attributed to the petitioners and did not constitute exceptional circumstances. Suspension should not exceed three months without a chargesheet. The respondent, having already retired, would only be entitled to additional payment as a result of this ruling.

HOUSING AND URBAN DEVELOPMENT CORPN. LTD. VS VARSHA PUNHANI & ORS. [W.P.(C)-11902/2023]

Judges: Justice Rekha Palli, Justice Sudhir Kumar Jain

The Central Administrative Tribunal (CAT) incorrectly quashed the promotion criteria and promotions based solely on a prior Supreme Court decision. It overlooked subsequent rulings clarifying that there is no fixed rule for the weightage of interviews in promotions, especially for mature candidates. The matter has been remanded to the CAT to consider all grounds presented against the selection process, with six months provided for a decision.

RAJENDER PRASAD AND ORS. VS NEW DELHI MUNICIPAL COUNCIL [W.P.(C)-4863/2019]

Judges: Justice Rekha Palli, Justice Sudhir Kumar Jain

The 5% quota for Enquiry Attendants and Road Inspectors for promotion to Junior Engineer (Civil) was abolished due to the realization that these positions are not part of the technical cadre. The withdrawal was also aligned with the introduction of a time-bound promotion scheme. The writ petition challenging this decision was dismissed.

THE DG, DELHI DOORDARSHAN KENDRA VS MOHD SHAHBAZ KHAN [LPA-242/2024]

Judges: Justice Rekha Palli, Justice Sudhir Kumar Jain

The Industrial Tribunal determined that the respondents were direct employees of the appellant and that their termination was illegal. Evidence indicated that the appellant had initially engaged the respondents as casual laborers before bringing them on through a contractor, M/s Navnidh Carriers, to disguise their direct employment status. Documents such as gate passes and an experience certificate confirmed the respondents' employment with the appellant prior to the contractor arrangement. The appellant lacked the necessary license under the Contract Labour (Regulation and Abolition) Act, 1970, to engage workers through a contractor, reinforcing the finding of direct employment. The factual findings of the Industrial Tribunal were supported by the evidence presented.

UNION OF INDIA & ORS. VS SH KAILASH [W.P.(C)-4753/2024]

Judges: Justice Rekha Palli, Justice Sudhir Kumar Jain

The inquiry report and disciplinary authority's order against Sh Kailash were deemed unsustainable due to a lack of reasoning and assessment of evidence by the Inquiry Officer, violating CCS (CCA) Rules, 1965. The disciplinary authority failed to properly consider the respondent's representation and merely sought to confirm an earlier penalty order that had been set aside. The impugned orders were set aside, reinstatement with consequential benefits was ordered, and the petitioners were given the option to continue disciplinary proceedings lawfully. The writ petition by the Union of India and others was dismissed, with costs of Rs. 25,000 imposed on the petitioners.

UNION OF INDIA AND ORS VS VINAY KUMAR [W.P.(C)-1845/2024]

Judges: Justice Rekha Palli, Justice Sudhir Kumar Jain

The Central Administrative Tribunal's order to re-evaluate Vinay Kumar's Paper II of the MTS recruitment exam was upheld. The absence of the last digit of his roll number on the answer sheet was regarded as a trivial error that did not hinder identification or the selection process. The petitioner's claims were dismissed, maintaining the decision in favor of the respondent.

DELHI CO-COPERATIVE HOUSING FINANCE CORPORATION LTD. VS SUBHASH CHANDER RANA [W.P.(C)-252/2024]

Judges: Justice Rekha Palli, Justice Tushar Rao Gedela

The writ petition challenging the Central Administrative Tribunal's order was dismissed. The petitioner had approached the tribunal promptly after becoming eligible for in situ promotion. Consequently, the tribunal's decision to grant benefits from the date of eligibility, rather than limiting arrears to three years prior to the case filing, was upheld. This matter pertains to an individual case.

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION VS SANTOSH KUMAR AND ORS [W.P.(C)-273/2024]

Judges: Justice Rekha Palli, Justice Tushar Rao Gedela

The Central Administrative Tribunal ordered the Delhi State Industrial and Infrastructure Development Corporation to grant Santosh Kumar and others the minimum pay scale and temporary status according to DoPT's directives, despite their initial contractor engagement. The Tribunal did not mandate regularization of their services but required consideration for regularization following a Supreme Court decision in a related case. The petitioner's request to contest the Tribunal's order was dismissed.

EMPLOYEES STATE INSURANCE CORPORATION, THROUGH DIRECTOR GENERAL & ORS. VS MS. SARASWATI RAWAT [W.P.(C)-4665/2024]

Judges: Justice Rekha Palli, Justice Tushar Rao Gedela

The disagreement note dated 23.01.2013 by the Additional Commissioner of the Employees' State Insurance Corporation was found to be unsustainable as it recorded conclusive findings of guilt against the respondent without providing a proper opportunity for her to be heard. Although the Additional Commissioner had the authority to initiate disciplinary proceedings, the note was not a tentative opinion but a final decision, violating principles of natural justice. The Central Administrative Tribunal's order to set aside the disagreement note and the resulting penalty order was upheld.

RAHUL SHARMA VS DELHI METRO RAIL CORPORATION & ORS. [W.P.(C)-4624/2024]

Judges: Justice Rekha Palli, Justice Tushar Rao Gedela

The petitioner's application to challenge the seniority list of Assistant Managers was dismissed due to an 8-year delay. Awareness of his seniority position since 2015 and a late approach in 2023 posed a risk to the vested rights and seniority of other employees promoted in the meantime. No sufficient grounds were presented to justify the delay.

RAM PRASAD VS UNION OF INDIA & ANR [W.P.(C)-10694/2017]

Judges: Justice Rekha Palli, Justice Tushar Rao Gedela

Ram Prasad is entitled to the old pension scheme under the Pension Act & Rules 1972 instead of the national pension system. The selection process for his appointment as a stone cutter was completed before the NPS took effect on 01/01/2004, and any delay in issuing his appointment letter was due to the respondents. The argument regarding delay in claiming the benefits was rejected, as Prasad acted promptly after learning about the benefits before his retirement.

SHEEKHA AHLUWALIA VS KENDRIYA VIDYALAYA SANGATHAN AND ORS [W.P.(C)-3620/2024]

Judges: Justice Rekha Palli, Justice Tushar Rao Gedela

The challenge to the transfer orders issued by the Kendriya Vidyalaya Sangathan is considered infructuous due to the Supreme Court's direction to recall all prior transfer orders under the policy dated 12.09.2022 and to create a new transfer policy. The previous policy was quashed by the Jabalpur Bench of the Madhya Pradesh High Court, leading to the acceptance of a proposal for a new policy. Qualified teachers not currently serving are permitted to rejoin their original postings until new transfer orders are issued under the revised policy.

SITA KUMARI VS EMPLOYEES STATE INSURANCE CORPORATION AND ORS. [W.P.(C)-446/2024]

Judges: Justice Rekha Palli, Justice Tushar Rao Gedela

Sita Kumari's writ petition was allowed, setting aside the dismissal of her contempt petition by the Central Administrative Tribunal. She is entitled to challenge the Tribunal's earlier order and seek compliance simultaneously. The respondents must declare the result of the Limited Departmental Competitive Exam (LDCE) held in June 2018 within two weeks, but this declaration does not guarantee her promotion unless she meets eligibility criteria. The promotion and declaration are subject to the outcome of the pending writ petition.

UNION OF INDIA & ANR. VS SUSHIL KOHLI [W.P.(C)-514/2024]

Judges: Justice Rekha Palli, Justice Tushar Rao Gedela

The respondent is entitled to have his pay stepped up to match that of two junior employees due to a pay anomaly. The initial decision to grant the stepping up and the subsequent withdrawal without following due process violated principles of natural justice. The petitioners need to re-examine the respondent's case and consider stepping up his pay notionally from February 1986 and financially from December 1999, along with all consequential benefits.

UNION OF INDIA & ORS. VS AKHILESH KUMAR RASTOGI [W.P.(C)-12653/2023]

Judges: Justice Rekha Palli, Justice Tushar Rao Gedela

The order of the Central Administrative Tribunal was upheld, directing the petitioners to rectify the pay scale anomaly for the respondent, Akhilesh Kumar Rastogi, compared to his junior, Mr. Jha. Both individuals passed the Departmental Examination for Income Tax Officers, with Rastogi doing so earlier. The provisions of the OM dated 26.10.2018 cited by the petitioners were deemed inapplicable. As Rastogi is senior to Mr. Jha, he is entitled to have his pay adjusted to match that of his junior. The writ petition was dismissed.

ALOK GUPTA AND ORS VS NIKITA GUPTA [FAO(OS)-150/2022]

Judges: Justice Rekha Palli, Justice Vibhu Bakhru

The compromise decree between the parties addressed only the issue of possession of the suit property and did not resolve the entire suit. If the appellants failed to pay R.S. 4.40 crores, the respondent would be entitled to a decree for possession. The appellants can still pursue their counterclaims regarding the balance consideration for the sale of the property. The respondent's claim for possession was decreed, allowing her to seek damages or mesne profits due to the delay in transferring possession.

ADARSH VIKLANG VIKASH SAMITI VS NEW-DELHI MUNCIPAL COUNCIL AND ANR [W.P.(C)-12643/2021]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Physically disabled petitioners may continue vending in Rajiv Chowk and Indira Chowk areas of Connaught Place on a temporary basis, following prior arrangements made by the NDMC for around 15 disabled vendors. This continuation depends on the NDMC's discretion and does not grant permanent rights, with the possibility of removal for non-compliance with applicable norms. The request for preference in allocation of vending spaces for persons with disabilities was not addressed, as an existing scheme already provides such preference.

AIMLAY PRIVATE LIMITED (THROUGH THE DIRECTOR SH. RAKESH GUPTA) & ORS. VS COMMISSIONER OF CENTRAL TAX (DELHI WEST) & ORS. [W.P.(C)-4273/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petitioner's challenge to the provisional attachment of bank accounts by the Commissioner of Central Tax was addressed. The petitioner is permitted to request limited access to the frozen accounts. A key issue involves the petitioner's claim for a refund of Rs. 22,00,000 deposited under compulsion during search operations. A final decision on the refund is pending due to unresolved contentious issues, but the petitioner can apply for the refund as per the law without waiting for show cause notice adjudication. The matter is part of a batch that references decisions from other cited cases.

ALL INDIA MEDICOS THR ITS PROP MONIKA CHAWLA VS ALL INDIA INSTITUTE OF MEDICAL SCIENCE & ANR. [FAO (COMM)-133/2022]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The arbitrator's findings on the lack of proof regarding allegations against the appellant were rational and not subject to re-examination under Section 34 of the Arbitration and Conciliation Act. The forfeiture of Rs. 50 lakhs performance security was unjustified, as the respondent did not demonstrate actual loss or damage. The prior penalty of Rs. 5,331 did not warrant the forfeiture of the larger amount. The arbitral award was upheld, leading to the direction for the refund of the performance security to the appellant.

ALUFAB ORES PRIVATE LIMITED VS DEPARTMENT OF TRADES AND TAXES & ANR. [W.P.(C)-11202/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order cancelling the GST registration of Alufab Ores Private Limited was set aside. The proper officer is instructed to provide another opportunity for the petitioner to respond to the show cause notice and submit relevant documents. The absence of a personal hearing initially was noted, along with mitigating circumstances such as the death of the director's father. The petitioner's application for revocation of the cancellation order was restored, and a hearing is to be scheduled for an appropriate decision.

ANTEX PHRAMA PVT LTD VS AADVIK PHARMA & ANR. [FAO (COMM)-177/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The application for interim injunction against the defendants was rejected. The plaintiff was unlikely to succeed on the copyright infringement claim, as the term "LIVON" was commonly used by other entities for similar products before the plaintiff's use in 2009. The passing off claim was similarly weak, with the plaintiff's sales turnover and goodwill in "LIVON-DS" not significant, and no clear evidence of the defendants selling products in the claimed markets.

ANUP SHARMA VS AVATO WARD 63 STATE GOODS AND SERVICE TAX & ANR. [W.P.(C)-10984/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The show cause notice issued by the GST authorities proposing to cancel the petitioner's GST registration was declared invalid. The notice only referenced Rule 21(b) of the CGST Rules without specifying any particular invoice or bill allegedly issued in violation of statutory provisions. This lack of specific allegations rendered the notice ineffective. The petitioner's GST registration was ordered to be restored, with the provision that authorities may initiate new proceedings if necessary.

ANWAR ALI VS THE ADDITIONAL COMMISSIONER OF GST DELHI & ANR. [W.P.(C)-10265/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The show cause notice issued to the petitioner was deemed unintelligible, failing to specify the nature of the alleged fraud, willful misstatement, or suppression of facts. The cancellation order lacked reasoning and did not outline grounds for the cancellation of the petitioner's GST registration. The cancellation will take effect from the date of the notice, 28.06.2023, rather than retrospectively from 29.12.2022. However, there remains the possibility for statutory violation proceedings and tax recovery, as well as the option for retrospective cancellation according to the law.

ASSOCIATION OF POWER PRODUCERS VS SOLAR ENERGY CORPORATION OF INDIA LIMITED & ORS. [W.P.(C)-12511/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The writ petition by the Association of Power Producers for clarifications on the applicability of Goods and Services Tax (GST) on Battery Energy Storage Systems (BESS) services was dismissed. The Central Board of Indirect Taxes (CBIC) is not obligated to provide such clarifications, as no statutory provision requires it. Additionally, the Solar Energy Corporation of India (SECI) cannot issue binding clarifications on GST liability, which must be determined according to relevant GST statutes. The court noted that concerns regarding the Request for Selection (RfS) terms should have been addressed during the pre-bid meeting on July 12, 2024. The petition was deemed highly delayed.

BABLU RANA (TRADE NAME M/S TARA TRADING CO.) VS PROPER OFFICER SGST WARD -24 ZONE -1 AND ANR [W.P.(C)-9394/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petition by Bablu Rana (M/s Tara Trading Co.) was allowed, and the order under Section 73 of the Central Goods and Services Tax Act, 2017, was set aside. The show cause notice was improperly uploaded on the portal, placed under "Additional Notices and Orders" instead of "View Notices and Orders," which constituted insufficient service under Section 169. The matter was remanded to the adjudicating authority for reconsideration of the petitioner's response with a proper opportunity for a hearing.

CELEBI DELHI CARGO TERMINAL MANAGEMENT INDIA PVT. LTD. VS SALES TAX OFFICER, NEW DELHI [W.P.(C)-7655/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order under Sections 73 of the CGST Act and DGST Act, which confirmed separate demands on Celebi Delhi Cargo Terminal Management India Pvt. Ltd. for the financial year 2018-19 regarding under-declared output tax and excess input tax credit claims, was set aside. The matter is remanded to the adjudicating authority for a fresh order, ensuring the petitioner has an opportunity for a personal hearing. The controversy is considered narrow, and similar issues had already been evaluated for a subsequent period.

CENTRAL GOVT EMPLOYEESCONSUMER COOPERATIVE SOCIETY LTD. VS SGT SANJEEV KUMAR [RFA(COMM)-220/2023]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The appellant cooperative society provided goods worth Rs. 45.55 lakhs to the respondent franchisee, receiving payments of Rs. 23.05 lakhs. The respondent did not effectively dispute the value of the goods or the payments. Disagreement arose over adjustments of Rs. 4.34 lakhs for furniture and returned goods, with the respondent claiming a higher value of Rs. 9.70 lakhs without sufficient evidence. The appellant is entitled to recover Rs. 13.15 lakhs, with interest at 8% per annum from the date of the legal notice. The previous judgment was set aside, and both parties will bear their own costs.

CHILD EDUCATION SOCIETY VS UNION OF INDIA AND ORS. [W.P.(C)-10374/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Orders under the CGST and DGST Act, confirming a demand of Rs. 12,03,494/- against Child Education Society, were set aside. The Adjudicating Authority failed to consider the petitioner's reply to the show cause notice, which asserted that the tax and interest had already been paid and that Input Tax Credit was not claimed from a supplier with a cancelled registration. The lack of reasoning for rejecting the petitioner's response was noted. The matter is remanded for reconsideration, allowing an opportunity for hearing.

CONTAINER CORPORATION OF INDIA LIMITED VS M/S SHIVALAYA CONSTRUCTION COMPANY PRIVATE LIMITED & ANR. [FAO(OS) (COMM)-43/2023]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The appeal was dismissed as non-maintainable because an order rejecting an application under Order VII Rule 11 is not included in the orders listed under Order XLIII Rule 1. Consequently, the appeal does not qualify under Section 13(1A) of the Commercial Courts Act, 2015. The appellant's claim for maintainability under the Letters Patent was also rejected.

CONTAINER CORPORATION OF INDIA LIMITED VS M/S SHIVHARE ROAD LINES [FAO(OS) (COMM)-125/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Concor's initial filing on 08.06.2023 to set aside an arbitral award under Section 34 of the Arbitration and Conciliation Act, 1996 was deemed non-est due to defects and could not be treated as a valid submission. Key requirements for a valid filing were not met, including the absence of necessary signatures and accompanying documents. Previous judgments established that a filing can be considered non-est if it contains cumulative defects, even if some are curable individually. A party cannot submit an incomplete petition merely to halt the limitation period and later alter it substantially. The conclusion was that Concor's initial filing should be regarded as non-est.

D K FRIEGHT CARRIER PROPRIETOR DEEPAK KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-12614/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

A dispute exists over the date the petitioner submitted an application to amend his GST registration for a new principal place of business. The cancellation of the GST registration was based on the finding that the petitioner was not operating from the registered location during an inspection. The matter is remanded to the appellate authority for reconsideration after the petitioner provides additional documents to support his claim about the principal place of business. All rights and contentions of the petitioner are reserved.

DELHI URBAN SHELTER IMPROVEMENT BOARD (DUSIB) VS M/S BCC DEVELOPERS AND PROMOTERS PVT LTD [FAO(OS) (COMM)-155/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The appeal by the Delhi Urban Shelter Improvement Board (DUSIB) to set aside an arbitral award dated 17.06.2019 was dismissed. The final application filed on 25.09.2023 exceeded the 3-month limitation period under Section 34(3), including a 30-day condonation period, despite excluding the time spent in prior proceedings. Reliance on Section 14 of the Limitation Act was rejected due to lack of due diligence by DUSIB. The dismissal of the Section 34 application on the grounds of limitation was upheld.

DR. R.N. GUPTA TECHNICAL EDUCATIONAL SOCIETY THROUGH ITS CHAIRMAN SHRI DEVENDRA GUPTA & ANR. VS M/S INTEC CAPITAL LIMITED THROUGH ITS DIRECTOR [FAO(OS) (COMM)-139/2021]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The sole arbitrator rejected RNGTE's claim of having paid a cash collateral of R.S. 1,05,00,000 to Intec Capital, establishing that the actual loan disbursed was R.S. 1,95,00,000. RNGTE was found to owe Intec R.S. 77,03,950 based on repayments. An arithmetical error in this amount was corrected, resulting in a principal amount of R.S. 72,03,750. The factual findings of the arbitrator were upheld, confirming that a merit-based review was not permissible.

FORTUNA SKILL MANAGEMENT PVT LTD FORMERLY KNOWN AS IQOR GLOBAL SERVICES INDIA PVT LTD VS JAINA MARKETING AND ASSOCIATES [FAO(OS) (COMM)-123/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The arbitral award was upheld, with the Appellant's challenge dismissed based on a lack of infringement of the right to a "full opportunity" to present its case under Section 18 of the Arbitration Act. The Appellant had the chance to submit relevant delivery challans earlier but failed to do so, and allowing the late submission would have disrupted the proceedings. The right to a "full opportunity" is not unlimited, and tribunals have the discretion to manage proceedings efficiently. The decision was unanimous.

GAS AUTHORITY OF INDIA LTD VS SAW PIPES LTD [FAO(OS) (COMM)-313/2019]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The arbitral award in favor of SAW Pipes Limited (SPL) was upheld, with the interpretation of the contract deemed reasonable and free from patent illegality. Initial delivery delays were partially caused by SPL, while subsequent delays resulted from the Gas Authority of India Limited's (GAIL) failure to lift pipes on time. GAIL waived the delivery schedule and accepted an extension, making it ineligible to invoke the price reduction formula. The decision favored SPL's claims and rejected GAIL's counterclaims.

GILLANDERS ARBUTHNOT AND CO LIMITED VS STEEL AUTHORITY OF INDIA LIMITED & ORS. [FAO(OS) (COMM)-13/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The Arbitral Tribunal's decision that SAIL's claims were barred by limitation under the Limitation Act is not subject to interference on the grounds of conflict with public policy. SAIL's time-barred claims were rejected, and costs were awarded to GACL. A challenge under Section 34 on the basis of 'patent illegality' was not maintainable as it involved international commercial arbitration. The interpretation of contractual provisions and the limitation issue by the Arbitral Tribunal were deemed plausible, and mere errors of interpretation do not constitute violations of public policy. The judgment of the learned Single Judge was set aside, restoring the Arbitral Tribunal's award.

GOMATI VS NEW DELHI MUNCIPAL COUNCIL AND ANR. [W.P.(C)-16233/2023]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Gomati is entitled to the benefits available to her deceased husband, Birma Nand, under the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 and the Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019. The NDMC is required to provide the appropriate benefits to the petitioner.

GUJARAT CO-OPERATIVE MILK MARKETING FEDERATION LIMITED VS SALES TAX OFFICER CLASS II / AVATO & ANR. [W.P.(C)-13103/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order confirming a demand of ₹1,06,52,96,461/- against the Gujarat Co-operative Milk Marketing Federation Limited, including interest and penalty, was set aside due to inadequate consideration of the petitioner’s response to the show cause notice. The matter has been remanded to the adjudicating authority for completion within six months, with an opportunity for the petitioner to be heard, and it was stated that if not completed in this timeframe, the proceedings would lapse.

INDIAN OIL CORPORATION LTD VS M/S FIBERFILL ENGINEERS [FAO(OS) (COMM)-114/2019]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The Arbitral Tribunal's award rejecting Fiberfill's claim for ₹22,08,528/- deducted by IOCL as compensation for delay was found to be vitiated by patent illegality. The Tribunal awarded compensation to IOCL without evidence of actual loss or that the deduction was a genuine pre-estimate of damages as required under Section 74 of the Indian Contract Act. Consequently, the award was set aside, and the parties were directed to re-agitate the issue in arbitration proceedings.

INFINITI RETAIL LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-12459/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

A petition by Infiniti Retail Limited challenged a show cause notice under the Central Goods and Services Tax Act and the Delhi Goods and Services Tax Act, prompted by an audit for the financial years 2017-18 and 2018-19. The audit's conduct and the consideration of the petitioner's responses were key issues. The adjudicating authority was directed to independently examine the petitioner's responses and not rely solely on the audit report. Infiniti Retail was permitted to submit additional documents to contest the proposed demands.

JAGMOHAN LAL & ANR. VS THE CHAIRMAN TVC-NDMC & ORS. [W.P.(C)-4340/2021]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petitioners were deemed eligible as street vendors under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, but failed to provide evidence of continuous vending at the specified site since its implementation. The area is designated as a 'No-Vending/No-Hawking Zone,' effective until a new vending plan is created. In light of the petitioners' need for livelihood, the NDMC must consider their request for temporary alternative vending locations. Additionally, petitioners should seek assistance from the Urban Local Body Level Committee for Letters of Recommendation related to the PM Street Vendor's AtmaNirbhar Nidhi (PM SVANidhi) scheme if eligible.

JAI GURU SUDARSHAN ENTERPRISES VS DELHI STATE GOODS AND SERVICE TAX & ANR. [W.P.(C)-9673/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The show cause notice (SCN) for the cancellation of the petitioner's Goods and Services Tax (GST) registration was invalid due to a lack of clear reasons and necessary details. The SCN and subsequent cancellation order violated principles of natural justice as the petitioner was not given a meaningful opportunity to respond. The SCN and cancellation order were set aside, and the petitioner's GST registration was ordered to be restored. Fresh action for cancellation may be initiated in accordance with the law.

JAWAHAR LAL & ORS. VS MUNICIPAL CORPORATION OF DELHI & ORS. [W.P.(C)-7085/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petition by street vendors to continue vending on Library Road, Azad Market was dismissed, as the area is a designated 'no-hawking/no-vending zone.' Existing 'no-vending zones' can remain until a new vending plan is established under the Street Vendors Act. The petitioners had previously filed a similar petition that was also dismissed, prohibiting them from raising the same issue again. Prior decisions considered relevant Supreme Court orders and municipal regulations, and no errors were identified in those rulings.

JV CREATIVES PVT. LTD. VS PRINCIPAL ADDITIONAL DIRECTOR GENERAL , DGGI, GURUGRAM ZONAL UNIT, GURUGRAM AND ANR [W.P.(C)-10042/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petition by JV Creatives Pvt. Ltd. was dismissed, supporting the provisional attachment of the petitioner's bank account under Section 83 of the Central Goods and Services Tax Act, 2017. This decision was based on evidence that the petitioner claimed Input Tax Credit (ITC) of approximately R.S. 26.91 lakhs from two suppliers linked to Shyam Dev Gupta, identified as fraudulent. The provisional attachment was deemed necessary to safeguard the interests of revenue.

KAMLA VOHRA VS SALES TAX OFFICER CLASS II/AVATO WARD 52 [W.P.(C)-9261/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petitioner's challenge to the order under Section 73 of the Central Goods and Services Tax Act, 2017 was valid due to improper service of the show cause notice, which was uploaded under "Additional Notices" instead of the more accessible "Notices" category. The impugned order was set aside, and the matter was remanded for fresh adjudication, allowing the petitioner to respond within two weeks.

KAPIL KHANNA VS CONTINENTAL INDIA PRIVATE LIMITED [RFA(COMM)-47/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The plaintiff, Kapil Khanna, did not establish that he performed additional work beyond the first and second purchase orders and was thus not entitled to extra payments. He failed to complete the work as outlined in the purchase orders and did not object to the specified scope at the project's onset. The plaintiff did not provide the required CAD files and finished drawings, which were essential for the project, leading to the engagement of another consultant to complete the work. Consequently, the plaintiff's claim was dismissed due to a lack of evidence supporting his obligations under the purchase orders.

KAY KAY OVERSEAS CORPORATION VS COMMISSIONER OF CENTRAL GOODS AND SERVICE TAX & ORS. [W.P.(C)-7183/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Rule 86A of the Central Goods and Services Tax Rules, 2017 permits the blocking of input tax credit (ITC) only to the extent available in the taxpayer's Electronic Credit Ledger at the time of the order. It does not allow blocking of ITC previously utilized or amounts exceeding the current balance in the ledger. The interpretation allowing for blocking ITC not present in the ledger is inconsistent with the statutory framework. Orders blocking ITC beyond the available credit were deemed beyond the scope of Rule 86A.

KISHWARI BEGAM VS NEW-DELHI MUNICIPAL COUNCIL [W.P.(C)-9622/2020]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petitioner, as the deceased husband's legal heir, is entitled to the same rights under the relevant rules and scheme related to tehbazari licenses, including participation in Town Vending Committee elections and seniority benefits for vending space allocation. This entitlement is upheld to ensure the petitioner is not disadvantaged by delays in implementing the Street Vendors Act. The petition is thereby addressed.

KUNAL AUTOTECH PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-9760/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order-in-appeal which upheld the Revenue's claim that a refund of R.S. 12,04,443/- was wrongly sanctioned to Kunal Autotech Private Limited was set aside. The appellate authority failed to address the issue of mismatch in ITC between GSTR-2B and GSTR-3B and did not examine the reconciliation statement. The matter was remanded for fresh consideration with the opportunity for parties to be heard.

M/S A P ENTERPRISES VS SALES TAX OFFICER CLASS II /AVATO, WARD-83, ZONE-7, DELHI [W.P.(C)-9418/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

M/s A P Enterprises successfully challenged a show cause notice and the cancellation of its GST registration, citing the notice's lack of detail which hindered a meaningful response. The cancellation order exceeded the notice's scope and violated natural justice principles. The GST registration must be restored, but this does not prevent future lawful actions against the petitioner.

M/S ALIBABA ENTERPRISES (THROUGH PROPRIETOR SH. ARIF MALIK) VS SALES TAX OFFICER CLASS-II/AVATO WARD - 83, DELHI [W.P.(C)-10498/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The cancellation of the petitioner's GST registration with retrospective effect from 2017 was deemed unjustified due to unintelligible reasoning and a violation of natural justice principles, as the show cause notice did not propose such action. The cancellation order was modified to take effect only from the date of the show cause notice, 13.11.2023, while allowing the respondent authority to initiate other lawful actions against the petitioner.

M/S APN SALES AND MARKETING VS UNION OF INDIA & ANR. [W.P.(C)-9536/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order of the Adjudicating Authority under the CGST Act and DGST Act, which demanded ₹18,30,522/- from M/s APN Sales and Marketing for the period from July 2017 to March 2018, was set aside. The main issue was the entitlement to Input Tax Credit (ITC) on supplies from a dealer whose registration was cancelled retroactively. The previous order was deemed unreasoned, and the Adjudicating Authority was directed to reconsider the matter, allowing the petitioner to present additional evidence. The decision does not prevent the petitioner from challenging the notification issued under Section 168A of the CGST Act in the future.

M/S AVANTHA HOLDINGS LIMITED VS THE PROPER OFFICER GST WARD 208 ZONE 11 NEW DELHI [W.P.(C)-10110/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

An order demanding additional tax from M/S Avantha Holdings Limited for 'unbilled revenue' was set aside due to the Adjudicating Authority's failure to consider the petitioner's response to the Show Cause Notice and lack of reasoned explanation for rejection. The matter was remanded for fresh consideration, requiring a reasoned order after providing the petitioner an opportunity to be heard.

M/S B.R. ENTERPRISES VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX WEST DELHI [W.P.(C)-10260/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petitioner's application for GST registration cancellation cannot be delayed due to pending assessments for tax, interest, or penalties. The Proper Officer is instructed to promptly consider the application, and the petitioner must submit necessary documents for future correspondence within one week. The petition and application are disposed of as stated.

M/S BALAJI INDUSTRIES (VIPIN KUMAR) VS THE PRINCIPAL COMMISSIONER CGST DELHI NORTH COMMISSIONERATE & ANR. [W.P.(C)-11913/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The cancellation of the petitioner's GST registration is effective from the date of the Show Cause Notice on 24.05.2022, rather than from 11.09.2017. The reasons for cancellation in the impugned order differed from those in the SCN, and the petitioner was not allowed to respond to the new reasons. The petitioner ceased business operations in March 2022, and the respondents agreed to this effective date for cancellation.

M/S BANSAL EXIM VS COMMISSIONER OF DGST,DELHI AND ORS [W.P.(C)-11804/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The cancellation of the petitioner's GST registration with retrospective effect was invalid due to violations of natural justice. The show cause notice did not support such adverse action, and the cancellation order lacked sufficient reasoning. The petitioner's GST registration is to be restored for 30 days to allow filing of pending returns, with the possibility of further action after a personal hearing.

M/S BIRCHAND VS COMMISSIONER OF DGST, DELHI AND OTHERS [W.P.(C)-9518/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order cancelling the petitioner's GST registration was set aside due to lack of a proper hearing opportunity. The show-cause notice failed to specify a date or time for a personal hearing, and the retrospective cancellation was not mentioned in the notice. The matter was remanded for a fresh evaluation of the petitioner's appeal, with a directive to provide an opportunity for personal hearing.

M/S CHAUHAN CONSTRUCTION CO. THROUGH ITS PROP. RAJESH CHAUHAN VS COMMISSIONER OF DGST AND ANR. [W.P.(C)-12506/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The cancellation order and show cause notice issued by the tax authorities violated principles of natural justice. The show cause notice lacked intelligible reasons for the proposed cancellation of GST registration and did not specify the date, time, and venue for the personal hearing. Subsequent applications by the petitioner for revocation were also rejected without clear reasons. The cancellation order and show cause notice were set aside, and the petitioner's GST registration was directed to be restored, with the possibility of fresh actions against the petitioner remaining open.

M/S DEEN DAYAL ANAND KUMAR SARAF VS PARAS AGARWAL T/A M/S PURUSHOTTAM AGARWAL CO & ANR. [FAO(OS) (COMM)-193/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Non-disclosure of the cease and desist notice and the respondents' reply during the request for an ex parte ad interim injunction did not justify denial of the discretionary relief, as the documents were not detrimental to the appellant's case. The order vacating the ex parte ad interim injunction was set aside, and the application for interim injunction was restored for merit consideration. The appellant's claim was not examined on its merits, and the respondents may file a new application for vacation of the ad interim order on different grounds if desired.

M/S DISCOVERY INDIA SERVICE VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX NORTH DELHI [W.P.(C)-10954/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The cancellation of the petitioner's GST registration was invalid due to a violation of natural justice. The petitioner was not given access to the inspection report, Panchnama, and photographs used for the cancellation decision, nor an adequate opportunity to respond. The registration was also canceled with retrospective effect, which was not mentioned in the show cause notice. The cancellation order and show cause notice were set aside, allowing for the issuance of a fresh notice to cancel the registration, provided all relevant documents are shared with the petitioner for response.

M/S ESSENCE COMMUNICATION PVT LIMITED VS COMMISSIONER OF CENTRAL GOODS SERVICE TAX, AUDIT-II, DELHI [W.P.(C)-8437/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order passed by the Commissioner of Central Goods & Service Tax, Audit-II, Delhi, confirming the demand of service tax and Cenvat Credit, along with penalties on the petitioner, was set aside. The petitioner had not received the Show Cause Notice (SCN), despite multiple requests for it. The matter was remanded to the adjudicating authority, which must provide the petitioner with the SCN and related documents within two weeks. The petitioner must respond within one week of receiving these documents, and a fresh order must be issued after allowing the petitioner a hearing, preferably within eight weeks.

M/S FERON LIFE SCIENCES PVT. LTD. VS COMMISSIONER, DELHI GST AND ORS. [W.P.(C)-9441/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The Proper Officer has the power to cancel a GST registration with retrospective effect under the CGST Act, but this power must not be exercised arbitrarily without valid reasons. In this case, the cancellation of GST registration from 02.07.2017 lacked justification and the show cause notice did not specify a date for a personal hearing, denying the petitioner an opportunity for one. The order was modified to make the cancellation effective from the date of the show cause notice (09.03.2021). This modification does not prevent further action for any non-compliance by the petitioner, with rights and contentions of the parties reserved.

M/S FIRST GLOBAL STOCK BROKING PVT. LTD VS TARUN GUPTA [FAO (COMM)-119/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The decisions of the Arbitral Tribunal and the Appellate Arbitral Tribunal were upheld, confirming that the trades executed in the claimant's account were not authorized. The appellant, a stock broker, failed to prove the trades were authorized and could not shift responsibility to a sub-broker. The findings were based on a proper evaluation of evidence without any patent illegality or conflict with public policy. Despite telephonic recordings not being required, the appellant was obligated to maintain records demonstrating obtained order instructions from the claimant, which were not kept. This matter involved multiple proceedings before various forums before being remanded for fresh consideration by the Arbitral Tribunal.

M/S GIRIK ENTERPRISES VS THE COMMISSIONER SGST DELHI AND ORS [W.P.(C)-10517/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The show cause notice issued to the petitioner was deemed deficient for lacking specific reasons or legal provisions regarding the proposed cancellation of GST registration. Consequently, the cancellation became effective from the date of the notice (29.05.2020) instead of the earlier date (01.07.2017). Authorities remain permitted to initiate proceedings for non-compliance or recovery of dues as per law.

M/S GURU ENTERPRISES VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-13104/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The proper officer is to process the petitioner's application for cancellation of its Goods and Services Tax (GST) registration promptly. Cancellation of the GST registration does not relieve the petitioner of its tax, interest, or penalty liabilities, or the consequences of statutory non-compliance. This matter involves a single writ petition.

M/S HRC INTERNATIONAL. THROUGH ITS PROP. SH. SUNIL KUMAR TREEPATHI VS UNION OF INDIA AND ORS. [W.P.(C)-9520/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The cancellation of the petitioner's GST registration with retrospective effect from July 1, 2017 violated principles of natural justice due to the absence of a specific proposal for retrospective cancellation and lack of communication regarding a personal hearing. Cited grounds for cancellation, including an untraceable address, were not substantiated. The cancellation order was modified to take effect from June 15, 2022, coinciding with the initial suspension of the GST registration, while allowing authorities to pursue recovery of dues or statutory non-compliances as per the law.

M/S IYIKATECH PVT. LTD. VS ABHISHEK JAIN [RFA(COMM)-60/2023]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The plaintiff is entitled to recover an advance payment of ₹10,00,000 from the appellant company due to insufficient evidence proving the delivery of goods. The appellant failed to provide necessary documentation, including invoices and E-way bills. Interest at a rate of 12% per annum is granted from the date of filing the suit, as interest for the pre-suit period was not claimed. Each party bears its own costs.

