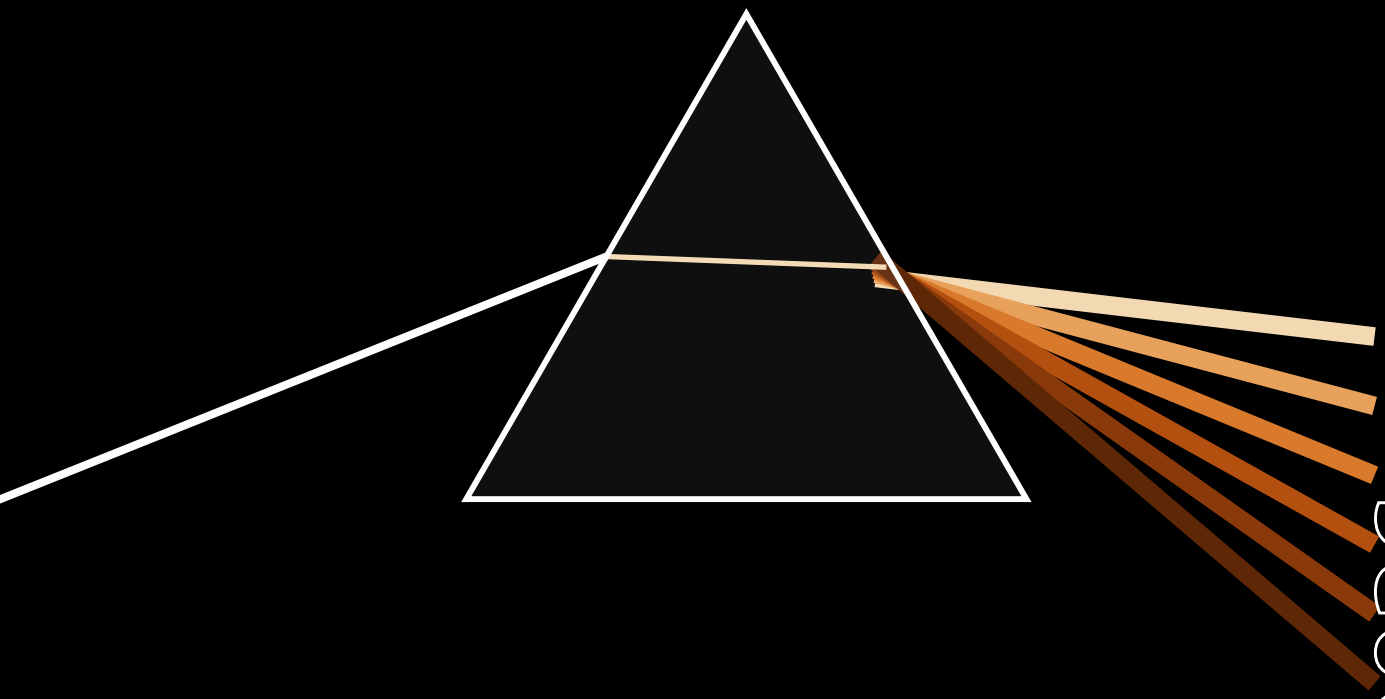
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SEPTEMBER 2026

PRECEDENT PRISM

Landmark Judgments of the Supreme Court of India

FROM EDITOR'S DESK

Dear Readers,

It gives me immense pleasure to present to you the September 2026 Edition of Precedent Prism.

A little about myself: I am a graduate of NLU Sonepat and am currently a practising lawyer. Alongside practice, I have always been passionate about reading and gaining knowledge, and for a lawyer there is perhaps no richer source of learning than the judgments of the Hon'ble Supreme Court of India. Precedent Prism grew out of that very passion, and I am truly happy to curate it for you every month.

Encouraged by the warm response to our May Edition from legal professionals, academicians and students, this edition brings together landmark judgments delivered by the Hon'ble Supreme Court in September 2026, spanning arbitration, commercial and corporate litigation, infrastructure and construction, public procurement, contract law, constitutional and administrative law, and several other branches of practice. Each summary presents the facts in brief, the issues in question, and the reasoning and findings of the Hon'ble Court, so that the core of every ruling can be grasped at a glance.

To make the compendium more useful in day-to-day practice, every summary carries a link to the full text of the judgment, or a verified report of it.

I am sincerely grateful to each of you for the support and feedback that keep this initiative going. I hope this edition proves as useful to you in your practice and study as it has been rewarding for me to compile.

Happy reading!

Ms. Aadyaa Katiyar
(Editor & Partner at Vakeel Khoj)

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Vakeel Khoj presents PRECEDENT PRISM, a monthly compendium of significant Supreme Court decisions. This initiative brings together the most impactful rulings across constitutional, criminal, civil, and regulatory law, offering concise summaries of facts, legal issues, judgments, and reasoning. Aimed at legal professionals, students, and researchers, PRECEDENT PRISM serves as a reliable tool for staying updated with the evolving contours of Indian jurisprudence.

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Mr. Nikhilesh Pratap Singh Gour
(Founder & CEO at Vakeel Khoj)

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SECTION 01

ARBITRATION & ADR

CASE 1.1

Whether a Claim Falls Within an “Excepted Matters” Clause Is for the Arbitral Tribunal to Decide Under Section 16

M/s GVV Constructions Pvt. Ltd. v. Union of India, 2026 INSC 976 | Decided: 08.09.2026

Bench: Pamidighantam Sri Narasimha & Alok Aradhe JJ.

◆ FACTS

The appellant held a contract with South Central Railway for doubling of a railway track, governed by the Indian Railways Standard General Conditions of Contract (GCC). The contract was terminated under the GCC. The appellant challenged the termination before the Telangana High Court, alleging that the GCC procedure had not been followed. The Single Judge dismissed the writ petition, relegated the appellant to the arbitral tribunal, but recorded a finding of irregularity in the termination. In writ appeal, the Division Bench set that finding aside and directed the tribunal to decide the dispute in strict accordance with the contract, including its “excepted matters” provisions (Clauses 63 and 64).

◆ ISSUES

1. Who decides whether a particular claim is an “excepted matter” excluded from arbitration – the court or the arbitral tribunal?
2. Whether a writ appellate court could enter into the merits of the termination while relegating the parties to arbitration?

◆ JUDGMENT

The Supreme Court held that the question whether a particular claim is covered by, or falls outside, an excepted-matters clause of a works contract lies squarely within the competence of the Arbitral Tribunal under Section 16 of the Arbitration and Conciliation Act, 1996, and is not a question for a court even at the wider appointment stage under Section 11. The High Court ought not to have entered into the merits of the dispute. The Court clarified that the directions issued to the tribunal would not impinge upon the tribunal’s own jurisdiction to decide arbitrability of the claims.

Read the judgment / verified report →

https://www.scobserver.in/supreme-court-observer-law-reports-scolr/gvv-constructions-v-union-of-india-determination-of-excepted-matters-under-the-arbitration-act/

CASE 1.2

Personal Guarantor Bound by the Arbitration Clause in the Loan Agreement – Guarantee Forms Part of a Composite Transaction

National Skill Development Corporation v. Surya Wires Pvt. Ltd. & Ors., 2026 INSC 977 | Decided: 08.09.2026

Bench: Pamidighantam Sri Narasimha & Alok Aradhe JJ.

◆ FACTS

A loan agreement containing an arbitration clause required a personal guarantee to be executed as a mandatory pre-disbursement condition. The loan agreement's definitional and miscellaneous clauses declared all "Facility Agreements", including personal guarantees, to be part of the principal agreement as if their provisions were set out in it. The guarantee itself contained no independent arbitration clause. On this basis, the arbitrator deleted the guarantor from the array of parties, and the Delhi High Court affirmed that order.

◆ ISSUES

1. Whether a guarantor who executes a guarantee without its own arbitration clause can be bound by the arbitration clause in the principal loan agreement?
2. What is the effect of a deeming clause that incorporates security documents into the principal agreement?

◆ JUDGMENT

The Supreme Court reversed the High Court. A personal guarantee executed as a mandatory condition of the loan, and expressly deemed to be an integral part of the loan agreement, is not an isolated contract; it forms part of a composite transaction and stands incorporated with the arbitration clause of the loan agreement. The deeming fiction in the loan agreement operates to bind the guarantor to the same arbitral framework, notwithstanding the absence of a separate arbitration clause in the guarantee. The guarantor was accordingly restored as a party to the arbitration.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/national-skill-development-corporation-v-surya-wires-private-limited-2026-insc-977-guarantor-bound-arbitration-clause-loan-agreement-1621640

CASE 1.3

Mere Conduct of Proceedings at a Place Does Not Make It the Juridical "Seat"; High Court's Location Is Not the Seat Merely Because It Appointed the Arbitrator

Mahanadi Coalfields Ltd. & Ors. v. M/s GSCO Infrastructure Pvt. Ltd., 2026 INSC 1038 | Decided: 23.09.2026

Bench: Sanjay Kumar & Sanjeev Sachdeva JJ.

◆ FACTS

The parties executed a contract in 2012 that did not contain any arbitration clause. When disputes arose over completion of work, the respondent approached the Orissa High Court at Cuttack, which appointed a sole arbitrator. The award went in favour of the respondent. The appellants filed petitions under Section 34 before the District Court, Sundargarh. The respondent objected that the District Judge lacked jurisdiction because the "seat" was at Cuttack, and the High Court accepted that objection.

◆ ISSUES

1. Whether the place where arbitral proceedings are actually conducted determines the juridical seat of arbitration in the absence of agreement?
2. Which court is competent to hear a Section 34 petition where no seat has been designated?