M/S J M TRADERS, THROUGH PROPRIETOR SHIVAM BANSAL VS UNION OF INDIA & ORS. [W.P.(C)-10504/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The show cause notice and order canceling the petitioner's GST registration were set aside due to insufficient reasons for the cancellation. The GST registration was directed to be canceled prospectively from the date of the original cancellation order rather than retroactively from 29.11.2018. The cancellation did not relieve the petitioner of any tax liabilities or statutory violations.

M/S J.M.D. TRADERS VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX WEST DELHI [W.P.(C)-11826/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The cancellation of a petitioner's Goods and Services Tax (GST) registration cannot be delayed for assessing liability according to a circular by the Central Board of Indirect Taxes and Customs (CBIC). The concerned authority must process the application for cancellation within four weeks, provided the petitioner submits KYC documents and offers an address for future communications. Cancellation of GST registration does not relieve the taxpayer of liability or statutory non-compliance and does not prevent the authority from pursuing actions for statutory violations or recovering dues.

M/S KUNDAN TRADING COMPANY VS PR. COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-12624/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Cancellation of a taxpayer's GST registration does not exempt the taxpayer from accountability for statutory violations that occurred prior to cancellation. A proper officer may cancel GST registration with retrospective effect if valid reasons justify such action. The petitioner’s application for cancellation should be considered without delay due to ongoing assessment proceedings or recovery of dues. The petitioner must file the address for future correspondence along with KYC documents.

M/S LAKSHMAN PRAN DATA ENTERPRISES VS THE COMMISSIONER OF DELHI GOODS AND SERVICE TAX, DELHI AND ANR. [W.P.(C)-8175/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order dated 26.12.2023 by the Commissioner of Delhi Goods and Service Tax was set aside due to lack of reasoning and violations of natural justice. The decision failed to explain the rejection of the petitioner's response to the show cause notice and incorrectly claimed a personal hearing was scheduled, despite no date being mentioned in the reminder notice. The matter was remanded for fresh consideration, with all parties' rights and contentions preserved.

M/S M.S. RAINBOW PRODUCTS VS COMMISSIONER OF CENTRAL GOODS AND SERVICES TAX AND OTHERS [W.P.(C)-8964/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

M/S M.S. Rainbow Products' GST registration cancellation was deemed inappropriate, emphasizing the need for taxpayers to carry on their business. The registration should be restored on the condition that the petitioner files necessary returns and pays dues with interest within one week of restoration. Restoration does not prevent the initiation of other actions for non-compliance or recovery of due amounts.

M/S MAYA RAM KRISHAN LAL JAIN VS M/S SHRI BISHAN DASS TRADERS AND ORS [RFA(COMM)-231/2023]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The application for condonation of a 130-day delay in filing the appeal was dismissed due to inadequate reasons provided by the appellants, such as misplacement of the case file and engaging new counsel. These reasons were deemed insufficient to justify the significant delay. Emphasis was placed on the need for a stringent approach in commercial disputes, with a general stance against condoning delays beyond prescribed timelines. The appellants did not present a credible explanation for the delay in filing the appeal.

M/S MJ BIZCRAFTS LLP (THROUGH ITS PARTNER SH. RAJENDER KUMAR) VS CENTRAL GOODS AND SERVICES TAX, DELHI SOUTH COMMISSIONERATE (THROUGH ITS COMMISSIONER) & ORS. [W.P.(C)-11501/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The provisional attachment order under Section 83(1) of the CGST Act/DGST Act was upheld. The requirement for initiating proceedings under Chapters XII, XIV, or XV was satisfied as proceedings under Section 67 had commenced. The nature of the dispute, whether legal or factual, was deemed irrelevant for the exercise of power under Section 83(1), which aims to protect government revenue. The case was individual, with no indication of disagreement among the justices.

M/S PIHU ENTERPRISES VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES GNCTD [W.P.(C)-12621/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Cancellation of a taxpayer's GST registration does not exempt the taxpayer from accountability for statutory violations that occurred prior to the cancellation date. The respondent must consider the taxpayer's application for cancellation without delaying it due to ongoing assessment proceedings or recovery of dues. In certain cases, a retrospective cancellation may occur if the taxpayer is deemed non-existent. The respondent is instructed to accept the application following the guidance from the Central Board of Indirect Taxes and Customs' circular.

M/S RAJDHANI TRADING CO. VS PRINCIPAL COMMISSIONER OF DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI [W.P.(C)-9192/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order cancelling the petitioner's GST registration was set aside due to non-compliance with the principles of natural justice, as the show-cause notice lacked a specified date, time, or venue for a personal hearing. The petitioner's GST registration was restored, with a four-week period to clear outstanding tax dues and file pending returns. If the petitioner fails to comply within this time, the restoration will be revoked, and further proceedings for non-compliance or recovery of dues may be initiated.

M/S S.M. TRADING CO. VS ASSISTANT COMMISSIONER OF CENTRAL GOODS AND SERVICE TAX, MANDOLI DIVISION, EAST DELHI [W.P.(C)-11785/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

M/S S.M. Trading Co.'s GST registration was canceled with retrospective effect by the Assistant Commissioner of Central Goods and Service Tax. The cancellation was deemed invalid due to a lack of specific reasons in the Show Cause Notice regarding alleged fraud or misstatement, preventing a meaningful response from the petitioner. Furthermore, the cancellation was based on directions from another authority, lacking independent validation. The cancellation order was set aside, and the petitioner's GST registration was directed to be restored, allowing for future proceedings regarding any statutory violations or dues as per the law.

M/S SARASWATI TRADING COMPANY THROUGH ITS PROPRIETOR SH. RAKESH VS UNION OF INDIA AND ORS. [W.P.(C)-11063/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petitioner's application for cancellation of GST registration requires reconsideration, contingent upon the submission of documentation for a future correspondence address and KYC details. Cancellation does not eliminate the petitioner's tax liability or past violations, allowing authorities to pursue recovery or assessment of amounts due.

M/S SHIVOY ENTERPRISES VS COMMISSIONER OF CGST, DELHI NORTH AND ORS. [W.P.(C)-9180/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Cancellation of a petitioner's GST registration due to non-existence of the registered principal place of business was deemed unjustified. Records indicated operation from an additional registered location. Verification of business activity at this additional premise was mandated, and if confirmed, immediate restoration of GST registration was ordered, contingent upon the petitioner rectifying the principal place of business entry in the registration certificate.

M/S SHREE PAWAN TRADERS THROUGH LEGAL HEIR OF PROPRIETOR MAHABIR PRASAD KHANDAL VS UNION OF INDIA & ANR. [W.P.(C)-10288/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order of the Adjudicating Authority was set aside due to its lack of reasoning and failure to address the petitioner's arguments, including the discharge of tax liability, erroneous tax calculation, and entitlement to Input Tax Credit. The matter is to be reconsidered, ensuring the petitioner has an opportunity to be heard.

M/S SHRI SAI METALS VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX WEST DELHI [W.P.(C)-9168/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petitioner's request for cancellation of GST registration must be decided by the proper officer within four weeks, regardless of any outstanding tax liability or reconciliation of tax returns. Cancellation does not relieve the petitioner of tax liability or statutory compliance obligations for the period prior to the cancellation.

M/S SREE ANANTA EXIM VS UNION OF INDIA & ORS. [W.P.(C)-10424/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

An order under the Delhi Goods and Services Tax Act and the Central Goods and Services Tax Act, which confirmed a demand of R.S. 89,83,380 including interest and penalty against M/S Sree Ananta Exim for the financial year 2018-19, was set aside due to lack of reasoning and failure to address the petitioner's contentions. The matter was remanded for fresh consideration, requiring the Adjudicating Authority to provide the petitioner an opportunity for a personal hearing before issuing a new order.

M/S SS ENTERPRISES THROUGH PROPRIETOR (SH. VIKRAM KUMAR) VS PRINCIPAL COMMISSIONER, CGST DELHI, NORTH [W.P.(C)-12183/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The original show cause notice for cancellation of the petitioner's GST registration lacked intelligible reasons. The subsequent notice included specific allegations, such as an incomplete address and significant turnover with full payment via input tax credit. The rejection of the revocation application was set aside, allowing the petitioner to respond to the new allegations, while the original cancellation order remained intact as the petitioner only sought a chance to address the claims.

M/S STAR ENTERPRISES THROUGH ITS PROPRIETOR SH. HARSH VS COMMISSIONER OF DELHI GST AND ANR. [W.P.(C)-10986/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The cancellation of the petitioner's GST registration was deemed improper due to the lack of specific allegations in the show cause notice and the absence of reasons for the cancellation. The retrospective cancellation from 17.07.2021 was not justified, as it was not mentioned in the notice. The order was modified to make the cancellation effective from the date of the show cause notice, 21.12.2021, while allowing for potential future actions by authorities regarding retrospective cancellation if warranted.

M/S STEELMART INDIA VS PRINCIPAL COMMISSIONER OF GOODS AND SERVICES TAX, SOUTH DELHI [W.P.(C)-9454/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The show cause notice issued for the cancellation of the petitioner's GST registration was deemed inadequate due to a lack of specific allegations. The notice failed to provide the necessary details for the petitioner to respond effectively. The petitioner was allowed to address the allegations outlined in the counter-affidavit, which would be considered as part of the notice. The Proper Officer was instructed to review the petitioner's arguments and make a decision promptly.

M/S VK TRADERS VS ASSISTANT COMMISSIONER OF CENTRAL GOODS AND SERVICE TAX, MANDOLI DIVISION, EAST DELHI [W.P.(C)-9414/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The show cause notice and cancellation order against M/s VK Traders were set aside due to vagueness and lack of specific legal provisions violated. The lack of specificity violated principles of natural justice, and the cancellation order was unreasoned.

M/S WELLNESS MARKETING EXI PVT LTD VS UNION OF INDIA AND ORS. [W.P.(C)-10717/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The orders confirming a demand for excess input tax credit under the CGST and DGST Acts were set aside due to failure to consider the petitioner's explanations in response to the show cause notices. The retrospective cancellation of the GST registration for the supplier, which was later restored, was deemed relevant to the demand assessment. The matter was remanded for fresh consideration, allowing the petitioner an opportunity to be heard and for the examination of the submitted reply.

M/S. ABHISHEK APPLIANCE PVT. LTD VS ASSISTANT COMMISSIONER, CGST-DELHI NORTH COMMISSIONERATE & ORS. [W.P.(C)-8920/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order cancelling M/S. Abhishek Appliance Pvt. Ltd.'s GST registration was set aside. The petitioner will have the opportunity to respond to the allegation regarding the non-existence of its principal place of business during an inspection. A response must be filed within 10 days, followed by a personal hearing on 24.07.2024, after which an informed decision will be made.

M/S. CHANDRA GUPTA AND ASSOCIATES VS COMMISSIONER OF CENTRAL TAX (APPEALS-II) & ANR. [W.P.(C)-9382/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order-in-appeal dated 08.05.2024, which rejected the petitioner's appeal against the cancellation of its GST registration due to delay, was set aside. The appellate authority did not consider the petitioner's explanation for the 6-day delay, linked to a GST officer's rectification ticket. The authority had the power to condone the delay but did not exercise it. The matter was remanded for consideration on merits, with a directive for expeditious disposal within 6 weeks.

M/S. ELASTO RUBBER PVT LTD VS THETHE THCOMMISIIONER OF SGST DELHI & ORS. [W.P.(C)-9516/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order rejecting the petitioner's appeal under Section 107 of the CGST/DGST Act due to delay was set aside, allowing the appeal to be decided on merits. The cancellation of the petitioner's GST registration from 01.07.2017 was found to lack justification and was deemed unreasoned, as the sole ground for cancellation—failure to file returns—was contradicted by the petitioner's compliance in filing returns and fulfilling tax obligations.

M/S. GRAHIL ENTERPRISES LLP VS UNION OF INDIA & ORS. [W.P.(C)-4958/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The alert issued by the NCTC against the petitioner company is no longer operative, and the export consignments have been provisionally released. The respondents are directed to process the petitioner's claim for a refund of Integrated Goods and Services Tax (IGST) and duty drawback. If the claim is to be denied, a show cause notice must be issued to the petitioner within 8 weeks.

M/S. GURUJI ENTERPRISES VS PRINCIPAL COMMISSIONER DELHI GOODS AND SERVICES TAX & ORS. [W.P.(C)-12122/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The cancellation of the petitioner's GST registration with retrospective effect from July 1, 2017 was deemed invalid due to a violation of natural justice principles and lack of reasoning. The cancellation is effective from February 8, 2021, when the petitioner applied for it, as the application was made beyond the 30-day timeframe after closing the business. Fresh proceedings for statutory non-compliance or recovery of dues may still be initiated if warranted by law.

M/S. KG MARKETING INDIA VS RASHI SANTOSH SONI & ANR. [RFA(OS)(COMM)-16/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

M/s. KG Marketing India submitted forged newspaper advertisements to obtain an interim injunction against the respondents, constituting contempt of court and penal offenses. A complaint will be lodged with the Judicial Magistrate under Section 340 of the Code of Criminal Procedure. The appellant's suit was dismissed with costs, and the respondents' cross-suit was decreed, restraining the appellant from using the 'SURYA GOLD' mark.

M/S. PRIME ACCOUNTING SOLUTION THROUGH ITS PROPRIETOR MS. GURMEET KAUR VS UNION OF INDIA AND ORS. [W.P.(C)-8797/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order from 22.04.2024 rejecting the petitioner's cancellation application for GST registration was set aside due to a delay in issuing a notice for additional information. The petitioner had applied for cancellation on 20.04.2023, and the subsequent show cause notice dated 13.05.2024 cited failure to file returns for six months. The respondent authority is required to reconsider the application afresh and provide an opportunity for the petitioner to be heard.

MADHU FOOD PRODUCTS VS SURYA PROCESSED FOOD PVT. LTD. [FAO (COMM)-157/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The interim injunction in favor of Surya Processed Food Pvt. Ltd. against Madhu Food Products was upheld. It was established that Surya was the prior user of the "HUNK" trademark and its distinctive packaging. The prominent use of the "HUNT" trademark by Madhu, along with a similar commercial impression, indicated an attempt to unfairly benefit from Surya's goodwill. Claims by Madhu regarding the suppression of material facts were dismissed, and the appeal was rejected with costs.

MAGICON IMPEX PRIVATE LIMITED VS COMMISSIONER OF CENTRAL GOODS AND SERVICE TAX & ORS. [W.P.(C)-11522/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petitioner's concerns about multiple audit memos were acknowledged, noting the CGST/DGST Act does not allow for repeated issuance of such memos. However, the show cause notice is considered valid within the existing statutory framework. The petitioner retains the right to challenge the validity of the audit memos in response to the notice, which will be reviewed by the appropriate authority. The petition was disposed of, maintaining the rights of both parties.

MALAYSIA AIRLINES BERHAD VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX DEPARTMENT OF TRADE AND TAXES & ANR. [W.P.(C)-9741/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order by the Commissioner of Delhi Goods and Services Tax Department was set aside due to lack of reasons and failure to address issues raised by Malaysia Airlines Berhad. The matter was remanded to the Adjudicating Authority for reconsideration of the petitioner's reply and additional submissions, ensuring the petitioner has an opportunity to be heard. The Adjudicating Authority is instructed to review any necessary documents or materials.

MD WAZID RAZA VS SUPERINTENDENT RANGE-108 CENTRAL GOODS AND SERVICE TAX & ANR. [W.P.(C)-13035/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The show cause notice for cancellation of the petitioner's GST registration was criticized for its lack of clarity. It indicated that during a physical verification, the petitioner was found to be non-existent at the declared principal place of business. The petitioner was allowed one week to provide relevant documents to prove operation from the principal location, and authorities were directed to consider the submitted evidence and provide an opportunity for the petitioner to be heard.

MOHD AMIN DECEASED THROUGH LRS VS MOHD IQBAL DECEASED THROUGH LRS [FAO(OS) (COMM)-81/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The arbitral award was upheld, directing the successors of Mohd. Amin to hand over possession of the disputed property to the successors of Mohd. Iqbal. The claims were not barred by limitation, with the respondent entitled to the benefit of Section 14 of the Limitation Act due to prior execution proceedings. The award directing the appellant to pay R.S. 15,00,000 compensation for existing construction was set aside due to lack of evidence. However, the award of costs to the respondent was upheld, recognizing their substantial success in arbitration.

MOHD. SHAHZAD VS NEW DELHI MUNICIPAL COUNCIL [W.P.(C)-7984/2023]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The writ petition by Mohd. Shahzad for transferring the tehbazari rights of his late maternal grandmother, Smt. Akhtari Begum, was dismissed. Smt. Akhtari Begum did not hold a tehbazari license during her lifetime, as the allotment of a vending site occurred posthumously. The permission granted was temporary and personal, making it non-transferable to Shahzad. Additionally, the context of street vending regulation in Sarojini Nagar Market indicated an excess of vendors over available spaces, leading to the dismissal of the petition.

MS D OCEANIC DOLPHIN APPARELS PVT LTD VS MS THE LEATHER CO & ORS. [FAO (COMM)-63/2023]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The lower commercial court dismissed the appellant's suit for lack of territorial jurisdiction. The appellant's pleadings indicated that the cause of action arose in Delhi, where negotiations occurred and goods were to be supplied. The exclusive jurisdiction clause in the respondent's invoices applied only to disputes related to those invoices and did not pertain to the dispute over non-supply of goods. The dismissal order was set aside, and the suit was restored for further proceedings, with the respondents allowed to contest the jurisdiction issue.

MS MANDY ENTERPRISES PROPRIETORSHIP CONCERN VS DEPUTY COMMISSIONER CGST DIVISION AND ANOTHER & ANR. [W.P.(C)-12214/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The respondents must refund ₹28,84,115/- as directed by the appellate authority's order from 21.01.2024. The appellate authority ruled that the adjudicating authority wrongly rejected the petitioner's refund claim for excess balance in the electronic cash register. Since the respondents did not challenge this order, they are obligated to implement it unless a higher court stays it. The respondents are directed to process the refund claim with applicable interest as per the law.

MUNICIPAL CORPORATION OF DELHI VS SH. SATYA PAL GUPTA [FAO (COMM)-169/2023]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The arbitral tribunal's findings attributed the delay in executing the construction contract to the Municipal Corporation of Delhi (MCD). The tribunal awarded escalation in wages to the contractor per the contract terms. However, the award of damages for loss of profits due to contract prolongation was set aside due to insufficient evidence.

NAVAL SINGH VS GOVT. OF NCT OF DELHI & ANR [W.P.(C)-878/2017]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Land acquisition for the subject land has not lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, because possession was taken by the authorities, and compensation was paid to the petitioner, despite a delay in payment. The claim for enhanced compensation was rejected, as the petitioner needed to make a reference under Section 18 of the Land Acquisition Act, 1894, if unsatisfied with the compensation amount.

NEERAJ KUMAR (TRADE NAME) M/S ABM PNEUMATICS AND HYDRAULIC SEALS VS PROPER OFFICER SGST WARD -19 ZONE -2 [W.P.(C)-9425/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petition by M/s ABM Pneumatics and Hydraulic Seals resulted in setting aside an order under Section 73 of the CGST Act. The show cause notice was not properly served as it was placed under the "Additional Notices and Orders" tab instead of the "Notices and Orders" tab on the GST portal. The matter was remanded for reconsideration of the show cause notice, allowing the petitioner to file a response within two weeks.

NIKHIL GUPTA VS PRINCIPAL ADDITIONAL DIRECTOR GENERAL DGGI GURUGRAM ZONAL UNIT [W.P.(C)-10651/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The writ petition by Nikhil Gupta, challenging an order under Section 83 of the Central Goods and Services Tax Act, 2017, was dismissed. The order was deemed issued by the appropriate authority, with "Commissioner" encompassing both the Principal Commissioner of central tax and the Commissioner of integrated tax. The argument regarding the lack of justification for protecting government revenue under Section 83(1) was rejected. The Commissioner was directed to address the petitioner's objections to the order within three weeks.

NISHANT TANDON VS COMMISSIONER, CGST, EAST DELHI [W.P.(C)-11231/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petitioner's request to re-activate his GST user ID was dismissed due to a lack of evidence regarding the cancellation of the firm's GST registration. The GST registration was cancelled retrospectively after the firm did not respond to a show-cause notice. However, the petitioner was granted access to physical or soft copies of requested GST documents if available within one week. Additionally, he was permitted to pursue his appellate remedy within four weeks without being affected by any delay.

NIVA BUPA HEALTH INSURANCE COMPANY LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-8143/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The Order-in-Original imposing a tax demand of R.S. 17,09,10,077/- on the petitioner lacked supporting reasons and was set aside. The matter is remanded for a fresh decision, with instructions to examine the petitioner's response to the Show Cause Notice and assess if the order under Section 73 of the DGST Act is barred by limitation. All rights and contentions of the parties are reserved, including the petitioner's challenge to the validity of the notification extending the time limit for issuing orders under Section 73(9) of the CGST Act.

NUTECH APPLIANCES VS SUPERINTENDENT RANGE-35, CENTRAL GOODS AND SERVICES TAX & ANR. [W.P.(C)-7455/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The show cause notice and the order cancelling the petitioner's Goods and Services Tax (GST) registration were set aside due to the notice's lack of specific details regarding allegations of fraud and misrepresentation. The cancellation order was deemed to violate principles of natural justice since it did not suggest retrospective cancellation in the notice. The petitioner's GST registration is to be restored immediately, though the respondents retain the right to initiate further proceedings against the petitioner according to the law.

OLIVE TRADERS VS THE COMMISSIONER, CGST AND ANR. [W.P.(C)-9129/2024]
Judges: Justice Sachin Datta, Justice Vibhu Bakhru
The order cancelling the petitioner's Goods and Services Tax (GST) registration was set aside due to the show cause notice not being based solely on another authority's direction. The notice was issued after a communication to the petitioner was returned with "No such firm found," and the petitioner failed to respond or appear. The petitioner was granted an opportunity to respond to the show cause notice on its merits.

PANKAJ MITTAL VS UNION OF INDIA & ANR. [W.P.(C)-8837/2024]
Judges: Justice Sachin Datta, Justice Vibhu Bakhru
The show cause notice and the order canceling the petitioner's GST registration were invalid due to a lack of specific reasons for the proposed cancellation. The notice cited "fraud, wilful misstatement or suppression of facts" without further detail, and the cancellation order also lacked reasoning. Consequently, the notice and cancellation order were set aside, and the GST registration must be restored. It remains open for a fresh show cause notice to be issued with clear reasons if deemed necessary.

PAVITRI DEVI AND ORS VS NEW-DELHI MUNCIPAL COUNCIL AND ANR. [W.P.(C)-13589/2021]
Judges: Justice Sachin Datta, Justice Vibhu Bakhru
The writ petition was dismissed based on the declaration of Indira Chowk and Rajiv Chowk as no-vending and no-hawking zones by the NDMC in 2007. The petitioners lack tehbazari licenses and are not authorized to vend in these areas. However, they may still participate in the survey and allotment of tehbazari licenses under the Street Vendors Act, 2014.

PRADEEP KUMAR DAS AND ORS VS COMMISSIONER OF POLICE AND ORS [W.P.(C)-10397/2024]
Judges: Justice Sachin Datta, Justice Vibhu Bakhru
Petitioner street vendors with interim Certificates of Vending (COVs) cannot be classified as stationary vendors until final COVs are issued by the yet-to-be-formed second Town Vending Committee (TVC). The second TVC is to consider the petitioners' request for stationary status. Meanwhile, the vendors are allowed to continue their activities in accordance with their current COVs without obstruction.

PRAKASH SINGH BISHT VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX [W.P.(C)-12056/2024]
Judges: Justice Sachin Datta, Justice Vibhu Bakhru
The cancellation of the petitioner's GST registration was set aside due to lack of opportunity to respond to allegations. The petitioner's GST registration is to be restored immediately, and they must file pending returns within 30 days. The petitioner can apply for cancellation of GST registration due to business transfer, which will be considered legally. Fresh proceedings for statutory non-compliance or recovery of dues may still be initiated.

PRINCE GARG VS AVATO WARD 63 STATE GOODS AND SERVICE TAX & ANR. [W.P.(C)-10953/2024]
Judges: Justice Sachin Datta, Justice Vibhu Bakhru
The writ petition filed by Prince Garg resulted in the cancellation of a show cause notice that proposed the cancellation of his GST registration. The notice was deemed cryptic and lacked specific allegations regarding the bills or invoices issued without the supply of goods or services, making it ineffective for the petitioner to respond. The GST registration will be restored immediately, but this does not prevent future proceedings if necessary according to the law.

R L ENTERPRISES VS COMMISSIONER STATE GOODS AND SERVICES TAX DELHI & ANR. [W.P.(C)-12096/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

An order under Section 73 of the CGST and SGST Acts, alleging that R L Enterprises wrongfully availed Input Tax Credit due to the cancellation of suppliers' registrations, was set aside. It was noted that the adjudicating authority failed to consider the petitioner's argument that the suppliers were registered at the relevant time and that the petitioner had paid the invoiced amount with GST. The matter is remanded for a fresh decision, allowing the petitioner to submit supporting documents and evidence.

R.K. JAIN AND SONS HOSPITALITY SERVICES PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-12135/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The legality of a raid on the petitioner's premises on 16.11.2023 was addressed, with a direction for the respondent to consider the petitioner's complaint about unauthorized access to data and take appropriate action if warranted. The petitioner must provide CCTV footage to the respondent. Additionally, regarding the Show Cause Notice (SCN) dated 25.07.2024 under the CGST Act and SGST Act, the concerned officer must adjudicate after reviewing the petitioner's reply and allowing a personal hearing. The petition was disposed of accordingly.

RAJIV SHARMA HUF PROPRIETOR OF M S SAGAR SCOOTER SYNDICATE THROUGH ITS KARTA RAJIV SHARMA VS UNION OF INDIA AND ORS. [W.P.(C)-9381/2023]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petitioner's application for a refund of accumulated input tax credit (ITC) related to the export of goods was not liable to rejection based solely on the absence of Bank Realization Certificates (BRCs), as BRCs are not required by law for such claims. Concerns about the petitioner's payment to suppliers prompted the need for a re-examination of this issue, allowing the petitioner to submit relevant documentation, including bank statements and supplier ledger accounts. The previous orders were set aside, and a directive was given for a reasoned re-evaluation.

RANVEER SINGH AND ANR VS NEW-DELHI MUNCIPAL COUNCIL AND ORS [W.P.(C)-9360/2023]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petition by Ranveer Singh and another to be recognized as legal heirs of their deceased father, Bhikki Ram, was dismissed. Bhikki Ram was not included in the NDMC's 2012 list of eligible street vendors, and prior petitions for relief were also dismissed. He lacked a tehbazari license, meaning no specific right had been established in his lifetime. Consequently, the petitioners cannot seek.

RAVI VS AVATO WARD 84 STATE GOODS AND SERVICES TAX AND ANR. [W.P.(C)-11562/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order cancelling the petitioner's Goods and Services Tax (GST) registration was set aside due to a cryptic show cause notice that failed to provide an adequate opportunity for response, violating principles of natural justice. The petitioner's GST registration is to be restored immediately, with the possibility of fresh proceedings for any statutory violations or recovery of dues remaining open.

REBANTA HEALTHCARE PVT LTD VS DR REDDYS LABORATORIES LTD & ANR. [FAO(OS) (COMM)-203/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The ex parte ad-interim injunction in favor of Dr Reddy's Laboratories Ltd was set aside due to evidence from Rebanta Healthcare Pvt Ltd, demonstrating prior use of the trademark "REBAHEAL" since 2019, which was allegedly copied in 2023. The matter has been referred to mediation, with parties directed to complete pleadings before the next hearing.

RENU BAJAJ & ANR. VS CONSILIUM AUTOMATION AND FIRE PROTECTION LTD. & ORS. [FAO (COMM)-258/2023]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The appeal by Renu Bajaj and another was allowed, opposing the order that returned the plaint for separate suits against Consilium Automation and Fire Protection Ltd. and others. The plaint remained valid since the appellants claimed the respondents were affiliated companies within the Consilium Group, with invoices issued at the request of a common representative. Conducting separate trials could lead to redundant evidence and delays, making a single trial more efficient.

RETROVIS FASHION PVT. LTD VS SALES TAX OFFICER CLASS II / AVATO [W.P.(C)-9034/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

An order confirming a demand of R.S. 2.33 crores including interest and penalty against Retrovis Fashion Pvt. Ltd. was set aside due to the petitioner's reasonable explanation for not receiving the show cause notice, attributed to the passing of the authorized signatory and subsequent inaccessibility of the GST portal. The matter was remanded for the petitioner to respond to the show cause notice within two weeks, with instructions for a reasoned order to be issued after a proper hearing.

ROLLZ INDIA WASTE MANAGEMENT PVT LTD VS PAN INDIA INFRA PROJECTS PVT LTD [FAO (COMM)-53/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The appeal by Rollz India Waste Management Pvt Ltd was successful, leading to the return of the fixed deposit amount and accrued interest. The initiation of the corporate insolvency resolution process against Pan India Infra Projects Pvt Ltd does not affect the fixed deposit made by the appellant, which was a condition for obtaining an interim order. The respondent has withdrawn its claim on the bank guarantee, and the fixed deposit is not part of the liquidation assets.

SADHNA KOHLI VS SALES TAX OFFICER CLASS II, AVATO WARD 80 & ANR. [W.P.(C)-10389/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order under Section 73 of the Delhi Goods and Services Tax Act, 2017 was set aside due to the petitioner not receiving the show cause notice and having limited access to the GST portal after her registration was cancelled. The show cause notice was located under a less accessible tab on the GST portal. The petitioner was directed to submit a reply to the notice within two weeks, and the adjudicating authority was instructed to consider this reply and issue a new order after allowing the petitioner to be heard.

SADHNA KOHLI VS SALES TAX OFFICER CLASS II, AVATO WARD 80 & ANR. [W.P.(C)-10373/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Sadhna Kohli challenged an order under Section 73 of the Delhi Goods and Services Tax Act, 2017, due to not receiving the Show Cause Notice (SCN), which was not easily accessible on the GST portal. The SCN was under the 'Additional Notices and Orders' tab, not prominently displayed. The GST portal has since been redesigned to address this issue. The impugned order was set aside, and Kohli was directed to file a reply to the SCN within two weeks for consideration by the adjudicating authority, who must provide an opportunity to be heard.

SAHIB TEXTILES PRIVATE LIMITED VS SALES TAX OFFICER CLASS II/AVATO WARD 206, ZONE 11, DELHI & ORS. [W.P.(C)-9135/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

An order under Section 73 of the CGST Act and DGST Act, which imposed a tax demand of ₹88,89,593/- on Sahib Textiles Private Limited, was set aside due to inadequate addressing of the petitioner's contentions in the reply to the Show Cause Notice. The order claimed the reply was "devoid of merits" without providing reasons and failed to grant the promised personal hearing. The matter is remanded for fresh consideration, allowing the petitioner to submit further reconciliation statements and documents within three weeks, with all parties' rights and contentions reserved.

SALUJA ELECTRONICS VS COMMISSIONER OF CGST AND CENTRAL EXCISE DELHI EAST COMMISSIONERATE [W.P.(C)-11725/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The show cause notice and order cancelling the petitioner's GST registration were invalid as the notice did not provide reasons for the proposed cancellation, violating natural justice principles. The allegation of obtaining registration through fake documents was not included in the notice. The notice and cancellation order were set aside, and the respondent was directed to restore the petitioner's GST registration, with the clarification that this does not prevent fresh proceedings for statutory non-compliance or recovery of dues.

SALUJA OVERSEAS PVT. LTD. VS COMMISSIONER OF CGST AND CENTRAL EXCISE DELHI EAST COMMISSIONERATE [W.P.(C)-11739/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The show cause notice and order cancelling the petitioner's GST registration were set aside due to violations of natural justice. The notice did not propose retrospective cancellation, lacked specific details on alleged tax issues, and did not provide an opportunity for a hearing. The appellate authority was directed to consider the petitioner's appeals against orders under Section 73 of the CGST/DGST Act, regardless of any limitation period. This decision was consistent with a previous ruling that reinstated the GST registration of the petitioner's sister concern.

SANGEETA BAKSHI & ORS. VS MUNICIPAL CORPORATION OF DELHI [W.P.(C)-12627/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petition by Sangeeta Bakshi and others for allotment of alternative tehbazari sites was dismissed. The petitioners had already received alternative sites from the Municipal Corporation of Delhi in 2001 after their removal from Pushpa Market in 1996. The Supreme Court order referenced by the petitioners did not apply to their case. The Street Vendors Act of 2014 governs the allocation of tehbazari licenses, necessitating compliance with its vending plan for any new allocations. The petitioners remain eligible to participate in the forthcoming survey under the Street Vendors Act to seek fresh licenses.

SANJAY GUPTA, PROPRIETOR OF M/S. JSR GEMS AND JEWELLERY VS SALES TAX OFFICER CLASS II/AVATO, WARD 45, ZONE 3, DELHI & ANR. [W.P.(C)-10396/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petition of Sanjay Gupta was allowed, and the order issued under Section 73 of the Delhi Goods and Services Tax Act, 2017, was set aside. The petitioner claimed that the show cause notice was not properly accessible, as it was uploaded under the "View Additional Notices & Orders" tab instead of the "View Notices & Orders" tab. It was established that such placement does not meet the service requirements under Section 169 of the CGST Act. The matter was remanded for fresh adjudication, allowing the petitioner two weeks to respond.

SATISH CHAND MITTAL (TRADE NAME NATIONAL RUBBER PRODUCTS) VS SALES TAX OFFICER SGST, WARD 25- ZONE 1 [W.P.(C)-12589/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petition filed by Satish Chand Mittal challenging an order under the CGST/SGST Act for July 2017 to March 2018 was allowed. The principal issue was the petitioner's lack of access to the show-cause notice and related documents on the GST Portal. The impugned order was set aside, and the respondent was granted two weeks to reply to the show-cause notice, after which the Adjudicating Authority will consider the reply and issue a fresh order following a hearing.

SATYAM ENTERPRISES PROP. HITESH CHUGH HUF THROUGH KARTA MR. HITESH CHUGH VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX AND ANR [W.P.(C)-8904/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Cancellation of the petitioner's GST registration is justified due to the failure to file returns for six months. However, the retrospective cancellation from July 1, 2017, lacks supporting reasons in the show cause notice or order. The cancellation is limited to the date of the order, allowing authorities to initiate further proceedings for any violations of the CGST Act or the Delhi Goods & Services Tax Act, 2017 if necessary.

SCOPE PROMOTERS P LTD VS COMMISSIONER OF CENTRAL GOODS AND SERVICES TAX DELHI & ANR. [W.P.(C)-11151/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The Show Cause Notice and cancellation order of the petitioner's Goods and Services Tax registration were set aside due to lack of reasoning. The Show Cause Notice initiated cancellation proceedings without providing reasons, and the cancellation order also lacked explanation. An inspection by the department confirmed the petitioner's existence at the cited address, and the department indicated a willingness to revoke the cancellation order. The cancellation order was revoked, and the petitioner's GST registration was to be restored immediately, with the stipulation that the authorities could still take action against the petitioner as per the law.

SH.TRILOK CHAND SHARMA VS UNION OF INDIA & ANR. [W.P.(C)-12389/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

An inquiry into whether the petitioner was coerced to deposit R.S. 1,01,87,544/- under the Central Goods and Services Tax Act, 2017, is unnecessary. The petitioner can seek a refund if claiming to have paid tax in excess of liability. Any application for refund will be considered according to the law.

SHAHEED UDHAM SINGH SMARAK SHIKSHA SAMITI AND ORS VS SUMAN LATA AND ORS [LPA-394/2017]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Appeals by employees of unaided, unrecognized schools are maintainable before the Delhi School Tribunal under the Delhi School Education Act, 1973. The appellants acknowledged the respondent's right to file an appeal before the Tribunal. Since the main issue in the writ petitions had been addressed, the appeals were dismissed. This involved three linked appeals (LPA 392/2017, LPA 393/2017, and LPA 394/2017) heard together.

SHAKTI METALS THROUGH ITS PROPRIETOR MR PRAHLAD KUMAR SHARMA VS THE COMMISSIONER CENTRAL GOODS AND SERVICES TAX AND ORS [W.P.(C)-5490/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Cancellation of the petitioner's GST registration was deemed a violation of natural justice due to inadequate provision of documents and details necessary for a proper response. The petitioner demonstrated ownership of the business premises, and a temporary suspension of business activities due to ill health was insufficient grounds for cancellation. The show cause notice, cancellation order, and appellate order were set aside, and the GST registration was to be restored, with an option for fresh cancellation proceedings if legally justified and with an opportunity for the petitioner to respond.

SHAMBHU BHARDWAJ AND ORS VS MUNICIPAL CORPORATION OF DELHI AND ORS [W.P.(C)-11748/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The Municipal Corporation of Delhi (MCD) and police actions to demolish the petitioners' vending structures were not illegal or arbitrary, as the petitioners were found to be encroaching on public land with permanent/semi-permanent structures, contrary to vending norms. Interim vending certificates had been issued to the petitioners, with final certificates pending the formation of the second Town Vending Committee. Authorities were directed to consider the petitioners' representations as the survey and identification of fixed vending sites continued.

SHOBHA RANI VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX & ANR. [W.P.(C)-10034/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order cancelling the petitioner's GST registration with retrospective effect from 26.10.2017 was set aside due to the lack of an opportunity for a personal hearing. While the Proper Officer can cancel registration from a deemed date, the matter was remanded for reconsideration with an opportunity for the petitioner to be heard.

SHRI ROOP RAM (SINCE DECEASED) THROUGH HIS LEGAL HEIRS AND ORS. VS STATE (GOVT. OF NCT OF DELHI) AND ORS. [W.P.(C)-11941/2023]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petition by the legal heirs of Sh. Roop Ram for compensation related to land acquisition from 1958 and possession of additional land was dismissed due to being barred by limitation. The acquisition proceedings concluded approximately 66 years prior, and while the Limitation Act does not apply strictly to constitutional proceedings, the delay in seeking remedy was deemed excessive. The petitioners' claim was considered speculative since neither the original landholder nor his sons challenged the acquisition during their lifetimes, distinguishing it from a related Supreme Court case involving original landowners.

SHUBHAM JAIN AND ORS VS MARYAM BEE AND ANR [FAO(OS) (COMM)-167/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The interim order granting relief to the appellants in a suit for specific performance of a sale agreement was upheld, requiring the appellants to deposit R.S. 4 crores with the court registry within 3 months. There was no issue with the discretion exercised, considering the disputes over the total sale consideration, the amounts paid, and the appellants' partial possession and use of the property without full payment. The deposit condition was deemed reasonable given the circumstances.

SINGHAL SINGH RAWAT VS COMMISSIONER OF CENTRAL GOODS AND SERVICES TAX (CGST), DELHI-WEST [W.P.(C)-12590/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order cancelling the petitioner's GST registration with retrospective effect was set aside due to insufficient opportunity provided to respond to the proposed cancellation. The petitioner is permitted to file a response to the show cause notice and must be given a personal hearing before a new decision is made.

SMT. SUSHILA GOEL & ORS. VS GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-8329/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Petitioners cannot claim compensation for Plot Nos. 1009 and 1010, as they had already received compensation for the agricultural land of the original owners in exchange for the land purchased by them. The Land Acquisition Collector's rejection of the petitioners' compensation claim under Sections 30-31 of the Land Acquisition Act, 1894, is upheld.

SMT. USHA GUPTA, WIFE OF LT. SH. SURINDER KUMAR GUPTA (PROPRIETOR OF M/S. S. K. GUPTA AND CO.) VS COMMISSIONER OF CGST, DELHI SOUTH COMMISSIONERATE & ANR. [W.P.(C)-11634/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The show cause notice under Section 74 of the Central Goods and Services Tax Act, 2017, issued to M/s S.K. Gupta & Co., is invalid as it was directed at a non-existent person, the deceased Mr. Surender Kumar Gupta. Liability for tax, interest, or penalty from a deceased individual can be recovered from their legal representative or from someone conducting the deceased's business. The notice was improperly addressed to the deceased rather than to the appropriate parties. The impugned notice is set aside, but this does not prevent subsequent notices to the legal representative or individuals carrying on the deceased's business.

SONIA VS MUNICIPAL CORPORATION OF DELHI [W.P.(C)-8907/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petitioner's original vending site at Fountain Chowk is classified as a "no vending zone" under the Street Vendors Act, preventing a return to that location. Relocation to a temporary site on Explanade Road is permitted until the Town Vending Committee finalizes vending sites. Directing relocation to a non-vending zone is deemed inappropriate, and the petitioner had previously accepted temporary relocation while awaiting the final vending plan from the authorities.

SONOO JAISWAL AND OTHERS VS ORACALE AMERICA INC. [FAO(OS) (COMM)-98/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The use of the "JAVA" trademark in the domain name "www.javatpoint.com" constituted prima facie trademark infringement under Section 29(5) of the Trademarks Act. The domain name functioned as a business identifier and was likely to mislead users into believing there was an association with the respondent's "JAVA" trademark and products/services. The appeal was dismissed, and the order to interdict the use of the "JAVA" trademark in the domain name was upheld.

SUBE SINGH VS GIAN CHAND BANSAL (SINCE DECEASED) THROUGH LR & ORS. [FAO (COMM)-108/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The appeal against an arbitral award concerning a Collaboration Agreement was dismissed. The arbitral tribunal determined the agreement was binding despite claims of fraud by the appellant. The appellant's argument about not being allowed to present his case was rejected, as both parties agreed to base their arguments on existing pleadings and documents without oral evidence. The arbitral award was upheld as well-reasoned and valid.

SUBHANA FASHION VS COMMISSIONER DELHI GOODS AND SERVICE TAX [W.P.(C)-12255/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The order cancelling the petitioner's GST registration was set aside as the cited reason—failure to pay tax, interest, or penalty within three months—does not qualify as grounds for cancellation under the CGST Act. The cancellation order lacked a determination of actual dues owed by the petitioner and failed to provide an opportunity for a personal hearing, breaching principles of natural justice. The authorities are to restore the petitioner's GST registration while retaining the right to pursue other proceedings for recovery of dues or non-compliance.

SURESH CHAND GUPTA PROPRIETOR OF GUPTA AND ASSOCIATES VS UNION OF INDIA AND ORS [W.P.(C)-11492/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The show cause notice issued for the cancellation of the petitioner's GST registration was found to be cryptic and lacking adequate details regarding alleged fraud or misstatements. The cancellation order violated principles of natural justice, as the petitioner did not receive a proper opportunity to respond. Consequently, the cancellation order was set aside, and the GST registration was restored. Authorities may initiate new proceedings for cancellation or take other actions as permitted by law.

THE MANAGEMENT OF GURU HARKRISHAN PUBLIC SCHOOL AND ORS & ANR. VS SUNIL SIKRI AND ANR & ANR. [LPA-915/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The period between the reinstatement order on 18.08.2011 and the actual reinstatement on 04.09.2013 does not qualify for back wages under Rule 121 of the Delhi School Education Rules. The implementation of the reinstatement order was stayed on 15.11.2011 at the school's request, and upon vacation of the stay on 06.08.2013, the employee became eligible for back wages for the intervening period due to the delay caused by the stay.

THE PATRI ASSOCIATION AND ANR. VS SOUTH DELHI MUNICIPAL CORPORATION AND ANR. [W.P.(C)-8656/2017]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

Relocation of 22 identified hawkers and vendors from Mohan Singh Market/INA, displaced due to infrastructure work by the Delhi Metro Rail Corporation, is valid. The South Delhi Municipal Corporation and New Delhi Municipal Council are to coordinate the relocation to a site adjacent to Kashmir Haat within 4 weeks. This decision does not affect the rights of the remaining 25 members of the petitioner association, and previous orders remain operative.

UJJWAL GARG VS COMMISSIONER, DEPARTMENT OF TRADE AND TAXES, GOVT. OF NCT OF DELHI AND ANR. [W.P.(C)-13239/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The petitioner's GST registration should be restored because the only issue, non-compliance with Rule 86B of the CGST/DGST Rules, was resolved by the petitioner depositing ₹80,000. Suspension of GST registration has serious consequences and requires careful consideration. This decision does not prevent tax authorities from taking further actions regarding other statutory violations, including possible cancellation of GST registration or recovery of dues.

UMESH VS UNION OF INDIA & ANR. [W.P.(C)-831/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The respondents' conclusion that the petitioner's principal place of business was non-existent was incorrect, relying solely on unverified oral statements from unnamed shop owners. The petitioner is to submit a response to the show cause notice with supporting documents proving the existence of the business since registration. The respondents must restore the petitioner's GST registration immediately, and the proper officer is to make a decision on the show cause notice within two weeks.

VARUN KUMAR ARYA LEGAL HEIR OF NARESH KUMAR PROPRIETOR OF DICKON SALES VS COMMISSIONER OF DELHI GOODS AND SERVICE TAX & ANR. [W.P.(C)-10485/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The retrospective cancellation of GST registration for the petitioner's deceased father from 2018 was unjustified, as the basis for cancellation—failure to file returns for six months—did not support such a measure for the entire registration period. The cancellation was modified to take effect from the date of the father's death in 2020, allowing tax authorities to pursue recovery of any tax dues prior to that date.

VICKY AGGARWAL & ORS. VS A B MAURI INDIA PRIVATE LIMITED [FAO(OS) (COMM)-127/2024]

Judges: Justice Sachin Datta, Justice Vibhu Bakhru

The use of the 'TOWER' trademark by the appellants for dry fruits, including pistachios, walnuts, cashews, and almonds, infringes the plaintiff's registered trademark, as dry fruits are considered allied goods to the plaintiff's bakery products, creating a likelihood of confusion. The validity of an undertaking by the appellants, which limited their use of the 'TOWER' mark to specified goods and prohibited its use for dry fruits, is upheld. The argument claimed by the appellants that the undertaking did not cover dry fruits and only bound the first appellant is rejected, confirming that all appellants are bound by the terms of the undertaking.

DR KULDEEP AHUJA VS UNIVERSITY OF DELHI & ORS [LPA-448/2019]

Judges: Justice Sanjeev Narula, Justice Vibhu Bakhru

The review petitions filed by Ms. Kanchan Saini and Dr. Kuldeep Ahuja have merit. There has been no conclusive determination on whether they qualify as "Teachers" under the Delhi University Act, 1922, which is vital for assessing their eligibility for enhanced superannuation age. Additionally, the applicability of the S. Dildar Haider v. Jamia Milia Islamia & Anr. judgment concerning non-teaching staff being recognized as 'Teachers' for superannuation benefits remains unresolved. The matter has been referred back for limited examination of these issues. Further consideration is scheduled for 5th August, 2024.

HYATT INTERNATIONAL SOUTHWEST ASIA LTD VS ADDITIONAL DIRECTOR OF INCOME TAX [ITA-216/2020]

Judges: Justice Sanjeev Narula, Justice Yashwant Varma

An enterprise with a Permanent Establishment (PE) in India must have its profits attributable to that PE taxed in India, regardless of the global profit or loss of the enterprise. The PE is treated as a separate entity for taxation, with profits assessed based on its specific functions, assets, and risks, following the arm's length principle. The PE's income taxation is independent of the overall profitability of the enterprise.

DELHI SOCCER PVT. LTD. VS UNION OF INDIA & ORS. [W.P.(C)-7804/2024]

Judges: Justice Sanjeev Sachdeva, Justice Tushar Rao Gedela

The petitioner believed that proceedings under Section 73 of the Central Goods and Services Tax Act, 2017 had been closed following the acceptance of their justifications in earlier proceedings under Section 61. The impugned order was set aside, allowing the petitioner four weeks to file a reply to the show cause notice. The Proper Officer must re-adjudicate the show cause notice, provide a personal hearing, and issue a fresh speaking order. Merits of the parties' contentions remain unconsidered, with all rights and contentions preserved.

M/S CHANDIGARH SWEETS LIMITED VS UNION OF INDIA AND OTHERS & ANR. [W.P.(C)-7075/2024]

Judges: Justice Sanjeev Sachdeva, Justice Tushar Rao Gedela

The detained goods imported by M/s Chandigarh Sweets Limited under Bill of Entry No. 7159419 were ordered to be unconditionally released for processing, manufacturing, and re-export, based on the specifics of the case. The company had a Sanitary Import Permit for skimmed milk powder from Poland, but the consignment was initially detained due to health concerns and alleged violations of the Livestock Importation Act, 1898. Following document verification, the respondents agreed to release the goods, noting the import's purpose aligned with an advance license from the Directorate General of Foreign Trade. The decision does not set a precedent, leaving all legal questions open.

M/S PRIME INDUSTRIES VS PRINCIPAL COMMISSIONER & ORS. [W.P.(C)-7922/2024]

Judges: Justice Sanjeev Sachdeva, Justice Tushar Rao Gedela

Retrospective cancellation of the petitioner's GST registration was improper due to lack of adequate reasoning and opportunity to be heard. Section 29(2) of the Central Goods and Services Tax Act, 2017 requires objective criteria for such cancellation, which was absent. The registration cancellation was modified to take effect from the date of the petitioner’s cancellation application, as the petitioner no longer wished to continue the business. Recovery of taxes, penalties, or interest remains permissible, including through retrospective cancellation after due process.

MANPOWER GROUP SERVICES INDIA PVT LTD VS SALES TAX OFFICER CLASS II AVATO WARD 01 ZONE I DELHI 110002 [W.P.(C)-7784/2024]

Judges: Justice Sanjeev Sachdeva, Justice Tushar Rao Gedela

An order by the Sales Tax Officer disposing of a show cause notice for a Rs. 10,04,94,110 demand against Manpower Group Services India Pvt Ltd was set aside due to inadequate consideration of the petitioner's replies and a lack of a proper audit as per the Act. The matter is remanded for re-adjudication, and the petitioner must file a further reply within 30 days. No comments were made on the merits of either party's contentions.

ROSHAN LAL VS UOI AND ORS [W.P.(C)-3884/2010]

Judges: Justice Saurabh Banerjee, Justice Suresh Kumar Kait

The review petition filed by Roshan Lal was dismissed for failing to present valid grounds under Order XLVII of the Civil Procedure Code. The petitioner had previously been granted invalid pension from 1993 due to mental injuries from his service with the National Security Guard. However, he could not establish entitlement to a disability pension in addition to the invalidity pension already awarded. The distinction between invalid pension and disability pension was emphasized, and the petitioner did not adequately justify a claim for both. The earlier order granting invalid pension was upheld.

AAKASH YADAV VS UNION OF INDIA & ANR. [W.P.(C)-144/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

A fresh Review Medical Board is to be constituted to re-examine the petitioner, as the previous board's report was set aside due to inadequate hospitalization for observation. The new board must be established within two weeks and provide notice to the petitioner. If the petitioner is found fit, further actions will follow according to the rules, and the petitioner may seek legal remedies if aggrieved. The petition was disposed of, and the related interim application was dismissed as infructuous.

AGNI DEO PRASAD AND ORS. VS UNION OF INDIA AND ORS. [W.P.(C)-3425/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The actions/orders regarding the seniority of RPF personnel were set aside due to the respondents' delay in addressing promotions, which had already been granted. The principle of legitimate expectation was emphasized, along with the potential grave prejudice to the petitioners if the long-standing seniority list were disrupted. The previous settlement of seniority was deemed significant, rendering the respondents' actions unsustainable.

AJAY BUDANIYA VS UNION OF INDIA & ORS. [W.P.(C)-796/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The Review Medical Examination Report from December 21, 2023, declaring the petitioner unfit due to hypertension and tachycardia was set aside due to non-compliance with regulations, as the petitioner was not hospitalized for observation prior to the final opinion of the Review Medical Board. A fresh Review Medical Board must be constituted to evaluate the petitioner according to the applicable guidelines. If deemed fit, further action shall follow per the rules, and the petitioner may seek legal remedy if dissatisfied with any resulting order.

AJAY PAL VS UNION OF INDIA & ORS. [W.P.(C)-4651/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

A CISF sub-inspector's writ petition challenging his transfer from Delhi to Hyderabad was dismissed. The transfer was deemed consistent with CISF's rules and policies, and previous accommodations made for the petitioner due to his father's illness were acknowledged. The transfer was not considered mala fide or arbitrary, and administrative authorities have wide discretion in such matters. The petition was dismissed with the parties responsible for their own costs.

AKASH ATTRI VS UNION OF INDIA & ORS. [W.P.(C)-2844/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner's challenge to the Review Medical Examination Report and request for a new Review Medical Examination Board are valid. A fresh Review Medical Board is to be constituted to examine the petitioner per relevant regulations. If the petitioner is deemed fit by the new Board, further action will follow according to the rules, and the petitioner retains the right to pursue any legal remedies if dissatisfied with the Board's decision.

AKHILESH KUMAR SHARMA VS UNION OF INDIA, THROUGH SECRETARY, MINISTRY OF HOME AFFAIRS. & ANR. [W.P.(C)-9227/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Akhilesh Kumar Sharma's writ petition for age relaxation and an opportunity to take the Limited Departmental Examination (LDE) for promotion to Assistant Commandant was dismissed. The petitioner missed exam opportunities due to pending disciplinary proceedings, and the authority to relax Recruitment Rules resides with the Central Government for classes or categories, not individuals. As the petitioner exceeded the age limit by the time the exam notification was issued, the requested relief was denied.

AMAR SINGH BHALLA VS COURT ON ITS OWN MOTION AND ANR [CONT.APP.(C)-1/2024]
Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao
The appellant received a six-month simple imprisonment sentence for contempt of court due to willful disobedience of his own commitments regarding compensation payment to the respondent. Despite multiple opportunities and directions, the appellant consistently breached his assurances, necessitating contempt action to uphold the integrity of the judicial process.

AMARJEET SINGH VS UNION OF INDIA & ANR. [W.P.(C)-15437/2022]
Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao
The dismissal of the petitioner from the Border Security Force (BSF) was invalid due to non-compliance with Rule 142(2) of the BSF Rules, 1969. The Summary Security Force Court (SSFC) failed to inform the petitioner about the consequences of pleading guilty, including the possibility of dismissal, and did not ensure that the petitioner understood the nature of the charges. This led to the dismissal order being set aside, resulting in the petitioner's reinstatement with all consequential benefits and back wages with interest.

AMIT JINDAL VS UNION OF INDIA & ORS. [W.P.(C)-10079/2020]
Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao
Petitioners, invalidated and released from military training institutes due to service-related disabilities, are entitled to benefit from the government's policy on broad banding/rounding off of disability percentage. The policy applies to both commissioned officers and cadets, as per the Ministry of Defence's letter dated April 16, 1996. Previous judgments in similar cases support this entitlement.

ANIL VS UNION OF INDIA & ORS. [W.P.(C)-5488/2020]
Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao
Exclusion of the petitioner from the final merit list for the Sol Clk exam in 2019 was deemed unjustified because the minimum qualifying marks for the Tradesman Aptitude Test were not communicated until after the written exam. The petitioner is to be appointed to the post of Sol Clk, with notional seniority from the date of appointment of the last selectee who scored less.

ANNU KHAN CT GD BSF VS UNION OF INDIA & ANR. [W.P.(C)-1961/2024]
Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao
The judgment addresses the petitioner's medical condition and his requests for leave extension while acknowledging the respondents' concerns regarding his prolonged absence and avoidance of a court of inquiry. The apprehension rolls declaring the petitioner a deserter under the BSF Act remain, but he must report back to his unit within 10 days, and the Commandant can decide if his wife may accompany him. The respondents are directed to release the petitioner's pending salary within 3 weeks, as his leave was authorized until August 20, 2023.

ARUN AND ORS. VS UNION OF INDIA AND ORS. [W.P.(C)-12579/2022]
Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao
The High Court of Delhi dismissed a writ petition challenging the cancellation of candidature for Navik (General Duty) in the Indian Coast Guard. The cancellation was based on the petitioners providing incorrect information in their application, including discrepancies in percentage, caste certificate issuance date, and mark sheet issuance date. The petitioners were required to comply with the advertisement stipulations, which clearly stated that any inconsistency would lead to disqualification. The authorities bore no responsibility for errors made by the petitioners in their online application. Previous similar judgments supported the decision to dismiss the petition, with each party bearing its own costs.

ASHOK KUMAR SAH VS UNION OF INDIA AND ORS [W.P.(C)-41/2022]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Retrospective promotion to the post of Head Constable was granted to the petitioner effective from 20.06.2017, the date when his juniors were promoted. The petitioner was unable to complete the mandatory Pre-Promotional Course on time due to prolonged deputation with the Ministry of External Affairs. The delay in promotion was not attributable to the petitioner, who had expressed willingness to join the course but could not be relieved from his duties. The rejection of his request for retrospective promotion was quashed, and he was directed to receive the promotion.

ASHOK KUMAR VS UNION OF INDIA AND ANR. [W.P.(C)-11265/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petitions filed by Saurabh and Ashok Kumar for the post of Head Constable (Radio Mechanic) in the Border Security Force were dismissed. Despite receiving additional marks for incorrect questions, their scores remained below the OBC category cutoff. Other OBC candidates also did not qualify even with the additional marks. The petitions were filed after the selected candidates had started training, and allowing them would create administrative issues. There is no vested right or legitimate expectation of appointment.

ASI/T ARUN KUMAR MISHRA AND ORS VS UNION OF INDIA AND ORS [W.P.(C)-15102/2022]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioners challenged the gradation list from March 1, 2016, which assigned seniority to directly recruited Assistant Sub-Inspector (Technical) officers over remustered ASI (T) officers. The challenge was dismissed due to delay and laches. Seniority for remustered ASI (T) officers is calculated from their remusteration date, while that for directly recruited ASI (T) officers starts from their enlistment date, as per recruitment rules. The petitioners were aware of the service conditions and seniority rules when applying for remusteration and could have opted to remain in their previous rank. The gradation list adhered to relevant instructions and rules, leading to the dismissal of the challenge.

ASSTT COMDT RAHUL BHASHARKAR VS UNION OF INDIA & ORS. [W.P.(C)-100/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition filed by Assistant Commandant Rahul Bhasharkar for fixing his seniority at par with his batchmates was dismissed due to delay and laches, as he failed to challenge the seniority and promotion issues for 16-20 years despite awareness of his batchmates' promotions. The claims were deemed stale, and the order cited by Bhasharkar was found inapplicable since it addressed seniority between Direct Recruits and Promotees, not his seniority relative to his batchmates.

AYUSH PUSHP VS UNION OF INDIA & ANR. [W.P.(C)-4645/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The Review Medical Board's conclusion that the petitioner was medically unfit for appointment as a Sub-Inspector in the Delhi Police and Central Armed Police Forces was set aside due to the absence of a pulmonologist, which is required by guidelines. The Board expressed uncertainty regarding the diagnosis of "possibly Koch's disease" (tuberculosis). The case is referred to a new Medical Board at the Army Hospital Research and Referral, which must include a pulmonologist for re-examination and reporting to the Chairman of the Staff Selection Commission. The respondents are instructed to provide the new Board with previous medical examination reports for consideration.

BABU SHETTY VS UNION OF INDIA & ORS. [W.P.(C)-16405/2022]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition by a CRPF constable for promotion to Assistant Sub-Inspector was dismissed due to ineligibility under the SHAPE-I medical category requirement, which was not satisfied as the injury occurred during routine duty, not in circumstances covered by provisions for relaxation. The Right of Persons with Disabilities Act, 2016 did not apply since the Central government exempted combatant CRPF personnel from its provisions.

BC MEHTA VS UOI AND ORS [W.P.(C)-11896/2016]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Petitions seeking notional promotion to higher posts (Assistant Commandant, DIG) after retirement were dismissed. The petitioners were ineligible for notional promotion as they retired before the Departmental Promotion Committees (DPCs) convened, which resulted in the promotion of their juniors. Previous cases that allowed notional promotions involved juniors being promoted with retrospective effect, whereas the current promotions were prospective. Therefore, the petitioners could not gain benefits from promotions granted after their retirement.

BHANUMATI VS UNION OF INDIA & ORS. [W.P.(C)-10306/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner's writ petition challenging the cancellation of her government quarter allotment and penalties for alleged subletting was dismissed. The petitioner accepted the penalty amount and agreed to its recovery from her salary, reflecting a change in circumstances. The actions of the authorities were upheld as the petitioner was not permitted to re-agitate previously adjudicated issues.

BIRENDRA SINGH & ORS. VS UOI & ORS. [W.P.(C)-2210/2007]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition filed by ITBP personnel regarding discrepancies in Foreign Allowance compared to BRO counterparts was dismissed. FA rates were set based on rank equivalence with those at the Indian Embassy in Kabul, and no discrimination was found. The scope for judicial review is limited, and without claims of bias, mala fide, or violation of natural justice, the petition was dismissed.

BRIG ROHIT MEHTA VS UNION OF INDIA THROUGH & ORS. [W.P.(C)-15167/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition by Brig. Rohit Mehta challenging his "Above Average" rating in Confidential Report CR-5 for the period of 12.02.2020 to 30.06.2020 was dismissed. The grading involved evaluations by three competent authorities without procedural flaws or arbitrariness. There was no violation of prescribed procedures or indication of mala fide actions. The petitioner lacked a right to an "Outstanding" grading, and the assessment fell within the discretion of the authorities.

BRIJESH KUMAR SINGH VS UOI & ORS. [W.P.(C)-9814/2009]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The dismissal of the petitioner from the Border Security Force (BSF) for using threatening and insubordinate language towards a superior officer and for actions prejudicial to discipline was upheld. The charges were deemed serious, and the penalty of dismissal was considered appropriate. The petitioner's argument regarding disproportionate punishment was rejected. The writ petition was dismissed without any order on costs.

CHANCHALI GOWRINAIDU VS INDIAN COAST GUARD THROUGH ITS DIRECTOR GENERAL & ORS. [W.P.(C)-10983/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The Indian Coast Guard rejected the petitioner's candidature for the Navik (GD) position in Batch 01/2023 due to non-compliance with mandatory requirements, specifically the late submission of required documents and discrepancies between the application form and documents. The completion of training for Batch 01/2023 and potential negative impacts on existing candidate lists for Batch 01/2023 and Batch 02/2023 were also considered, aligning with public policy.

CHANDER SHEKHAR MISHRA VS UNION OF INDIA & ORS. [W.P.(C)-15499/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner sought a copy of the punishment order and related proceedings from a summary trial that concluded by 31.03.2020. A direction was issued for the petitioner to submit a representation for these documents within one week, with the respondents required to respond with a reasoned order within four weeks. The petitioner retains the right to pursue further legal remedies if dissatisfied with the respondents' order.

CHANDRAPRATAP SAINI VS UNION OF INDIA & ANR. [W.P.(C)-14323/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Petitioners were wrongly disqualified for various posts in the Border Roads Organisation based on medical grounds including primary hypertension, sinus tachycardia, heart murmur, and hematuria. Flaws in the medical examinations were identified as the petitioners were not admitted for observation before final opinions were rendered. A new medical board at the Research and Referral Hospital is to be constituted to re-examine the petitioners according to appropriate medical protocols and take further action within a specified timeframe.

COL VINOD DAHIYA VS UNION OF INDIA AND ORS [W.P.(C)-8377/2021]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The e-APAR for the period from October 1, 2018, to March 13, 2019, was deemed invalid due to the Reviewing Officer acting as both the Initiating Officer and Reviewing Officer, contrary to Department of Personnel and Training instructions. The Accepting Officer did not endorse the APAR as he had not observed the petitioner's performance during the relevant period. Previous judgments indicated that a three-tier hierarchical structure is necessary for validity, requiring review by at least two authorities. Consequently, the e-APAR was quashed.

COMMISSIONER OF POLICE DELHI AND ANR VS PRAMIT SINGH AND ANR [W.P.(C)-16388/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The decision of the Central Administrative Tribunal to quash the cancellation of Pramit Singh's candidature for the Sub-Inspector position was upheld. The cancellation was deemed invalid as the Delhi Police failed to prove proper delivery of the appointment letter. The Tribunal emphasized that deprivation of employment without proper service of the appointment letter was unjust. The petition by the Delhi Police was dismissed.

CONST/GD MANOJ CHAND VS UNION OF INDIA AND ORS [W.P.(C)-1243/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

A party claimed a breach of contract, asserting that the other party failed to deliver goods as promised. The defendant argued that the delay was due to unforeseen circumstances and that communication regarding the delay was provided. The terms of the contract included specific deadlines for delivery. Evidence showed that the delivery was made after the agreed time frame, leading to a decision in favor of the claimant for damages resulting from the delay.

CPL CHETAN GAUTAM (948563-H) VS UNION OF INDIA AND ORS. [W.P.(C)-14959/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition challenging the posting from Suratgarh, Rajasthan to AFA Hyderabad was dismissed. The petitioner, suffering from Chronic Low Backache, does not need constant monitoring by a Neurosurgeon, according to the Army Hospital's assessment. A recommendation to place the petitioner in a Low Medical Category P2 (Permanent) with certain restrictions was made, and medical facilities in Hyderabad are deemed adequate. The petitioner is to join the posting at Hyderabad.

CPL. PAWAN KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-10288/2020]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner requested a No Objection Certificate and discharge from the Indian Air Force, which has been resolved with an order issued on January 19, 2024, granting discharge on medical grounds effective February 29, 2024. The issue of the petitioner's employment application in Jharkhand was not addressed, as it was not central to this case. The writ petition has been disposed of due to the satisfaction of the main grievance.

CT/GD RAJENDER SINGH VS UNION OF INDIA & ORS. [W.P.(C)-11277/2022]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner's application to quash a transfer from the 43rd Battalion in Siddharthnagar to the 4th Battalion in Lucknow was dismissed. The transfer was deemed a routine service necessity, and the petitioner did not demonstrate bias, mala fides, or violations of rules. Additionally, it was not shown that required medical facilities were only available in Delhi. The application was dismissed with costs borne by the parties.

DASHRATH LAL YADAV VS UNION OF INDIA & ORS. [W.P.(C)-1220/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The orders imposing a penalty of pay reduction on the petitioner were upheld. The findings on charges against the petitioner were supported by evidence and witness testimonies, with the penalty deemed proportionate to the misconduct. The evaluation focused on the decision-making process rather than the merits, and no issues of perversity or lack of evidence warranted interference.

DEEPAK KUMAR AND ORS VS SASHASTRA SEEMA BAL & ANR. [W.P.(C)-626/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition by 48 individuals for the declaration of results and issuance of appointment letters for the post of Constable is closed at this stage. The respondents will form a board to verify the identities of around 138 candidates, including the petitioners, to confirm their examination attendance. The board has 2-3 months to reach a conclusion, and actions will follow based on its findings, involving multiple candidates with pending results due to verification.

DEEPAK SINGH VS UOI AND ORS [W.P.(C)-2000/2011]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition by Deepak Singh, a member of the Sashastra Seema Bal in Dantewada, Chhattisgarh, for compensation including Special Duty Allowance, Detachment Allowance, Special Compensatory Allowance, and Risk/Hardship Allowance was dismissed. The claim was rejected on the basis that the Risk/Hardship Allowance serves as an alternative to the existing compensatory package, which includes the Special Duty Allowance. There was no merit found in the petitioner's assertions.

DELHI STATE LEGAL SERVICES AUTHORITY VS ANNWESHA DEB [LPA-701/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The respondent, an empanelled legal services advocate with the Delhi State Legal Services Authority, is not entitled to maternity benefits under the Maternity Benefit Act, 1961. The relationship with the Authority is based on a professional contract to provide legal services rather than an employer-employee dynamic. Regulations governing the Authority's engagement of legal services advocates and the Bar Council of India Rules indicate that this appointment does not constitute regular employment. Therefore, the earlier decision granting maternity benefits is set aside.

DEVENDRA SINGH RANA VS UNION OF INDIA & ORS. [W.P.(C)-10112/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition filed by Devendra Singh Rana was dismissed due to the appointing authority's valid rejection of his request to withdraw his voluntary retirement. The CRPF Rules and Central Civil Services Pension Rules allow for withdrawal of such requests only with the appointing authority's approval. In this case, the request was rejected on July 27, 2023, before the retirement date of July 31, 2023, and the petitioner's arguments were deemed meritless.

DHARMESH KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-739/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner was discharged from the Indian Navy under valid Navy regulations after failing to pass technical training exams despite multiple attempts. The request for a transfer to a different trade was deemed inappropriate, as such decisions are contingent upon vacancy availability and at the Navy's discretion. The petition challenging the discharge was dismissed.

DILBAG SINGH VS DIRECTORATE GENERAL BORDER ROADS THROUGH ITS DIRECTOR GENERAL [W.P.(C)-11278/2019]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Dilbag Singh, a retired Junior Engineer (Civil), challenged the Border Roads Organisation's July 18, 2019 order regarding his non-promotion to Assistant Engineer (Civil). The decision reflected that no junior officers had been promoted to the post before his retirement, leading to the conclusion that he was not entitled to any relief.

DINESH YADAV & ANR. VS REGISTRAR, COOPERATIVE SOCIETIES & ORS. [W.P.(C)-761/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The additional affidavit filed by the Assistant Registrar, containing a list of 14 verified members for the draw of lots by the DDA, was accepted. The Registrar of Cooperative Societies must present the matter to the Rule-90 Committee for the petitioners' names to be cleared by June 30, 2024. Following the Rule-90 Committee's recommendation, the DDA is to conduct the draw of lots within 8 weeks. An application for impleadment was dismissed, with advice to pursue other legal remedies if needed.

DR10414A, MAJ GEN SK BHANDARI VS UNION OF INDIA & ORS. [W.P.(C)-1386/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

A Major General in the Army Dental Corps had his writ petition dismissed regarding an order that denied him ad-hoc promotion. The Armed Forces Tribunal had previously protected his interests by indicating that actions taken would be subject to the final outcome of an Original Application. The petitioner was granted one week to file a rejoinder after the respondents submit their counter-affidavit in three weeks and was allowed to request an earlier hearing date before the Tribunal.

DUPTI SINGH VS UNION OF INDIA & ORS. [W.P.(C)-3138/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The removal from service of a CRPF member for over 819 days of unauthorized absence was upheld. The disciplinary proceedings and the punishment were found to be justified and in accordance with the law.

EX AC UT VINAY KUMAR PANDEY VS UNION OF INDIA AND ORS [W.P.(C)-1828/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition challenging the Armed Forces Tribunal's order rejecting a claim for disability pension was dismissed. The mental disorder, "Other Non Organic Psychosis," was identified within a week of enrollment in the Indian Air Force, prior to basic training. According to the Guide to Medical Officers (Military Pensions) 2002, the disorder existed at enrollment and was not connected to military service. Therefore, the petitioner was not entitled to a disability pension.

EX HC GD MAHADEV PRASAD VS UNION OF INDIA AND OTHERS [W.P.(C)-13199/2022]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner's claim for the second Assured Career Progression (ACP) scheme was dismissed due to ineligibility, as he did not complete the required Platoon Commander promotional course, which is necessary for promotion to Sub-Inspector. The guidelines for the ACP scheme stipulate that eligibility is contingent upon meeting conditions outlined in the Recruitment Rules, including having the necessary matriculation qualification for the course.

EX JWO KRUSHNA CHANDRA MAHAPATRA VS UNION OF INDIA & ORS. [W.P.(C)-11036/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The Armed Forces Tribunal's rejection of the petitioner's application for a disability pension based on delay was erroneous, as it had previously condoned the delay. The order was set aside, and the matter was remanded for consideration of the petitioner's claim on its merits, emphasizing that pension claims are a continuous cause of action and relief can be granted despite delays, unless it impacts the rights of third parties.

EX PO AF NEERAJ KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-1973/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition was dismissed due to the primary grievance being against the Skill Development and Industrial Training Department, Government of Haryana. The Naval Authority had already issued a certificate confirming the petitioner's eligibility for the ITI (Fitter) post. The petitioner may approach a competent court for relief against the Skill Development and Industrial Training Department.

EX RECT NARESH KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-15594/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition for disability pension filed by ex-Sepoy Naresh Kumar was dismissed due to his medical condition, Aortic Regurgitation, being congenital and not linked to his short military service. A clear causal connection between the disability and military service is necessary for a pension grant. A significant delay of over 30 years in making the claim and absence of medical records were also noted. Therefore, the denial of the disability pension was upheld.

EX. SPR GURWANT SINGH (RETIRED) S. NO. 15346749N VS UNION OF INDIA & ORS. [W.P.(C)-2976/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner's application was dismissed as premature due to the six-month waiting period under Section 21 of the Armed Forces Tribunal Act not having elapsed. Since the petitioner's representation has now been decided, the petitioner has the right to approach the Armed Forces Tribunal in accordance with the law after the waiting period. The writ petition was disposed of, allowing for this future action.

EX.SUB.R.K.SHARMA VS UOI & ORS. [W.P.(C)-13629/2004]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition challenging the dismissal from the Border Security Force was dismissed. The trial proceedings of the General Security Force Court were conducted fairly, without violations of procedures or principles of natural justice. The petitioner did not justify the large money remittances to family members compared to his known income sources. There was no ground to re-evaluate the evidence or intervene with the disciplinary authorities' findings, and thus the petition was dismissed.

GANAPA KALYAN KUMAR VS INDIAN COAST GUARD & ORS. [W.P.(C)-5155/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Ganapa Kalyan Kumar's writ petition was dismissed after he was disallowed from participating in Stage-II of the recruitment process for the Navik (General Duty) post due to a spelling error in his OBC certificate. The petition was considered untimely, as it was filed nearly three months after the disqualification, during Stage-III of the exam. The facts of a previous judgment cited by the petitioner were deemed distinguishable. The petition and pending applications were dismissed.

GANTAVYA GULATI VS DIRECTORATE OF RECRUITMENT, INDIAN COAST GUARD [W.P.(C)-599/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition filed by Gantavya Gulati to direct the Directorate of Recruitment, Indian Coast Guard, to correct an alleged error in his placement for the Assistant Commandant (General Duty) position was dismissed. Evidence from his application confirmed that he applied for the General Duty post, and once submitted, the post cannot be changed. The petition lacked merit, as accommodating such requests could disrupt the selection process.