◆ JUDGMENT

The Supreme Court set aside the High Court's judgment. It drew a clear distinction between "seat" and "venue" and held that the mere conduct of arbitral proceedings at a particular place does not, by itself, determine the juridical seat; a seat must be expressly designated or agreed by the parties. Where there is no such designation, any Commercial/District Court within the territorial jurisdiction of the High Court that is otherwise competent may entertain a petition under Section 34. The District Court, Sundargarh therefore had jurisdiction.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/mahanadi-coalfields-v-gsco-infrastructure-limited-seat-of-arbitration-under-the-arbitration-act/

CASE 1.4

"Arbitration Cannot Be Arbitrary" – Tribunal Constituted Without Actual Consent, Despite Objection of Bias, Is Non Est

Arth Micro Finance Pvt. Ltd. & Ors. v. Shivalik Small Finance Bank Ltd., 2026 INSC 1014 | C.A. No. 13015 of 2026 | Decided: 17.09.2026

Bench: J.B. Pardiwala & K. Vinod Chandran JJ.

◆ FACTS

The agreement between the parties contained an arbitration clause. In May 2024, the respondent bank claimed to have appointed an arbitral tribunal "on consent". The appellants objected to the appointment, specifically alleging that the tribunal had close links with the bank. The tribunal nevertheless passed three far-reaching interim orders under Section 17: freezing the appellants' accounts in four banks, permitting the bank to take over their movable and immovable properties, and directing transfer of deposited funds to the bank. A Section 37 appeal before the High Court failed.

◆ ISSUES

1. Whether an arbitral tribunal appointed without any material showing the other side's consent, and in the face of a specific objection of bias, can validly exercise jurisdiction?
2. What is the fate of interim orders passed by such a tribunal?

◆ JUDGMENT

The Supreme Court held that there was nothing on record to show that the appellants had consented to the constitution of the tribunal; the appointment was made in the teeth of a clear objection and an allegation of bias. The very initiation of the arbitration was therefore non est in law, and the interim orders passed at the first instance were equally arbitrary. The High Court's order and all three interim orders were set aside. To resolve the underlying dispute, the Court itself appointed an independent sole arbitrator.

Read the judgment / verified report →
https://api.sci.gov.in/supremecourt/2026/46235/46235_2026_5_30_74303_Judgement_17-Sep-2026.pdf

CASE 1.5

Deposit Made Only to Secure Stay of an Award Does Not Stop Interest – Interest Ceases Only on Unconditional Deposit Under Order XXI Rule 1 CPC

National Seeds Corporation Ltd. v. National Agro Seed Corporation (India), 2026 INSC 1017 | Decided: 18.09.2026

Bench: Pamidighantam Sri Narasimha & Alok Aradhe JJ.

◆ FACTS

The appellant was the award-debtor under an arbitral award of about ₹1.46 crore with 12% interest. The Delhi High Court stayed execution on condition that 50% of the award be deposited in the Registry. The award-holder's application for release was opposed by the appellant on the ground that its appeal was pending in the Supreme Court. After that challenge failed, the Executing Court ordered unconditional release with interest. The appellant contended that its deposit amounted to satisfaction and stopped interest; the High Court rejected that plea.

◆ ISSUES

1. Whether a deposit made by an award-debtor to obtain a stay, which the award-holder cannot freely withdraw, stops the running of post-award interest?

◆ JUDGMENT

The Supreme Court dismissed the appeal. Liability to pay interest ceases only where payment is made in accordance with Order XXI Rule 1 CPC, i.e., where the deposit is unconditional and the award-holder is free to withdraw it. A deposit made solely to secure a stay, whose withdrawal is conditional or resisted by the depositor, is not payment, and interest continues to accrue until unconditional release. Noting the absence of clear statutory guidance and wide variation in High Court practice on such deposits, the Court requested the Law Commission of India to examine the framework.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/payment-of-interest-by-award-debtor/

SECTION 02

COMMERCIAL & CORPORATE LITIGATION

CASE 2.1

Release of Buyback Escrow Is No Bar to an Independent Fraud Inquiry Under SEBI's PFUTP Regulations

Securities and Exchange Board of India v. Vedanta Ltd. & Ors., 2026 INSC 978 | Decided: 09.09.2026

Bench: J.B. Pardiwala & K.V. Viswanathan JJ.

◆ FACTS

SEBI's Adjudicating Officer imposed a penalty of ₹5.25 crore on Vedanta Ltd. (formerly Cairn India Ltd.) and penalties on certain officers, holding that a buyback announcement had been made without any real intention of fulfilling it, in violation of the PFUTP Regulations, 2003 and Regulation 19(1)(a) of the Buyback Regulations, 1998. In 2023 the Securities Appellate Tribunal set the penalty aside, treating the release of the cash escrow under Regulation 15B(8) of the Buyback Regulations as decisive.

◆ ISSUES

1. Whether release of the escrow deposited under the Buyback Regulations bars a separate inquiry into fraud under the PFUTP Regulations?

◆ JUDGMENT

The Supreme Court held that release of the escrow is not equivalent to a finding that there was no fraud, and does not create an automatic statutory bar to proceedings under the PFUTP Regulations. Since neither the Adjudicating Officer nor SAT had dealt with the disputed discrepancies in the trading data on which the fraud allegation rested, the matter was remanded to SAT for fresh adjudication on the limited question of fraud.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/securities-and-exchange-board-of-india-v-vedanta-limited-ors-2026-insc-978-release-escrow-1621709

CASE 2.2

Professional Clearing Members Owe No Statutory Duty to Verify Client Positions Before Liquidating a Defaulting Trading Member's Collateral

Edelweiss Custodial Services Ltd. v. NSE Clearing Ltd. & Anr., 2026 INSC 941 | Decided: 02.09.2026

Bench: J.B. Pardiwala & K. Vinod Chandran JJ.

◆ FACTS

On default by a Trading Member in the Futures & Options segment, the Professional Clearing Member (PCM) liquidated the collateral furnished by the Trading Member. A committee constituted by NSE Clearing Ltd. (the Member and Core Settlement Guarantee Fund Committee) directed the PCM to restitute the liquidated securities to the Trading Member's clients, and the Securities Appellate Tribunal upheld that direction.

◆ ISSUES

1. Whether a PCM is obliged to verify the debit/credit position of the Trading Member's individual clients before liquidating collateral?
2. Whether a clearing corporation's committee can direct restitution of money/securities by way of penalty?

◆ JUDGMENT

The Supreme Court held that the regulatory framework applicable during the relevant period gave the PCM no visibility of individual client positions, and the absence of privity between the PCM and the Trading Member's clients was a valid defence to restitution claims. It further held that Section 9(3)(b) of the Securities Contracts (Regulation) Act, 1956 bars stock exchange byelaws from prescribing penalties involving payment of money—a power reserved to SEBI. The committee therefore lacked jurisdiction, and the SAT orders upholding restitution were set aside.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/edelweiss-custodial-services-limited-v-nse-clearing-ltd-2026-insc-941-professional-clearing-members-trading-member-1621235

CASE 2.3

RBI's Power to Supersede Boards of Multi-State Co-operative Banks Is Not Bound by the Six-Month Limit in Article 243ZL

Sandeep S. Ghandat & Ors. v. Reserve Bank of India & Ors., 2026 INSC 955 | Decided: 03.09.2026

Bench: Pamidighantam Sri Narasimha & Alok Aradhe JJ.

◆ FACTS

The appellants were elected directors of Abhyudaya Co-operative Bank Ltd., a multi-State co-operative bank, for a five-year term. Citing the bank's deteriorating financial health and the need to protect depositors, the RBI superseded the Board under Section 36AAA of the Banking Regulation Act, 1949 and appointed an administrator, extending the supersession from time to time. The Bombay High Court dismissed the directors' challenge founded on the six-month ceiling in Article 243ZL(1).

◆ ISSUES

1. Whether the RBI's power under Section 36AAA is subject to the six-month limit on supersession under Article 243ZL(1)?
2. Whether supersession can continue beyond the term for which the superseded Board was elected?

◆ JUDGMENT

Dismissing the appeals, the Court held that the third proviso to Article 243ZL(1), which makes the Banking Regulation Act "also apply" to co-operative societies carrying on banking, is an independent, additive provision that preserves the RBI's specialised regulatory power. The six-month limit does not govern Section 36AAA. Supersession may be extended from time to time subject to an aggregate of five years, and expiry of the Board's original term does not denude the RBI of that power.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/sandeep-s-ghandat-v-reserve-bank-of-india/

CASE 2.4

Undertaking to Court Must Be Solemn, Express and Intended to Be Acted Upon; Additional Security of ₹200 Crore Directed in Decree Execution

Ras Al Khaimah Investment Authority v. Matrix Pharmacorp Pvt. Ltd. & Anr., 2026 INSC 932 | Decided: 01.09.2026

Bench: Surya Kant CJI, Joymalya Bagchi & V. Mohana JJ.

◆ FACTS

Ras Al Khaimah Investment Authority (RAKIA) held a money decree in its favour and was pursuing its execution against Hyderabad-based industrialist Nimmagadda Prasad and associated companies. RAKIA alleged breach of an undertaking and sought contempt action; the contempt petition was dismissed. RAKIA appealed to the Supreme Court.

◆ ISSUES

1. What constitutes an "undertaking" to the court, breach of which can attract contempt?
2. How should the decree-holder's interest be secured pending execution?