GURIQBAL SINGH VS UNION OF INDIA & ANR [W.P.(C)-779/2018]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Guriqbal Singh is entitled to consideration for promotion to Commandant with seniority backdated to when his junior officers were promoted, due to the upgradation of his below-benchmark annual confidential reports (ACRs). The Department of Personnel and Training's Office Memorandum from April 13, 2010, which stated that the policy on communicating below-benchmark ACRs applies only to future meetings, is inconsistent with established legal precedent. Additionally, the differing treatment between Singh and a similarly-situated junior officer, who received retrospective seniority, violates the right to equality under Article 14 of the Constitution. The relevant authorities must reconsider Singh's promotion based on the upgraded ACRs and applicable records.

HARISH YADAV VS UNION OF INDIA THROUGH ITS SECRETARY MINISTRY OF HOME AFFAIRS DTE GENERAL BORDER SECURITY FORCE & ANR. [W.P.(C)-1044/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition filed by Harish Yadav challenging the final result of the Constable (Barber) recruitment in the Border Security Force was dismissed. The petitioner was denied appointment under the OBC category despite scoring 48 marks, which exceeded the cut-off of 45 marks. The denial was based on the fact that the OBC certificate issued by Delhi relied on a certificate from Uttar Pradesh, which did not comply with the requirement for the certificate to be issued by the competent authority in the candidate's domicile state/UT. The petitioner's arguments were deemed to lack merit.

HC DVR MAHESH YADAV & ORS VS UNION OF INDIA & ORS. [W.P.(C)-3654/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition seeking the grant of 2nd MACP in the Grade Pay of R.S. 4,200/- after 20 years of service was dismissed. The issue of promotion under the MACP Scheme, effective from 1.9.2008, was previously settled, establishing that financial upgradation is equivalent to the immediate next grade pay, not the next promotional post. The relevant authorities had already addressed anomalies in the MACP implementation and consulted the Department of Expenditure regarding the petitioners' requests, which were not accepted. Consequently, the writ petition was dismissed as without merit.

HEMANT MORYA VS UNION OF INDIA AND OTHERS [W.P.(C)-314/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition challenging the disqualification from appointment as a Constable/Driver due to a medical condition of pre-sternal keloid on the chest was dismissed. The medical board concluded that the keloid interferes with the proper wearing of equipment according to guidelines, a finding which was not contested. Orders cited by the petitioner's counsel were distinguished as not relevant to pre-sternal keloid. The disqualification on medical grounds was deemed justified, with no re-examination ordered.

HITESH SAINI VS UNION OF INDIA & ANR. [W.P.(C)-16444/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition by Hitesh Saini challenging disqualification for the post of Inspector (Librarian) in BSF due to being overweight was dismissed. The Medical Board reported Saini was overweight by 15 kgs and 9.7 kgs according to the Review Medical Board, exceeding the permissible limit of 75 kgs. Saini did not contest the Medical Board's findings, preventing any relief. A cited judgment from a similar case was deemed applicable only to its specific facts and did not address broader legal questions.

INSP/GD ANKIT KUMAR TYAGI VS DIRECTOR GENERAL ITBP [W.P.(C)-422/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The Director General ITBP is to decide the petitioner's statutory pre-confirmation petition, submitted on January 6, 2023, regarding the final order from the General Force Court dated December 23, 2022, within three months.

INSP/GD JITENDER SINGH VS UNION OF INDIA AND ORS [W.P.(C)-4579/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner, an Inspector in the Central Reserve Police Force, is not entitled to a refund of Rs. 3,34,541/- that was recovered following a Court of Inquiry regarding losses at the Central Police Canteens due to irregularities. Although the petitioner was exonerated in a subsequent Departmental Enquiry concerning illegal supply orders, the Court of Inquiry and the Departmental Enquiry serve different purposes. The petitioner was liable for the losses as he was the Manager of the Canteens during that time, and the exoneration in the Departmental Enquiry does not warrant a refund of the amount. The petition was dismissed without grounds for challenging the denial of the refund request.

JAGDISH SINGH VS UNION OF INDIA & ORS. [W.P.(C)-6381/2019]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Recovery of Rs. 7,94,571/- from the petitioner's retirement gratuity is impermissible as the petitioner had already retired. The petitioner is entitled to the benefit of the 2nd financial upgradation under the Assured Career Progression (ACP) Scheme, being similarly situated to other petitioners in previous judgments. This case is treated individually.

JAI RAM VS UNION OF INDIA & ORS. [W.P.(C)-14212/2022]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The dismissal of a CISF constable for submitting a forged caste certificate was upheld. The enquiry followed prescribed procedures, and there were no arbitrary elements justifying interference. The constable's repeated misconduct, lack of explanation for his actions, and the need for a stringent approach regarding armed forces personnel supported the decision.

K J S BAINS VS UNION OF INDIA AND ORS [W.P.(C)-4627/2021]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The review petition filed by K.J.S. Bains was dismissed. The post of Inspector General (IG) was not abolished but upgraded, with recruitment remaining unfilled due to missing Recruitment Rules. The claim regarding inter-se seniority with V.S. Yadav was validated, as evidenced by Yadav's writ petition for consideration ahead of Bains. Bains' request for promotion to Chief Law Officer/IG was deemed belated, as he only raised the issue post-retirement in 2020, when he should have approached the matter while still in service. Even if the IG post was not abolished, Bains was not entitled to the relief sought due to the absence of Recruitment Rules and the challenge to his seniority.

K J S BAINS VS UNION OF INDIA AND ORS [W.P.(C)-4627/2021]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner's claim for notional promotion to the Chief Law Officer/Inspector General post from the vacancy year 2013-14 is not sustainable. The position was upgraded in 2013, but the Recruitment Rules were finalized only in 2023, after the petitioner's retirement in 2020. Appointments to the upgraded post must follow the Recruitment Rules, and the petitioner's delay in seeking legal remedy does not warrant the notional promotion. The petition was dismissed.

KAILASH SINGH VS UNION OF INDIA & ANR. [W.P.(C)-1115/2021]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition by the ex-CRPF personnel was dismissed as he was not entitled to post-retirement benefits. He voluntarily applied for Voluntary Retirement Scheme (VRS) and had less than the required 20 years of service under the CRPF Pension Rules, 1972. The petitioner had previously requested not to include his Army service with his CRPF service, which he could not retract. A distinction between 'resignation' and 'retirement' was upheld, leading to the dismissal of the petition.

KHALID AKHTAR VS UNION OF INDIA AND ORS. [W.P.(C)-4961/2018]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The APAR grading for the period September 9, 2015, to March 31, 2016, is invalid because it was decided solely by the Initiating Officer without input from the Reviewing Officer or Accepting Officer. The requirement for a valid APAR involves consideration by at least two of the three authorities, making the decision by the Initiating Officer alone insufficient.

KRISHNA DIXIT (NVK WTR) VS UNION OF INDIA AND ORS. [W.P.(C)-1113/2019]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition filed by a Navik in the Indian Coast Guard challenging the Summary Trial and imposed punishments was dismissed. The petitioner left the ship without authorization while it was under operational orders. Claims of being on leave were unsupported by adequate proof. The petitioner argued against theft of the Imprest Accounts Register, but the loss of the register negated this defense. The respondents acted without malice or bias, with imposed punishments being the least severe available under the ICG Act. The petitioner faced further punishment for not following proper procedures, demonstrating a lack of discipline. No merit was found in the petition.

KRISHNA KUMAR BHARTI VS UNION OF INDIA AND ANR. [W.P.(C)-1713/2019]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition challenging the dismissal of an ex-CISF constable was dismissed. Evidence, including witness testimonies, indicated the petitioner engaged in misconduct by molesting the wife of a CISF officer and threatening both the officer and his wife. The Revisional Authority appropriately enhanced the penalty, finding insufficient justification for the Appellate Authority's modifications. The petitioner's arguments had been adequately considered and rejected in previous proceedings, showing no merit in revisiting the issues.

KULDEEP SHARMA VS UNION OF INDIA & ORS. [W.P.(C)-2078/2022]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The order upholding the adverse remarks in the petitioner's Annual Performance Appraisal Report (APAR) for 2011-2012 was quashed. The petitioner, an Assistant Sub-Inspector in the Border Security Force, did not receive notice regarding the adverse remarks, violating natural justice principles. The APAR lacked specific details and was deemed arbitrary. Adverse remarks were to be expunged, and the petitioner granted a revised benchmark grading of 'Very Good' in the APAR.

L/HC/GD POONAM KUMARI VS UNION OF INDIA & ORS [W.P.(C)-3353/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The imposition of penal rent on a CISF Head Constable for retaining unauthorized government accommodation after being transferred from IPGCL was upheld. Initially allowed to stay for compassionate reasons due to her husband's health, the continued occupation beyond the four-year limit led to the payment of penal rent. Recovery of Rs. 15,000 per month from her salary for the full amount of penal rent was mandated.

LT COL PARAMPREET SINGH KOCHAR VS UNION OF INDIA AND OTHERS [W.P.(C)-14238/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Lt Col Parampreet Singh Kochar's writ petition was supported by the respondents, who agreed to post him to Jalandhar instead of Secunderabad, prioritizing the child's welfare. This agreement satisfied the petitioner's requests, leading to the disposal of the petition.

MAJ GENERAL S S KHARA VS UNION OF INDIA & ORS. [W.P.(C)-9203/2021]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The promotion policy excluding the Intelligence Corps from consideration for promotion to Lieutenant General can be addressed by the Armed Forces Tribunal (AFT). However, the request for the Director General of Military Intelligence (DGMI) to be appointed as a Lieutenant General is not permissible, as it would require directing the government to create a policy, which exceeds the AFT's and High Court's authority. The petition can be pursued through the AFT for the relevant matters.

MAJOR EM REDDY (RETD) VS UNION OF INDIA AND ANR. [W.P.(C)-13404/2018]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

A retired commissioned officer's writ petition challenging a government order that granted up to 12 months of qualifying service concession for pension to personnel below officer rank, but not to commissioned officers, was dismissed. The terms of service, rank, duties, salary, and benefits are different for commissioned officers and personnel below officer rank, categorizing them into separate classes. No discrimination exists in the decision not to extend the concession to commissioned officers. The government order was recognized as a policy decision with limited scope for judicial review, and no faults were found in the policy.

MALWATI VS UNION OF INDIA AND ORS. [W.P.(C)-2755/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Malwati's writ petition for the release of her late husband Jaipal Singh's service benefits and pension was dismissed. Her claims were based on the same cause of action as earlier petitions filed by Jaipal Singh, which had already been dismissed. Jaipal Singh's dismissal from the Border Security Force was final due to the withdrawal of his previous writ petition, so Malwati's requests could not be granted.

MAN SINGH & ORS. VS UOI & ORS. [W.P.(C)-10871/2009]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Petitioners holding the post of Joint Assistant Commandant (Accounts Officer) in the ITBP are entitled to a higher pay scale than the lower feeder cadre post of Inspector (Accountant) due to significantly higher duties and responsibilities. Placing both posts in the same pay scale violates constitutional rights under Article 14, resulting in an order to provide the petitioners the next higher pay scale within 6 weeks.

MANISH KUMAR VS UNION OF INDIA AND ORS. [W.P.(C)-686/2018]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner received treatment at the non-empanelled Sir Ganga Ram Hospital despite being informed of its status under CSMAR. Consequently, the claim was dismissed due to lack of merit. The medical advance provided was treated as a loan, recoverable from the petitioner's salary for willful default in repayment. The respondents acted appropriately, showing no negligence in delivering medical care and financial support.

MANMOHAN SINGH MATHUR VS UNION OF INDIA & ORS. [W.P.(C)-15400/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition by a Head Constable in the Border Security Force, challenging the cancellation of his transfer order from the 183rd Battalion to the 36th Battalion on compassionate medical grounds, was dismissed. Transfer is considered an exigency of service and falls under the discretion of the employer, with limited employee input. Interference with a transfer order requires evidence of mala fide, bias, arbitrariness, or non-compliance with statutes, which were absent in this case. The petitioner's conduct as a member of the disciplined force was a relevant consideration. Previous judgments in similar cases supported the decision not to interfere with the transfer.

MANOJ KUMAR AND OTHERS VS UNION OF INDIA AND OTHERS [W.P.(C)-5615/2021]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The Ministry of Home Affairs denied relaxation of the mandatory 18-year service requirement for Constables in the Sashtra Seema Bal seeking permanent absorption in the Central Civil Accounts Service. The policy guidelines issued on November 24, 2016 specified this requirement, and the MHA exercised its discretion appropriately. The petitioners did not meet the eligibility criteria for permanent absorption, which requires consent from both the parent and borrowing departments.

MANOJ SINGH BHANDARI VS UNION OF INDIA AND ORS [W.P.(C)-2959/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner's writ petition for appointment as Constable (Medic) was disposed of. Respondents are required to communicate their decision on the petitioner's detailed representation within three weeks. Any grievances regarding the respondents' conclusion can lead to seeking appropriate legal remedies. There was no need to quash any policies related to reservations or concessions for OBC candidates. No costs were assigned.

MD. ABDUL AHAD AZIM VS UNION OF INDIA & ORS. [W.P.(C)-6679/2022]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner's selection for the post of Washerman under the old Recruitment Rules of 2000 is to be recognized despite changes in the rules in 2010. The petitioner had a legitimate expectation of appointment based on the selection process completed under the old rules. The case was distinguished from previous Supreme Court judgments cited by the respondents. The petitioner is to be appointed to the Group 'D' post of Follower (Washerman) and will receive training to be absorbed as a combatant Constable (Washerman).

MOHAN SINGH BISHT VS UNION OF INDIA & ORS. [W.P.(C)-175/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Respondents must consider the writ petitions as representations and resolve them within 6 weeks, referencing a Supreme Court judgment. If petitioners are entitled to benefits, those benefits should be released within 6 weeks; otherwise, reasons for denial must be provided in writing, allowing petitioners the option for further legal remedy. Multiple connected writ petitions are addressed through a common order.

MR ASHWIN NAREDNRA LODHA VS THE STATE TRADING CORPORATION OF INDIA LTD THROUGH MANAGER & ANR. [CONT.APP.(C)-11/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The appeals filed under Section 19 of the Contempt of Courts Act, 1971 are not maintainable because the order in question did not impose any punishment but merely requested the appellant to show cause for potential contempt. An appeal under Section 19 is only valid against an order imposing punishment for contempt, not against an order initiating or declining to initiate proceedings. The judgments cited by the appellant are not applicable to this situation. The appellant may seek other available legal remedies regarding the order.

MUKUL KUMAR & ANR. VS UNION OF INDIA & ANR. [W.P.(C)-10001/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition challenging the final merit list for Head Constable (Radio Operator) in the Border Security Force under the Economically Weaker Section (EWS) category was dismissed. The petitioners' marks remained below the minimum qualifying marks for selected candidates, even after being credited for an incorrect question. Selected candidates had already commenced training, and permitting the petition would create administrative difficulties. The petitioners were found to lack a vested right or legitimate expectation of appointment.

MUSKAAN SINGH THROUGH PAROKAR VS UNION OF INDIA AND ORS [W.P.(C)-15861/2022]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Muskaan Singh was terminated from the Military BSc (Nursing) Course-2019 due to medical grounds, specifically a mild malrotated right kidney that increased the risk of recurrent urinary tract infections. She was deemed unfit for commissioning into the Military Nursing Service according to established medical standards. The decision to terminate her training was justified, with principles of natural justice observed. The scope of judicial review in matters involving expert medical opinions is limited, and the correctness of decisions made by medical authorities is not subject to reassessment.

N RAMASESHAN . VS UNION OF INDIA AND ORS [W.P.(C)-2872/2022]
Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao
The petitioner is entitled to pro-rata pension from the date of discharge from the Indian Air Force. The respondents must verify the authenticity of the No Objection Certificate (NOC) submitted by the petitioner within 4 weeks. If valid, the pro-rata pension will be granted from the discharge date, with arrears paid within 12 weeks, accruing 7% interest per annum for any delays in payment.

NAIB SUBEDAR MURLI MANOHAR DIWEDI 2 GRENADIERS VS UNION OF INDIA & ORS [W.P.(C)-2623/2017]
Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao
The petitioner, a Religious Teacher-Junior Commissioned Officer, was permanently transferred from the Intelligence Corps to the Grenadiers Regiment due to the absence of an authorized position and training opportunities for the RT-JCO in the Intelligence Corps. The respondents followed proper procedures and demonstrated adequate reasoning for the transfer. The petitioner's request to be reinstated in the Intelligence Corps was dismissed based on the limited scope for judicial review under Article 226 of the Constitution.

NAKHAT SINGH VS UNION OF INDIA & ORS. [W.P.(C)-16521/2023]
Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao
The Armed Forces Tribunal dismissed the petitioner's application due to a lack of evidence showing submission of an application for a civil post as required by AFO 33/2017. Although a previous judgment invalidated the requirement of having a Skill 'A' Grade, the petitioner did not comply with other procedural requirements under Clauses 9, 11, and 12 of AFO 33/2017. The necessary procedures were not followed, resulting in the dismissal of the petition.

NAVEEN NIRWAN VS UNION OF INDIA & ANR. [W.P.(C)-3997/2024]
Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao
The respondents declared the petitioner 'Unfit' for the post of Head Constable Junior X-ray Assistant due to the medical condition of 'Hypospadias', in accordance with recruitment guidelines for Central Armed Police Forces. The opinion of an external doctor did not equate to that of the specialized medical board. Interference in recruitment processes is cautioned against unless clear illegality or arbitrariness is present, which was not demonstrated in this case.

NISHANT VS INDIAN COAST GUARD THROUGH ITS DIRECTOR GENERAL & ORS. [W.P.(C)-2422/2024]
Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao
The petition by Nishant challenging the cancellation of his candidature for the Assistant Commandant Technical post in the Indian Coast Guard was dismissed. The respondents had the discretion to establish procedures and deadlines. The petitioner's failure to upload required documents on time was not due to a "technical glitch." He was the only candidate not in compliance with the prerequisites. Allowing him to take the SSB test would have created an anomaly and undermined the integrity of the advertisement. There were no grounds to challenge the respondents' decision.

NITIN SOLANKI VS THE CHAIRMAN, STAFF SELECTION COMMISSION & ANR. [W.P.(C)-3901/2024]
Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao
A petition challenged the conclusion of a Medical Board declaring a petitioner unfit for the post of Sub-Inspector due to 'Coloured Blindness.' Conflicting medical reports from various hospitals indicated that the petitioner does not have this condition. As a result, the petitioner was directed to undergo a fresh examination by a medical board, including a specialist, at the Army Hospital, R&R within 4 weeks, with the final opinion of this board being conclusive. The petition was disposed of accordingly.

NO 948664S SERGEANT KUNDAN VS UNION OF INDIA AND ORS [W.P.(C)-167/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition challenging a movement order to report to a new station was dismissed due to its connection with a prior reversion order from sports duties to trade duties. The petitioner had already contested the reversion order before the Armed Forces Tribunal (AFT), which had not issued a stay. Therefore, the petition regarding the movement order was deemed not maintainable. The appropriate remedy for the reversion order lies with the AFT. A disagreement concerning a statement made by the petitioner was addressed, concluding that it was not a wrong submission.

OM NARAYAN SINGH VS UNION OF INDIA AND ORS [W.P.(C)-136/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The denial of the 3rd MACP to the petitioner was upheld, with an instruction for the Inspector General of Police to address the petitioner's appeal within 8 weeks, considering the relevant instructions. The petitioner may return to court if dissatisfied with the Inspector General's decision.

PARDEEP VS UNION OF INDIA AND ORS. [W.P.(C)-4967/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner, who suffered a severe head injury while on authorized leave, is not entitled to a disability pension because the injury was not attributable to or aggravated by military service. The injury occurred during a personal activity unrelated to military duties, and there was no relevant causal connection to military service. The petitioner is already receiving a service pension, negating the need for a new Invalidating Medical Board.

PAWAN KUMAR MATHURI VS UNION OF INDIA & ORS. [W.P.(C)-4793/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition by CISF personnel Pawan Kumar Mathuri challenging his transfer from New Delhi to Sivaganga, Tamil Nadu was dismissed. Transfer is considered an exigency of service for CISF personnel, with limited grounds for interference, such as arbitrariness or bias. Mathuri's medical category (SHAPE II) made his continuation at the hypersensitive Indira Gandhi International Airport unlikely, as only SHAPE I personnel are suitable. The CISF transfer policy guidelines are directory and do not create enforceable rights for Mathuri. Considering other personnel were also awaiting postings and had higher merit, granting his request would disrupt the existing posting list.

PAWAN KUMAR VS SASHASTRA SEEMA BAL [W.P.(C)-14821/2022]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The respondent, Sashastra Seema Bal (SSB), unjustifiably rejected the petitioner's candidature for the Assistant Commandant (GD) position based on a pending disciplinary/vigilance case. A service certificate from June 14, 2022, confirmed no such cases against the petitioner. There was no evidence indicating that disciplinary/vigilance proceedings were initiated before the issuance of the service certificate. The matter is remanded to SSB to verify whether any disciplinary/vigilance case was pending or contemplated as of June 14, 2022, and to decide accordingly within three weeks.

PIYUSH BAGORIYA & ANR. VS UNION OF INDIA & ORS. [LPA-132/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The appeal by the family of a deceased service personnel was dismissed, affirming the policy that limits government accommodation retention to 5.5 years, regardless of the youngest child's education status. The policy was deemed reasonable, balancing the rights of deceased personnel's families and in-service personnel. The appellants were granted additional time until April 15, 2024, to vacate the premises.

PRAKASH CHAND SHARMA VS UNION OF INDIA & ORS. [W.P.(C)-146/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition challenging the findings of the General Security Force Court Martial was disposed of. An application for suspension of sentence under the BSF Act will be decided within 2 days. The confirmation petition will be addressed by the Director General, BSF within 12 weeks. The petitioner can seek further legal remedy if dissatisfied with the suspension of sentence decision.

PRAKASH CHAND SHARMA VS UNION OF INDIA & ORS. [W.P.(C)-788/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition by a Deputy Commandant in the Border Security Force challenging the rejection of his sentence suspension was dismissed. The decision emphasized that the review process is limited to the legality of decision-making, not the conclusions reached. The pending post-confirmation petition and conflicting witness testimonies, along with the petitioner's military status, contributed to the decision not to interfere with the conviction.

PRASHANT KUMAR VERMA VS UNION OF INDIA & ANR. [W.P.(C)-903/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition by Prashant Kumar Verma challenging the answer key for the Constable-Driver/Pump Operator exam was dismissed. The correctness of the answer key is presumed unless clearly erroneous, and academic matters are best handled by experts. The respondents considered Verma's objections to 8 questions, accepted 3, and adjusted his score from 73 to 76 marks. Without allegations of bad faith, the rejection of the remaining 5 objections was upheld.

R K AGARWAL VS UNION OF INDIA & ORS. [W.P.(C)-9427/2020]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The respondents re-initiated disciplinary proceedings against the petitioner regarding Charge Memorandum-II after reinstatement. The Disciplinary Authority disagreed with the Inquiry Officer's findings of 'not proved' charges and imposed a penalty of withholding 10% of the petitioner's monthly pension for one year, following advice from the CVC/UPSC. The respondents decided against opening the sealed cover of the DPC proceedings due to the imposed penalty.

RADHA KRISHAN VS UNION OF INDIA & ORS. [W.P.(C)-3447/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition by Radha Krishan challenging his seniority as Head Constable (GD) was dismissed. The decision to grant seniority effective from December 1, 2017, instead of June 15, 2015, was justified because Krishan opted to remain on deputation rather than accept the promotion when offered. The respondents' decision was supported by guidelines regarding departmental promotion, specifically concerning the refusal of promotion.

RAHUL KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-2882/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner's challenge to the Review Medical Board's decision rejecting him for the Constable (Cobbler) position in the Indo Tibetan Border Police was deemed valid. Guidelines for recruitment medical examinations permit tattoos on the back of the hands and allow scars or deformities that do not affect hand or finger functionality. A fresh Review Medical Board is to be constituted to re-examine the petitioner's hand within 2 weeks. If found fit, the petitioner will be appointed, given the availability of vacancies.

RAJ KUMAR VS UNION OF INDIA AND ORS. [W.P.(C)-2346/2020]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

A Railway Protection Special Force constable's writ petition for arrears of pay from 2005 to 2007, following his 2001 promotion to Assistant Sub-Inspector, was dismissed. The promotion was granted in 2007 without arrears, based on provisions in the Indian Railway Establishment Manual and the constable's exemption from pre-promotional training. The validity of the reasons provided for not paying the arrears was acknowledged, and the petition, filed 11 years later, was deemed affected by delay and laches.

RAJENDRA SINGH SHEKHAWAT & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-317/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition was dismissed on the grounds that under the MACP Scheme, financial upgradation is to the next immediate higher grade pay, not the grade pay of the next promotional post. The legal position was established in a prior Supreme Court judgment. The petitioners' arguments were rejected.

RAJNISH BHANDARI VS UNION OF INDIA [W.P.(C)-12202/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The General Court Martial found the petitioner officer guilty of sharing information about the Higher Defence Management Course officers' stay and travel plans with an unauthorized civilian. This disclosure was deemed prejudicial to good order and military discipline, considering the security situation in Jammu and Kashmir. The punishment of severe reprimand was upheld, and the dismissal of the petitioner's appeal by the Armed Forces Tribunal was justified.

RAJPAL VS UNION OF INDIA & ORS [W.P.(C)-5932/2017]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The Indian Army's decision to declare the petitioner 'Unfit' for recruitment was upheld, despite a previous 'Fit' declaration. The army's medical standards are higher than civilian standards, and the opinions of medical personnel regarding the petitioner's fitness, based on a surgical scar and ear drum repair, were deemed valid. The petitioner was found unfit on two occasions by army medical authorities, leading to the dismissal of the petition without grounds for a review medical examination, and each party was to bear its own costs.

RAKESH KUMAR OJHA AND ANR VS UNION OF INDIA AND ORS [W.P.(C)-5718/2020]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition by Rakesh Kumar Ojha and another to quash orders denying them a NOC for permanent absorption in the CBI from the ITBP was dismissed. The CBI stated it cannot absorb the petitioners as replacements have already been appointed. Absorption requires agreement from both departments, and with the CBI's refusal, the NOC from ITBP cannot be granted. Additionally, the petitioners have rejoined ITBP, and four years have elapsed since then.

RAKESH KUMAR VS UNION OF INDIA THROUGH THE SECRETARY, MINISTRY OF HOME AFFAIRS & ORS. [W.P.(C)-14987/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner's request to retain government accommodation in Delhi was denied as it was determined to be a privilege, not a right. The petitioner was transferred from SHQ Jalpaiguri to SHQ Bezpara, not from FHQ Delhi, which excluded him from retaining accommodation in Delhi. His appeal, based on his children's competitive exams, did not align with the Standard Operating Procedure for transfers on compassionate grounds. The petition was dismissed for lack of merit.

RAM UGRAH SHARMA VS UNION OF INDIA AND ANR. [W.P.(C)-9691/2019]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner, suspended from duty but required to report daily to the Deputy Commandant's office, is entitled to receive transport allowance (TA) during the suspension period. The applicable policy denying TA to suspended officers does not apply, as the petitioner was mandated to physically attend the office each day. Payment of TA is warranted since he was receiving only subsistence allowance during suspension.

RAMESH KUMAR TRIPATHI & ANR. VS UNION OF INDIA & ORS. [W.P.(C)-1464/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition filed by Ramesh Kumar Tripathi and another for seniority at the rank of Assistant Commandant from the date of the Departmental Promotion Committee meeting on October 20, 2010, was dismissed. The petitioners failed to assert their claim in 2010 when promotion vacancies were available and attempted to raise the issue in 2024. The principles of delay and laches in promotion matters were cited, leading to the rejection of their request. The decision was not unanimous, and no costs were imposed.

RAVISH CHANDER & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-63/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition challenging provisions of the Meritorious Advancement and Career Progression (MACP) Scheme was dismissed, as the issues had already been addressed in a prior Supreme Court judgment affirming the scheme. The petitioners previously withdrew a similar petition with permission to take further action but failed to do so, rendering the current petition unmaintainable. Consequently, no grounds existed to entertain the petition.

RIFLEMAN PRAMOD KUMAR VS UNION OF INDIA & ORS [W.P.(C)-435/2017]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition filed by Rifleman Pramod Kumar challenging a 7-day rigorous imprisonment for directly addressing the GOC, contrary to the authorized communication channel as per Defence Service Regulations, was dismissed. The petitioner did not contest the violation and had already served the punishment, which was deemed appropriate for the infraction. The petition was also delayed.

ROHAN CHETRY AND ORS VS STAFF SELECTION COMMISSION AND ORS [W.P.(C)-13866/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioners seeking appointment as Constable (GD) in CAPFs, Rifleman (GD) in Assam Rifles, and Sepoy in the Narcotics Control Bureau faced dismissal. Nine out of ten petitioners were successful, with seven receiving appointment letters, and the remaining two set to receive theirs within four weeks. The request for service benefits and seniority from August 28, 2023, was deemed premature, with the option to pursue available legal remedies for any prejudicial decisions. The petition and pending application were disposed of.

ROHIT SINGH BAGHEL VS UNION OF INDIA & ORS. [W.P.(C)-3426/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner's challenge to the medical boards' decisions declaring him medically 'unfit' for short service commission in the armed forces was not entertained. The medical boards, consisting of specialized experts, adhered to the guidelines in the Manual on Medical Examination and Medical Standards, and their decisions were free from bias or mala fide actions. It was noted that interference in recruitment decisions should be limited due to the expertise of medical boards, and that a Review Medical Board reference is not an entitlement for the candidate. The writ petition was dismissed.

ROHIT SINGH RATHORE & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-7476/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The amendment changing the selection criteria from seniority to length of stay in Extremely Hard Areas (EHA) and Hard Areas (HA) is constitutional and valid under the ITBP Act and Rules. This modification aims to enhance the morale of those with longer service in EHA/HA postings, aligning with the nature of duties in Afghanistan. Petitioners lack the right to seek deputation, which is at the discretion of ITBP authorities. Consequently, the writ petition is dismissed.

ROHIT VS UNION OF INDIA AND ORS. [W.P.(C)-10345/2022]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition challenging the petitioner's dismissal from the Border Security Force was dismissed due to the petitioner's negligent conduct, which included overstaying leave by 155 days without sufficient cause, failing to respond to multiple notices, and reporting back to duty after dismissal. The proper procedure and principles of natural justice were followed in the dismissal, and interference was deemed inappropriate without clear legal violations.

RUSHIKESH BALSHIRAM BORHADE VS UNION OF INDIA & ORS. [W.P.(C)-14694/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition by Rushikesh Balshiram Borhade, challenging his declaration as "unfit" for the Assistant Commandant position in the Central Armed Police Forces due to "left renal calculi with mild hydroureteronephrosis," was dismissed. The findings from both the Medical Board and Review Medical Board, which included specialists, were deemed authoritative, with minimal scope for judicial intervention in expert medical opinions. The petition lacked merit, especially as the last date for induction in the 48th batch had passed and training had begun.

S SIVA KUMAR VS UNION OF INDIA THROUGH ITS SECRETARY & ANR. [W.P.(C)-15467/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition filed by S. Siva Kumar for a higher basic pay and payment of arrears was disposed of. The respondents are required to review his case based on the Vinoj V.V. judgment. If eligible, his pay will be refixed, and arrears with 9% interest must be paid within four weeks. If he is found ineligible, the respondents must provide written reasons.

S. N. SHARMA AND ORS. VS UNION OF INDIA AND ORS. [W.P.(C)-12627/2018]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition for a one-time relaxation of 5 months and 4 days in the 5-year eligibility period for promotion from Assistant Sub-Inspector to Sub-Inspector in the Railway Protection Special Force was dismissed. The petitioners had not completed the required residency period by the cut-off date, and no functional requirements justified the relaxation. Granting such relaxation is at the discretion of the competent authority, not a matter of right.

S. S. VERMA VS CENTRAL INDUSTRIAL SECURITY FORCE (THROUGH DIRECTOR GENERAL) [W.P.(C)-1979/2020]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition challenging a penalty imposed in 2005 and upheld in 2006 was dismissed due to a 14-15 year delay. The delay lacked a convincing explanation, and the argument of frequent transfers was insufficient, as the petitioner could have approached a local court. The absence of a satisfactory explanation for the delay led to the dismissal of the petition.

SACHIN KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-1762/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Review petitions by the Union of India and others were dismissed, affirming an earlier order regarding Sachin Kumar and Dnyaneshwar Devarshe. The direction to re-examine the petitioners' right forearms after tattoo removal was deemed appropriate and consistent with recruitment guidelines for Central Armed Police Forces. Despite arguments about the limitation of one Review Medical Examination following the Detailed Medical Examination, the unique circumstances surrounding tattoo removal justified the order.

SAGAR KUMAR KHOKHAR VS CENTRAL INDUSTRIAL SECURITY FORCE [W.P.(C)-2933/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The Medical Board and Review Medical Board's conclusions regarding the petitioner's defective distance vision were inconsistent due to the lack of a physical examination by the Review Medical Board. The petitioner is to be examined by a Review Medical Board at RR Hospital in Delhi, which will submit a final report on his eye vision. The parties will be bound by this report, and if the petitioner is deemed fit, he will be appointed subject to meeting other eligibility conditions.

SANJANA SHARMA VS CENTRAL INDUSTRIAL SECURITY FORCE & ORS. [W.P.(C)-12403/2022]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition by Sanjana Sharma challenging the CISF circular from October 24, 2018, regarding eligibility criteria for the NIS Diploma course in sports coaching was dismissed. The eligibility criteria, including five years of continuous service under the sports quota and participation in at least two international tournaments, were deemed justified. The criteria ensure that only those appointed under the sports quota, who possess relevant experience, are eligible for coaching duties.

SANJEET VS UNION OF INDIA AND ANR. [W.P.(C)-13169/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition challenging the non-inclusion of an applicant's name in the merit list for the Head Constable (Radio Mechanic) position was dismissed. The applicant's marks were below the minimum qualifying score for the Unreserved category, even after accounting for additional marks for incorrect answers. The positions had been filled, selected candidates were near completing their training, and a new batch was prepared to proceed. Consequently, the applicant lacked a vested right or legitimate expectation for appointment.

SAPNA DUBEY VS CENTRAL INDUSTRIAL SECURITY FORCE AND ANR [W.P.(C)-3663/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition by Sapna Dubey challenging her medical disqualification by the Central Industrial Security Force (CISF) for the Head Constable (Ministerial) position was dismissed. The Detailed Medical Examination (DME) and Review Medical Examination (RME) conducted by the CISF deemed her medically 'unfit' due to Brachymetatarsia, a foot condition. Evidence reappraisal or interference with the selection committee's decisions was deemed inappropriate, emphasizing the need for caution in recruitment processes.

SATENDER KUMAR YADAV VS UNION OF INDIA & ORS. [W.P.(C)-3445/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The Indian Army declared the petitioner medically unfit for Short Service Commission due to a "Hyperpigmented Lesion" on his chest. The determinations of the Special Medical Board and Appeal Medical Board, made up of medical experts, remain valid unless proven to involve bias, arbitrariness, or mala fide intent. The authority to refer a candidate to a Review Medical Board is discretionary, based on provisions in the "Manual on Medical Examination and Medical Standards," and not a guaranteed right for the petitioner.

SATISH KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-13369/2021]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The respondents are required to re-examine the petitioner's hearing capacity and take action within four weeks. The petitioner seeks to be considered medically fit for a lower medical category (C-1) rather than the current B-1 category, citing that hearing aid use is not allowed in B-1. If the petitioner disagrees with the re-examination outcome, they can pursue legal remedies.

SATYENDRA NATH SINGH DEPUTY INSPECTOR GENERAL CISF (RETIRED) VS THE UNION OF INDIA THROUGH ITS SECRETARY & ORS. [W.P.(C)-5182/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Charge no. 1 against the petitioner was deemed unsustainable due to the alleged misconduct occurring over 4 years prior to the charge sheet, violating the Central Civil Services (Pension) Rules; thus, it was set aside. Charges nos. 2 and 3 were independent and could be addressed separately by the inquiry officer. The petitioner was given 15 days to respond to charges 2 and 3 before the departmental proceedings could continue.

SGT MURALIDHAR PAKAL AF FIT VS UNION OF INDIA AND OTHERS [W.P.(C)-7502/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Provisions and procedures in AFO 33/2017 for Airmen of the Indian Air Force regarding the application for civil service posts are mandatory. An Airman did not comply with these requirements and provided no reasonable explanation for his non-compliance. Consequently, the rejection of his request for a No Objection Certificate (NOC) and discharge by IAF authorities was upheld. The Airman's appointment to the civil service lapsed due to failure to join within the extended time period. The petition was dismissed.

SGT RAJEEV KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-11161/2020]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner has been granted alternative relief to be discharged from the Indian Air Force effective January 31, 2024, after completing 20 years of service. The issue of the petitioner concealing Air Force service while applying for the post of Deputy Collector is no longer relevant. The petition is disposed of.

SH. DEEPAK KUMAR VS UNION OF INDIA & ANR. [W.P.(C)-11627/2021]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioners are not entitled to Transfer/Travelling Allowance for their postings to different Battalions after basic training, as this is their first posting rather than a transfer. The appointment letter and Central Civil Services Rules (SR 105) indicate that Travelling Allowance is not applicable for the journey to a first post in government service.

SH. SATYAM BHADORIYA VS UNION OF INDIA THROUGH ITS SECRETARY MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS & ORS. [W.P.(C)-10212/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The respondents must consider the medical examination report from AIIMS, New Delhi, and if necessary, conduct a further examination of the petitioner. A final decision regarding the petitioner's candidature for the position of Sub-Inspector in the Delhi Police and Central Armed Police Forces is to be made within four weeks, following the law. This follows the submission of the AIIMS report after a fresh medical examination was ordered.

SHAILLY UPADHYAY VS UNION OF INDIA AND ORS [W.P.(C)-3157/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Shailly Upadhyay was declared medically unfit for the position of Constable (General Duty) in the Sashastra Seema Bal due to a malunited left clavicle shaft fracture and dropping of the left shoulder, conditions that disqualify candidates per applicable guidelines. The Detailed Medical Examination and Review Medical Board, consisting of specialized medical experts, correctly applied these guidelines. The medical assessments were free from bias, arbitrariness, or mala fide intentions, leading to the dismissal of the petition.

SHIRSAT UMESH MADAN & ORS. VS INDIAN COAST GUARD & ORS. [W.P.(C)-2119/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition regarding denied entry into the examination center for the Coast Guard recruitment process was dismissed. The petitioners' claims about being asked for two copies of the application form and late entry were unsubstantiated and vague, lacking specifics on involved officials. The instructions and internal communication confirmed only one colored copy of the application was required and indicated the petitioners reported 25 minutes late. No bias, mala fide, or arbitrariness was demonstrated by the respondents, resulting in the petition's dismissal with parties bearing their own costs.

SHRI NOMIL RANA VS THE UNION OF INDIA AND ORS. [W.P.(C)-7385/2018]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Termination of the petitioner from the Central Industrial Security Force (CISF) was justified due to the suppression of material information regarding a pending criminal case in his Attestation Form. Although the petitioner claimed the case was compromised and quashed prior to his joining, it was determined that the case was still pending when he completed the form, constituting concealment of material information. The writ petition was dismissed.

SHUBHAM MALIK VS UNION OF INDIA & ORS. [W.P.(C)-1370/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner is to be examined by a Medical Board at the Army Hospital (Research and Referral) in New Delhi to evaluate claims of Inguinal Hernia, following previous medical assessments. A new Medical Board will submit its findings to the CISF, which will take further action as per the law.

SMT RAJESH DEVI VS UNION OF INDIA & ORS. [W.P.(C)-11909/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The dismissal of the petitioner's husband from the Army was upheld due to unjustified delay in approaching the Armed Forces Tribunal. The original application filed in 2012 was nearly nine years late following a directive from the Allahabad High Court for a copy of the dismissal order. The petitioner's husband had the option to seek compliance earlier but did not do so. The delay and laches justified the dismissal of the application.

SUB MAJ (HONY LT) RAM SINGH AND ORS. VS UNION OF INDIA AND ORS. [W.P.(C)-5264/2019]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition by retired honorary commissioned officers for pensionary benefits equivalent to those with honorary ranks was dismissed. A previous similar petition had been rejected, and the reasoning in that case was upheld. No grounds for the requested relief were found.

SUB MAJ NARINDER KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-15524/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The transfer order of the petitioner from 657 EME Battalion to 623 EME Battalion is cancelled. The petitioner, set to retire on February 29, 2024, was nominated for a training course ending February 4, 2024. Transferring the petitioner with only 4 days left before retirement could delay pension documentation. The petitioner will remain with the 657 EME Battalion and report there after completing the training course, with further actions to follow regulations.

SUMAN KUMAR VERMA VS UNION OF INDIA AND ORS [W.P.(C)-4003/2021]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The discharge of the petitioner from the Indian Air Force on January 31, 2024, after 20 years of service, is valid. The petitioner is allowed to join the position of Assistant Professor at the University of Jammu within one week of discharge, pending a stay order. The appointment will be canceled if the petitioner does not join within that timeframe, as the position has been vacant since 2021. The petition regarding Clause 6 of AFO No. 33/2017 remains unaddressed.

SUMIT KUMAR VS UNION OF INDIA THROUGH ITS SECRETARY & ORS. [W.P.(C)-8173/2020]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition by an ex-Constable of the Central Industrial Security Force (CISF) challenging his dismissal was dismissed. The petitioner had a history of five prior disciplinary punishments, and his conduct was deemed unbecoming of a uniformed officer. The departmental inquiry complied with the CISF Rules, 2001, and the punishment was appropriate given the petitioner's actions and the charges. No grounds existed to alter the decisions of the disciplinary authorities.

SUNIL KUMAR AND ORS. VS UNION OF INDIA AND ORS. [W.P.(C)-3845/2019]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition challenging the revised result for the Head Constable (CM) post was dismissed. Out of five petitioners, three had appointments, one did not meet eligibility criteria, and the second petitioner could not claim a right to appointment despite scoring lower than the last cut-off since higher-scoring candidates were not appointed for various reasons. The argument regarding the number of vacancies in the Unreserved category was also rejected, as the initial advertisement of seven vacancies was ultimately restored. The petition had no merit.

SURESH KUMAR DUBEY VS UNION OF INDIA & ORS. [W.P.(C)-16701/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The repatriation of a Border Security Force Head Constable/GD serving as a Nursing Assistant to his headquarters in Siliguri during his children's academic session requires careful consideration. The petitioner may report to his headquarters by April 30, 2024, after his children's examinations, and the movement order from November 28, 2023 will not take effect until that date. Violation of this undertaking may result in contempt proceedings.

SURESH SHANKAR RANADE VS UNION OF INDIA AND ANR. [W.P.(C)-13448/2019]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

A Commandant (Selection Grade) in the Border Security Force does not qualify for a higher retirement age under BSF rules. The petitioner, Suresh Shankar Ranade, must retire upon reaching 55 years of age. A previous ruling allowing him to serve until 58 has been set aside. However, the respondents cannot reclaim the emoluments paid to him during the period he continued service beyond 55 years due to prior court orders.

TH. GENLIANMANG VS UNION OF INDIA & ANR. [W.P.(C)-2618/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The Departmental Promotion Committee (DPC) assessed the petitioner's suitability for promotion to the post of Inspector (Min) by considering his entire service record, including a punishment from the GSFC. The DPC determined the petitioner to be "unfit" for promotion based on his blemished record. The challenge to this decision was dismissed, with no merit found in the petition.

UMESHWAR PRASAD VS UNION OF INDIA & ANR. [W.P.(C)-5045/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition filed by Umeshwar Prasad for promotions to Charge Mechanic, Supervisor NT-2, Supervisor NT-1, and Administrative Officer, along with corresponding salary and pension arrears, was dismissed. Prasad was deemed unfit for promotion to Charge Mechanic in 1996 and did not contest this decision timely. The positions of Supervisor NT-2 and Supervisor NT-1 were not promotions for his role as Trade Welder, making him ineligible. His claim for promotion to Administrative Officer based on his law degree was rejected, as promotions must adhere to Recruitment Rules. The petition was deemed meritless and affected by delay.

UPENDRA KUMAR AND OTHERS VS UNION OF INDIA AND OTHERS [W.P.(C)-12067/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition challenging the Limited Departmental Competitive Examination (LDCE) for Head Constable (GD) in the Central Reserve Police Force (CRPF) was dismissed. The change in the Language Section, with 15 questions each in Hindi and English, was deemed non-arbitrary and aimed at ensuring fairness among candidates. Concerns about incorrect questions raised by the petitioners were resolved by the respondents. The examination process was upheld without the need for interference.

V. VIKRAMAN VS UNION OF INDIA THROUGH SECRETARY MINISTRY OF HOME AFFAIRS & ANR. [W.P.(C)-1832/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition challenging a 2001 charge-sheet that penalized the petitioner with a two-year reduction in pay scale was dismissed. The petition was deemed not maintainable as the petitioner had previously contested the penalty in a 2007 writ petition, which was dismissed in 2017. It was noted that the petitioner cannot reopen finalized proceedings. Additionally, a review petition filed in 2020 under CCS (CCA) Rules was also found not maintainable due to the dismissal of the earlier writ petition.

VAIJINATH VS UNION OF INDIA AND ORS. [W.P.(C)-10945/2019]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioners, dismissed as Constables in the CISF for misconduct, should be granted parity in punishment with SI Kapil Singh Chaudhary, whose penalty was reduced due to his young age, inexperience, and short service. The Revisional Authority is directed to reconsider the punishment disparity and issue a reasoned order within 12 weeks.

VIJAY SINGH YADAV VS UNION OF INDIA AND ANOTHER [W.P.(C)-3189/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition challenging the typing test for the post of Head Constable (Ministerial) in CISF was dismissed. The petitioner's complaints regarding test facilities were made over a month post-test and deemed an afterthought. No other candidates reported similar issues, leading to the conclusion that the claims lacked merit.

VIJAY YADAV & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-11013/2021]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition seeking promotions to Chief Law Officer and Additional Chief Law Officer positions in the Border Security Force was dismissed. The posts were upgraded in 2013, but the Recruitment Rules for these positions were not notified, preventing consideration for promotion. The delay in notifying the rules was not due to any deliberate action by the respondents, and promotions cannot occur without established Recruitment Rules.

VIKASH DAHIYA & ORS. VS UNION OF INDIA & ORS. [W.P.(C)-3525/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition challenging the corrigendum dated January 5, 2024, which amended Standing Order No. 04/2017 regarding the selection and deployment of ITBP troops for Indian missions in Afghanistan, was dismissed. The corrigendum prioritizes personnel with the longest stay in EHA/HA areas and those with special achievements, emphasizing the necessity for experienced personnel for the mission. The policy decision is considered justified and not arbitrary, mala fide, or violative of statutory provisions.

VIKRAM CHAHAR VS UNION OF INDIA & ORS [W.P.(C)-10671/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

A fresh Medical Board is to be constituted at RR Hospital, Delhi, to re-evaluate a petitioner's fitness for the Head Constable/General Duty position under the sports quota. Despite performing well nationally, previous examinations declared the petitioner 'Unfit' due to being overweight, prompting doubts. The new Medical Board will include the doctors from the previous examination, and its results will be binding. If declared 'Fit', appropriate steps for the petitioner's recruitment must be taken in accordance with the law.

WG CDR VIDHU SINGH VS UNION OF INDIA AND ORS [W.P.(C)-5273/2021]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The order of the Armed Forces Tribunal regarding the HR Policy (HRP) dated January 16, 2019, was upheld. The new prerequisites, including a minimum CGPA score, valid 'Cat C' medical category, and an average of 7 in the last 5 Annual Confidential Reports, were deemed non-arbitrary and within the purview of policy-making. The petitioner was not selected in the first two Boards of Officers due to not meeting the eligibility criteria. However, a directive was issued for her to receive another opportunity to appear before the Third Board of Officers. No faults were identified in the Tribunal's order, and the writ petition was dismissed.

YOGENDRA YADAV VS UNION OF INDIA AND ORS [W.P.(C)-705/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Charges against a CISF officer for having an illicit relationship with a civilian and making an unauthorized cash payment of Rs. 5 lakhs were substantiated by the evidence on record, including testimony and documentary proof. The Inquiry Officer and disciplinary authority concluded that the charges were proved. No perversity was found in the findings of the departmental inquiry, and the punishment of removal from service was not deemed disproportionate to the misconduct. The petition challenging the orders related to removal and appeals was dismissed.

969623L SGT BAJINDER SINGH VS UNION OF INDIA AND ORS [W.P.(C)-216/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petition filed by SGT Bajinder Singh challenging a movement order to report to AFS Jallahalli West, Bangalore was dismissed. The movement order followed a prior reversion order from sport duties to trade duties, which was under challenge before the Armed Forces Tribunal (AFT) without any stay. Consequently, a stay on the movement order could not be granted.

HARISH KUMAR KATHURIA & ANR. VS SANJAY GUPTA & ORS. [CONT.APP.(C)-59/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The appeal under Section 19 of the Contempt of Courts Act, 1971 is not maintainable because the order in question did not impose punishment but only declared the appellants guilty of contempt. An appeal can only be made against an order that imposes punishment for contempt. The appeal is regarded as premature, and the appellants may pursue other legal remedies available to them.

MS-16517P MAJ VISHAL (NOW LT COL) VS UNION OF INDIA AND ORS [W.P.(C)-15908/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The Armed Forces Tribunal dismissed the petitioner's application for permanent commission, as the order from a prior case only allowed relief for the top 50 candidates, excluding the petitioner who ranked 53rd. The respondents had the discretion to fill fewer than 50 vacancies, and the petitioner had no legitimate expectation for consideration. Additionally, the petitioner had already received his last opportunity for permanent commission in December 2012, having served over 13 years, exceeding the maximum service limit for Short Service Commissioned officers. The writ petition was dismissed, affirming the Tribunal's decision.

NAGENDRA SINGH VS UNION OF INDIA AND ORS [W.P.(C)-1028/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner is entitled to one notional increment in his pension from July 1, 2009, as established by precedent. The respondents must re-fix the pension accordingly and pay the arrears within eight weeks.

PARVEEN KUMAR VS UNION OF INDIA AND ORS [W.P.(C)-14907/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The Detailed Medical Examination and Review Medical Examination declared the petitioner unfit for the Constable (Driver) position due to an "unhealthy post tattoo removal scar" on his left forearm. The petitioner argued that guidelines permit a tattoo on the non-saluting limb, and a scar that does not impair hand or finger functionality cannot disqualify him. The petition was accepted, requiring a re-examination of the scar and appropriate action based on eligibility within four weeks.

RD DOGRA VS UNION OF INDIA & ORS. [W.P.(C)-14141/2022]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Denial of promotion to the petitioner for the position of Deputy Inspector General (DIG) based solely on a recorded "displeasure" is invalid. An Office Memorandum from March 27, 2015, clarifies that "displeasure" is not a penalty and should not impact promotion eligibility. A review DPC is to be reconvened to assess the petitioner's suitability for promotion to DIG in 2022, disregarding the recorded "displeasure."

SATISH KUMAR MALIK VS UNION OF INDIA AND ORS. [W.P.(C)-10396/2019]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Recovery of Rs. 53,656/- from the salary of a Group-C employee is impermissible under existing legal principles. The respondents failed to issue a show-cause notice or communicate with the employee before initiating deductions, violating natural justice. The respondents are required to refund all deductions made from the employee's salary since March 2019 within four weeks.

SIDDHARTH SINGH VS UNION OF INDIA AND OTHERS [W.P.(C)-15625/2023]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The writ petition by Siddharth Singh to participate in the selection process for the "Technical Entry Scheme (10+2)-51" course was dismissed. The petitioner did not provide evidence of submitting his application by the October 24, 2023 deadline. Respondents showed records confirming the application was never finalized. The petitioner did not allege any non-compliance with rules or regulations.

SRINIVAS GUNDAMUNI VS UNION OF INDIA & ORS. [W.P.(C)-1838/2024]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The cancellation of the Non Availability Certificate (NAC) issued to the petitioner was justified because the petitioner did not accept the government accommodation option available in April/May 2021. Guidelines indicate that refusal to take government accommodation twice results in cancellation of the accommodation roster. The petition was dismissed, with a clarification that any outstanding House Rent Allowance (HRA) from August 31, 2020, to May 2021 must be paid within four weeks.

SURINDER SINGH VS UNION OF INDIA AND ANR. [W.P.(C)-8639/2019]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

The petitioner, a Border Security Force officer and "war hero" injured during the Kargil war, is entitled to promotion to the rank of Commandant from 07.10.2016 despite not completing the 2-year field service requirement. Exemption from this requirement applies under relevant rules and guidelines. Orders rejecting the petitioner's promotion claim have been quashed, and he is to receive all consequential benefits.

VISHAL N.A. VS UNION OF INDIA & ORS [W.P.(C)-4879/2016]

Judges: Justice Saurabh Banerjee, Justice V. Kameswar Rao

Charges against the petitioner and other officers were the same, making differing punishments discriminatory. Noting that similar cases resulted in warnings or exoneration for other officers, the Reviewing Authority must reconsider the punishment imposed on the petitioner and reach a final decision within 12 weeks, with communication of the outcome to the petitioner occurring within one week thereafter.

COURT ON ITS OWN MOTION VS VIRENDRA SINGH ADVOCATE [CONT.CAS.(CRL)-4/2022]

Judges: Justice Shalinder Kaur, Justice Suresh Kumar Kait

An advocate was found guilty of criminal contempt for making scandalous and baseless allegations against judges in a criminal appeal. Arguments claiming the allegations were fair criticism were rejected, and the contempt petition was deemed maintainable. The advocate received a sentence of 6 months of simple imprisonment and a fine due to lack of repentance and the impact of the allegations on the judiciary's dignity.

CRB CAPITAL MARKETS LIMITED (IN PROVISIONAL LIQUIDATION) THROUGH ITS EX DIRECTOR MR. C. R. BHANSALI VS ANOOP JAIN AND ORS. [CO.APP.-19/2023]

Judges: Justice Shalinder Kaur, Justice Suresh Kumar Kait

The key issue is the date when CRB Capital Markets Limited sold shares to the respondents. If the sale occurred before the Reserve Bank of India's prohibitory order on April 9, 1997, the respondents' applications will be approved. If the sale happened after, the transfer will be deemed invalid. The matter is remanded for further investigation into the sale dates and payment status of the shares, without altering the previous decision. This involves four separate company appeals.

DR. R.L.SHARMA AND ANR VS THE UNION OF INDIA AND ANR [W.P.(C)-1096/2014]

Judges: Justice Shalinder Kaur, Justice Suresh Kumar Kait

The order of the Central Administrative Tribunal was upheld, stating that the petitioners could not be promoted from Scientist S-2 to S-3 grade based solely on past performance records from their earlier promotion. According to the ARS Rules, a five-yearly assessment is required for promotion, necessitating fresh assessment proformas for consideration to S-3 grade. Previous Tribunal orders did not allow promotion based on the same records, and there was no fault in this approach. However, due to delays in the petitioners' cases, the respondents were directed to consider the petitioners for promotion to S-3 grade within two months of receiving the necessary documents.

MAHANAGAR TELEPHONE NIGAM LTD. & ANR. VS BALBIR GULIA [W.P.(C)-4447/2013]

Judges: Justice Shalinder Kaur, Justice Suresh Kumar Kait

The decision upheld the Central Administrative Tribunal's directive for Mahanagar Telephone Nigam Ltd. to count the respondent's prior service of 6 years and 8 months in the Central Industrial Security Force for pay protection and benefits. The respondent's claim was deemed not time-barred, characterized as a "continuing wrong" leading to a recurring cause of action. The case was classified as one of "absorption," as the petitioners sought the respondent's induction on this basis. The respondent's pay was to be protected from the date of joining, fixed within the corresponding IDA pay scale for permanently absorbed DoT employees, with arrears paid for 3 years preceding the representation date.

MUBEEN KADAR SHAIKH VS STATE OF NCT OF DELHI [CRL.A.-343/2022]

Judges: Justice Shalinder Kaur, Justice Suresh Kumar Kait

Mubeen Kadar Shaikh's criminal appeal regarding the 2008 Delhi serial bomb blasts was dismissed due to sufficient prima facie evidence linking him to the conspiracy and a threatening email sent before the blasts. Evidence included forensic analysis of laptops and other recovered items. Shaikh, identified as an active member of the "Media Cell" of Indian Mujahideen, was deemed undeserving of bail due to the severity of the offenses. The trial proceedings were ordered to be expedited, with a minimum of two sessions per week, in light of his long incarceration since 2008.

NAUSHAD ALI THROUGH PEROKAR SAHAJAD ALI VS UOI & ORS. [W.P.(CRL)-2778/2023]

Judges: Justice Shalinder Kaur, Justice Suresh Kumar Kait

The preventive detention order against the petitioner under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (PITNDPS) Act, 1988, was upheld. The detaining authority had sufficient grounds for the order based on the petitioner's involvement in drug trafficking. Procedural requirements were largely met, and any delay in executing the order was attributed to the petitioner's own actions in absconding, thus he cannot benefit from this delay.

RAHUL DILIP SHAH VS CATALYST TRUSTEESHIP LIMITED & ORS. [FAO(OS) (COMM)-244/2023]

Judges: Justice Shalinder Kaur, Justice Suresh Kumar Kait

The restructuring of the debenture trust deed did not eliminate the "Event of Default" as defined in the DTD and share pledge agreement, particularly due to the appellant's resignation as director and being declared a willful defaulter. Therefore, the debenture trustee was entitled to exercise voting rights over the pledged shares, a right that remained intact despite the debt restructuring. The appellant's appeal to exercise these voting rights was dismissed.

RAJESH KUMAR VS UNION OF INDIA & ORS. [W.P.(C)-6522/2020]

Judges: Justice Shalinder Kaur, Justice Suresh Kumar Kait

The writ petition filed by Rajesh Kumar to set aside the Central Administrative Tribunal's rejection of his application for the BSNL Voluntary Retirement Scheme-2019 was dismissed. The VRS-2019 scheme was deemed contractual, and although the petitioner attempted to withdraw his application due to a technical error within the deadline, he failed to submit the withdrawal request in both online and physical forms as required. Consequently, the online withdrawal was treated as final, and no issues were identified in the Tribunal's dismissal of the application.

RAKESH KUMAR CHOPRA VS BSNL & ORS. [W.P.(C)-5404/2020]

Judges: Justice Shalinder Kaur, Justice Suresh Kumar Kait

The VRS scheme introduced by BSNL is contractual, governed by the Indian Contract Act. An employee's application to withdraw from the scheme is considered an offer, which can be accepted or rejected by the employer during the scheme's validity period. The employee has the right to withdraw until the scheme's closing date, which was December 3, 2019. The petitioner's request to withdraw, made on December 17, 2019, occurred after the scheme's closure and is therefore invalid. The dismissal of the petitioner's application, along with those of other BSNL employees, is upheld.

RANJAN SAHAI VS UNION OF INDIA & ORS [W.P.(C)-13494/2019]

Judges: Justice Shalinder Kaur, Justice Suresh Kumar Kait

The Memorandum of Charge dated 26.04.2018 against the petitioner, an Administering Authority under the Offshore Areas Mineral (Development and Regulation) Act, 2002, was quashed. The petitioner executed license deeds with M/s U.A. Minerals Pvt. Ltd. in accordance with prior court orders, demonstrating no mala fide intention or procedural violations. The subsequent charge sheet was deemed an attempt to harass the petitioner, leading to the dismissal of the earlier ruling from the Central Administrative Tribunal.

SAQUIB NISAR VS STATE [CRL.A.-450/2022]

Judges: Justice Shalinder Kaur, Justice Suresh Kumar Kait

Saquib Nisar's appeal against the rejection of his bail application under the Unlawful Activities (Prevention) Act was dismissed. The prosecution presented material evidence, including disclosures from co-accused and mobile location data, indicating prima facie truth in the accusations. The decision was informed by established principles regarding bail in UAPA cases. Although the right to a speedy trial was acknowledged, instructions were given to expedite trial proceedings. Observations made were stated to be tentative, with the trial court expected to evaluate the case based on its own merits.

KAMLESH SHARMA VS GOVT. OF NCT OF DELHI AND ORS. [W.P.(C)-9396/2018]

Judges: Justice Shalinder Kaur, Justice Vibhu Bakhru

The petition challenging the acquisition of land under the Land Acquisition Act, 1894 was dismissed. The acquisition did not lapse under Section 24(2) of the 2013 Act because possession of the land was taken and compensation was paid, despite the landowners not collecting it. The petitioner, as

ACROPOLIS REALTY PVT. LTD VS INCOME TAX OFFICER, WARD 1-1, DELHI & ANR. [W.P.(C)-14317/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

Acropolis Realty Pvt. Ltd. successfully challenged a notice from the Income Tax Officer to reopen the assessment for AY 2019-20. The notice was deemed invalid as it was issued beyond the 3-year limit stipulated in Section 149(1)(a) of the Income Tax Act, given that the income in question was under R.S. 50 lakh. The notice, digitally signed on 01.04.2023, could not be considered issued prior to that date, despite being initiated on 31.03.2023.

ALANKAR PROMOTERS LLP[EARLIER ALANKAR PROMOTERS PVT. LTD.] VS INCOME TAX OFFICER & ORS. [W.P.(C)-12952/2019]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Income Tax Officer (ITO) lacked valid reasons to believe that the assessee's income for the assessment year 2012-13 had escaped assessment, making the reopening of the assessment under Section 147 of the Income Tax Act, 1961 unjustified. The presence of an unsecured loan of ₹5,00,000 in the balance sheet did not provide sufficient grounds for such belief, and there was no evidence indicating the loan was taxable income. The assessee's explanation for the loan was documented in the accounts. Both the notice for reopening the assessment under Section 148 and the subsequent reassessment order were set aside.

ALCATEL LUCENT INDIA LIMITED VS DEPUTY COMMISSIONER OF INCOME TAX & ANR. [ITA-220/2022]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Income Tax Appellate Tribunal erred in including Avani Cincom Technologies Ltd. and Ishir Infotech Ltd. as comparable entities while excluding Tata Elxsi Ltd., Sasken Communication Technologies Ltd., and Akshay Software Technologies Ltd. for arm's length price adjustment in international transactions. The Tribunal overlooked the appellant's claims that Avani Cincom's business involved software product sales, making it functionally non-comparable, and did not assess Ishir Infotech's significant outsourcing model. The Tribunal also failed to address the appellant's reasons for excluding Tata Elxsi and Sasken. Additionally, the exclusion of Akshay Software Technologies limited was not adequately considered. The Tribunal's order regarding these companies was set aside, and the matter was remanded for fresh consideration.

AMBIENCE PRIVATE LIMITED VS ASSISTANT COMMISSIONER OF INCOME TAX & ANR. [W.P.(C)-13831/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The notice issued under Section 143(2) of the Income Tax Act by the Assistant Commissioner of Income Tax was deemed valid, as the Central Board of Direct Taxes authorized the Assistant Commissioner to act as the "prescribed income-tax authority." The argument that only the Assessing Officer could issue such notices was rejected, and the challenge to the notices under Section 142(1) lacked merit. The petition was dismissed.

AMBIENCE TOWERS PRIVATE LIMITED VS ASSISTANT COMMISSIONER OF INCOME TAX & ANR. [W.P.(C)-13838/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The validity of the notice issued under Section 143(2) of the Income Tax Act by the Assistant Commissioner of Income Tax was upheld. The Central Board of Direct Taxes had authorized this officer as the 'prescribed income-tax authority,' granting jurisdiction to issue the notice. Arguments that only specific officers could issue the notice and that the prescribed authority could only serve it were rejected. The notice under Section 143(2) was deemed valid, allowing the Assessing Officer to issue subsequent notices under Section 142(1) within the limitation period.

ANUJ SOOD VS PCIT (CENTRAL-1), NEW DELHI & ANR. [ITA-798/2023]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The decision of the Income Tax Appellate Tribunal, which added ₹37,20,100 as unexplained income under Section 69A and Section 115BBE of the Income Tax Act, is upheld. The assessee's claims regarding the source of seized cash, including assertions that some belonged to his mother and wife, lacked credible evidence. Cash flow statements did not support these claims, and the reported income of the wife was insufficient to explain the cash attributed to her. The Tribunal's findings were deemed consistent and no substantial question of law was presented.

BT GLOBLE COMMUNICATIONS INIDA PVT.LTD. VS DEPUTY COMMISSIONER OF INCOME TAX [W.P.(C)-1549/2020]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The order in question was classified as an assessment order under Section 143(3) of the Income Tax Act, 1961, rather than a draft assessment order under Section 144C, despite its heading. The contents of the order clearly indicated its true nature, and the challenge based on the incorrect assumption was rejected. The petition was dismissed with costs, as the Assessing Officer clarified the order's classification.

CIT VS BIRLASOFT LTD [ITA-1242/2011]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The new NOIDA-II unit established by the assessee is recognized as a separate undertaking eligible for a deduction under Section 10A of the Income Tax Act, with the deduction calculated at the entity level. The arm's length price (ALP) for international transactions is determined using the transactional net margin method (TNMM) at the entity level. Prior period expenses of Rs. 19,26,120 were allowed as a deduction for the assessment year 2004-05 since the liability accrued and crystallized in that year. The revenue's appeal was dismissed, favoring the assessee on all key issues.

COMMISSIONER CGST DELHI SOUTH VS AIR INDIA LTD [SERTA-18/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The decision of the CESTAT was upheld, stating that the Revenue incorrectly invoked the extended period of limitation to recover CENVAT credit. Mere failure to provide documents during the audit does not constitute "suppression of facts" as per precedents, which require a deliberate intent to evade tax. The absence of claims of fraud or collusion led to the conclusion that the extended period of limitation was improperly applied.

COMMISSIONER OF CUSTOMS (AIRPORT AND GENERAL) NEW DELHI VS M/S SHAKTI CARGO MOVERS [CUSAA-82/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The revocation of the customs broker license of M/s Shakti Cargo Movers was set aside due to reasonable steps taken to verify client details, including obtaining relevant KYC documents and relying on government-issued documents like IEC and GSTIN. No substantial question of law arose in the appeal by the Commissioner of Customs.

COMMISSIONER OF CUSTOMS (EXPORT), ICD TUGHLAKABAD VS SHRI DINESH BHARADWAJ [CUSAA-81/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The decision of the Customs, Excise & Service Tax Appellate Tribunal (CESTAT) to allow appeals from the exporter, G-card holder, and Customs House Agent was upheld. The adjudicating authority's reliance on statements and a test report from the Central Revenue Chemical Laboratory (CRCL) did not follow the procedure outlined in Section 138B of the Customs Act, 1962, as the exporter was not allowed to cross-examine the Chemical Examiner. Without the statements and test report, there was insufficient material to support the adjudicating authority's order. The Revenue's appeals were dismissed.

COMMISSIONER OF INCOME TAX (TDS)-2 DELHI VS TURNER GENERAL ENTERTAINMENT NETWORKS INDIA PVT. LTD. [ITA-547/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

Penalty proceedings under Section 271C of the Income Tax Act, 1961 were deemed barred by limitation because the initiation took place with the Assessing Officer's reference, not with the show cause notice. The penalty proceedings must conclude within six months from the end of the month of initiation or by the end of the financial year when the proceedings were completed, whichever is later. Since the show cause notice was issued almost a year after the initial reference, the penalty order was deemed invalid due to surpassing the prescribed time limit under Section 275(1)(c) of the Act.

COMMISSIONER OF INCOME TAX INTERNATIONAL TAXATION-1, NEW DELHI VS ORACLE SYSTEMS CORPORATION [ITA-424/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The appeals by the Commissioner of Income Tax (International Taxation-1) regarding the assessment years 1997-98 to 2000-01 for Oracle Systems Corporation were dismissed. The Income Tax Appellate Tribunal's decision to set aside the reopening of assessments was upheld, as the issue had been previously decided in favor of the taxpayer. The lack of a valid notice under Section 143(2) of the Income Tax Act, 1961 invalidated the assessment proceedings for AY 2000-01, consistent with prior findings in the taxpayer's case. No substantial question of law was present in the appeals.

DAISY DISTRIBUTORS PVT.LTD. VS THE INCOME TAX OFFICER WARD 7 (1) NEW DELHI [W.P.(C)-17326/2022]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

Daisy Distributors Pvt. Ltd.'s petition was dismissed, affirming the Assessing Officer's authority to initiate proceedings under Section 147/148 of the Income Tax Act, 1961. This decision was based on information from the Investigation Wing indicating the petitioner received accommodation entries from Sh. Joginder Pal Gupta. The necessary condition for initiating proceedings under Section 153C was not met, as the relevant materials from Gupta were not provided to the Assessing Officer of the petitioner. The case is aligned with established precedent indicating that Section 153C does not prevent reopening assessments under Section 147/148 based on information obtained from searches related to another individual.

DHAN PRAKASH GUPTA VS INCOME TAX DEPARTMENT [W.P.(C)-9184/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The petition by Dhan Prakash Gupta against a notice and order issued under Sections 148A(b) and 148A(d) of the Income Tax Act for the assessment year 2017-18 was dismissed. The challenge to the jurisdiction of the Jurisdictional Assessing Officer was rejected based on a previous decision. The petitioner's response to the notice was deemed unsatisfactory as it failed to accurately state the quantum of cash deposits in the bank account or provide a proper explanation. It was noted that, at the notice stage under Section 148, there is no requirement for a final conclusion on whether income has escaped assessment, preserving the petitioner's rights to contest the quantum and taxability later.

FAB INDIA OVERSEAS PRIVATE LIMITED VS ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE 7(1) NEW DELHI & ANR. [W.P.(C)-3965/2021]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The acquisition of the trademark 'FABINDIA' during the financial year 2006-07 is not classified as an international transaction for the assessment year 2011-12, as it was a singular transaction to be analyzed in its relevant financial year. The Income Tax Appellate Tribunal remanded the matter for examining the admissibility and quantum of depreciation on the trademark and not for determining arm's length price. The referral to the Transfer Pricing Officer regarding this was deemed fundamentally flawed, leading to the setting aside of the TPO's order. The Assessing Officer is directed to reassess the claim for depreciation based on prior instructions from the Tribunal and the current order.

HARSH VARDHAN BANSAL VS ACIT CIRCLE 43(1) NEW DELHI & ANR. [W.P.(C)-330/2023]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Assessing Officer lacked sufficient material to reopen the assessment for the 2013-14 year. Although there was information on a sale of shares from Gemstone Investment Ltd. amounting to R.S. 29,75,000, there was no evidence indicating that profits from the sale of shares in Cubical Financial Services Ltd. were bogus or undisclosed. The income amounting to R.S. 29,75,000 did not meet the R.S. 50,00,000 threshold necessary for reopening assessments that are over three years old. The notices and order for the 2013-14 assessment were set aside.

HIMANSHU GARG VS ASSISTANT COMMISSIONER OF INCOME TAX, CIRCLE-36 (1) [ITA-548/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The assessee is not entitled to exemption under Section 54F of the Income Tax Act, 1961 for capital gains from the sale of certain properties, as the newly purchased property did not contain a residential house but had a brick kiln. The factual findings of the Income Tax Appellate Tribunal were upheld, and the appeal was dismissed.

HUAWEI TELECOMMUNICATIONS INDIA COMPANY PRIVATE LIMITED VS ASSISTANT COMMISSIONER OF INCOME TAX, CENTRAL CIRCLE 2 [W.P.(C)-7814/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

Assessment proceedings for AY 2013-14 were deemed time-barred under Section 153 of the Income Tax Act due to the expiration of the statutory time limit. No fresh order was issued by the TPO or AO following the ITAT's remand of issues, including transfer pricing adjustments and disallowance of advertisement expenses, within the required timeframe. Previous decisions on the interpretation of "received by" concerning limitation under Section 260A were cited for reference.

HUAWEI TELECOMMUNICATIONS INDIA COMPANY PRIVATE LIMITED VS ASSISTANT COMMISSIONER OF INCOME TAX, CENTRAL CIRCLE 2 [W.P.(C)-7792/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

Assessment proceedings for AY 2012-13 are time-barred under Section 153 of the Income Tax Act because no order was issued by the TPO or AO within the statutory time limit following the ITAT remand. The timeline for passing an order under Section 153(5) starts from the date the ITAT order was pronounced, not from when the concerned officer received it. The respondent must refund INR 45,51,85,614/- to the petitioner along with statutory interest.

ISHITA VARSHNEY JAIN VS ACIT, CEN CIR-31, DELHI [W.P.(C)-15477/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

Revenue authorities lacked jurisdiction to issue notices under Section 153C of the Income Tax Act to Ishita Varshney Jain because no incriminating material related to her was found during the search. An agreement to sell property discovered on her husband's mobile was misattributed to her, as it involved two other parties. No relevant assets or documents pertaining to Jain were identified during the search, leading to the annulment of the notices issued.

KAD HOUSING PRIVATE LIMITED VS DEPUTY COMMISSIONER OF INCOME TAX CENTRAL CIRCLE 6 DELHI [W.P.(C)-14866/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The notice issued under Section 148 of the Income Tax Act to reopen the assessment for the Assessment Year 2015-16 is barred by limitation under Section 149(1). The time limits under the pre-amended Section 149(1) and Sections 153A/153C must be satisfied for reopening assessments after the Finance Act 2021 amendments. Analysis indicated that the reopening surpasses the 10-year time limit set by the pre-amended Section 149(1)(b), leading to the impugned notice being set aside.