◆ JUDGMENT

The Supreme Court upheld the view that an undertaking capable of founding contempt must be solemn, express and intended to be acted upon by the court, and declined to disturb the dismissal of the contempt petition. To protect the decree-holder, however, it directed the judgment-debtors to furnish additional security of ₹200 crore with the Registry, over and above the sums and assets already deposited, with encashment subject to the outcome of the execution proceedings pending before the Commercial Courts at Hyderabad and Ranga Reddy.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/ras-al-khaimah-investment-authority-v-matrix-pharmacorp-private-limited-anr-2026-insc-932-1621157

CASE 2.5

Bareboat Charter Ends on Valid Termination Without Physical Repossession; Sister-Ship Arrest Vacated

Owners and Parties Interested in M.V. Nereus Progress v. Om Freight Forwarders Ltd., 2026 INSC 1055 | September 2026

Bench: Surya Kant CJI, Joymalya Bagchi & V. Mohana JJ.

◆ FACTS

The registered owner let M.V. Nereus Progress on a bareboat (demise) charter to Nereides Marine Services under a BIMCO BARECON 2017 form. On Nereides' default in paying hire, the owner terminated the charter and sought repossession. Before physical repossession, Om Freight Forwarders obtained an ex parte order of arrest from the Madras High Court, treating the vessel as a "sister ship" under Sections 5(1)(b) and 5(2) of the Admiralty Act, 2017 for a claim arising from Nereides' charter of another vessel. The High Court sustained the arrest, holding that a demise charter continues until physical re-delivery.

◆ ISSUES

1. Whether physical repossession is a pre-condition to termination of a bareboat charter?
2. Whether the requirements for a sister-ship arrest were satisfied?

◆ **JUDGMENT**

The Supreme Court set aside the High Court's judgment and vacated the arrest. Under Clause 32 of BARECON 2017, repossession is a consequence of termination, not a condition for it. After termination and pending repossession, Nereides held the vessel only as a gratuitous bailee, not as demise charterer. Since Nereides was no longer the demise charterer when the vessel was arrested, the statutory conditions under Section 5(1)(b) read with Section 5(2) were not met.

Read the judgment / verified report →

https://www.scobserver.in/supreme-court-observer-law-reports-scolr/requirement-of-physical-repossession-for-termination-of-demise-charter/

SECTION 03

INFRASTRUCTURE & CONSTRUCTION LAW

CASE 3.1

Contractual Bar on Interest for Delayed Payments Denudes the Tribunal of Power to Award Pre-Reference Interest

North Eastern Electric Power Corporation Ltd. v. Astra Construction Pvt. Ltd., 2026 INSC 1036 | Decided: 22.09.2026

Bench: Pamidighantam Sri Narasimha & Alok Aradhe JJ. (Opinion by Aradhe J.)

◆ FACTS

In a public works contract of NEEPCO, the arbitral tribunal awarded about ₹3.30 crore on four claims together with 12% pre-reference interest. The Commercial Court, in Section 34 proceedings, disallowed the pre-reference interest in view of Clause 54 of NEEPCO's General Conditions of Contract, which barred claims for interest on delayed periodical or final payments. In a Section 37 appeal, the Meghalaya High Court restored the award in its entirety, equating Clause 54 with the clause considered in an earlier precedent.

◆ ISSUES

1. Whether an arbitral tribunal can award pre-reference interest under Section 31(7)(a) when the contract bars interest on delayed payments?
2. What is the juristic source of pre-reference interest as distinct from pendente lite interest?

◆ JUDGMENT

The Supreme Court allowed NEEPCO's appeal. Section 31(7)(a) opens with "unless otherwise agreed by the parties" and thus subordinates the tribunal's power to party autonomy. Pendente lite interest is procedural, but pre-reference interest is substantive and must rest on agreement, statute (such as the Interest Act, 1978) or proven mercantile usage; it cannot be sourced in Section 31(7)(a) alone. Clause 54 operated as a complete bar, the tribunal exceeded its jurisdiction, and the High Court erred in restoring the interest. The judgment was set aside to that extent.

Read the judgment / verified report →
https://indiankanoon.org/doc/143922773/

CASE 3.2

Section 37 Appellate Jurisdiction Over a Section 9 Order Cannot Be Delegated to the Arbitral Tribunal, Even by Consent

Union of India & Ors. v. Hariom Projects Pvt. Ltd., 2026 LiveLaw (SC) 997 | September 2026

Bench: Aravind Kumar & Prasanna B. Varale JJ.

◆ FACTS

The Union awarded the respondent a contract for Administrative and Training Infrastructure (Phase-I) at NDA Khadakwasla. Disputes arose over adjustments, payment calculations and design. The respondent's Section 9 application before the District Judge, Pune, seeking to restrain termination, was dismissed, and it appealed under Section 37 to the Bombay High Court. During the appeal the Union terminated the work order; the High Court stayed the termination, appointed a sole arbitrator with consent, and directed that the Section 37 proceedings be remitted to the tribunal to be treated as a Section 17 application.

◆ ISSUES

1. Whether an appellate court under Section 37 can remit an appeal against a Section 9 order to the arbitral tribunal for decision under Section 17?

◆ JUDGMENT

The Supreme Court held that Sections 9, 17 and 37 draw on distinct sources of jurisdiction. A tribunal acting under Section 17 does not exercise appellate jurisdiction over a court's Section 9 order, and an arbitral tribunal, being a creature of contract, cannot exercise appellate or supervisory powers that statute vests in courts, even with the parties' consent. The High Court's direction was set aside to that limited extent.

Read the judgment / verified report →
https://www.livelaw.in/pdf_upload/2026/09/29/union-of-india-vs-hariom-projects-supreme-court-703182.pdf

CASE 3.3

Development Authority Cannot Deny "Zero Period" Benefit Because "Some" Access Existed When It Failed to Provide the Promised Access Road

New Okhla Industrial Development Authority & Ors. v. M/s Sunshine Trade Tower Pvt. Ltd. & Anr., 2026 INSC 975 | Decided: 08.09.2026

Bench: Pamidighantam Sri Narasimha & Alok Aradhe JJ.

◆ FACTS

NOIDA leased Commercial Plot No. 5-A, Sector 94 to the developer under a lease deed of January 2012. The sanctioned plan depended on a 45-metre front road, which was never provided because the land was encroached and unacquired; the 24-metre side road was unpaved. NOIDA's Zero Period Policy of 28.03.2016 provided for rescheduling instalments and waiving penal interest where development was stalled by reasons such as lack of access. NOIDA granted relief for the NGT-restraint period but rejected the access-road claim in 2020, reasoning that the developer had sufficient access. The Allahabad High Court granted relief.

◆ ISSUES

1. Whether the availability of some physical access disentitles an allottee to Zero Period relief where the authority failed to provide the planned access road?

◆ JUDGMENT

Dismissing NOIDA's appeals, the Supreme Court rejected a literal reading of Clause 5 of the policy. The existence of some access does not discharge the authority's obligation to provide easy, efficient and legitimate access as contemplated in the lease and sanctioned plan. A developer can neither be expected to build to an unworkable plan nor be burdened with liability arising from the authority's own failure. The High Court's directions to recompute dues with Zero Period benefit, waive penal interest and process the revised plan were upheld.

Read the judgment / verified report →
https://lawtrend.in/wp-content/uploads/2026/09/451552024_2026-09-08.pdf

CASE 3.4

Prior Allotment of Land Not Required to Apply for Environmental Clearance for a Bio-Medical Waste Facility; Non-Gazetted CPCB Guidelines Held Binding

M/s Punahchakran Pvt. Ltd. v. Indotech Waste Solution & Ors., 2026 INSC 956 | Decided: 07.09.2026

Bench: J.B. Pardiwala & Manoj Misra JJ.

◆ FACTS

The appellant proposed a Common Bio-medical Waste Treatment Facility (CBWTF) in Sambhal district, Uttar Pradesh. The NGT set aside its environmental clearances because the plot fell short of the size prescribed by the CPCB's Revised Guidelines for CBWTFs, 2016. The appellant obtained fresh clearances after securing a land-area relaxation from the CPCB, but the NGT set those aside too, holding that the relaxation was not in accordance with the Guidelines and that the original Terms of Reference could not support fresh clearance. The appellant argued the Guidelines were not binding as they were never gazetted.

◆ ISSUES

1. Whether prior allotment or possession of land is a pre-condition for applying for Environmental Clearance?
2. Whether non-gazetted statutory guidelines can be binding?

◆ JUDGMENT

The Supreme Court set aside the NGT's decision and restored the fresh clearances. Under the EIA Notification, 2006, an application in Form 1 can be made after mere identification of a prospective site; a firmer showing of land status is required only at the later appraisal stage. The Revised Guidelines, 2016 were held mandatory despite non-publication in the Official Gazette, as publication on the CPCB's official website was a reasonable alternative mode. The relaxation was validly granted, and quashing of the first clearance did not invalidate the Terms of Reference.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/punahchakran-v-indotech-waste-solution-legality-of-non-gazetted-statutory-guidelines/

SECTION 04

GOVERNMENT & PUBLIC PROCUREMENT CONTRACTS

CASE 4.1

"A Tender Begins With Competition, but Proceeds Upon Rules" – Revenue Considerations Cannot Cure a Bidder's Ineligibility

Micky Traders v. L.R.Y. Labour Contractor & Ors., 2026 INSC 1025 | Decided: 21.09.2026

Bench: K.V. Viswanathan & Alok Aradhe JJ.

◆ FACTS

The Punjab State Agricultural Marketing Board and Market Committee, Ludhiana invited tenders for collection of user charges from vehicles entering Mandi premises for a one-year contract worth over ₹16 crore. Clause 9(c)(a) required at least two years' experience of collecting user charges/parking fees prior to 31.12.2025. A Letter of Acceptance was issued to Micky Traders, the highest bidder, despite an objection that it lacked the requisite experience. The Punjab and Haryana High Court quashed the acceptance of its technical and financial bids and directed issue of the LoA to the eligible tenderer.