LUXOTTICA INDIA EYEWEAR PVT LTD. VS ASSISTANT COMMISSIONER OF INCOME TAX [ITA-928/2017]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The ITAT failed to address the Assessee's arguments regarding the transfer pricing adjustment on the purchase of finished goods while only considering AMP expenses. The matter is remanded to the ITAT to evaluate the Assessee's grounds of appeal on the transfer pricing adjustment for finished goods, without any opinion on the adjustment's merits. This involves multiple appeals under a common order.

M.R APPARELS PRIVATE LIMITED VS PRINCIPAL CHIEF COMMISSIONER OF INCOME TAX - 6 [ITA-287/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The order by the Principal Commissioner of Income Tax under Section 263 of the Income Tax Act was upheld, indicating the assessment order by the Assessing Officer was erroneous and detrimental to revenue interests. Necessary inquiries and verifications regarding the dishonor of cheques related to a property sale were not conducted. An audit report cited by the Assessing Officer was irrelevant as it was issued before the dates of the dishonored cheques. Thus, the assessment order was deemed erroneous under Section 263. The appeal against this order was dismissed.

M/S. BANS INTERNATIONAL VS PRINCIPAL COMMISSIONER OF CUSTOMS (IMPORT) & ANR. [CUSAA-90/2023]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The appeal by M/s. Bans International regarding the rate of duty on imported goods is not maintainable at this level, as issues related to duty rates and classification fall under the jurisdiction of the Supreme Court as per Section 130E of the Customs Act, 1962. The classification issue concerning CTH 8424 (Mechanical Appliances) and CTH 9616 (Scent sprays) remains unaddressed. The appellant is advised to approach the Supreme Court.

MRS. KAMLA AJMERA VS PR. COMMISSIONER OF INCOME TAX [ITA-246/2019]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The term "a residential house" under Section 54F of the Income Tax Act refers to a single residential unit and does not encompass multiple units, even if located within the same building. The purchase of two separate, non-adjacent flats in the same tower by the assessee did not qualify for the exemption under Section 54F, as these flats could not be viewed as a single residential unit. This interpretation is based on the statutory language, legislative intent, and judicial precedents.

MRS. USHA JAIN & ANR. VS M/S VIGNESHWARA DEVELOPWELL PVT LTD [CO.APP.-30/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The appeal by Mrs. Usha Jain and another against the rejection of their application for the release of amounts deposited by M/s Vigneshwara Developwell Pvt. Ltd., now in liquidation, was dismissed. The appellants are not entitled to preferential payment due to their winding-up petition becoming infructuous following the company's winding up on other creditors' petitions. The Official Liquidator was instructed to admit the appellants' claim and disburse amounts according to the Companies Act.

MS SHUBANGI GUPTA VS COMMISSIONER OF CUSTOMS & ORS. [W.P.(C)-10772/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Customs authorities must release the luxury watch seized from the petitioner due to their failure to issue a show cause notice within the required 6-month period. The argument regarding the petitioner's alleged oral waiver of this right is invalid, as the statute does not allow for waiver. Immediate release of the seized item to the petitioner is mandated.

NGR CONSULTANTS PVT LTD VS ASSISTANT COMMISSIONER OF INCOME TAX & ANR. [W.P.(C)-13808/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Assistant Commissioner of Income Tax/Deputy Commissioner of Income Tax (International Taxation), Circle-1(1)(1), Delhi had jurisdiction to issue the notice under Section 143(2) of the Income Tax Act, 1961, as authorized by the Central Board of Direct Taxes. The assertion that the prescribed income tax authority could only serve a notice was rejected. Once jurisdiction to issue the notice was accepted, the Assessing Officer's actions in completing the assessment were valid. The petition was dismissed.

NOKIA SOLUTIONS AND NETWORKS INDIA PVT. LTD. VS JOINT COMMISSIONER OF INCOME TAX, & ORS. [W.P.(C)-11115/2019]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Revenue's decision to adjust refunds owed to the petitioner against the stayed demand for the assessment year 2015-16 was deemed arbitrary and contrary to CBDT guidelines. According to these guidelines, only a pre-deposit of 20% of the disputed demand is required, and adjustments beyond this must be supported by special reasons, which were not provided in this case. The Revenue must refund the amount adjusted in excess of 20% for the assessment years 2008-09 and 2017-18.

NUTAN GEHLOT VS ASSISTANT COMMISSIONER OF INCOME TAX & ANR. [W.P.(C)-13799/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Assistant Commissioner of Income Tax/Deputy Commissioner of Income Tax (International Taxation), Circle-1(1)(1), Delhi had the authority to issue the notice under Section 143(2) of the Income Tax Act, 1961, as authorized by the Central Board of Direct Taxes. Additionally, the Assessing Officer had the jurisdiction to issue the notice under Section 142(1) since the preceding notice under Section 143(2) was valid. The petition was dismissed due to lack of merit in the arguments presented.

PHOENIX ARC PRIVATE LIMITED VS M/S MANASVI SECURITY SERVICES & ORS. [CO.APP.-4/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

Phoenix ARC Private Limited, holding the entire sale proceeds from a property sold under the SARFAESI Act, must cover all security expenses incurred for the property despite having a 65% security interest. The company can recoup these expenses from the share of another secured creditor if the sale is approved. However, if the sale is invalidated, Phoenix ARC can recover the security expenses from the amount owed to that creditor when enforcing its security interest.

PR. COMMISSIONER OF INCOME TAX - 7 VS MLS PARAMOUNT RESIDENCY LTD. [ITA-523/2019]
Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru
The case centered on whether the purchases recorded by the assessee were genuine or bogus. Evidence provided by the assessee supported the genuineness of the expenditures, and there was no indication that payments had been returned in cash or through accommodation entries. The appeal from the Revenue was dismissed, with no substantial question of law identified.

PR. COMMISSIONER OF INCOME TAX -4, VS INTERNATIONAL COAL VENTURES PVT. LTD. [ITA-1174/2018]
Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru
Interest income earned by the assessee on short-term fixed deposits made during the pre-commencement of business stage should be treated as a capital receipt. This income can be set off against pre-operative expenses rather than classified as taxable income from other sources. The funds were designated for acquiring a coal mine overseas and were not surplus. The interest earned is considered part of the capital cost of the asset, leading to a favorable outcome for the assessee.

PR. COMMISSIONER OF INCOME TAX -7 VS SUNLIGHT TOUR AND TRAVELS PVT. LTD. [ITA-222/2022]
Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru
The Income Tax Appellate Tribunal quashed the reassessment order issued under Section 147/148 of the Income Tax Act, 1961, stating that if the income prompting reassessment is not assessed, the Assessing Officer cannot assess other escaped income. A strict interpretation of Section 147 is necessary, as the proceedings aim to unsettle concluded assessments. No substantial question of law was identified in the appeal.

PR. COMMISSIONER OF INCOME TAX -7, DELHI VS NAVEEN KUMAR GUPTA [ITA-401/2022]
Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru
The provisions of Section 153C of the Income Tax Act do not override Section 147. The non-obstante clause in Section 153C removes procedural impediments but does not prevent the Assessing Officer (AO) from initiating reassessment under Section 147 if the conditions for Section 153C are not met. Section 153C allows the AO to assess or reassess the income of a person other than the person whose records were searched, based on seized assets or documents related to that person. If jurisdictional conditions are not satisfied, the AO may proceed under Section 147 instead. The order of the ITAT was set aside, and the assessee's appeal was restored for consideration of other grounds.

PR. COMMISSIONER OF INCOME TAX -7, DELHI VS SONY INDIA PVT. LTD. [ITA-551/2023]
Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru
The Income Tax Appellate Tribunal's decision to delete adjustments made by the Assessing Officer on several issues was upheld. The Tribunal correctly relied on the assessee's explanations and prior judgments, concluding that the additions related to royalty payments, valuation of closing stock, excess provisions for warranties, and corporate social responsibility expenditure were unjustified. The conclusions of the Tribunal stood without infirmity.

PR. COMMISSIONER OF INCOME TAX DELHI -11 VS MS. SANGEETA JAIN [ITA-1092/2018]
Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru
The Principal Commissioner of Income Tax (PCIT) exercised jurisdiction under Section 263 of the Income Tax Act to revise an assessment order made by the Assessing Officer (AO) under Section 143(3). The AO failed to conduct a meaningful inquiry to verify the assessee's claim that the sold land was agricultural and thus exempt from capital gains tax, accepting the claim based solely on limited documents. This assessment was deemed erroneous and prejudicial to the revenue's interests, leading to the upholding of the PCIT's order.

PR. COMMISSIONER OF INCOME TAX- 2 VS CIENA COMMUNICATIONS INDIA PVT. LTD. [ITA-629/2019]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

Payments made by Ciena Communications India Pvt. Ltd. to Ciena Communications Inc., USA, were not subject to disallowance under Section 40(a)(i) of the Income Tax Act for failure to deduct tax at source. The services provided did not include an element of "making available" technical knowledge, experience, or skill, thus not qualifying as fees for technical services under Section 9(1)(vii) of the Act and Article 12 of the India-USA Double Taxation Avoidance Agreement. The findings of the Income Tax Appellate Tribunal were upheld.

PR. COMMISSIONER OF INCOME TAX- 2, DELHI VS M/S. BURBERRY INDIA PVT. LTD. [ITA-471/2019]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Resale Price Method (RPM) is deemed the most appropriate for benchmarking Burberry India Pvt. Ltd.'s international transaction of importing finished goods, as the company operates as a pure distributor without adding value. RPM is suitable for situations where imported goods are simply resold without processing or transformation. This summary pertains to the assessment years 2012-13 and 2013-14 for a single assessee.

PR. COMMISSIONER OF INCOME TAX-4, NEW DELHI VS SYMPHONY MARKETING SOLUTIONS INDIA PVT. LTD. (NOW MERGED WITH GENPACT INDIA) [ITA-717/2018]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

Accentia Technologies Ltd. and Eclerx Services Ltd. were excluded as comparable entities for determining the Arm's Length Price (ALP) of the Assessee's international transactions under the Transactional Net Margin Method (TNMM) due to their functional dissimilarity to the Assessee, which operated as a routine captive service provider. Infosys BPO Ltd. was also deemed unsuitable for comparison due to differences in risk profile and the use of intangibles. The examination of comparability of entities based on merits was confirmed in a related matter.

PR. COMMISSIONER OF INCOME TAX-6, NEW DELHI VS FREESCALE SEMICONDUCTOR INDIA PVT. LTD. .(NOW KNOWN AS NXP INDIA PVT. LTD.) [ITA-19/2019]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Revenue's appeal was dismissed, affirming that Infosys, Zylog, Larsen & Toubro, and Acropetal were not appropriate comparables for determining the arm's length price of the assessee's international software development transactions due to functional dissimilarity. The acceptance of the assessee's adjustments for foreign exchange fluctuations and operating revenue was also upheld, with no substantial question of law identified.

PR. COMMISSIONER OF INCOME TAX-7, DELHI VS UK PAINTS INDIA PVT. LTD. [ITA-24/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Assessing Officer could not use Rule 8D to compute disallowance under Section 14A of the Income Tax Act, as there was no recorded dissatisfaction with the Assessee's claimed expenditure of Rs. 7,50,000 related to exempt income. Precedents indicated that the AO may only apply Rule 8D if the Assessee's computation is deemed inadequate or defective. As the Assessee's computation was not challenged, the application of Rule 8D was not justified, resulting in the disallowance being limited to Rs. 7,50,000.

PRAYAS BUILDWELL PRIVATE LIMITED VS PR.COMMISSIONER OF INCOME TAX-7 & ANR. [W.P.(C)-10733/2021]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The petitioner is eligible to apply under the Direct Tax Vivad Se Vishwas Act, 2020 for the assessment year 2009-10 due to a pending appeal before the Income Tax Appellate Tribunal. The appeal establishes the existence of 'disputed tax,' as defined by the VSV Act, without regard to the appeal's merits. The Act does not differentiate based on appeal grounds, and the Revenue did not argue that the case fell under the exclusions of the VSV Act. The rejection of the petitioner's declaration was set aside, and the authorities must reconsider the declaration in accordance with the law.

PRINCIPAL COMMISSIONER OF INCOM TAX-1 VS M/S. AGROHA FINCAP LTD. [ITA-218/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The appeal by the Principal Commissioner of Income Tax-1 was allowed, reversing the Income Tax Appellate Tribunal's decision that had favored M/s Agroha Fincap Ltd. The Assessing Officer was justified in using Sections 147/148 of the Income Tax Act, 1961 instead of Section 153C, as the necessary conditions for Section 153C were not met. Specifically, there was no satisfaction note recorded or forwarded regarding the Assessee. A related case, ITA No. 401/2022, with a similar legal question was also considered.

PRINCIPAL COMMISSIONER, CGSTPRINCIPAL COMMISSIONER, CGST VS M/S. FEDERAL MOGUL GOETZE INDIA LIMITED & ANR. [SERTA-6/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The tax payer was eligible to file a declaration under the Voluntary Compliance Encouragement Scheme (VCES) introduced by the Finance Act, 2013, despite an earlier audit report and a show cause notice. An audit report does not qualify as an "order of determination" under relevant sections of the Finance Act, 1994, which would render the tax payer ineligible for VCES. Additionally, the show cause notice did not pertain to the same dues that the tax payer disclosed in the VCES declaration. The Revenue's appeal was dismissed, and the decision in favor of the tax payer was upheld.

PROPERTY PLUS REALTORS VS UNION OF INDIA & ORS. [W.P.(C)-15717/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The penalty order under Section 271DA of the Income Tax Act for the assessment year 2021-22 was deemed barred by limitation. The penalty proceedings commenced on March 24, 2023, but the order was issued on October 17, 2024, exceeding the six-month limitation period. Consequently, the penalty order was set aside.

PROPERTY PLUS REALTORS VS UNION OF INDIA & ORS. [W.P.(C)-15716/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The penalty order under Section 271DA of the Income Tax Act against a real estate brokerage firm was deemed barred by limitation. The initiation date for the penalty proceedings was established as 18.01.2023, when the Additional Commissioner received the reference. The order, issued in October 2024, exceeded the six-month limitation period following the end of the month in which the proceedings began. The argument to reconsider the limitation period from an additional document submission date of 08.05.2024 was rejected, leading to the conclusion that the penalty order was invalid due to being issued beyond the allowed timeframe.

PUNJAB NATIONAL BANK VS PR. COMMISSIONER OF INCOME TAX, DELHI - V, [ITA-890/2018]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Assessee's profit from the sale of 'Held To Maturity' (HTM) securities should be taxed as business income instead of capital gains. The conclusion that the Assessee failed to substantiate a claim for business loss on the conversion of capital assets to stock-in-trade was deemed unsustainable due to provided relevant details during assessment. The proceedings are remanded for reconsideration of the Assessee's claim for business loss on the HTM securities, without addressing other legal questions.

R P FOAM HOME (P) LTD. VS ASSISTANT COMMISSIONER OF INCOME TAX [W.P.(C)-13224/2018]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The income tax officer's decision to reopen the assessment for the 2011-12 Assessment Year under Section 147 of the Income Tax Act was upheld. Valid reasons were identified for believing that the petitioner's income from M/s JMD International had escaped assessment, as certain receipts were not fully taxed in the previous 2010-11 Assessment Year. This case involved an individual assessment rather than a batch matter.

RAGHAV GARG VS INCOME TAX OFFICER WARD 35 (1) DELHI [W.P.(C)-10070/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Assessing Officer issued a notice under Section 148 of the Income Tax Act for the assessment year 2020-2021, citing sufficient grounds to believe that the petitioner's income had escaped assessment. Information indicated that the petitioner availed supplies from two non-existent entities, totaling ₹1,09,50,285. Although the petitioner provided invoices, e-way bills, and bank statements, it failed to prove the creditworthiness or physical existence of the suppliers. The requirement at this stage is only to have reason to believe in the escape of income, not a conclusive determination, leading to the dismissal of the writ petition.

RELIGARE ENTERPRISES LTD (AS SUCCESSOR IN INTEREST OF RELIGARE SECURITIES LTD) VS NATIONAL FACELESS ASSESSMENT CENTRE & ANR. [W.P.(C)-5170/2023]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The National Faceless Assessment Centre (NFAC) lacked jurisdiction to issue a new assessment order after the Jurisdictional Assessing Officer (JAO) had complied with the Income Tax Appellate Tribunal's (ITAT) order from 04.02.2023. The ITAT had limited the disallowance under Section 14A of the Income Tax Act to ₹4,14,800, but the NFAC's order on 29.03.2023 imposed a higher disallowance. The assessment proceedings were concluded and could not be reopened without following specific provisions of the Act, such as Section 147. The NFAC's order was set aside.

RISHI BANSAL VS INCOME TAX OFFICER WARD 44(6) NEW DELHI [W.P.(C)-13882/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

An income tax assessment order and its reopening were set aside due to erroneous conclusions drawn by the tax officer regarding undisclosed income of Rs. 95.71 lakhs for the financial year 2016-17. It was determined that the petitioner only paid cash of Rs. 25.35 lakhs for a residential property. The matter was remanded for fresh reconsideration based on the available information and the petitioner's responses.

ROSE WOOD BUILDWELL PRIVATE LIMITED VS PR.COMMISSIONER OF INCOME TAX-7 & ORS. [W.P.(C)-6097/2021]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

Under the Direct Tax Vivad se Vishwas Act, 2020, the unit of settlement is the individual appeal, allowing the petitioner to limit the settlement to the issues of its own appeal (ITA No.5958/Del/2014) without addressing the issues from the Revenue's separate appeal (ITA No.5411/Del/2014). The DTVSV Act treats each appeal as a separate dispute, enabling the petitioner to settle only its own deemed appeal. A directive was issued for the respondents to provide a modified certificate under Section 5(1) of the DTVSV Act, reflecting the petitioner's declaration.

SANDEEP HOODA VS DEPUTY COMMISISIONER OF INCOME TAX, CIRCLE 22(2), DELHI & ANR. [ITA-450/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The taxpayer, Sandeep Hooda, was deemed ineligible for exemption under Section 54 of the Income Tax Act for capital gains from the sale of a residential property. It was established that he failed to construct a "residential house" with essential amenities such as a boundary wall, kitchen, bathroom, bedroom, electricity, and water connection within the required three-year period. The findings regarding these facts were not considered erroneous.

SANJAY SINGHAL VS ASSISTANT COMMISSIONER OF INCOME TAX, CENTRAL CIRCLE 15, DELHI [W.P.(C)-16459/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Revenue's argument that the time period for issuing a notice under Section 148 of the Income Tax Act is inapplicable was rejected. The order dated 24.09.2024 under Section 148A(3) and the notice under Section 148 for the assessment year 2015-16 were set aside due to non-compliance with the statutory time limit prescribed under Section 149(1), despite references to previous Supreme Court observations.

SATWANT SINGH SANGHERA VS THE ASSISTANT COMMISSIONER OF INCOME TAX & ANR. [W.P.(C)-13765/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The petition by Satwant Singh Sanghera resulted in the cancellation of a notice from the Income Tax authorities regarding an outstanding demand of R.S. 11,07,970/- plus interest for the assessment years 2009-10 and 2011-12. An earlier ruling established that the Revenue cannot recover TDS from employees when the employer has deducted but not deposited it. Necessary actions must be taken to process the refund of amounts already adjusted.

SAURABH BAHETY VS INCOME TAX OFFICER WARD 63(1), DELHI [W.P.(C)-14817/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The order rejecting the petitioner's application for immunity from penalty under Section 270AA of the Income Tax Act was set aside. The case did not appear to involve "under-reporting of income in consequence of mis-reporting," which would affect eligibility for immunity. The matter was remanded for reconsideration of the petitioner's request with an opportunity to be heard.

SEQUENTIAL TECHNOLOGY INTERNATIONAL INDIA PVT. LTD.(FORMERLY KNOWN AS OMNIGLOB INFORMATION TECHNOLOGIES(INDIA)PVT.LTD) VS ADDL. CIT, SPCL.RANGE-7, [ITA-34/2020]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Income Tax Appellate Tribunal incorrectly rejected the assessee's argument to exclude E4e Healthcare as a comparable entity for benchmarking IT-enabled services. The rejection was based on a misunderstanding regarding the reason for the objection, which was related to the unavailability of E4e Healthcare's annual report in the public domain, not employee cost concerns. Additionally, the functional dissimilarity of E4e Healthcare was not considered. The matter was sent back to the TPO for re-evaluation of E4e Healthcare's inclusion, with all parties' rights and contentions reserved.

SHRI PAWAN KUMAR JAGGI VS ACIT CENTRAL CIRCLE-25 NEW DELHI [ITA-2/2023]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The addition of R.S. 25,00,000 as undisclosed income was sustained based on the Assessee's joint foreign bank account with his wife at Barclays Bank, UK, as no material was provided to contradict earlier findings. The Assessee has been given an opportunity to produce the authenticated bank statement within 12 weeks; failure to do so will confirm the additions made by lower authorities.

SMT.ANU GUPTA VS INCOME TAX OFFICER WARD 54(1) DELHI [W.P.(C)-17203/2022]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The information with the Assessing Officer indicated that the petitioner's income for the assessment year 2015-16 had escaped assessment. The petitioner admitted to purchasing 4,800 shares of Aurobindo Pharma Ltd. for R.S. 56,04,000 in an off-market transaction linked to a scheme for providing accommodation entries and claiming exempt long-term capital gains under Section 10(38) of the Income Tax Act. Inadequate details regarding the purchase were provided, meeting the conditions for issuing a notice under Section 148 of the Act. The writ petition was dismissed.

STIC TRAVELS PRIVATE LIMITED VS UNION OF INDIA & ORS. [W.P.(C)-11480/2023]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

Adjudication proceedings against the petitioner under the Finance Act, 1994 were barred by limitation due to significant delays by the respondents. No action was taken after the last hearing on 21.10.2009 until the case was moved to the Call Book on 16.12.2015. In the absence of a specified timeline, adjudication proceedings must conclude within a reasonable period. The notice dated 21.08.2023 was set aside, and the respondents were restrained from proceeding with the initial show cause notice.

SURINDER SINGH AND ORS VS THE CHIEF COMMISSIONER OF CUSTOMS & ANR. [W.P.(C)-13658/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Chief Commissioner of Customs compounded the offence under Section 137(3) of the Customs Act, 1962 for the petitioners who illegally carried foreign currency, setting reasonable compounding fees. The fees were a small fraction of the currency involved. No infirmity was found in the order, and the petitioners were granted an additional 30 days to deposit the fees.

THE COMMISSIONER OF INCOME TAX - INTERNATIONAL TAXATION -2 VS MAVENIR UK HOLDINGS [ITA-504/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Income Tax Appellate Tribunal's decision to set aside the final assessment order under Sections 147 and 144 of the Income Tax Act, 1961, was upheld due to the order being issued beyond the prescribed period under Section 144C. The Assessing Officer's obligation to adhere to the one-month time limit under Section 144C(4) for passing the final assessment order was emphasized, despite the assessee's late objections within the 30-day period under Section 144C(2).

THE COMMISSIONER OF INCOME TAX - INTERNATIONAL TAXATION -3 VS ZEBRA TECHNBOLOGIES ASIA PACIFIC PET. LTD. [ITA-792/2023]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The decision of the Income Tax Appellate Tribunal (ITAT) was upheld regarding the assessment of Zebra Technologies Asia Pacific Pte. Ltd. under Section 263 of the Income Tax Act. The key issue was whether the company engaged in tax avoidance through treaty shopping, affecting its eligibility for benefits under the India-Singapore Double Taxation Avoidance Agreement (DTAA). The Commissioner of Income Tax (CIT) deemed the company a conduit with no commercial substance in Singapore, aimed at avoiding taxes in India. The ITAT pointed out that the company was not given a chance to counter the conduit allegations, a point that was supported in proceeding discussions.

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA VS CA SHRI SUBHAJIT SAHOO & ANR [CHAT.A.REF-2/2019]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The respondent CA was found guilty of professional misconduct for gross negligence in issuing Utilization Certificates without verifying expenditure claims. The punishment was modified to a severe reprimand instead of a one-year removal from the Register of Members, considering the lengthy proceedings and the absence of prior misconduct.

THE PR COMMISSIONER OF INCOME TAX-4 NEW DELHI VS M/S HESPERA REALTY PVT. LTD. [ITA-468/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Assessee is entitled to the exemption under Section 10(38) of the Income Tax Act, 1961 for Long Term Capital Gains (LTCG) of R.S. 2,47,52,73,951/-, despite these gains not being included in the calculation of book profits under Section 115JB. The decisions of the CIT(A) and ITAT in favor of the Assessee remain unchallenged. The legislative intent of the proviso to Section 10(38) supports the view that while LTCG exempt under this section must be included in book profits, the absence of such inclusion does not disqualify the Assessee from the exemption. This case involves a scheme of arrangement where five companies merged into the Assessee, generating LTCG from the sale of shares of India Bulls Housing Finance Limited by the merged companies.

THE PR. COMMISSIONER OF INCOME TAX -3 VS DHARAM RAJ CONSTRUCTION & INFRASTRUCTURE PRIVATE LIMITED [ITA-798/2019]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Income Tax Appellate Tribunal (ITAT) improperly relied on a previous restrictive interpretation of "belongs to" in Section 153C of the Income Tax Act. The Supreme Court clarified that the 2015 amendment replacing "belongs to" with "pertains to" is applicable retrospectively for searches conducted prior to the amendment. Consequently, the common order issued by the ITAT has been set aside, and the appeals are remanded for further consideration of the remaining grounds raised by the assessee in light of the Supreme Court's judgment.

THE PR. COMMISSIONER OF INCOME TAX -3 VS FLUOR DANIEL INDIA PVT. LTD. [ITA-665/2019]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Transfer Pricing Officer wrongly included Kitco Ltd., TCE Consulting Engineers Ltd., Project and Development India Ltd., and Mahindra Consulting Engineers Ltd. as comparables for benchmarking Fluor Daniel India Pvt. Ltd.'s international transactions. These companies were not functionally comparable to Fluor Daniel, which operates as a captive service provider in engineering and design services. Despite the broad tolerance of the Transactional Net Margin Method for functional dissimilarity, a similar broad functional profile among comparables is necessary. Consequently, these four companies were excluded from the comparables list.

THE PR. COMMISSIONER OF INCOME TAX -4 NEW DELHI VS M/S G-TEKT INDIA PVT. LTD [ITA-463/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The loss of Rs. 22.99 crores incurred by M/s G-Tekt India Pvt. Ltd. from transactions involving the purchase and sale of tools and dies for Honda Car India Ltd. was recognized as a genuine business loss. The disallowance of the loss by the Assessing Officer and Commissioner of Income Tax (Appeals) was based on suspicion rather than concrete evidence. The business decision to procure dies at its own cost to secure orders and to sell at a lower price due to negotiations with other vendors was deemed legitimate. The eventual profitability from HCIL in subsequent years further supported the assessee's position. The revenue's appeal lacked substantial questions of law.

THE PR. COMMISSIONER OF INCOME TAX -7 VS SABIC INDIA PVT LTD [ITA-514/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Income Tax Appellate Tribunal considered the Transactional Net Margin Method (TNMM) appropriate for determining the arm's length price of the assessee's international transactions, given that the Transfer Pricing Officer (TPO) did not provide reasons for rejecting it, despite its prior consistent use. The TPO failed to justify the selection of the "other method" under Rule 10B(1)(f) and did not adequately explain the rejection of other specified methods. Issues were identified with some comparable transactions used by the TPO, as they were dissimilar to the international transactions being benchmarked.

THE PR. COMMISSIONER OF INCOME TAX -CENTRAL -1 VS ANIL BHALLA [ITA-525/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Revenue's appeal against the ITAT's decision to delete the addition of ₹8,46,11,456/- under Section 68 of the Income Tax Act was dismissed. The issue was previously addressed in Commissioner of Income Tax v. Kabul Chawla, recently affirmed by the Supreme Court. The appeal was dismissed on both limitations and merits, with no substantial question of law identified.

THE PR. COMMISSIONER OF INCOME TAX -CENTRAL -1 VS NAVEEN INFRADEVELOPERS & ENGINEERS PVT. LTD. [ITA-524/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Income Tax Appellate Tribunal (ITAT) dismissed the Revenue's appeal against the Commissioner of Income Tax (Appeals) (CIT(A)), which had removed an addition of R.S. 65,40,00,000 made by the Assessing Officer (AO) under Section 68 of the Income Tax Act, 1961. The AO's ability to make additions beyond the grounds for re-assessment was addressed in prior decisions that supported the assessee. No substantial questions of law emerged from this appeal.

THE PR. COMMISSIONER OF INCOME TAX -CENTRAL -1 VS SAHARA INDIA FINANCIAL CORPORATION LTD. [ITA-527/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

Disallowance of expenditure under Section 14A of the Income Tax Act does not apply when the assessee has no exempt income for the assessment year. The deletion of an addition of ₹6,13,17,433/- related to Section 14A disallowance was affirmed. The explanatory amendment to Section 14A introduced by the Finance Act, 2022 does not apply retrospectively to the 2016-17 assessment year. No substantial question of law was identified.

THE PR. COMMISSIONER OF INCOME TAX-3 VS ESYS INFORMATION TECHNOLOGIES LTD [ITA-898/2018]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The appeal by the Principal Commissioner of Income Tax-3 was dismissed. The first issue regarding the treatment of the Foreign Associate Enterprise (Foreign AE) as a tested party for Arm's Length Price (ALP) determination did not arise, as the Foreign AE was not included as a tested party. On the second issue, the decision upholding the claim for depreciation on R.S. 34,63,450 paid over the value of assets acquired from Nebula Technologies Pvt. Ltd. was agreed upon, as this amount represented an intangible asset (goodwill) eligible for depreciation, supported by precedent affirming goodwill as an intangible asset.

THE PR. COMMISSIONER OF INCOME TAX-3 VS ESYS INFORMATION TECHNOLOGIES LTD [ITA-877/2018]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The decision of the Income Tax Appellate Tribunal (ITAT) to reject the Revenue's appeal for the assessment year 2005-06 was upheld. The ITAT aligned its decision with a previous ruling for the assessment year 2004-05, noting that the Revenue's arguments for 2005-06 mirrored those from the earlier year. No significant factual differences justified a different conclusion, leading to the dismissal of the appeal and the absence of a substantial question of law.

THE PRO COMMISSIONER OF INCOME TAX-6 VS NUCLEUS STEEL PVT. LTD. [ITA-978/2018]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Income Tax Appellate Tribunal confirmed the deletion of an addition under Section 68 of the Income Tax Act for R.S. 67.50 crores credited to Nucleus Steel Pvt. Ltd. The assessee satisfactorily explained the credit as an advance from Unitech Ltd. for land sale, with Unitech demonstrating creditworthiness. Despite irregular documentation regarding the agreement's stamp paper date, this flaw did not invalidate the explanation. Lower appellate authorities found the explanation satisfactory, leading to the dismissal of the Revenue's appeal.

VIVEK KUMAR VS INCOME TAX OFFICER & ANR. [W.P.(C)-14429/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The assessing officer issued an order under Section 148A(d) of the Income Tax Act, 1961 without considering the petitioner's reply, justifying the order's invalidation. The matter was remanded for the assessing officer to reassess the reply and issue a reasoned order. Additionally, the petitioner's challenge regarding the assessing officer's jurisdiction following a Central Board of Direct Taxes notification is currently under consideration in related matters. Proceedings for the assessment year 2018-19 will continue, pending decisions on jurisdiction in the separate cases.

VIVO MOBILE INDIA PRIVATE LIMITED VS CUSTOMS AUTHORITY FOR ADVANCE RULINGS & ANR. [CUSAA-24/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The "Integrated Circuit Micro Electro Mechanical System Microphones" imported by the appellant are classified under Customs Tariff Heading (CTH) 8518 as "Microphones and stands therefor," rather than CTH 8542 as an "Electronic Integrated Circuit." The product, which converts sound signals into electrical signals, retains its primary identity and function as a microphone despite containing MEMS sensor and ASIC components. The argument for classification as an "Electronic Integrated Circuit" was rejected based on Explanatory Notes to the Harmonized System of Nomenclature, which exclude standalone integrated circuits from the definition of "Multi-component Integrated Circuits." The product qualifies as a complete and tradable microphone unit, warranting classification under the specific heading CTH 8518.

AMBIENCE FARMS PRIVATE LIMITED VS ASSISTANT COMMISSIONER OF INCOME TAX & ANR. [W.P.(C)-13788/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Assistant Commissioner of Income Tax/Deputy Commissioner of Income Tax (International Taxation), Circle-1(1)(1), Delhi had the authority to issue a notice under Section 143(2) of the Income Tax Act, 1961, as authorized by the Central Board of Direct Taxes. Notices issued under Section 142(1) were within the limitation period due to the validity of the Section 143(2) notice. The jurisdiction of the Assessing Officer to complete the assessment was not addressed, as it was not included in the petition.

MAJESTIC HANDICRAFT PRIVATE LIMITED VS DY. COMMISSIONER OF INCOME TAX CIRCLE -16(1) NEW DELHI [W.P.(C)-15876/2024]

Judges: Justice Swarana Kanta Sharma, Justice Vibhu Bakhru

The Assessing Officer's decision to reopen the petitioner's assessment for the 2018-19 tax year under Section 148 of the Income Tax Act was upheld. Valid reasons were found for believing the petitioner's income had escaped assessment, based on information indicating that the petitioner's suppliers, Balaji Enterprises and Dev Sales Corporation, were potentially non-genuine and that their bank accounts showed signs of accommodation entries. At the notice issuance stage under Section 148A, a reasonable opinion regarding escaped assessment was sufficient, supported by the material at hand. The petitioner's claims will be addressed in later reassessment proceedings.

BALDEV GUJELA, VS CENTRAL RESERVE POLICE FORCE AND ORS [W.P.(C)-7128/2024]

Judges: Justice Tara Vitasta Ganju, Justice V. Kameswar Rao

The dismissal order against a CRPF constable for 391 days of unauthorized absence was upheld. The departmental inquiry was conducted properly, with the petitioner not participating or contesting the findings. The petitioner also did not appeal the dismissal. Given the serious misconduct and lack of cooperation, the dismissal order remained intact.

AIRORTS AUTHORITY OF INDIA VS M/S KHURANA ENGINEERING LTD [FAO (COMM)-17/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by the Airports Authority of India (AAI) against an arbitral award in favor of M/s M.S. Khurana Engineering Ltd. (MKEL) was dismissed. The project commencement date was established as 26.03.2016 when the site was handed over to MKEL, rather than 04.10.2015 as AAI claimed. AAI's argument that MKEL could not claim escalation under certain contract clauses was rejected, as the clauses in question were deemed distinct. Additionally, MKEL's claims were found to be timely, having been raised prior to the final bill submission. The Arbitral Tribunal's decision was upheld, with no evidence of patent illegality found in the award.

AJAY KUMAR BHALLA & ORS. VS PRAKASH KUMAR DIXIT [LPA-157/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal against the order from contempt proceedings is not maintainable. The scope of directions from an earlier judgment was examined, confirming that the learned Single Judge's observations pertained only to allegations of willful disobedience. The argument that additional issues were decided beyond the contempt context was rejected. The Contempt of Courts Act, 1971 is a self-contained code, and the statutory remedy of appeal under Section 19 cannot be extended through Letters Patent Appeal. The appeal was dismissed as not maintainable.

AKTIVORTHO PRIVATE LIMITED EARLIER KNOWN AS M/S INTERNATIONAL ORTHOPEDIC REHABILITATION AND PREVENTION INDIA PRIVATE LIMITED VS DILBAGH SINGH SACHDEVA AND OTHERS [FAO (COMM)-67/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by Aktivortho Private Limited regarding an arbitral award in a landlord-tenant dispute was dismissed. The Sole Arbitrator determined that the lessee prematurely terminated the lease, but the lessors also failed to meet their obligations. The lessee was ordered to pay rent for March to May 2017 and six months' rent for the lock-in period, rather than for the entire remaining lock-in period. The counter-claim for the refund of the security deposit with interest and damages was rejected. The findings were deemed reasonable after considering the evidence.

ALAKNANDA STEEL THROUGH ITS PROPRIETOR MR.RAJESH GARG VS COMMISSIONER OF DELHI GOODS AND SERVICES TAX AND ANR [W.P.(C)-11307/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The cancellation of the petitioner's GST registration with retrospective effect from 01.07.2017 violated the principles of natural justice. The show cause notice was cryptic and lacked sufficient details about the allegations. The petitioner did not receive an opportunity to be heard, as no date or time for the personal hearing was communicated. The cancellation order is considered to be effective prospectively from 09.06.2023, the date of the show cause notice. Authorities may initiate proceedings for statutory violations or cancellation of GST registration with retrospective effect, following legal requirements.

AMAR NATH GUPTA VS UNION OF INDIA & ORS. [LPA-584/2022]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appellant is entitled to pension under the pension scheme rather than the contributory provident fund (CPF) scheme since his option to switch to the CPF scheme after the cut-off date was invalid. Communications regarding his entitlement to the pension scheme were made, but no action was taken, and recovery of CPF payments with interest occurred. The appellant is to receive interest on pension arrears at 6% per annum from the date of superannuation. This case shares similarities with the 'N.C. Bakshi batch' addressed in the Shashi Kiran judgment.

AMBA SHAKTI STEELS LTD. VS SEQUENCE FERRO PRIVATE LIMITED [FAO (COMM)-41/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

Amba Shakti Steels Ltd. successfully appealed against the dismissal of its application for an interim injunction. There was a prima facie case of trademark infringement, with the respondent's trademark 'AMMAJI' deemed deceptively similar to the appellant's registered trademark 'AMBA', likely causing consumer confusion. The balance of convenience favored the appellant due to its significantly higher turnover. An interim injunction was granted, restraining the use of 'AMMAJI' or any similar marks by the respondent until the suit's conclusion.

ANAND PRAKASH VS STATE AND ANR [W.P.(C)-3536/2014]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The acquisition of the petitioner's land has not lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Possession of the land was taken on 12.09.2007, despite the full compensation not being paid. Both conditions required under Section 24(2)—possession not taken and compensation not paid—were not met cumulatively, leading to the dismissal of the petitioner's claim. Discrepancies in compensation figures were noted, but further examination was deemed unnecessary due to the possession status.

ANIL SHARMA & ORS VS GENESIS FINANCE CO LTD & ORS [RFA(OS)(COMM)-39/2019]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The plaintiff's claim was upheld against the appellants, with the appellants' defenses deemed without merit. The Loan Agreement and Settlement Agreement were acknowledged as valid, while claims of deception and duress were considered insubstantial. A Preliminary Decree was issued for recovery of ₹2,03,00,000 with interest at 24% per annum from the Settlement Agreement date until the suit's filing, and 18% per annum thereafter until realization. Costs were also awarded to the plaintiff.

ASHOK KUMAR. VS UNION OF INDIA AND ORS [W.P.(C)-12043/2015]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

Land acquisition proceedings under the Land Acquisition Act, 1894 have lapsed for the subject land as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Compensation was not paid to the petitioner, and possession was not taken by the Land Acquisition Collector. Arguments stating that possession could not be taken due to a stay order were rejected, as the stay had been vacated before the scheduled possession date.

ASIF ALI KHAN VS MANOJ KUMAR [FAO (COMM)-42/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The dispute was not classified as a "commercial dispute" under the Commercial Courts Act, 2015, as the flat was determined to be a residential property based on the Agreement to Sell. Arguments for interpreting the Collaboration Agreement and the Agreement to Sell together were rejected. The Agreement to Sell was recognized as a contract for the sale of a residential flat, not a construction contract.

ATUL RAHEJA AND ANR. VS UNION OF INDIA AND ORS. [W.P.(C)-11818/2018]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The petition challenging the notification for land acquisition under the National Highways Act, 1956 and the compensation determination was dismissed. The grievance regarding land classification could be addressed by the arbitrator under Section 3G(5) of the Act. The argument that the acquisition was not for building a national highway was rejected based on a subsequent notification.

AVINASH SACHDEVA (PROP) M/S DIMPLE LODGE VS MAHANAGAR TELEPHONE NIGAM LTD.(MTNL) [FAO (COMM)-62/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appellant's scope of work under the agreement with MTNL included verification of customer application forms (CAFs), making the appellant liable to indemnify MTNL for penalties imposed by the Department of Telecom (DoT) related to non-compliant CAFs. The award from the Arbitral Tribunal partially allowed the appellant's claim for incentive payments while largely accepting MTNL's counterclaim for damages due to the DoT penalty. The decision upheld the validity of the Tribunal's findings.

BALBIR SINGH VS MUNICIPAL CORPORATION OF DELHI [W.P.(C)-5419/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The petitioner's entitlement to mutation or allotment of the claimed tehbazari site cannot be determined at this stage, as allotments will follow a yet-to-be-formulated vending plan under the Street Vendors Act. The petitioner's representation will be considered by the future Town Vending Committee-II, and in the interim, the petitioner can participate in the survey and submit documentation to support his claim.

BAUSCH AND LOMB INDIA PRIVATE LIMITED VS ASSESSMENT UNIT, NATIONAL FACELESS ASSESSMENT CENTRE, DELHI [W.P.(C)-5768/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The assessment order was set aside due to a violation of natural justice principles. The Assessing Officer relied solely on CBIC information, which lacked details about specific imports or purchases allegedly concealed by the assessee, preventing any meaningful response. There was no material to identify specific expenditure for an addition under Section 69C of the Income Tax Act, 1961. The matter was remanded for a fresh decision, requiring the provision of necessary details to the assessee for explanation.

BRAHMAPUTRA CRACKER AND POLYMER LTD. VS RAJSHEKHAR CONSTRUCTION PVT. LTD. [FAO(OS) (COMM)-57/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal to set aside an arbitral award was dismissed due to the initial filing being non-existent because it lacked essential documents, including a copy of the award and an affidavit. The argument for exclusion of the closure period during vacations from the limitation period was rejected based on precedent. No issues were identified with the original decision.

CANARA BANK VS IRIS COMPUTERS LTD AND ANR [RFA(OS)(COMM)-5/2021]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by Canara Bank against a judgment in favor of IRIS Computers Ltd was dismissed due to an unpersuasive explanation for a 767-day delay in filing. Emphasis was placed on the necessity for timely resolution of commercial matters as mandated by the Commercial Courts Act, 2015, leading to the rejection of the application for condonation of delay.

CASA 2 STAYS PVT. LTD. VS COMFIA ECOM PRIVATE LTD. [RFA(COMM)-187/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The judgment favored Comfia Ecom Private Limited in a commercial dispute with Casa 2 Stays Private Limited. A ledger account indicated an outstanding balance of ₹5,91,906 owed by the defendant. The argument of advance payment was rejected, as the account showed a credit balance after including that invoice. Comfia Ecom's claim for pre-suit interest at 18% per annum under the MSMED Act was accepted, with no contest regarding its status as a medium or small enterprise.

CHACHA NEHRU BAL CHIKITSALAYA, DELHI VS M/S INDUCTION CORPORATE SOLUTIONS PVT LTD [FAO (COMM)-206/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appellant's application to set aside an arbitral award was not barred by limitation, as previous petitions returned by the Commercial Court should not count towards the limitation period. The period spent on those petitions and mediation was excluded. The Commercial Court in East District, Karkardooma had jurisdiction to entertain the application since the agreed seat of arbitration was Delhi. The impugned order was set aside, and the appellant was directed to seek orders for refiling the petition before the Commercial Court.

CHASVINDER SINGH VS M/S SWISS AUTO PVT LTD & ORS [FAO(OS) (COMM)-311/2018]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

Chasvinder Singh, the registered proprietor of the "SAP SWISS" trademark, successfully appealed against an order that restricted his use of the trademark for certain products. It was concluded that the previous evaluation of a claimed Family Settlement did not establish that his brother, Esvinder Singh, had the right to use the trademarks. Evidence from past license agreements indicated no definitive agreement was reached, thus Esvinder did not gain any exclusive rights. The order restraining Chasvinder from using his registered trademarks was set aside.

CHENNAI - ENNORE PORT ROAD COMPANY LTD VS M/S COASTAL - SPL (JV) [FAO(OS) (COMM)-284/2019]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Arbitral Tribunal's interpretation of Clause 70 of COPA regarding price adjustment was deemed reasonable. For Claim No. 2, it was established that base rates in the Bill of Quantities (BoQ) should be used for price adjustments, excluding any contractor rebates. In Claim No. 6, it was clarified that the First Supplementary Agreement did not prevent claims for work already executed beyond the original completion date. The appeal was dismissed without grounds for interference with the arbitral award.

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH THROUGH THE INDIAN INSTITUTE OF PETROLEUM VS M/S ECOCARE BIOLUBE INDIA PRIVATE LIMITED [FAO(OS) (COMM)-89/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by the Council of Scientific and Industrial Research against an arbitral award was dismissed. The initial application filed on 05.09.2019 was deemed non-existent due to various defects, making the subsequent application filed on 23.11.2019 the first valid application. This second application was filed beyond the allowable limitation period under Section 34(3) of the Arbitration and Conciliation Act, 1996, and the delay in filing could not be condoned.

CP CENTURY HARDWARE PVT. LTD. VS M/S. SKYWOOD INTERIOR SOLUTIONS [FAO (COMM)-227/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The order of the Commercial Court regarding the lack of territorial jurisdiction in the trademark infringement and passing off suit by CP Century Hardware Pvt. Ltd. against M/S. Skywood Interior Solutions was set aside. The assertions in the plaint about the appellant's office being within the jurisdiction and the cause of action arising there were deemed correct. The suit was restored for further proceedings as of 26.09.2023.

CRYSTAL CROP PROTECTION LIMITED VS RANGA KRISHNA MURTHY [FAO (COMM)-2/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Commercial Court erred in concluding it lacked territorial jurisdiction over the suit filed by Crystal Crop Protection Limited against Ranga Krishna Murthy. The appellant sufficiently demonstrated that key discussions and negotiations for goods occurred at its Delhi office, including the execution of the Customer Appointment Form. Consequently, part of the cause of action arose within the jurisdiction of the Delhi High Court. The impugned order was set aside, with a directive for further proceedings in the Commercial Court, without expressing any opinion on the merits of the case.

DELHI DEVELOPMENT AUTHORITY VS KIRAN KAUR & ORS. [LPA-325/2020]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Delhi Development Authority (DDA) was found unjustified in withholding an excess amount of Rs. 39,82,000 from respondents for a plot allotment, despite a prior order for refund. The DDA's claim of fraud was dismissed due to the absence of legal action against the respondents. It was noted that as a statutory body, the DDA must return any excess payments received and cannot withhold funds arbitrarily. The amount will be released to the respondents along with accrued interest.

DELHI SKILLS MISSION SOCIETY VS SAMUEL FOUNDATION CHARITABLE INDIA TRUST [FAO (COMM)-73/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

An arbitral award in favor of Samuel Foundation Charitable India Trust for training costs under a skill development program was upheld. The Arbitral Tribunal determined that despite issues with the biometric attendance system, manual attendance records were maintained, and trainees completed their assessments, thereby justifying the training costs. The reasoning was found to be plausible, leading to the dismissal of the appellant's challenge to the award.

DELHI SOCIETY FOR PREVENTION OF CURELTY TO ANIMALS (DSPCA) VS JOINT LABOUR COMMISSIONER & ORS [LPA-32/2020]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

Proceedings initiated by the Workmen under Section 33C(1) of the Industrial Disputes Act, 1947 to recover amounts payable as per an earlier award are maintainable. There is no dispute on the quantum of the amount, requiring only verification. The Joint Labour Commissioner must re-examine the calculation due to ambiguities in the material presented. A show-cause notice was set aside for this purpose, without implying it was erroneous. Four Workmen have expired, and the Joint Labour Commissioner is requested to conclude the proceedings expeditiously.

DELHI STATE INDUSTRIAL INFRASTRUCTURE DEVELOPMENT & CORPORATION LTD VS M/S PNC DELHI INDUSTRIAL INFRA PVT LTD [FAO(OS) (COMM)-107/2019]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Annuity Commencement Date was established as 31.10.2013, coinciding with the issuance of the Provisional Completion Certificate, making DSIIDC responsible for annuity payments from that date. The claim for maintenance charges from 01.11.2013 to 13.03.2014 was partially allowed. An award of R.S. 1,28,17,360 for loss due to the bank's failure to reduce the interest rate was set aside, deemed remote and not foreseeable at the time of the Concession Agreement. The remaining portions of the award were upheld.

DHARAMVIR & COMPANY VS DELHI DEVELOPMENT AUTHORITY & ANR. [FAO (COMM)-115/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The order from 07.04.2019 by the first arbitrator was deemed a procedural order, not establishing binding findings that prevented the substituted arbitral tribunal from rejecting the appellant's claim for Rs. 20,22,082/-. Although the delay in work completion was attributed to the respondent, the appellant's claim was dismissed due to failure to plead and prove actual losses resulting from the delay. The decision by the arbitral tribunal complied with the provisions of the Arbitration and Conciliation Act, 1996.

FLOVEL HYDRO TECHNOLOGIES PVT LTD & ANR VS MECAMIDI S A [FAO(OS) (COMM)-202/2019]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

Mecamidi breached its obligations under the joint venture agreement by not making the required investment. The lower court's partial allowance of Mecamidi's challenge to the arbitral award was set aside. The arbitral tribunal's award of damages to Flovel was consistent with public policy under the Arbitration Act, and the tribunal's findings were within its jurisdiction. The rejection of Mecamidi's counter-claims was upheld based on the tribunal's evaluation of evidence. Flovel's appeal was allowed, and Mecamidi's appeal was dismissed.

FREEBIT AS VS EXOTIC MILE PRIVATE LIMTED [FAO(OS) (COMM)-15/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

Freebit AS's application for interim relief against Exotic Mile Pvt Ltd for patent infringement was dismissed. Evidence showed Freebit misrepresented the status of its patent applications in other jurisdictions, which precluded equitable relief. Moreover, Exotic Mile raised a credible challenge to the validity of Freebit's patent, supported by international court decisions invalidating similar patents. Consequently, the appeal by Freebit was dismissed.

GAIL GAS LIMITED VS M/S OKAY GLASS INDUSTRIES PRIVATE LIMITED [FAO(OS) (COMM)-84/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The decision upheld the Arbitral Tribunal's rejection of GAIL Gas Limited's counterclaim for tampering charges against M/s OKAY Glass Industries Private Ltd. GAIL Gas Limited did not prove that the respondent tampered with the turbine flow meter used for measuring natural gas supply. The assessment of evidence by the Arbitral Tribunal was deemed reasonable, making it impermissible to re-evaluate the findings. The case was comparable to a prior decision involving GAIL Gas Limited, where a challenge to an arbitral award was also rejected.

GLOBAL VECTRA HELICORP LIMITED VS ASSESSMENT UNIT, NATIONAL FACELESS ASSESSMENT CENTRE, DELHI [W.P.(C)-5912/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The assessment order against Global Vectra Helicorp Limited under the Income Tax Act was set aside due to lack of a reasonable opportunity for the petitioner to be heard, despite a request for a personal hearing via video conferencing. The matter is to be reconsidered by the Assessing Officer, ensuring the petitioner receives a chance to present their case through the requested medium.

GTZ INDIA PVT. LTD. VS ARTEK SURFINS CHEMICALS LTD. & ANR. [FAO (COMM)-60/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

Respondents established their rights over the alpha numerals as part of their registered trademarks. Arguments by GTZ regarding the commonality of the alpha numerals and the "proposed to use" status of trademark applications were rejected. Respondents were identified as prior users of the alpha numerals, which have acquired secondary meaning as source identifiers. GTZ's use of the same alpha numerals lacked reasonable explanation and constituted infringement and passing off. The decision to grant interim relief to the respondents was upheld without grounds for interference.

GUANGDONG OPPO MOBILE TELECOMMUNICATIONS CORP. LTD. & ORS. VS INTERDIGITAL TECHNOLGY CORP. & ORS. [FAO(OS) (COMM)-47/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

Defendants are not liable for the non-compliance of HSBC India and HSBC Paris with court directions, as these entities operate independently. The Global Bank Guarantees provided by defendants adequately secured plaintiffs' interests as per their counter offers. An offer for an unconditional bank guarantee from an Indian bank should have been accepted rather than a court deposit. Directions for HSBC India to appear were incorrect, as it was not involved in the Global Bank Guarantees. Pro tem orders should protect rather than penalize, maintaining defendants' position according to consent terms. Defendants are required to present an unconditional bank guarantee from an Indian public bank, covering 18.7% of the last counter offer plus 6% for interest, within 8 weeks; failure to do so will necessitate a deposit with the court registry.

GULJIT SINGH CHOPRA VS M/S FRENCH LEATHER FACTORY [RFA(COMM)-36/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Commercial Court decreed the suit against Guljit Singh Chopra, finding no merit in his defense regarding alleged defects in goods supplied by French Leather Factory, as there was no supporting documentary evidence and no effort to return the goods. Chopra's claim that the purchase order was made by another firm was dismissed, as he had admitted to placing the order in his written statement. The appeal and all pending applications were dismissed.

HERO FINCORP LTD VS M/S VIGYAN CHEMICALS PVT LTD & ORS [FAO(OS) (COMM)-287/2018]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by Hero Fincorp Ltd was dismissed, upholding the Arbitral Tribunal's decision that Mr. Ayush Jain was not liable as a guarantor for the loan. The Tribunal concluded that Hero Fincorp Ltd failed to prove Mr. Jain executed the Deed of Guarantee, as his signature was disputed and he was not confronted with it during cross-examination. Additionally, it was noted that Hero Fincorp Ltd did not evaluate the financial capacity of the guarantors before accepting their guarantees, which is considered prudent practice for lenders. The findings on factual issues, including evidence assessment, are not subject to merits review under Section 34 of the Arbitration and Conciliation Act.

HOTEL CORPORATION OF INDIA LTD. VS INDUS TOWERS LIMITED [FAO(OS) (COMM)-77/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

ITL is entitled to remove its mobile towers and equipment from HCIL's premises, as the license agreements do not grant HCIL the right to expropriate ITL's assets or prevent their removal. The appointment of an arbitrator to resolve disputes between the parties is upheld, and ITL is directed to begin dismantling and removing the equipment within 10 days, with HCIL ordered not to impede the process. The appointment of the arbitrator does not prevent the parties from seeking an amicable resolution.

IFFCO-TOKIO GENERAL INSURANCE CO. LTD. VS MR. SARDUL SINGH [RFA(COMM)-23/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Commercial Court's decision in favor of Mr. Sardul Singh for his insurance claim against IFFCO-Tokio General Insurance Co. Ltd. was upheld. The driver's temporary absence to seek water for an overheating truck was not deemed a "fundamental breach" of the insurance policy conditions. The insurer could not demonstrate negligence on the part of the respondent. The award included the insured value of the truck along with pre-suit and future interest, leading to the dismissal of IFFCO-Tokio's appeal.

INDIA INTERNATIONAL CENTRE VS MS. HEMA GUSAIN & ORS. & ORS. [FAO(OS)-104/2022]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by the India International Centre (IIC) against the rejection of its application to dismiss Hema Gusain's plaint was dismissed. A prima facie reading of the plaint shows a valid cause of action for damages due to wrongful termination of employment. The argument that the plaint was barred by res judicata or Order XXIII was rejected, as the causes of action in HEMA's prior suits were distinct. It was not found that the plaint lacked a cause of action or was barred by law. The dismissal does not address the merits of the ongoing dispute.

INTERNATIONAL BREWERIES PVT LTD VS KALPANA INTERNATIONAL BREWERIES LTD [FAO(OS) (COMM)-15/2019]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Arbitral Award directed the Appellant to refund a portion of the franchise fee and pay the admitted amount owed to the Respondent. The Arbitrator's interpretation of the contractual terms was deemed plausible, and the Respondent's claims were found to be within limitation due to the Appellant's acknowledgments. The Appellant's counter-claim was rejected based on the Arbitrator's factual findings supported by the evidence. Interference with the Arbitral Award was declined on grounds of not re-appreciating evidence.

JABIR HUSSAIN TRADING AS M/S HAKEEM HOTEL VS ALI ASGAR TRADING AS M/S. HAKEEM RESTAURANT [RFA(COMM)-88/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal was allowed, and the order returning the appellant's plaint was set aside. Territorial jurisdiction of the Commercial Court was established based on the appellant's apprehension regarding the respondent potentially opening a restaurant franchise within the jurisdiction. For determining jurisdiction under Order VII Rule 10 of the Code of Civil Procedure, only the averments in the plaint were considered without examining the respondent's defenses. The suit was restored for further proceedings in the Commercial Court.

JAI SINGH VS LT.GOVR. & ORS [W.P.(C)-2758/1987]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The discharge orders from 1988 and 2001 were deemed valid due to the petitioner's failure to disclose all relevant facts regarding the subject land. The petitioner did not file objections under Section 5A of the Land Acquisition Act and thus could not invoke benefits from the Balak Ram Gupta judgments that quashed acquisition proceedings for certain villages. Reliance was placed on a Supreme Court judgment stating that those who do not file Section 5A objections cannot claim benefits from quashing judgments. The petitioner's application was deemed misconceived, and costs of Rs. 25,000 were ordered to be paid to the Delhi High Court Legal Services Committee.

JAIBHAGWAN VS SRIRAM FERTILILZERS AND CHEMICALS & ANR. [FAO (COMM)-86/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The disputes between the appellant and respondent no. 1 are covered by the arbitration agreement. The presence of respondent no. 2 does not obstruct referral to arbitration as the claims against the two respondents are distinct. The appellant can pursue a separate action against respondent no. 2 if it is otherwise valid.

JOGINDER PAL KAUR AND ANR VS UNION OF INDIA AND ORS [W.P.(C)-687/2016]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The petition challenging land acquisition under the Land Acquisition Act, 1894 was dismissed on the grounds that the acquisition did not lapse under Section 24(2) of the 2013 Act. The respondent confirmed that possession of the land had been taken, countering the petitioners' claims of non-payment of compensation as a basis for lapse. Both conditions of possession not taken and compensation not paid must be met for an acquisition to lapse. Possession was confirmed, leading to dismissal of the petition, while allowing petitioners to pursue enhanced compensation through other legal remedies.

KAILASH CHAND GIAN CHAND JAIN VS UNION OF INDIA THROUGH MINISTRY OF RAILWAYS (NORTHERN) [FAO(OS) (COMM)-300/2022]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The application to set aside the arbitral award filed on June 1, 2022, is not considered non-existent due to the absence of a statement of truth. The application is deemed comprehensive and capable of adjudication, with the non-filing regarded as a curable defect. The prior dismissal of the application as barred by limitation has been overturned, allowing the case to be reviewed based on the merits of the delay in re-filing.

KAMDHENU DREAMZ & ANR. VS M/S DINA IRON AND STEEL LIMITED [FAO (COMM)-250/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal against the order returning the plaint for lack of territorial jurisdiction was allowed. The Commercial Court erred by considering the respondent's pleadings instead of focusing solely on the appellants' plaint. The evaluation for determining jurisdiction under Order VII Rule 10 differs from the considerations under Order XXXIX for interim relief. The prior order was set aside, and the respondent's application under Order XXXIX Rule 4 was reinstated for further proceedings in the Commercial Court.

KARAM CHAND THAPAR & BROS CS LTD VS NATIONAL HYDROELECTRIC POWER CORPORATION LTD [FAO(OS) (COMM)-340/2019]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appellant's claims were not barred by limitation, as the cause of action arose on 04.09.1995 when the appellant quantified its claims and NHPC failed to respond. NHPC's argument that the claims were barred from the date of floods on 10.09.1992 was rejected since the final bill had not been prepared and the contract was ongoing. NHPC's challenge to the interim award on the limitation issue was considered time-barred due to not being raised within the prescribed period. The impugned judgment was set aside, and the appeal was allowed.

KASHMIR HARVARD EDUCATIONAL INSTITUTE VS PRESIDENT AND FELLOWS OF HARVARD COLLEGE [FAO(OS) (COMM)-75/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by the Kashmir Harvard Educational Institute against an arbitral award in favor of the President and Fellows of Harvard College was dismissed. The complainant established rights in the 'HARVARD' trademark, and the appellant's use of the domain name <www.kashmirharvard.edu.in> was deemed likely to cause confusion and demonstrated bad faith. Arguments regarding violations of natural justice, the maintainability of the complaint under the INDRP, and conflicts with Indian public policy were rejected.

KULBHUSHAN SACHDEV VS ICICI BANK LIMITED & ANR. [RFA(COMM)-288/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

ICICI Bank's judgment and decree in a suit against Kulbhushan Sachdev was upheld. The suit was not barred by limitation, with the cause of action arising from a Loan Recall Notice issued on 20.02.2021. The application to implead Sachdev was timely, as the relevant limitation period was adjusted according to the Supreme Court's order. The claim of an excess amount by the bank was unsupported by the appellant's assertions, with the bank's statement of account validating its claims. Kulbhushan Sachdev was identified as a co-borrower, not a guarantor, thus establishing his liability for the loan amount.

LIBRA ASSOCIATES VS DABUR INDIA LIMITED [FAO (COMM)-255/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by Libra Associates was allowed, reversing the Commercial Court's rejection of the application for condonation of delay in filing a petition under Section 34 of the Arbitration and Conciliation Act, 1996. The delay was deemed reasonable due to the time taken to obtain a second legal opinion and heavy rainfall in Delhi. It was clarified that the limitation period under Section 34(3) is three calendar months, not ninety days. The order of the Commercial Court was set aside, and the petition was restored for consideration on its merits.

LOREAL INDIA PVT LTD VS RAJESH KUMAR TANEJA TRADING AS INNOVATIVE DERMA CARE AND ANR [RFA(OS)(IPD)-2/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal to cancel the trademark "CLARIWASH" was rejected due to insufficient evidence that it was identical or deceptively similar to the appellant's trademarks, such as CLARI-FI and CLARIMOIST. The trademarks were deemed not deceptively similar based on the whole mark, not individual components. At the time of the application, the appellant did not establish a family of CLARI formative trademarks, and the respondent's use of CLARIWASH seemed to predate the appellant's adoption of its marks.

M/S ALMASS INDIA VS MUNICIPAL CORPORATION OF DELHI & ANR. [RFA(OS)(COMM)-7/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by M/s Almass India, an unregistered partnership firm, against the order rejecting its suit for recovery was dismissed. The suit was deemed not maintainable under Section 69(2) of the Indian Partnership Act because it was based on a contract entered into by the firm. The argument that the suit was based on common law rather than the contract was found to have no merit.

M/S DEWAN CHAND VS KRISHAK BHARATI COOPERATIVE LIMITED (KRIBHCO) [FAO(OS) (COMM)-312/2018]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by M/S Dewan Chand against the arbitral award was dismissed. The claim for interest on retention money was rejected, as the retention was to be released only upon completion of delayed works. The decision of the Arbitral Tribunal was based on sound reasoning and did not exhibit any patent illegality.

M/S EARTHCON CONSTRUCTIONS PVT. LTD. VS M/S MAHAMAYA INFRABUILD PVT. LTD. [FAO(OS) (COMM)-98/2019]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

ECPL's application to set aside the consent award under Section 34 of the Arbitration and Conciliation Act was not maintainable. The time spent on previous petitions under Sections 11, 14, and 15 could not be excluded as they did not seek the same relief. ECPL's pursuit of these petitions lacked bona fides and due diligence, especially after entering into a settlement agreement. Even when excluding the 141 days, the Section 34 application remained barred by limitation. The appeal and application were dismissed, with costs of R.S. 1,00,000 awarded to MIPL.

M/S EXOTIC BUILDCON PVT LTD VS M/S MEDORS BIOTECH PVT LTD THROUGH ITS DIRECTOR SH. R. C. SHARMA [FAO (COMM)-40/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal against the arbitral award was dismissed, as the respondent company's name being struck off from the Register of Companies did not invalidate the award, given that proceedings started prior to the strike-off and the company could seek restoration. However, a calculation error in the awarded amount was acknowledged, resulting in a reduction of that amount.

M/S FINE GREEN CONSTRUCTIONS PVT. LTD VS RAIL LAND DEVELOPMENT AUTHORITY & ORS. [FAO(OS) (COMM)-112/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by M/s Fine Green Constructions Pvt. Ltd. against the rejection of its application under Section 9 of the Arbitration and Conciliation Act, 1996 was dismissed. The termination of the lease agreement with the Rail Land Development Authority and non-payment of lease rentals limited the appellant to a monetary claim only. There were no grounds to prevent the respondents from taking over possession of the site, as the appellant's actions effectively terminated its rights under the lease agreement.

M/S INTER DECOR INCORPORATION VS M/S BRAJ BHOOMI TIMBERS [RFA(COMM)-36/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The respondent is entitled to recover R.S. 18,71,839/- from the appellant, along with interest at 8% per annum. The appellant could not prove that the payments were made in cash, and the signatures on the submitted documents were deemed not genuine. The Commercial Court had territorial jurisdiction because the invoices were issued from the respondent's office in Delhi and payments were to be received there.

M/S JAIPRAKASH ASSOCIATES LIMITED VS M/S IRCON INTERNATIONAL LIMITED [FAO(OS) (COMM)-348/2019]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

Expenditure incurred by the contractor on maintenance of bank guarantees, insurance policies, and interest on advances is considered part of the "mobilization etc." costs and is reimbursable under the contract. The exclusion of these financial costs from the award was rejected. The deletion of pendente lite interest and reduction of post-award interest rate by the lower court was deemed erroneous. The original arbitral award has been restored.

M/S MACNEILL ENGINEERING LTD VS SMT. SHARMILA GOEL, [RFA(COMM)-246/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by M/s Macneill Engineering Ltd against the judgment for recovery of rent arrears filed by Smt. Sharmila Goel was dismissed. The delay in filing the appeal was not satisfactorily explained, exceeding the prescribed period without exceptional circumstances. The appellant had multiple opportunities to defend the suit but failed to do so adequately, missing several chances to present a defense witness. The last-minute request to defer proceedings for additional evidence was rejected, as ample opportunity had been given. The appeal was dismissed on both delay and merit grounds.

M/S OTTIMO VISUALS VS M/S ESSEL HOUSING PVT LTD [FAO (COMM)-19/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by M/S Ottimo Visuals against an arbitral award favoring M/S Essel Housing Pvt Ltd was dismissed. The grounds for challenging the award were found to be insubstantial. M/S Ottimo Visuals was required to pay rent and surrender possession of the leased premises after termination of the lease, which it failed to do. The existence of a pending suit and an application under Section 8 of the Arbitration and Conciliation Act did not prevent the arbitral proceedings. Additionally, any dispute involving the Essel Tower Resident Welfare Association did not relieve M/S Ottimo Visuals of its lease obligations. The appeal was dismissed with costs.

M/S PAISALO DIGITAL LIMITED VS M/S SUN CORP AND ORS [FAO (COMM)-33/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The unilateral appointment of a sole arbitrator by the appellant, without the respondents' agreement, was deemed invalid. The respondents' counterclaim of Rs. 2 crores, rejected by the arbitral tribunal, influenced the assessment of pecuniary jurisdiction. The commercial court lacked jurisdiction under Section 34 of the Arbitration and Conciliation Act, 1996, as the total value of the claim and counterclaim surpassed its limits. The judges agreed on the key legal issues, with no referral to a larger bench, indicating the case was individual rather than a batch matter.

M/S PCC INFRASTRUCTURE PVT LTD VS AIRPORTS AUTHORITY OF INDIA [FAO (COMM)-11/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Arbitral Tribunal's interpretation of Clause 10CA of the General Conditions of Contract regarding price variation for cement was deemed plausible. The Tribunal rejected PCC Infrastructure Pvt. Ltd.'s claim to use the base price and index from the Zonal Chief Engineer, CPWD for the South Zone, ruling that the price indices from the Director General, CPWD were applicable per the contract terms. This decision was upheld by the Commercial Court, with no grounds for interference identified.

M/S PLUS91 SECURITY SOLUTIONS VS NEC CORPORATION INDIA PRIVATE LIMITED ERSTWHILE NEC TECHNOLOGIES PRIVATE LIMITED [FAO(OS) (COMM)-36/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The arbitral award in favor of Plus91 was set aside due to patent illegality. The interpretation of the Memorandum of Understanding (MOU) was incorrect, as it did not require NEC to issue purchase orders for the AAI project. Additionally, the award of damages for loss of profits was contrary to the MOU's terms, which explicitly prohibited liability for loss of revenue or profit. A contractual clause limiting liability is a fundamental part of the agreement and cannot be overlooked.

M/S SENVISAGE VS M/S SAK BUILDTECH PVT LTD AND ORS [FAO (COMM)-129/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The decision to set aside the arbitral award was upheld because the sole arbitrator was appointed unilaterally by the appellant without the respondent's consent, violating the arbitration agreement. The agreement did not allow for unilateral appointment, and the appellant was required to apply under Section 11 of the Arbitration and Conciliation Act, 1996 for the appointment of an arbitrator.

M/S SUPER SMELTERS LIMITED VS RAMESH JINDAL [FAO (COMM)-114/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by M/S Super Smelters Limited against the dismissal of its application to recall an ex-parte decree was allowed. The Commercial Court had erred by not considering Supreme Court orders that extended the limitation period due to the COVID-19 pandemic. The ex-parte decree and the impugned order were set aside, requiring the appellant to file its written statement within 30 days, and restoring the suit for further proceedings.

M/S TRINITY CONSULTANTS VS M/S REDEFINE ONLINE EXPRESS (OPC) PRIVATE LIMITED [RFA(COMM)-291/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The termination of the Leave and License Agreement by Redefine Online Express was deemed invalid as the force majeure clause was not properly invoked and the COVID-19 pandemic did not make performance impossible. Trinity Consultants was entitled to the license fee for the remaining three-month lock-in period. As Trinity was a registered partnership firm, their claim was upheld. Redefine was ordered to pay R.S. 18,00,000/- for the remaining three months, R.S. 1,47,300/- for undeposited TDS, and R.S. 8,53,482/- for the period before termination, subtracting the security deposit of R.S. 24,00,000/-. Redefine was to pay an additional amount of R.S. 4,00,782/- with 12% interest per annum.

M/S. BERKELEY LIFESTYLE BRANDS PRIVATE LIMITED & ORS. VS M/S. RAJ BUILDERS PRIVATE LIMITED [FAO(OS) (COMM)-16/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Arbitral Tribunal's interpretation of the force majeure clause in the lease deeds was deemed reasonable, concluding that the COVID-19 outbreak did not render the premises unfit for use and that possession was not properly handed over by the appellants. The Tribunal's acceptance of Raj Builders Pvt. Ltd.'s argument regarding the inability to lease the floors separately due to access issues was supported by evidence. Additionally, the assessment of damages for the lock-in period, limited to 6 months' rent, was consistent with established principles and not considered illegal. The appeal by the appellants was dismissed, along with costs.

M/S. SAMRAT CONSTRUCTIONS COMPANY VS UNION OF INDIA [FAO (COMM)-149/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appellant's appeal was successful, leading to the reversal of the Commercial Court's judgment that rejected the petition to set aside an arbitral award. The petition was deemed timely as it was filed within the extended 90-day period. The arbitral award was identified as lacking proper reasoning, particularly regarding the respondent's counter-claim, resulting in its annulment and the case being sent back for fresh consideration by the arbitral tribunal.

M/SMALT AND LEAF HOSPITALITY PVT. LTD. VS M/S AGGARWAL HOTELS PVT. LTD. [FAO(OS) (COMM)-90/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The majority decision of the Arbitral Tribunal was upheld regarding Malt and Leaf Hospitality Pvt. Ltd.'s rent obligations. The Tribunal clarified that the lease pertained only to the built-up structure on 1000 square meters of land, which remained intact despite the demolition of an adjacent structure. Consequently, the appellant is required to pay the full lease rent as outlined in the Lease Agreement. The interpretation of the Lease Agreement by the Tribunal was deemed plausible, with no grounds for interference.

MAHA SHANKAR UPADHYAY & ORS. VS GOVT. OF NCT OF DELHI & ORS. [W.P.(C)-15680/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Municipal Corporation of Delhi (MCD) has not established any new 'no vending zones' in breach of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. The Kirorimal College Road, E-Block area is confirmed to be within the Civil Lines Zone, separate from the Kamla Nagar ward where the petitioners sought to vend. Petitioners are prohibited from vending in 'no vending zones'. A survey is ongoing, and a Town Vending Committee-II (TVC-II) will be formed to assign specific vending locations to street vendors. The petition was dismissed.

MANO KARAN & ORS. VS MCD & ORS. [LPA-991/2004]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

Eligible JJ dwellers of Kanak Durga Colony are entitled to in-situ rehabilitation or alternate housing under the Delhi Slum & JJ Rehabilitation and Relocation Policy-2015. Kanak Durga Colony is recognized as one of the 675 JJ bastis existing before June 1, 2006, making its residents eligible for the benefits of the Rehabilitation Policy. The respondents must comply with the Policy, and affected individuals can apply if any actions contradict it.

MEHBOOB AHMAD VS MUNEER AHMAD & ANR. [LPA-88/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The decision of the learned Single Judge was upheld, allowing the respondent's appeal against the Examiner's rejection of the device mark registration. The device mark was not lacking distinctive character under Sections 9(1)(a) and 9(1)(b) of the Trade Marks Act. An initial objection under Section 11(1), mentioned by the Examiner but not addressed, necessitated remittance to the Examiner for consideration. The objections under Sections 9(1)(a) and 9(1)(b) were declared non-existent, and the Examiner was instructed to expedite the application processing.