◆ ISSUES

1. What is the scope of judicial review over a tendering authority's interpretation of its own eligibility condition?
2. Can a higher financial offer justify relaxing an eligibility criterion?

◆ JUDGMENT

The Supreme Court dismissed the appeals. While courts ordinarily defer to the tendering authority's reading of its own tender, interference is justified where the decision is dehors the NIT or patently arbitrary. No reasonable authority could have found the H1 bidder's experience to satisfy Clause 9(c)(a); an unverified claim of identity with other firms could not be used to borrow their experience. Revenue considerations cannot cure ineligibility—bids can be compared only among bidders who are eligible in the first place.

Read the judgment / verified report →
https://www.livelaw.in/pdf_upload/2026/09/22/3645420262026-09-21-701738.pdf

CASE 4.2

Corruption in Public Procurement – A Company Can Be Prosecuted for Mens Rea Offences Without Identifying or Arraigning the Individual Officer; Three-Stage Attribution Test Laid Down

Sanofi India Ltd. v. Central Bureau of Investigation, 2026 INSC 957 | Decided: 07.09.2026

Bench: J.B. Pardiwala & Manoj Misra JJ.

◆ FACTS

The CBI chargesheeted Sanofi India for criminal conspiracy and cheating under Sections 120B and 420 IPC, along with offences under the Prevention of Corruption Act, 1988, alleging that a public servant had shown undue favour to the company in drug procurement tenders of the Bhabha Atomic Research Centre in return for illegal gratification. No individual director or employee of the company was arraigned. The Karnataka High Court refused to quash the proceedings.

◆ ISSUES

1. Whether criminal proceedings against a company for an offence requiring mens rea can be quashed merely because no natural person has been identified or arraigned?
2. How is the guilty mind of a natural person to be attributed to a corporation?

◆ JUDGMENT

The Supreme Court held that neither identification nor arraignment of the natural person through whom a company acted is a prerequisite for prosecuting the company; their absence alone is no ground to quash proceedings at the threshold under Section 482 CrPC. Surveying English and Indian law, the Court laid down a structured three-stage framework for attributing mens rea to corporations, and held that attribution is ordinarily a fact-dependent question for trial. [Note: published reports differ on the final operative outcome on the facts; readers should verify the operative order in the signed judgment.]

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/sanofi-india-v-central-bureau-of-investigation-corporate-criminal-liability-and-mens-rea/

CASE 4.3

Public Utility Contracts – Electricity Dues Beyond Two Years Recoverable Only if Continuously Shown as Arrears (Section 56(2), Electricity Act)

Dakshinanchal Vidyut Vitran Nigam Ltd. v. Vidyut Lokpal, Uttar Pradesh & Ors., 2026 LiveLaw (SC) 929 | September 2026

Bench: S.V.N. Bhatti & N.V. Anjaria JJ.

◆ FACTS

The State distribution licensee sought to recover ₹57,74,164 from a consumer as Minimum Consumption Guarantee Charges for February–September 1998, relating to an additional 2000 KVA load it had offered to supply. The claim was raised long after the period of consumption, and was resisted before the statutory Ombudsman (Vidyut Lokpal).

◆ ISSUES

1. Whether a distribution licensee can recover charges for a period beyond two years without having continuously shown them as arrears?

◆ **JUDGMENT**

The Supreme Court dismissed the licensee's appeal. It observed that a bill ordinarily has to be raised within two years of consumption, and that any amount sought to be recovered beyond that period must have been continuously shown as a recoverable arrear. The demand failed that test.

Read the judgment / verified report →
https://www.livelaw.in/supreme-court/electricity-act-past-dues-beyond-two-years-can-be-recovered-only-if-continuously-shown-as-arrear-supreme-court-549827

SECTION 05

CONTRACT LAW

CASE 5.1

Dissolution of Partnership at Will – Outgoing Partner's Share Valued at Date of Actual Valuation, Not Date of Dissolution

V. Sumitra Reddy & Anr. v. K. Ranganadha Reddy & Ors., 2026 INSC 979 | Decided: September 2026

Bench: Ujjal Bhuyan & Vipul M. Pancholi JJ. (Opinion by Bhuyan J.)

◆ FACTS

A partnership firm owning about 3.27 acres of land in Hyderabad was dissolved at will by one partner on 18.10.1983. The dispute was whether the outgoing partner's share in the firm's immovable property had to be valued as on the date of dissolution, or at its value when the property was actually assessed or sold. The remaining partners, as a reconstituted firm, continued to use the assets. The Andhra Pradesh High Court ruled in favour of the outgoing partner.

◆ ISSUES

1. On what date is an outgoing partner's share in the residue of partnership assets to be valued after dissolution at will?
2. Can a reconstituted firm use the assets of the dissolved firm without settling accounts?

◆ JUDGMENT

Affirming the High Court, the Supreme Court held that while profits or losses are determined as on the date of dissolution, that date does not freeze the monetary value of the outgoing partner's share in the residue of assets; the share is to be determined on the value of the assets as on the date of actual valuation. A reconstituted firm has no right to utilise the assets of the dissolved firm unless the accounts are settled and the outgoing partner is paid his share.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/v-sumitra-reddy-v-k-ranganadha-reddy-2026-insc-979-reconstituted-partnership-firm-1621761

CASE 5.2

Specific Performance – Plaintiff Must First Dispel Suspicious Circumstances Surrounding the Agreement Before Burden Shifts

Bohar Singh & Anr. v. Sardara Singh & Ors., 2026 LiveLaw (SC) 909 | September 2026

Bench: J.B. Pardiwala & K. Vinod Chandran JJ.

◆ FACTS

The respondent-plaintiff sued for specific performance of an agreement to sell the appellant's land. The appellant's case was that a loan transaction had been disguised as a sale agreement: his signature taken on blank paper was used to fabricate an agreement, with the loan advanced to the plaintiff's father shown as earnest money. The Trial Court dismissed the suit; the First Appellate Court and the Punjab & Haryana High Court decreed it.

◆ ISSUES

1. Where the genuineness of an agreement to sell is clouded by suspicious circumstances, on whom does the initial burden lie?

◆ JUDGMENT

The Supreme Court set aside the concurrent findings of the First Appellate Court and the High Court and restored the dismissal of the suit. A plaintiff seeking specific performance of an agreement surrounded by suspicious circumstances must first explain those circumstances satisfactorily; only then does the evidentiary burden shift to the defendant.

Read the judgment / verified report →
https://www.livelaw.in/supreme-court/plaintiff-in-specific-performance-suit-must-first-debunk-suspicious-circumstances-supreme-court-549092

CASE 5.3

In Pari Delicto – Suit to Recover Money Paid for an Illegal Purpose Is Barred; Plaint Liable to Rejection Under Order VII Rule 11(d)

Poosa Sri Krishna & Ors. v. Gattu Kishan Rao & Anr., 2026 LiveLaw (SC) 928 | September 2026

Bench: Ahsanuddin Amanullah & Manmohan JJ.

◆ FACTS

The plaintiff sued to recover money which, on the averments in the plaint itself, had been paid for an illegal and fraudulent purpose. The defendants' application to reject the plaint under Order VII Rule 11 was dismissed by the trial court, and the Telangana High Court upheld that order.

◆ ISSUES

1. Whether a plaint that itself discloses payment for an illegal purpose is liable to be rejected at the threshold as barred by law?

◆ JUDGMENT

The Supreme Court held that where the plaint itself discloses that the money sought to be recovered was paid for an illegal and fraudulent purpose, the suit is barred by the principle of in pari delicto (courts will not assist a party to an illegal transaction), and the plaint is liable to be rejected under Order VII Rule 11(d) CPC. The orders of the courts below were set aside.

Read the judgment / verified report →
https://www.livelaw.in/top-stories/supreme-court-suit-recovery-money-paid-illegal-purpose-maintainable-ordervii-rule11-cpc-549790

CASE 5.4

Insurance Contracts – NCDRC Cannot Brush Aside Surveyor Reports Without Identifying a Specific Deficiency; Repudiation for False Declarations Upheld

M/s New India Assurance Co. Ltd. v. M/s Hemkund Duplex and Board Pvt. Ltd., 2026 INSC 1023 | Decided: 21.09.2026

Bench: Sanjay Kumar & Sanjeev Sachdeva JJ.

◆ FACTS

A paper-board manufacturer claimed over ₹7.31 crore under a fire insurance policy. The insurer repudiated the claim. The NCDRC directed payment of ₹2.40 crore with interest, ₹3 lakh as compensation for deficiency in service and ₹1 lakh as costs, disregarding the statutory surveyors' reports. Cross-appeals were filed—by the insurer against the award and by the insured for enhancement.

◆ ISSUES

1. Can a consumer forum disregard statutory surveyors' reports in a fire insurance claim without pointing out a specific deficiency?
2. Was repudiation justified where the insured made false declarations and breached policy conditions?

◆ JUDGMENT

The Supreme Court set aside the NCDRC award and upheld the repudiation. The NCDRC could not disregard the statutory surveyors' reports without identifying a specific deficiency in their assessment. On the record, the insured had made false declarations and breached the policy conditions, which justified repudiation. The insured's appeal for enhancement failed.

Read the judgment / verified report →

https://www.verdictum.in/supreme-court/ms-new-india-assurance-company-limited-v-ms-hemkund-duplex-and-board-private-limited-2026-insc-1023-1622489

SECTION 06

CONSTITUTIONAL & ADMINISTRATIVE LAW

CASE 6.1

Subordinate Legislation Restricting Trade Must Bear a Proportionate Nexus to Its Object – Maharashtra's Methanol Rules Struck Down

M/s Balaji Formalin Pvt. Ltd. & Anr. v. Union of India & Anr., 2026 INSC 1009 | Decided: 18.09.2026

Bench: J.B. Pardiwala & K. Vinod Chandran JJ.

◆ FACTS

Maharashtra inserted Rules 18A and 18B into the Maharashtra Poisons Rules, 1972. Rule 18A required sellers to verify purchasers' licences and to add a colourant and bitterant to methanol sold to non-drug manufacturers; Rule 18B provided for confiscation of methanol held without a Form A licence. Manufacturers argued that the additives rendered methanol commercially unusable for downstream industry. The Bombay High Court upheld the Rules.

◆ ISSUES

1. Whether Rules 18A and 18B violate Articles 14 and 19(1)(g)?
2. What standard applies to subordinate legislation that restricts trade?

◆ JUDGMENT

The Supreme Court struck down Rules 18A and 18B as violative of Articles 14 and 19(1)(g). Subordinate legislation restricting trade is liable to be invalidated if it lacks a reasonable, proportionate nexus with its object. The licensing and additive requirements imposed a substantial, continuing burden on industry while failing to address the real problem of diversion and pilferage; they treated symptoms rather than causes. The Court suggested tighter licensing and stock reconciliation as less restrictive alternatives to prevent hooch tragedies.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/validity-of-maharashtras-methanol-regulation/

CASE 6.2

Statutory Regulators Possess Incidental and Ancillary Powers to Enforce Accountability – NCTE's Performance Appraisal Regime Upheld

National Council for Teacher Education v. Association of NCTE Approved Colleges Trust & Ors., 2026 INSC 953 | Decided: 03.09.2026

Bench: Pamidighantam Sri Narasimha & Alok Aradhe JJ.

◆ FACTS

In 2019 the NCTE replaced its annual renewal of recognition with a Performance Appraisal Report (PAR) system. A public notice issued by its Member Secretary required Teacher Education Institutes to submit PARs with a fee, warning of action under Section 17 of the NCTE Act, 1993. An association of colleges argued that the Member Secretary lacked authority. A Single Judge of the Delhi High Court dismissed the challenge, but the Division Bench quashed the notice because the specific proforma had not been approved by the Council.

◆ ISSUES

1. Whether a statutory regulator can demand accountability measures without an express statutory provision?
2. Whether the High Court was right in quashing the notice on a technical ground of delegation?

◆ JUDGMENT

The Supreme Court allowed NCTE's appeal and upheld the notice. A regulator's power to secure accountability from the institutions it oversees need not always be traceable to an express provision; it may be incidental and ancillary to its core functions. The Council and its Executive Committee had ample power under Section 12(k) to call for annual PARs. Once the Council approved the PAR concept and authorised implementation, issuance of the notice was a valid exercise of delegated authority. Courts must review regulatory action within the wider statutory mandate, not pedantically.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/regulators-power-to-enforce-accountability/

CASE 6.3

Article 22 – Re-Arrest After Release for Unconstitutional Detention Requires Prior Judicial Approval; Investigation to Be Transferred

Jaskaran Jeet Singh Deol v. State of Punjab, 2026 INSC 1022 | Decided: 21.09.2026

Bench: Ujjal Bhuyan & Atul S. Chandurkar JJ.

◆ FACTS

The appellant was booked under the BNS and the POCSO Act and arrested on 17.05.2026. He was produced before the Magistrate more than 24 hours later and without being furnished written grounds of arrest, and the Magistrate directed his release. A fresh custody plea failed as the grounds still remained unfurnished. The Punjab and Haryana High Court nonetheless refused to bar his re-arrest.

◆ ISSUES

1. Once a person is released for breach of Article 22(1) or 22(2), can the same police authority re-arrest him at its discretion?
2. What safeguards and remedies follow such a breach?

◆ JUDGMENT

Setting aside the High Court's order, the Supreme Court held that the power to re-arrest cannot rest with the authority that violated the constitutional safeguards; re-arrest for the same offence requires the prior imprimatur of a Magistrate. Applying Mihir Rajesh Shah v. State of Maharashtra, any custody application must disclose the reasons for re-arrest, explain the earlier non-compliance and carry the endorsement of a superior officer, and be decided expeditiously. The investigation was directed to be transferred, departmental proceedings against erring officers were mandated, and High Courts may award compensation as a public-law remedy.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/re-arrest-after-unconstitutional-detention/

CASE 6.4

Quasi-Judicial Orders Built on AI-Fabricated Citations Cannot Stand – ₹425 Crore Customs Penalty Set Aside

Vijay Ghanshyam Gadiya v. Union of India & Anr., 2026 INSC 947 | Decided: 02.09.2026

Bench: Dipankar Datta & Sheel Nagu JJ.

◆ FACTS

The Additional Commissioner of Customs, Surat imposed a penalty of about ₹425 crore on the appellant. The adjudication order relied on case laws and citations that turned out to be fake, apparently generated by artificial intelligence. The appellant's challenge to the penalty was dismissed, and he appealed to the Supreme Court.

◆ ISSUES

1. Can a quasi-judicial order resting on non-existent, AI-generated precedents be sustained?

◆ JUDGMENT

The Supreme Court set aside the penalty order. It cautioned that while AI may serve as "training wheels", entrusting it with the pilot's seat in adjudication would be imprudent and dangerous. Adjudicating authorities must personally verify the authorities on which they rely; an order founded on fabricated citations reflects non-application of mind and cannot survive judicial review.

Read the judgment / verified report →

https://www.verdictum.in/supreme-court/vijay-ghanshyam-gadiya-v-union-of-india-2026-insc-947-ai-customs-authority-penalty-1621205

CASE 6.5

Article 14 Operates on Administrative Discretion as Much as on Statutory Decisions – J&K Directed to Relieve Teacher to Coach National Team

Indian Kayaking and Canoeing Association v. Union Territory of J&K & Ors., 2026 INSC 981 | Decided: 10.09.2026

Bench: Aravind Kumar & Vipul M. Pancholi JJ.

◆ FACTS

Ms. Bilquis Mir, a Physical Education Teacher in the J&K Department of Youth Services and Sports, was selected as Chief Coach of the Indian National Kayaking and Canoeing Team for the Asian Games, 2026. The UT administration declined to issue a relieving order/No Objection Certificate, and a Division Bench of the High Court of J&K and Ladakh refused to interfere.

◆ ISSUES

1. Whether a refusal of permission/NOC, being a matter of administrative discretion, is beyond judicial review?

◆ JUDGMENT

The Supreme Court set aside the Division Bench order and held that administrative discretion is not placed beyond judicial review; Article 14 governs the exercise of discretion as much as it governs statutory decisions. The UT was directed to issue the relieving order, NOC and permission on or before 15.09.2026 to enable the teacher to discharge her assignment and accompany the national team.

Read the judgment / verified report →

https://www.verdictum.in/supreme-court/indian-kayaking-and-canoeing-association-v-union-territory-of-jk-2026-insc-981-govt-order-teacher-1621860

SECTION 07

STAMPING & LIMITATION LAW

CASE 7.1

Section 47-A Indian Stamp Act – Is Fraudulent Intent a Pre-Condition to Reference for Undervaluation? Question Referred to Larger Bench

Bharat Petroleum Corporation Ltd. v. District Revenue Officer (Stamps) & Anr., 2026 INSC 963 | Decided: 07.09.2026

Bench: Dipankar Datta & Sheel Nagu JJ.

◆ FACTS

BPCL purchased land from the Union Government. Proceedings were initiated under Section 47-A of the Indian Stamp Act, 1899 (as applicable in Tamil Nadu) to determine the market value and alleged deficit stamp duty. A Single Judge of the Madras High Court quashed the proceedings, but the Division Bench reversed that decision. Section 47-A empowers the registering officer, having reason to believe that the value stated in an instrument is not the true value, to refer it to the Collector.

◆ ISSUES

1. Does invocation of Section 47-A depend on wilful undervaluation accompanied by fraudulent intent to evade stamp duty, or can it be exercised to determine true market value irrespective of the parties' mindset?

◆ JUDGMENT

Expressing serious doubts about the correctness of the three-Judge Bench decision in V.N. Devadoss v. Chief Revenue Control Officer-cum-Inspector of Stamps (2009)—later followed in Registrar of Assurances v. ASL Vyapar (P) Ltd.—which linked Section 47-A to wilful undervaluation with fraudulent intent, the Court referred the question to a larger Bench and directed the papers to be placed before the Chief Justice of India.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/cause-title-bharat-petroleum-corporation-limited-v-district-revenue-officer-stamps-and-another-2026-insc-963-1621549

CASE 7.2

Litigant Cannot Be Rendered Remediless When the Tribunal's E-Filing System Fails Within Limitation

Regional Provident Fund Commissioner-II v. Ms. Mamta Binani & Ors., 2026 LLBiz SC 309 | September 2026

Bench: Dipankar Datta & Sheel Nagu JJ.

◆ FACTS

The appellant attempted to file an IBC appeal before the NCLAT within the prescribed period, but a failure of the NCLAT's e-filing system prevented the papers from being received, resulting in a one-day delay. The NCLAT dismissed the appeal as time-barred, holding that it had no power to condone the delay.

◆ ISSUES

1. Whether a delay caused solely by the failure of a court/tribunal's e-filing system defeats a bona fide attempt to file within limitation?

◆ **JUDGMENT**

The Supreme Court set aside the NCLAT's order. Where the system of the court or tribunal fails to receive papers presented bona fide and within the prescribed time, the litigant cannot be left without a remedy on the ground that the forum lacks power to condone delay. The appeal was restored.