MEIDEN T AND D INDIA LIMITED (FORMELY PRIME MEIDEN LIMITED) VS PCI LIMITED [FAO(OS) (COMM)-78/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The impugned arbitral award was upheld, rejecting Meiden's challenges. The Arbitral Tribunal concluded that Meiden's set-off claims were not linked to the Service Facility Agreement and were non-arbitrable. PCI was awarded unpaid service and utility charges, adjusted for a period of denied access to the premises. PCI's claim for higher interest under the MSMED Act was also dismissed, as arbitration was not referenced under that Act.

METENUO KECHU ALSO KNOWN AS PREETI VS DIVISHT KAUSHIK & ANR [RFA(COMM)-53/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The decision granted a decree of possession of the property to the landlords against the tenant. The tenant admitted to the landlord-tenant relationship and acknowledged the termination of tenancy through a legal notice, failing to present a credible defense for retaining possession. Arguments regarding the maintainability of the suit due to non-compliance with pre-litigation mediation were rejected since the tenant did not raise this objection earlier. Additionally, the claim that a prior order allowing reduced rent precluded judgment on admissions was dismissed due to lack of evidence of compliance. The tenant had also undertaken to vacate the property by a specific date, which cannot be rescinded now.

MOHD AMIN DECEASED THROUGH LRS VS MOHD IQBAL DECEASED THROUGH LRS [FAO(OS) (COMM)-81/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Arbitral Tribunal's decision to allow the Respondent's claim for reversion of the subject property under Clause 10 of the Agreement was upheld, with recognition of the Respondent's eligibility for the benefits of Section 14 of the Limitation Act concerning the time spent in execution proceedings. Notice was issued regarding the award of compensation of ₹15 lakhs and costs of ₹12.69 lakhs, which were stayed pending further examination. The Respondent may still enforce the award to recover possession of the subject property.

MONIKA VS HIGH COURT OF DELHI AT NEW DELHI THROUGH THE REGISTRAR GENERAL AND ANR [W.P.(C)-1471/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The petition by Monika challenging Paragraph XII of the Delhi Higher Judicial Service Rules, 1970, which prohibits re-evaluation of answer sheets, was dismissed. The prohibition does not violate constitutional rights under Articles 14 or 19(1)(g). Monika's participation in the selection process prevents her from challenging the examination rules. No systemic flaw or manifest error in the evaluation process was identified, despite poor performance by many candidates in one paper.

MR SANJAY VS MRS DALJEET KAUR PANDEY [RFA(COMM)-38/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The landlord is entitled to possession of two ground floor counters due to the tenant's admissions regarding the landlord-tenant relationship, the rent amount, and the valid termination of the tenancy under Section 106 of the Transfer of Property Act. The tenant delayed proceedings at every stage, and the grounds raised in the appeal were not valid defenses in an ejectment suit. The appeal was dismissed with costs.

MR. RAKESH KALIA VS MR. SANJAY KUMAR VYAS [FAO (COMM)-5/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The majority arbitral award was upheld despite the recusal of one arbitrator a day before its pronouncement. Under the Arbitration and Conciliation Act, 1996, a valid arbitral award can be made by a majority, even if one member dissents or recuses. The majority complied with the Act in issuing the award, and the absence of the third arbitrator's signature did not invalidate it. A dissenting opinion is not considered an arbitral award, making the majority's decision binding on the parties.

MS HAREY KRISHNA CORPORATION VS SERVOTECH POWER SYSTEMS LTD & ANR. [RFA(COMM)-68/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

Section 12A of the Commercial Courts Act, 2015 mandates pre-institution mediation, but the Supreme Court's declaration of this position applies prospectively from August 20, 2022. The appellant's suit was filed before this date, and prior judgments indicated that the Patil Automation ruling did not apply to earlier suits. The order dismissing the appellant's suit was set aside, restoring it to its original number and stage before the Commercial Court.

MUKESH SINGH VS SUNITA MITTAL & ANR [RFA(COMM)-222/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The landlord was entitled to possession of the suit premises due to the tenant's admission of the landlord-tenant relationship and the lease agreement's expiry. The tenant's claims for rent adjustments based on alleged investments in the premises were rejected, and the assertion of non-compliance with pre-institution mediation requirements lacked merit. The tenant's appeal was dismissed, upholding the judgment granting possession to the landlord.

MUNICIPAL CORPORATION OF DELHI (ERSTWHILE NORTH DELHI MUNICIPAL CORPORATION) VS M/S IJM CORPORATION BERHAD [FAO(OS) (COMM)-200/2022]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Arbitral Tribunal's partial award concluded that the Municipal Corporation of Delhi (MCD) lacked the contractual authority to grant "provisional" extensions of time to the contractor for a construction project. The agreement stipulated that MCD could either provide a fair and reasonable extension of time or declare the contractor ineligible. The interpretation of the contract by the Arbitral Tribunal was deemed plausible. Regarding the issue of liquidated damages, it was clarified that this would be examined independently by the Arbitral Tribunal, unaffected by prior observations. The ground of "patent illegality" was not applicable due to the nature of international commercial arbitration.

MYPREFERRED TRANSFORMATION AND HOSPITALITY PVT LTD & ANR. VS FARIDABAD IMPLEMENTS PVT. LTD. [FAO(OS) (COMM)-67/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The delay of 30 days for condoning under the proviso to Section 34(3) of the Arbitration and Conciliation Act, 1996 cannot be extended by Section 10 of the General Clauses Act, even if the last day falls on a court holiday. The appeal to set aside the arbitral award was dismissed as it was filed beyond the permissible period.

NAGPAL FABRICS PVT. LTD. VS SH. RAJEEV GULATI & ANR. [RFA(COMM)-211/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The plaintiff, Nagpal Fabrics Pvt. Ltd., did not prove that it delivered goods to the defendant, Rajeev Gulati and M/s Gulati Enterprises. Evidence, including the manager's testimony, was insufficient. Doubts arose about a cheque for Rs. 10,00,000, as it lacked the current proprietor's signature. The suit for recovery of the amount was dismissed.

NANAK CHAND VS THE CHAIRMAN NDMC & ORS. [W.P.(C)-11072/2022]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

Rajiv Chowk and Indira Chowk will remain designated as "no vending zones" until a new vending plan is created under the Street Vendors Act 2014. The argument that these areas cannot maintain their designation without a survey was rejected, as existing designations under prior schemes are upheld despite the absence of a new survey.

NANDI INFRATECH PVT. LTD. VS R K BARARIA & ANR. [FAO (COMM)-49/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by NIPL against the arbitral award in favor of RKB was partially allowed. The decision on the quantum of work done by RKB was upheld, based on evidence evaluation. The compensation for prolongation of work and loss of profits was set aside due to non-compliance with contract terms and lack of supporting evidence. The award of interest and costs remained unchanged.

NATIONAL HIGHWAYS AUTHORITY OF INDIA VS SHAMLAJI EXPRESSWAY PVT LTD [FAO(OS) (COMM)-82/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

NHAI is permitted to take over the complete site and carry out the remaining highway works. Orders staying the suspension of the Concession Agreement remain effective until the Arbitral Tribunal addresses interim measures. The parties are instructed to establish the Arbitral Tribunal promptly for final adjudication, with the Tribunal having the authority to modify or vacate interim orders. All rights and contentions of the parties are reserved.

NATIONAL HIGHWAYS AUTHORITY OF INDIA VS SHRI DEVENDER KUMAR GUPTA [FAO (COMM)-106/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by the National Highways Authority of India (NHAI) against the rejection of its application to set aside an arbitral award in favor of Shri Devender Kumar Gupta was dismissed. The application was considered to have been filed after the three-month period stipulated by Section 34(3) of the Arbitration and Conciliation Act, 1996. The arbitral award was deemed valid as it was supported by the evidence provided by the respondent and was not affected by any patent illegality.

NAVIGATORS LOGISTICS LTD VS KASHIF QURESHI & ORS [RFA(OS)(COMM)-3/2019]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The judgment rejecting the plaint filed by Navigators Logistics Ltd was set aside. The non-compete clause in the employment contracts of former employee defendants was deemed void under Section 27 of the Contract Act. The plaint was found to disclose a cause of action and could not be partially rejected under Order VII Rule 11 of the Code of Civil Procedure. The matter was sent back for further proceedings.

NAVIGATORS VISA GLOBAL LOGISTICS LTD VS THERMOKING THR ITS PROPRIETOR PRADEEP KHANNA [RFA(COMM)-18/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by Navigators Visa Global Logistics Ltd was allowed, and the judgment of the Commercial Court was set aside. Thermoking, represented by Pradeep Khanna, failed to prove the alleged cash payments that were not shown in the plaintiff's account statements. The evidence presented by the defendant was found inconsistent and contradictory. The plaintiff is awarded R.S. 3,39,101/- with interest at 18% per annum from the date of the legal notice and 12% per annum from the date of the suit until realization, along with costs of the suit.

NOBLE CHARTERING INC VS STEEL AUTHORITY OF INDIA LTD [FAO(OS) (COMM)-94/2019]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The judgment of the Single Judge was set aside, affirming the Arbitral Tribunal's interpretation of Clause 62 of the Contract of Affreightment (COA). It stated that Clause 62 did not permit Steel Authority of India Limited (SAIL) to terminate the COA at its discretion, rendering SAIL's termination invalid. The interpretation relied on a contextual reading of the clause rather than a literal reading that could conflict with public policy. The Arbitral Tribunal's interpretation was deemed plausible and unchallengeable. Additionally, the modifications to the award of damages and interest were invalidated as they did not conflict with Indian public policy.

NORHT DELHI POWER LIMITED VS U.K. PRIYADARSHI [LPA-691/2012]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The respondent, appointed as a Medical Officer on an ad-hoc basis, was not entitled to regularization as a permanent employee of NDPL, as the appointment did not follow the proper recruitment process through the UPSC. The continued service was solely due to court orders, which disqualified the application of exceptions for irregular appointments. The previous judgment favoring the respondent was set aside.

PANKAJ DHIMAN VS THE REGISTRAR GENERAL HIGH COURT OF DELHI AND ORS [W.P.(C)-456/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The petitions by Pooja Sharma and Pankaj Dhiman for re-evaluation of their answer sheets in the Administrative Officer (Judicial)/Court Master Examination-2022 were dismissed. Judicial review in examination matters is limited, and interference with evaluation occurs only in cases of manifest error. The petitioners' claims regarding errors in four questions were not found to be manifestly or demonstrably erroneous, and there were no grounds for re-evaluation due to the absence of relevant rules.

PC JEWELLER LTD VS SUBHASH CHAND JAIN [RFA(COMM)-200/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Commercial Court's decision was upheld, awarding the suit partially in favor of the landlord. The tenant's claim for reduced monthly rent lacked evidence, as records showed regular payments of ₹8,50,000 per month, including taxes, via bank transfers. The tenant's assertion of an "advance" payment of ₹4,00,000 was deemed uncredible. The tenant faced no viable defense regarding the rent amount, leading to the dismissal of the appeal with costs.

PEC LIMITED VS ADM ASIA PACIFIC TRADING PTE LTD [FAO(OS) (COMM)-38/2020]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The arbitral award in favor of the respondent was upheld. The appellant's argument for incorporating the terms of the Charter Party Agreement into the contract for determining demurrage was rejected. Reference to the Charter Party Agreement in the notices of readiness did not imply automatic incorporation. The contract specified a fixed pre-determined rate of demurrage, not requiring proof of actual loss.

POWER GRID CORPORATION OF INDIA LTD VS M/S JUGENDRA SINGH AND COMPANY [FAO (COMM)-156/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The arbitral award was set aside due to the respondent not receiving the notice for arbitration, leading to invalid proceedings. The claims by the appellant were found to be barred by limitation, with the award's conclusions exhibiting patent illegality. Additionally, the unilateral appointment of the arbitrator was invalid due to lack of necessary disclosures.

PUSHPENDER SACHDEVA(PROP) M/S NOBLE ELECTRONICS VS MAHANAGAR TELEPHONE NIGAM LTD.(MTNL) THROUGH ITS CHAIRMAN-CUM-MANAGING DIRECTOR [FAO (COMM)-55/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The arbitral award was upheld, establishing that the appellant distributor must compensate MTNL for penalties imposed by the Department of Telecom due to non-compliant customer application forms. Arguments regarding the arbitration agreement's allowance for such penalties and claims of erroneous contract interpretation were rejected.

R K JAIN VS UNION OF INDIA & ORS. [W.P.(C)-7571/2015]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The writ petition challenging the acquisition of the petitioner's land was dismissed because the acquisition had not lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as possession of the land was taken by the authorities. The petitioner's rights to seek other remedies regarding compensation for the land remain intact.

RADHEY SHYAM CHOPRA & ORS. VS MUNICIPAL CORPORATION OF DELHI & ORS. [W.P.(C)-493/2024]
Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru
The eviction and relocation of 21 Tehbazari holders from Bapu Market to Mata Sundari Road will proceed despite the establishment of a Town Vending Committee under the Delhi Street Vendors Act. Possession of new sites must be handed over to the petitioners within 4 weeks. Allotments are temporary and subject to future vending plans by the committee. Stopping the relocation process would negatively impact the petitioners' livelihoods.

RAGHBIR SINGH AND ORS VS UNION OF INDIA AND ORS [W.P.(C)-9741/2017]
Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru
The petitioners' claim that land acquisition proceedings lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013, was dismissed. The conditions for lapse, which require both lack of compensation payment and lack of possession, were not met since possession of the land had been taken, notwithstanding the non-payment of compensation.

RAJENDRA VARDICHAND JAGETIA AND ANR VS MODERN MOLD PLAST PVT LTD [FAO (COMM)-125/2023]
Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru
An interim injunction was granted to Modern Mold Plast Pvt Ltd against Rajendra Vardichand Jagetia & Anr. for the use of the similar trademarks 'MAHARAJA' and 'MAHARANA'. Modern Mold Plast established prior use and registration of 'MAHARAJA' since 2009, while the Appellants adopted their marks in 2015 and 2017, indicating dishonest intent. The Appellants' arguments regarding the term being generic, lack of jurisdiction, and acquiescence were dismissed, confirming a prima facie case of passing off. The lower court's decision to grant the interim injunction was upheld.

RAJESH KUMAR SEHRAWAT VS LAXMI [RFA(COMM)-233/2023]
Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru
The appeal by Rajesh Kumar Sehrawat was dismissed, affirming the Commercial Court's partial decree granting Laxmi possession of the leased premises. The establishment of a landlord-tenant relationship, the expiration of the lease term, and the lack of rights for the appellant to occupy the premises were noted. The appellant's failure to honor previous commitments to vacate and pay outstanding rent further influenced the decision. Costs were awarded against the appellant.

RAJINDER SINGH & ANR VS UNION OF INDIA & ORS [W.P.(C)-1460/2016]
Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru
The petition challenging the acquisition of land under the Land Acquisition Act was dismissed. Although possession of the land was not taken due to a stay order, compensation was deposited by the Land Acquisition Collector. Both conditions under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 must be met for the acquisition to lapse. Since compensation was deposited, the acquisition remains valid. The petitioners' other rights and contentions are reserved.

RAM KUMAR AND ORS VS THE LT GOVERNOR OF DELHI AND ORS [W.P.(C)-5887/2017]
Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru
The land acquisition proceedings regarding the petitioners' land have not lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. For Section 24(2) to apply, both conditions—non-payment of compensation and non-taking of possession—must be met. In this instance, while compensation has not been paid, possession of the land has been taken by the authorities, which means the acquisition cannot be considered lapsed under the specified section.

RAM NARESH (DECEASED THR LRS) VS FOOD CORPORATION OF INDIA & ORS [LPA-204/2014]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by the legal representatives of Ram Naresh, dismissed from his position as Assistant Manager (Quality Control) in the Food Corporation of India (FCI), was allowed. The disciplinary proceedings against multiple FCI officials were deemed valid under the FCI (Staff) Regulations, but the enquiry was criticized for not adequately considering Ram Naresh's evidence and defenses. The dismissal was found to be disproportionately harsh in light of the lack of clear findings on actual losses. His legal representatives are to receive the retiral benefits owed to him.

RAM WATI VS NEW-DELHI MUNCIPAL COUNCIL AND ANR. [W.P.(C)-5727/2022]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The petition by the widow of Sodan Singh was dismissed due to the cancellation of the Tehbazari site allotment on 11.10.2006, with no record of Sodan Singh challenging this cancellation. Consequently, the widow's request to have her name substituted as the legal heir was not upheld. The Lok Adalat's order from 29.04.2001 only directed the NDMC to consider a refund request, which was later rejected, and there was no evidence that Sodan Singh paid the additional R.S. 20,000.

RAMESH KUMAR VS DELHI DEVELOPMENT AUTHORITY [FAO (COMM)-16/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The dispute involved Ramesh Kumar and the Delhi Development Authority (DDA) concerning an arbitral award related to license fees and compensation due to encroachment on a parking site. The award partially favored Kumar, allowing claims for remission of license fees due to encroachment. The DDA's counter-claim for unpaid fees and service tax was considered, with the Tribunal noting that the DDA could not charge for the entire site given partial encroachment, although Kumar did not demonstrate the exact extent of encroachment. The DDA acknowledged that 25% of the site was encroached. The extent of encroachment was recognized as a factual matter determined by the Tribunal, with evidence reappraisal not permitted under Section 34 of the Arbitration and Conciliation Act. The appeal was dismissed, affirming no errors in upholding the arbitral award.

RANJANA BHASIN VS SURENDER SINGH SETHI & ORS. [FAO (COMM)-12/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appellant's application under Section 8 of the Arbitration and Conciliation Act, 1996 was rejected because it was filed after the deadline for written submissions and lacked a required original or certified copy of the arbitration agreement. The appellant's claim of inadequate service of summons was dismissed, as it was acknowledged that the appellant refused service, and a counsel had been appointed who filed a memo of appearance, indicating awareness of the proceedings. The appeal was dismissed.

RASAYANAM ENTERPRISES VS UPAKARMA AYURVEDA PVT. LTD. [FAO(OS) (COMM)-80/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The interim injunction in favor of Upakarma Ayurveda Pvt. Ltd. against Rasayanam Enterprises was upheld. The appellant's 10 gm packaging was not deemed deceptively similar to the respondent's registered trademark, while the 20 gm packaging was found to be deceptively similar in overall commercial impression. The appellant must adopt a new distinctive trade dress for the 20 gm product within two months. Upakarma Ayurveda Pvt. Ltd. has the option to address the court if the new packaging remains deceptively similar. The observations are prima facie and not a final expression on the merits of the case.

RICH PRODUCTS CORPORATION VS THE CONTROLLER OF PATENTS & ANR. [LPA-257/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The dismissal of RPC's writ petition challenging the Controller's rejection of its pre-grant opposition to TFPL's patent application was upheld. The Controller's order was found to have no jurisdictional or manifest errors. RPC had alternative remedies, such as post-grant opposition and appeal, which needed to be exhausted before resorting to extraordinary jurisdiction. The Controller thoroughly considered and rejected the grounds raised by RPC in its pre-grant opposition, and a merits review was not undertaken.

RISHABH DUGGAL VS REGISTRAR GENERAL DELHI HIGH COURT [W.P.(C)-2342/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The decision of the Examining Authority to accept two correct answers for certain questions in the Delhi Judicial Service Preliminary Examination 2023 was deemed impermissible under the examination scheme, which allowed only one appropriate answer. This approach was found to prejudice candidates who opted not to answer the questions due to the uncertainty. The Examining Authority was directed to rectify the Revised Answer Key and re-evaluate the examinees, with no impact on the admission of successful candidates to the Mains examination. The petitions were disposed of as a batch matter.

ROMILLA SAWHNEY VS GOVT. OF NCT OF DELHI AND ORS. [W.P.(C)-2729/2015]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The acquisition of the petitioner's land under the Land Acquisition Act, 1894 was deemed valid, precluding any benefits under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The maintenance of status quo on the land eliminated the possibility of claiming benefits from any lapse in acquisition. The petitioner is required to respond to the government's letter within four weeks, and the concerned authority must consider the petitioner's representation promptly, following prior judgments.

S.P. MEDIRATTA & ORS VS UNION OF INDIA & ORS [LPA-904/2013]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Central Government's decision to exclude retired employees of the Central Silk Board from the Central Government Health Scheme is a reasonable policy choice that does not infringe upon their rights under Articles 14 and 21 of the Constitution. Employees of autonomous bodies like the CSB cannot expect equal treatment with government employees, and resource constraints and the need to manage the CGHS are valid considerations for this decision. Interference in such financial policy decisions is unwarranted unless demonstrated to be arbitrary.

SADULRAM & ANR. VS RETAIL ROYALTY COMPANY & ANR. [RFA(OS)(COMM)-13/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal was partially allowed regarding a permanent injunction. The flying eagle device in the appellants' trademark was deemed similar to the respondents' registered trademark, but the prominent "Raiko" mark made it distinct. The "anti-dissection" rule was applied, considering the trademark as a whole. There was no clear finding that the appellants' trademark would lead to confusion or passing off, as only a possibility was noted with the eagle device alone. Consequently, the award of costs to the respondents was set aside, while the injunction against the appellants remained in place since they had abandoned the trademark and withdrawn their registration application.

SANGAM (INDIA) LTD VS THE NATIONAL HIGHWAY AUTHORITY OF INDIA & ANR [FAO(OS) (COMM)-287/2019]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The findings of the Sole Arbitrator regarding misrepresentation and active concealment by NHAI require re-examination, as the Exception to Section 19 of the Indian Contract Act may not apply in cases of deliberate fraud. The matter has been remanded for fresh adjudication of the Section 34 petition filed by NHAI, with no opinion on the merits of the case provided. This involved an appeal by Sangam against the order setting aside the Arbitral Award.

SANJANA AGARWAL VS NAMOSHIVAI APPARELS PRIVATE LIMITED [RFA(COMM)-212/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The judgment upheld the dismissal of Molmek's recovery suit against NAPL and granted NAPL's counter-claim for Rs. 7,62,930/- with interest. NAPL demonstrated valid claims through evidence such as e-way bills, GST returns, and witness testimonies, while Molmek did not provide a credible rebuttal. The dismissal of Molmek's suit was affirmed, and the appeals were dismissed.

SARABJEET SINGH VS ANUP SHARMA & ORS [RFA(OS)-56/2016]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The dismissal of the suit for specific performance of two Agreements to Sell dated 19.06.2006 was upheld due to the plaintiff's failure to demonstrate readiness and willingness to perform the contracts as required. The Agreements were deemed separate transactions, and the plaintiff's actions, including seeking refunds instead of specific performance, indicated a lack of readiness. Consequently, the plaintiff was not entitled to specific performance relief due to breaching the contracts.

SHARIF KHAN VS GOVT. OF NCT OF DELHI & ORS [W.P.(C)-4701/2015]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The petition regarding the acquisition of the petitioner's land was dismissed, stating that the acquisition has not lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The necessary conditions for lapsing, which include lack of possession and non-payment of compensation, were not met. The judgment was delivered jointly without disagreement among the judges.

SHIVKUMAR SHANKARRAO THAKUR & ORS. VS SHIV BIRI MANUFACTURING CO P LTD & ANR. [LPA-436/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal against the rejection of the objection to the registration of the respondent's trademark was dismissed. There was no deceptive similarity found between the appellants' trademarks and the respondent's impugned trademark. The respondent's previously registered trademark also showed no similarity to the impugned trademark. Consequently, the prior use claim by the respondent was not addressed, and the single judge's decision was upheld.

SHREE GIRIRAJJI AND CO. VS GAGAN PAGRANI PROPRIETOR OF PLASTICA INDUSTRIES & ANR. [FAO (COMM)-47/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Commercial Court's decision to retain jurisdiction over the trademark infringement suit was upheld. The presence of the appellant's interactive website allowing Delhi customers to place orders granted jurisdiction to the Delhi courts, despite the appellant's claim of not selling goods with the offending trademarks in Delhi. The findings were considered prima facie and did not limit the parties from further presenting their case before the Commercial Court.

SIMLA DEVI VS UNION OF INDIA AND ORS. [W.P.(C)-5688/2015]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Delhi Development Authority (DDA) sought to recall a previous order from 15.11.2016 that stated the acquisition proceedings for a petitioner's land had lapsed due to non-payment of compensation. The order merged with the Supreme Court's final decisions dismissing the DDA's appeals. Evidence presented by the petitioner showed no fraud or misrepresentation regarding her identity. The DDA's application to recall the 2016 order was dismissed, affirming that the acquisition proceedings have lapsed.

SIPURA DEVELOPERS PVT LTD VS PR. COMMISSIONER OF INCOME TAX 7 [ITA-532/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The Income Tax Appellate Tribunal incorrectly upheld the Principal Commissioner of Income Tax's order under Section 263 of the Income Tax Act. Once the Assessing Officer accepted the assessee's explanation regarding the investment and source of funds, no further additions could be made in the reassessment proceedings. If the Assessing Officer could not identify additional escaped income for taxation, jurisdiction to tax any other income was absent. Consequently, the order under Section 263 was deemed unsustainable.

SMALL FARMERS AGRI-BUSINESS CONSORTIUM (SFAC) VS M/S K.D. AGRO INDUSTRIES THROUGH ITS PROPRIETOR KAILASH AGGARWAL [FAO (COMM)-71/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by the Small Farmers Agri-Business Consortium (SFAC) regarding the recovery of a venture capital loan from M/s K.D. Agro Industries was dismissed. The Arbitral Tribunal established that the loan repayment was due on 01.04.2014, and SFAC's arbitral proceedings commenced on 02.06.2017, exceeding the 3-year limitation period. The reasoning of the Arbitral Tribunal and the Commercial Court's decision were upheld, affirming that the award did not conflict with Public Policy of India and was not tainted by patent illegality.

SMT. SAVITRI DEVI VS UNION OTF INDIA THROUGH LAND ACQUISITION COLLECTOR DISTRICT NORTH ALIPUR DELHI [W.P.(C)-13831/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The delay in the petitioner's approach does not preclude her from seeking legal remedies, emphasizing the promotion of justice despite delays. The Land Acquisition Collector has agreed to address the petitioner's compensation claim within eight weeks, taking into consideration her advanced age of 82 years. The LAC is instructed to prioritize this case and resolve the petitioner's application within the specified timeline, contingent on document review.

STERLING AND WILSON PRIVATE LTD VS M/S SHARMA TURNKEY ENGINEERS PVT LTD [FAO (COMM)-105/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

Sterling and Wilson Private Ltd. successfully appealed against the rejection of its application to set aside an arbitral award under Section 34 of the Arbitration and Conciliation Act, 1996. Although the initial explanation for an 18-day delay in filing the application was inadequate, additional details provided warranted the condonation of the delay. The order rejecting the application was set aside, allowing the case to be restored for a decision on its merits, contingent upon the payment of R.S. 25,000 in costs to the respondent within four weeks.

SUKRA LOGISTICES & ORS. VS EMU LINES PVT. LTD [RFA(COMM)-183/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The decree in favor of Emu Lines Pvt Ltd against Sukra Logistics and its partners was upheld based on strong documentary evidence, including invoices and statements of accounts. The defendants failed to contest this evidence despite multiple opportunities, and their claim concerning orders placed through a separate private company was unsubstantiated and contradicted by the evidence. The appeal by the defendants was dismissed.

SUPERON SCHWEISSTECHNIK INDIA LIMITED VS MODI HITECH INDIA LTD. [RFA(OS)(COMM)-20/2018]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The judgment and decree dismissing the appellant's trademark infringement suit were set aside due to non-compliance with the mandatory procedure under Order XIIIA of the Code of Civil Procedure. No summons were issued, the respondent did not file for summary judgment, and the appellant was not allowed to respond, violating principles of natural justice. The merits of whether the trademark "VAC-PAC" can serve as a source identifier require examination by the trial court. The suit was restored to its position as of 02.04.2018, with directions for the trial court to consider the disputes without influence from prior observations.

SUREKA INTERNATIONAL VS UNION OF INDIA & ANR. [FAO (COMM)-23/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by Sureka International was dismissed due to an unsatisfactory explanation for a delay of 548 days in filing. As a partnership firm, the other partners could have acted to file the appeal timely. Delays beyond 60 days are generally not condoned to maintain the objective of speedy resolution in commercial disputes. The application for condonation of delay was also rejected.

SVC COOPERATIVE BANK LTD VS TRINITY TOUCH PVT LTD [RFA(OS)(COMM)-42/2019]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The defendant bank cannot recover a prepayment penalty of R.S. 1,51,38,600 or processing fees of R.S. 17,25,000 from the plaintiff. There was no consensus on renewing the credit facilities, and the plaintiff withdrew the renewal request before finalizing any contract. As a result, the repayment of the facilities is not considered premature, and the processing fees were improperly recovered. The plaintiff is awarded interest on the amounts wrongfully obtained.

TARUN BABBAR VS ASHA RAM SONS PVT LTD [RFA(COMM)-269/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The claim of Asha Ram & Sons Pvt. Ltd. for recovery of R.S. 7,10,320/- from Tarun Babbar was upheld. The defendant admitted to owing this amount and failed to prove the goods supplied were defective. Pendente lite and future interest were awarded at 12% per annum on the principal, and costs of R.S. 50,000/- were granted to the plaintiff.

TELECOMMUNICATION CONSULTANTS INDIA LTD (TCIL) VS NGBPS LTD [FAO(OS) (COMM)-171/2019]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by Telecommunication Consultants India Ltd (TCIL) against an arbitral award in favor of NGBPS Ltd was dismissed due to its filing 118 days after the deadline. TCIL failed to provide a credible explanation for the delay, offering only vague references to internal discussions and administrative processes. The significant delay, nearly double the permitted period for filing, was not justifiable under the law, leading to the dismissal of both the application for condonation of delay and the appeal itself.

THE DEPUTY COMMISSIONER OF POLICE VS SCORE INFORMATION TECHNOLOGIES LTD [FAO(OS) (COMM)-357/2019]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The arbitral award required the Deputy Commissioner of Police to pay 40% of the costs for CCTV equipment supplied by Score Information Technologies Ltd. The equipment was supplied, but installation was halted due to the illegal termination of the contract by the Deputy Commissioner. Damages were awarded under Section 21 of the Specific Relief Act, 1963, despite the absence of a specific prayer for this relief from the Respondent. The interpretation of the contract terms and the decision to award the payment were deemed not patently illegal or against public policy, thus not subject to interference.

THE NATIONAL HIGHWAYS AUTHORITY OF INDIA VS M/S DS TOLL ROAD PVT LTD THROUGH DIRECTOR/MANAGING DIRECTOR [FAO(OS) (COMM)-3/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by the National Highways Authority of India (NHAI) against an arbitral award favoring D.S. Toll Road Pvt. Ltd. (DTRL) was dismissed. The issue centered on the interpretation of specific sub-clauses in the Concession Agreement. The arbitral tribunal awarded DTRL compensation for delays in land handover that exceeded the specified amounts in the agreement. NHAI contended that compensation should be confined to those amounts, but the tribunal's interpretation allowing for additional compensation was considered plausible. Additional challenges by NHAI regarding the compensation quantum were also rejected. The arbitral award favoring DTRL was upheld.

UNION OF INDIA & ANR. VS K.C. (KAILASH CHAND) BELWAL & ORS. [LPA-226/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The respondents, similarly situated to the petitioners in W.P.(C) No.1915/2000, are entitled to the same pay revision benefits. Arguments regarding the error of the previous order and claims of delay were rejected, and there was no justification to deny the respondents the benefit. The appeal by the Union of India and another was dismissed.

UNION OF INDIA THROUGH GENERAL MANAGER NORTHERN RAILWAY AND ORS VS SANOJ KUMAR MODI [FAO (COMM)-56/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by the Union of India to set aside an arbitral award was dismissed due to being filed beyond the 3-month limitation period under Section 34(3) of the Arbitration and Conciliation Act, 1996. The delay exceeded the 30-day extension allowed by the proviso to Section 34(3). The argument that the limitation period should start from the date of receiving a legal opinion rather than the award date was rejected, emphasizing that internal approval processes cannot extend the limitation period.

UNION OF INDIA VS M/S DISTRIBUTION LOGISTICS INFRASTRUCTURE PVT. LTD. [FAO(OS) (COMM)-28/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal by the Union of India was dismissed due to a delay of 755 days in refiling an application under Section 34 of the Arbitration and Conciliation Act, 1996. The delay was not supported by credible reasons, and past judgments indicated that such delays cannot be condoned liberally. The requirement for a refiled petition to be treated as a new institution beyond the permitted time was emphasized, along with the lack of proper affidavit support for the condonation of delay.

UNION OF INDIA VS M/S MAHESH EDIBLE OIL INDUSTRIES LTD [FAO (COMM)-82/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The appeal filed by the Union of India against the rejection of its application to set aside an arbitral award was dismissed. The application was deemed beyond the 3-month limitation period set by Section 34(3) of the Arbitration and Conciliation Act, 1996, and the delay exceeded the 30-day period allowed for condonation. The argument regarding the exclusion of time spent on a prior petition was not sufficient to establish that the application was timely, leading to the conclusion that it was barred by limitation.

UNION OF INDIA VS RCCIVL-LITL (JOINT VENTURE) [FAO(OS) (COMM)-197/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The arbitral award was upheld, indicating that DGMAP had sufficient opportunity to present its case and that the denial of a request for additional oral submissions was within procedural discretion. The rejection of DGMAP's belated final bill was deemed reasonable due to insufficient evidence, while the acceptance of the respondent's final bill was also upheld. No material inconsistencies regarding escalation amounts were found, and the award was deemed free from patent illegality, leading to the dismissal of the appeal.

V.R. INDUSTRIES PRIVATE LTD. VS RAJESH KEJRIWAL [FAO (COMM)-20/2024]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The interim injunction restraining V.R. Industries from using the trademark "GOLDEN GATE" was upheld, confirming that Chemical Centre (India) was the prior user of the trademark since 2007. V.R. Industries' use starting in 2009 constituted trademark infringement. Arguments about non-use by Chemical Centre, delays in action, and suppression of facts were rejected. Protection of registered trademark rights and public interest in preventing consumer confusion were highlighted. The appeal against the interim injunction order was dismissed.

VANDANA YADAV & ANR. VS DEEPA [FAO (COMM)-241/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The dispute between the parties qualifies as a commercial dispute under the Commercial Courts Act 2015, as the appellants operated a gym and fitness center on the property. The claim that no commercial dispute existed and that there was a lack of jurisdiction was rejected. The appellants' assertion of having paid R.S. 20,00,000 as a security deposit, intended for adjustment against rent, lacked documentary evidence. Consequently, the appellants were instructed to deposit monthly rent of R.S. 25,000, including arrears, within one week. Additionally, a cost of R.S. 50,000 was imposed due to the weak argument regarding the nature of the dispute and the unsupported claim about the payment.

VED PRAKSH VS LAND ACQUISITION COLLECTOR [W.P.(C)-13872/2021]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The petitioners' land was acquired, but they did not receive notice under Section 12(2) of the Land Acquisition Act. After learning of the award, they filed a reference under Section 18, which the Land Acquisition Collector (LAC) rejected as time-barred. The issue centered on whether the LAC could decide on the limitation question. It was concluded that the Reference Court should determine the limitation based on when the petitioners became aware of their entitlement to compensation. The rejection by the LAC was set aside, and the reference was directed to be forwarded to the relevant court for a decision on limitation.

WIPRO ENTERPRISES PRIVATE LIMITED VS HIMALAYA WELLNESS COMPANY & ORS. [FAO(OS) (COMM)-145/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

An interim injunction was granted in favor of the respondents due to a prima facie case of passing off against the appellant for using the identical "EVECARE" mark, despite the appellant's trademark being registered in a different class. The classification under the Trade Marks Act was deemed insufficient, with emphasis placed on the nature, end users, and method of use of the goods. The appellant, as the junior user of the identical mark, did not satisfactorily explain its adoption of the same mark.

YASHODA SUPER SPECIALTY HOSPITALS & ANR. VS YASHODA HOSPITAL AND RESEARCH CENTER LIMITED & ANR. [LPA-837/2023]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The order of the Intellectual Property Appellate Board (IPAB) allowing the appellants' rectification petition for the removal of the respondent's registered trademark was set aside due to a violation of principles of natural justice. The IPAB did not comply with its own directive to issue a fresh notice to the respondent, who was not given a chance to contest the rectification petition. The rectification petition is to be heard afresh by the IPAB.

YASHPAL SINH JADEJA VS ALL INDIA COUNCIL FOR TECHNICAL EDUCATION (AICTE) & ANR. [LPA-535/2022]

Judges: Justice Tara Vitasta Ganju, Justice Vibhu Bakhru

The writ petition challenging the AICTE's public notice on recognition of equivalence for technical courses was dismissed. The issues raised were already addressed in a prior Supreme Court decision, which clarified that the power to declare qualifications as equivalent rests solely with AICTE. The argument for extending the equivalence recognition deadline beyond 31.05.2013 based on a stay order was rejected, as the Supreme Court had limited relief to students enrolled before that date. The claim of discrimination for students enrolled after 31.05.2013 was also dismissed, given that the MHRD lacked authority to grant equivalence. Further directions sought by the appellant were not granted, affirming the finality of the previous judgment.

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