Read the judgment / verified report →
https://www.livelawbiz.com/top-stories/litigant-cannot-be-rendered-remediless-for-nclat-e-filing-system-failure-in-ibc-appeal-supreme-court-550373

CASE 7.3

IBC Appeals – Limitation Runs From the Date the NCLAT Order Is Provided, Not From Receipt of a Certified Copy

Employees' Provident Fund Organisation v. CoC of VAS Data Services Pvt. Ltd., Diary No. 32869/2026 | September 2026

Bench: Manoj Misra & Vijay Bishnoi JJ.

◆ **FACTS**

The EPFO sought to appeal to the Supreme Court against an NCLAT order in insolvency proceedings and computed limitation from the date on which it obtained a certified copy of the order.

◆ **ISSUES**

1. From which date does limitation for an appeal against an NCLAT order run?

◆ **JUDGMENT**

The Supreme Court held that, assuming the NCLAT Rules, 2016 oblige the Tribunal to provide a copy of the order to the parties, the period of limitation runs from the date the order is so provided, and not from the date when a certified copy is obtained. The ruling reinforces the strict timelines that govern appeals in the insolvency framework.

Read the judgment / verified report →
https://www.livelawbiz.com/top-stories/ibc-appeal-limitation-runs-from-nclat-order-not-receipt-of-certified-copy-supreme-court-549599

SECTION 08

CIVIL PROCEDURE LAW

CASE 8.1

Order XIV Rule 2(2) CPC – Framing All Issues Does Not Exhaust the Power to Try a Preliminary Issue First; Commencement of Common Trial Does

John Mathew v. Santha Paul & Ors., 2026 INSC 1020 | Decided: 21.09.2026

Bench: K.V. Viswanathan & Arun Palli JJ.

◆ FACTS

In a civil suit, after all issues had been framed and evidence led, a question arose whether an issue of law touching jurisdiction or a statutory bar could still be carved out and tried as a preliminary issue under Order XIV Rule 2(2) CPC.

◆ ISSUES

1. Does framing of all issues foreclose the court's power to try a qualifying issue of law first?
2. Can a preliminary issue be carved out after a common trial on all issues has begun?

◆ JUDGMENT

The Supreme Court held that mere framing of all issues does not foreclose the power under Order XIV Rule 2(2) to try a qualifying issue of law (jurisdiction or statutory bar) in advance. What forecloses it is the commencement of a common trial on all issues: once evidence begins to be led generally, the issue becomes part of a composite trial. The power is to "try" an issue first, which operates only prospectively; a court cannot, midway through trial, notionally carve out an issue as though it still awaited separate adjudication.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/john-mathew-v-santha-paul-2026-insc-1020-order-xiv-rule-22-cpc-1622453

CASE 8.2

Section 92 CPC – No Protective or Preservatory Interim Orders Before Leave Is Granted to Sue a Public Trust

S. Panchalingu & Ors. v. People's Education Trust (R) & Ors., 2026 INSC 1010 | Decided: 18.09.2026

Bench: Manoj Misra & Manmohan JJ.

◆ FACTS

The appellants alleged financial and administrative mismanagement and breach of trust in a public charitable trust. They filed a suit under Section 92 CPC with an application for leave to institute it, and sought urgent interim protection by appointment of an ad hoc body to manage the trust. The trial court constituted an ad hoc committee. The Karnataka High Court set that order aside, holding that no interim order could be passed before leave was granted.

◆ ISSUES

1. Can a civil court pass interim orders, such as appointing a receiver, while the application for leave under Section 92 is pending?

◆ **JUDGMENT**

Dismissing the appeal, the Supreme Court held that leave under Section 92 is a threshold requirement; until leave is granted there is no validly instituted suit and hence no jurisdiction to entertain interlocutory applications, including for a receiver. Section 92 is both a protective shield for public trusts against vexatious suits and a remedial sword against mismanagement. In cases of compelling urgency, however, notice before grant of leave is not indispensable and leave may be granted ex parte with utmost circumspection.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/interim-relief-under-section-92-cpc/

CASE 8.3

Compromise Decree Obtained Without Impleading a Necessary Party Is a Nullity; Omitted Party May Seek Recall Before the Same Court

Geeta Bai & Ors. v. K. Arjun Singh & Ors., 2026 LiveLaw (SC) 1004 | September 2026

Bench: Vikram Nath & Sandeep Mehta JJ.

◆ **FACTS**

In a partition suit concerning coparcenary property, the brothers/legal heirs on both sides entered into a compromise, which the High Court recorded in its decree dated 23.09.2020. Late Smt. Ballo Bai, a legal heir of the propositus entitled to claim a one-fourth share, and her legal heirs were never impleaded at any stage. Her heirs applied to the High Court to recall the compromise decree, but the application was declined.

◆ **ISSUES**

1. Is a compromise decree binding on a necessary party who was never impleaded?
2. Does the bar in Order XXIII Rule 3A CPC prevent such a stranger from seeking recall?

◆ **JUDGMENT**

The Supreme Court allowed the appeal. A compromise decree obtained without impleading a necessary party is a nullity in the eyes of law. The omitted heirs are strangers to the lis; the bar in Order XXIII Rule 3A does not disentitle them from challenging the compromise and seeking recall of a decree obtained behind their back before the court that passed it.

Read the judgment / verified report →
https://www.livelaw.in/supreme-court/compromise-decree-obtained-without-impleading-necessary-party-is-nullity-supreme-court-552538

CASE 8.4

Defendant Need Not Enter the Witness Box When the Defence Rests on an Undisputed Document Already on Record

Punnu Ram v. Laturia Ram (Dead) Thr. LRs., 2026 LiveLaw (SC) 903 | September 2026

Bench: M.M. Sundresh & Prasanna B. Varale JJ.

◆ **FACTS**

The plaintiff sued for a mandatory injunction and possession, claiming to be the owner and asserting that the defendant was merely a licensee. The trial court dismissed the suit, relying on a revenue entry on record showing the defendant as a tenant. The question arose whether the defendant's failure to step into the witness box was fatal to the defence.

◆ **ISSUES**

1. Must a defendant depose personally where the defence rests entirely on an admitted or undisputed document already on record?

◆ JUDGMENT

The Supreme Court held that a defendant is not required to step into the witness box when the defence is founded on an undisputed document already placed on record.

Read the judgment / verified report →
https://www.livelaw.in/supreme-court/defendant-need-not-enter-witness-box-to-prove-admitted-document-supreme-court-548933

CASE 8.5

Defendant's (Insurer's) Place of Business Does Not Confer Territorial Jurisdiction on a MACT Under Section 166(2)

K. Rashik v. National Insurance Co. Ltd. & Anr., 2026 INSC 996 | Decided: 16.09.2026

Bench: Ujjal Bhuyan & Atul S. Chandurkar JJ.

◆ FACTS

A claimant filed a motor accident compensation claim before the Tribunal at Chennai on the basis that the insurer carried on business there. The Madras High Court set aside the Chennai Tribunal's ruling on territorial jurisdiction and directed transfer of the claim to Chittoor.

◆ ISSUES

1. Is the place where the defendant carries on business an independent basis for territorial jurisdiction of a Claims Tribunal under Section 166(2) of the Motor Vehicles Act, 1988?

◆ JUDGMENT

Dismissing the claimant's appeal, the Supreme Court held that Section 166(2) does not make the place where a defendant carries on business an independent ground of territorial jurisdiction. The insurer's business presence in Chennai did not justify entertaining the claim there, and the transfer to Chittoor was upheld.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/k-rashik-v-national-insurance-company-ltd-and-another-2026-insc-996-mv-act-1622088

SECTION 09

CIVIL LITIGATION

CASE 9.1

Suppression of an Earlier Petition Seeking the Same Relief Disentitles the Litigant to Any Relief

Vinit Kumar v. State of U.P. Thr. Secretary & Ors., 2026 INSC 997 | Decided: 16.09.2026

Bench: Pamidighantam Sri Narasimha & Alok Aradhe JJ.

◆ FACTS

The litigation concerned a selection process begun in 2011 by the Uttar Pradesh Power Corporation Ltd. for 2,974 posts of Technician Grade-2 (Trainee) Electrical. The litigants who challenged the process had earlier filed a writ petition seeking the same relief but did not disclose it in the subsequent proceedings.

◆ ISSUES

1. What is the consequence of non-disclosure of earlier litigation seeking the same relief?

◆ JUDGMENT

The Supreme Court held that non-disclosure of a previously filed writ petition seeking the same relief amounts to suppression of material facts, and such conduct, without anything more, disentitles the litigant to any relief. Litigants approaching a court must come with clean hands and full disclosure.

Read the judgment / verified report →
https://www.verdictum.in/amp/supreme-court/vinit-kumar-v-state-of-up-through-secretary-ors-2026-insc-997-suppression-material-facts-1622155

CASE 9.2

Anti-Suit Injunction Against Foreign Matrimonial Proceedings Ordinarily Unwarranted While They Are at an Inchoate Stage

MPB v. VJB, 2026 INSC 1034 | Decided: 22.09.2026

Bench: S.V.N. Bhatti & N.V. Anjaria JJ.

◆ FACTS

A civil court at Alipore granted the husband an ex parte interim anti-suit injunction under Order XXXIX Rules 1 and 2 read with Section 151 CPC, restraining the wife from pursuing divorce and financial proceedings before a Family Court in the United Kingdom. The Calcutta High Court vacated the injunction, and the husband appealed.

◆ ISSUES

1. When may an Indian court restrain a party from pursuing proceedings before a foreign court?

◆ JUDGMENT

The Supreme Court upheld the High Court's decision. An anti-suit injunction restraining a spouse from pursuing matrimonial proceedings before a foreign court is ordinarily unwarranted when those proceedings are still at an inchoate stage and have not culminated in a final decision.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/mpb-v-vjb-2026-insc-1034-anti-suit-injunctions-foreign-courts-matrimonial-proceedings-1622549

CASE 9.3

Quo Warranto – Burden Lies on the Petitioner to Prove Lack of Authority by Unimpeachable Evidence

Annu Kumar & Anr. v. Maharshi Dayanand University, Rohtak & Ors., 2026 INSC 968 | Decided: 08.09.2026

Bench: Dipankar Datta & Manmohan JJ.

◆ FACTS

The appellants challenged the appointment of an Assistant Professor of Physical Education at a college affiliated to Maharshi Dayanand University, alleging that his Ph.D. degree, said to be awarded by Bundelkhand University, Jhansi, was fake.

◆ ISSUES

1. What must a petitioner establish to obtain a writ of quo warranto against an appointee to public office?
2. Can the appointment be quashed where the disputed qualification was not essential to the post?

◆ JUDGMENT

The Supreme Court held that a petitioner seeking quo warranto must discharge the burden of proving the appointee's lack of authority by producing unimpeachable evidence. As the disputed Ph.D. was not an essential qualification—the appointee independently held the mandatory UGC-NET qualification—the appointment was not set aside. However, given prima facie material casting doubt on the degree, the University was directed to conduct a fresh inquiry into its authenticity.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/annu-kumar-anr-v-maharshi-dayanand-university-rohtak-2026-insc-968-public-office-appointment-1621630

SECTION 10

LAND ACQUISITION & LAND LAWS

CASE 10.1

National Highways Act – Where Compensation Was Determined Before 01.01.2015, Solatium and Interest Are Computed Under the 1894 Act

Manav Bhanot v. National Highways Authority of India, 2026 INSC 973 | Decided: 08.09.2026

Bench: J.B. Pardiwala & K. Vinod Chandran JJ.

◆ FACTS

The appellant's land was acquired under the National Highways Act, 1956 by notification under Section 3A in 2011 and declaration under Section 3D in 2012. The Competent Authority determined compensation in 2014 (about ₹3.47 crore). An arbitral award followed in 2016 and was challenged under Sections 34 and 37. The dispute was whether solatium, interest and interest on solatium were to be computed under the Land Acquisition Act, 1894 or under the RFCTLARR Act, 2013, which was made applicable to NH acquisitions with effect from 01.01.2015.

◆ ISSUES

1. Which statute governs solatium and interest for NH acquisitions where compensation was determined before 01.01.2015?

◆ JUDGMENT

The Supreme Court held that entitlement to solatium, interest and interest on solatium turns on the date of determination of compensation, not on when the acquisition began. Where the Competent Authority determined compensation before 01.01.2015, these benefits are computed under the Land Acquisition Act, 1894; if determined thereafter, the 2013 Act applies.

Read the judgment / verified report →

https://www.verdictum.in/supreme-court/manav-bhanot-v-national-highway-authority-of-india-2026-insc-973-january-01-2015-solatium-payable-act-of-1894-1621638

CASE 10.2

Severance Compensation Must Reflect Loss of Utility of the Remaining Land and Be Computed on Its Market Value

Surinder Ahuja & Anr. v. State of Punjab & Anr., 2026 INSC 1068 | Decided: 29.09.2026

Bench: Dipankar Datta & Sheel Nagu JJ.

◆ FACTS

Agricultural land in Fazilka district, Punjab was acquired under the Land Acquisition Act, 1894 for construction of the Aspal Extension Drain, which cut the holdings in two. The Reference Courts awarded severance charges at 50% of the market value of the remaining unacquired land. In 47 connected appeals, the Punjab and Haryana High Court capped severance at 40% of the value of the acquired strip.

◆ ISSUES

1. On what baseline is severance compensation under Section 23(1), "thirdly", of the 1894 Act to be computed?

◆ JUDGMENT

The Supreme Court held that the High Court committed a fundamental legal error by shifting the baseline from the remaining unacquired land to the acquired portion. Where acquisition destroys the functional integrity of the remaining property, severance compensation must reflect the actual loss of utility and diminution in value of the unacquired land. The Reference Courts' award of 50% severance charges on the market value of the remaining land was restored, with payment directed within six months.

Read the judgment / verified report →
https://www.verdictum.in/amp/supreme-court/surinder-ahuja-anr-v-state-of-punjab-anr-2026-insc-1068-severance-compensation-1623104

CASE 10.3

Revisional Power Under Section 56, Karnataka Land Revenue Act Must Be Exercised Within Three Years

M.R.R. Setty (Dead) by LRs v. Government of Karnataka & Ors., 2026 INSC 944 | Decided: 02.09.2026

Bench: Sanjay Kumar & Sanjeev Sachdeva JJ.

◆ FACTS

In 2014, the Joint Director/Registrar of Land Records issued a re-enquiry notice in exercise of revisional jurisdiction under Section 56 of the Karnataka Land Revenue Act, 1964, reopening long-settled revenue entries. The Karnataka High Court declined to interfere.

◆ ISSUES

1. Is there a time limit for exercise of revisional jurisdiction under Section 56 of the Karnataka Land Revenue Act?

◆ JUDGMENT

The Supreme Court quashed the re-enquiry notice, holding that Section 56 contains a clear mandate as to the time frame within which revisional jurisdiction may be exercised, namely three years. Revenue authorities cannot reopen concluded matters beyond that statutory period.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/mrr-setty-dead-v-government-of-karnataka-2026-insc-944-revision-sec56-karnataka-land-revenue-1621242

SECTION 11

REAL ESTATE & PROPERTY LAW

CASE 11.1

Long Possession Alone Does Not Prove Adverse Possession – Hostile Animus Must Be Affirmatively Established

Bhag Singh (Dead) Thr. Mahant Kashmir Singh v. Basant Kaur (Dead) Thr. LRs & Ors., 2026 INSC 983 | Decided: 10.09.2026

Bench: Prashant Kumar Mishra & Shree Chandrashekhar JJ.

◆ FACTS

The dispute concerned agricultural land in Muktsar, Punjab and traced back to a 1981 suit. The plaintiffs relied on a 1965 registered sale deed reciting delivery of possession. The defendants claimed the land had been dedicated for Dharam Arth to a Dera, that successive Mahants had held possession (as recorded in revenue entries), and alternatively that the Dera had perfected title by adverse possession. The trial court and first appellate court accepted the dedication; the Punjab and Haryana High Court reversed and decreed the suit.

◆ ISSUES

1. Does long possession, by itself, establish adverse possession?

◆ JUDGMENT

Dismissing the appeal, the Supreme Court held that long possession may furnish evidence of physical occupation but does not by itself establish that the possession was adverse in law. The element of hostility—an open assertion of title against the true owner—must be affirmatively pleaded and proved. In the absence of evidence of continuity of possession through successive Mahants and of any hostile assertion, the plea failed.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/bhag-singh-d-v-basant-kaur-d-thr-lrs-and-others-2026-insc-983-long-possession-evidence-1621771

CASE 11.2

Section 14(1), Hindu Succession Act – Widow Becomes Absolute Owner of Property Devolving on Her; Partition Not a Sine Qua Non

Ganapati (Dead) by LRs v. Prabhakar & Ors., 2026 INSC 1033 | Decided: 22.09.2026

Bench: S.V.N. Bhatti & N.V. Anjaria JJ.

◆ FACTS

The appeal by the legal representatives of the plaintiff arose from a judgment of the Karnataka High Court concerning the nature of a widow's rights in property that devolved upon her on the death of her husband, and whether a partition was necessary for her to hold it as absolute owner.

◆ ISSUES

1. Does a widow become absolute owner of property devolving on her on her husband's death, and is prior partition a pre-condition?

◆ JUDGMENT

The Supreme Court held that by operation of Section 14(1) of the Hindu Succession Act, 1956, the widow becomes the absolute owner of property devolved upon her on the demise of her husband, and partition is not a sine qua non for her to continue enjoying the property as an independent and absolute owner.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/ganapati-dead-by-his-lrs-v-prabhakar-2026-insc-1033-widow-owner-property-partition-1622521

CASE 11.3

SARFAESI – Loan Acquired by a Bank From an Entity Outside the Act Becomes a Secured Debt Enforceable Under It

Kotak Mahindra Bank Ltd. v. Trupti Sanjay Mehta & Ors. (with connected appeals), 2026 INSC 943 | Decided: 02.09.2026

Bench: Sanjay Kumar & Sanjeev Sachdeva JJ.

◆ FACTS

City Financial Consumer Finance Ltd., an NBFC that was not a "financial institution" under Section 2(1)(m) of the SARFAESI Act when the loans were created, assigned its secured loan accounts to Kotak Mahindra Bank. The bank invoked the SARFAESI Act against the borrowers' secured properties, and the borrowers questioned its right to do so.

◆ ISSUES

1. Can a bank covered by the SARFAESI Act enforce, under that Act, a non-performing secured loan acquired from an entity outside its purview?

◆ JUDGMENT

The Supreme Court held that when a bank covered by the SARFAESI Act acquires a non-performing secured loan account from an entity outside the Act, the account becomes a secured debt in the hands of the bank, recoverable by enforcement of security interest under the SARFAESI Act.

Read the judgment / verified report →
https://www.verdictum.in/weekly-summary/weekly-overview-supreme-court-judgments-august-31-september-04-2026-1621490

SECTION 12

CORPORATE & COMMERCIAL ADVISORY

CASE 12.1

Absence of Mens Rea Does Not Make Penalty Automatic – Mere Delay in Depositing Collected Tax Is Not "Failure to Pay"

M/s Saudi Arabian Airlines v. Union of India & Ors., 2026 INSC 933 | Decided: 01.09.2026

Bench: J.B. Pardiwala & Ujjal Bhuyan JJ.

◆ FACTS

The airline was issued show-cause notices for delay in depositing Foreign Travel Tax collected from passengers under the Foreign Travel Tax Rules, 1979. Penalties were imposed under Section 38(3) of the Finance Act, 1979. The airline attributed the delays to genuine administrative and security reasons and also challenged the vires of Section 38(3). The Bombay High Court dismissed its petition, holding that the Act drew no distinction between failure to pay and delay in payment.

◆ ISSUES

1. Does "failure to pay" under Section 38(3) include belated payment?
2. Is penalty automatic once breach is established?

◆ JUDGMENT

The Supreme Court set aside the High Court's decision. "Failure to pay" connotes absolute non-payment; belated deposit is delayed payment. Further, the exclusion of mens rea and the automatic imposition of penalty are distinct questions. Where the statute prescribes a show-cause notice, reply and hearing, the officer has discretion to decide whether penalty is imposable at all; the power to impose includes the power not to impose. The penalties were quashed.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/courts-discretion-in-the-imposition-of-penalty/

CASE 12.2

"Crust and Crumb" – After a Final ITSC Settlement, Revenue Cannot Reopen Settled Issues by Reassessment

Assistant Commissioner of Income Tax & Anr. v. M/s Omaxe Ltd., 2026 INSC 1000 | Decided: 16.09.2026

Bench: S.V.N. Bhatti & N.V. Anjaria JJ.

◆ FACTS

The assessee's case had been settled by a final order of the Income Tax Settlement Commission under Section 245D(4) of the Income-tax Act, 1961. The Assessing Officer subsequently sought to invoke reassessment powers to reopen an issue covered by that settlement.

◆ ISSUES

1. Can the Revenue use reassessment proceedings to reopen an issue concluded by a final ITSC settlement order?

◆ JUDGMENT

Dismissing the Revenue's appeal, the Supreme Court held that once a settlement is concluded, both the Revenue and the assessee must take its "crust and crumb" together, accepting both benefits and burdens. The Assessing Officer cannot reopen a settled issue through reassessment; the only route to unsettle an ITSC order is an application before the Commission itself on grounds of fraud or misrepresentation.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/assistant-commissioner-of-income-tax-v-ms-omaxe-limited-2026-insc-1000-revenue-and-assessee-1622143

CASE 12.3

CBDT Circulars Bind Tax Authorities but Not Constitutional Courts

Orient Crafts Ltd. v. Commissioner of Income Tax, New Delhi | Decided: 18.09.2026

Bench: S.V.N. Bhatti & N.V. Anjaria JJ.

◆ FACTS

The assessee claimed deduction under Section 80HHC of the Income-tax Act, 1961 on premiums earned from sale of export quotas, relying on a CBDT circular. The income-tax appellate authorities allowed the deduction, but the Delhi High Court reversed them on the Revenue's appeal.

◆ ISSUES

1. Does a CBDT circular bind the High Courts and the Supreme Court, or bar the Revenue from challenging a Tribunal ruling founded on it?

◆ JUDGMENT

The Supreme Court held that a CBDT circular binds departmental officers but not the High Courts or the Supreme Court, and it does not prevent the Revenue from challenging a Tribunal ruling that rests on a reading of the circular contrary to the statute. The High Court's ruling against the assessee was upheld and the appeals dismissed.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/ms-samtex-fashions-ltd-v-commissioner-of-income-tax-new-delhi-cbdt-circulars-1622298

CASE 12.4

Loan Recovery Guidelines "Exist Only on Paper" – RBI Directed to Secure Real Compliance by Banks and NBFCs on Vehicle Repossession

Hari Dutta Sharma v. State of U.P. & Ors., 2026 INSC 998 | Decided: 16.09.2026

Bench: Pamidighantam Sri Narasimha & Alok Aradhe JJ.

◆ FACTS

A borrower who depended on his truck for his livelihood defaulted on the loan; the financier repossessed and sold the hypothecated vehicle in an unauthorised manner. The Allahabad High Court dismissed his writ petition, inter alia on the ground of delay.

◆ ISSUES

1. What is the obligation of the RBI to ensure that banks and NBFCs comply with its recovery guidelines and master circulars?

◆ **JUDGMENT**

Allowing the borrower's appeal, the Supreme Court observed that the RBI's loan-recovery guidelines, master circulars and clarifications had remained on paper without steps to implement them, and directed the RBI to secure genuine compliance by NBFCs and scheduled commercial banks. Lenders cannot use force to repossess vehicles in defiance of these safeguards; recovery agents and processes must conform to the regulatory framework.

Read the judgment / verified report →

https://www.verdictum.in/supreme-court/hari-dutta-sharma-v-state-of-up-ors-2026-insc-998-loan-recovery-rbi-1622130

SECTION 13

INSOLVENCY & BANKRUPTCY CODE

CASE 13.1

NCLT Can Recall a CIRP Admitted on Fraudulent or Collusive Jurisdictional Facts – But Recall Does Not Automatically End the CIRP

Greenopolis Welfare Confederation / Orris Infrastructure Pvt. Ltd. v. Rakesh Kumar Gupta & Ors., 2026 INSC 1070 | C.A. Nos. 6792–6796 of 2023 | Decided: 30.09.2026

Bench: Pamidighantam Sri Narasimha & Alok Aradhe JJ.

◆ FACTS

Three C Shelters Pvt. Ltd. was developing the Greenopolis housing project (1,862 flats) in Gurugram under a 2011 development agreement with Orris Infrastructure. A Section 9 petition by Straight Edge Contracts was admitted by the NCLT in July 2020 and CIRP commenced. Homebuyers and Orris alleged that the petition was collusive. The NCLT found fraud and collusion but held it had no power to recall its admission order; the NCLAT (28.08.2023) held that it had such power and set aside the entire CIRP.

◆ ISSUES

1. Does the NCLT have power to recall an order admitting CIRP that was obtained by fraud or collusion?
2. Does such recall automatically terminate the CIRP?

◆ JUDGMENT

The Supreme Court affirmed the findings of fraud and collusion and held that where jurisdiction has been exercised on fraudulent or collusive jurisdictional facts, the Adjudicating Authority may recall the proceedings at any time; applicants invoking the Code owe a public duty not to mislead. However, recall of the admission is not automatic termination of the CIRP, which, once admitted, is a collective process for all creditors. Faulting both the NCLT and the NCLAT, the Court restored the CIRP and directed the NCLT to decide whether it should continue.

Read the judgment / verified report →
https://www.livelawbiz.com/top-stories/nclt-can-recall-fraudulently-initiated-cirp-at-any-time-applicants-have-public-duty-not-to-mislead-supreme-court-552549

CASE 13.2

Time-Extension Charges Are Penal – Homebuyers and the Resolution Applicant Cannot Be Burdened With Them as CIRP Costs

The Authorised Representative for Granite Gate Properties Pvt. Ltd. v. New Okhla Industrial Development Authority & Ors., 2026 INSC 952 | C.A. Nos. 3132 & 4207 of 2026 | Decided: 03.09.2026

Bench: J.B. Pardiwala & K. Vinod Chandran JJ.

◆ FACTS

Granite Gate Properties, developer of Lotus Boulevard (Sector 100) and Lotus Panache (Sector 110), Noida, went into CIRP after the projects stalled. Homebuyers pooled funds under a CoC-approved “Pool and Build” mechanism to complete construction. NOIDA demanded time-extension charges under the lease deeds (4%, 5% and 6% of lease premium for the first three years of delay) and later policies up to the tenth year, and sealed three towers in October 2024. The NCLAT directed that charges for up to three years be treated as CIRP costs.

◆ ISSUES

1. Can penal time-extension charges arising from the developer's default be recovered from homebuyers/SRA as CIRP costs?

◆ JUDGMENT

The Supreme Court held that time-extension charges are penal, designed to deter delay by the developer; treating them as CIRP costs would shift the defaulting developer's liability onto homebuyers, who are financial creditors funding completion. NOIDA, though engaged in a commercial venture, cannot be divorced from its welfare purpose. The NCLAT's direction was set aside, NOIDA was directed to waive the charges in the peculiar facts, and its claim for charges beyond three years was rejected.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/the-authorised-representative-v-ms-new-okhla-industrial-development-authority-2026-insc-952-1621395

CASE 13.3

Stalled "Sushant Aquapolis" Project – Court Unlocks Implementation of Resolution Plan by Permitting SRA to Develop Access Pathway

One City Infrastructure Pvt. Ltd. v. Ghaziabad Development Authority & Ors., 2026 LiveLaw (SC) 910 | September 2026

Bench: J.B. Pardiwala & K. Vinod Chandran JJ.

◆ FACTS

M/s Ansal Urban Condominium Pvt. Ltd., promoter of the Sushant Aquapolis group housing project in Ghaziabad, was in CIRP. Implementation of the approved resolution plan was stalled because of access issues relating to the project plot (GH-1). The Successful Resolution Applicant sought permission to develop a 24-metre pathway along three boundaries of the plot.

◆ ISSUES

1. How should implementation of an approved resolution plan for a stalled housing project be facilitated where access to the plot is in dispute?

◆ JUDGMENT

Granting relief to homebuyers, the Supreme Court permitted the SRA to develop the 24-metre pathway on three boundaries of plot GH-1, without claiming any title over that land, and thereafter to apply to the Ghaziabad Development Authority. After completion, the SRA would only have access through the way, causing minimum disturbance to the road. The order cleared the way for implementation of the resolution plan.

Read the judgment / verified report →
https://www.livelaw.in/supreme-court/supreme-court-clears-implementation-of-resolution-plan-for-stalled-sushant-aquapolis-project-in-ghaziabad-549115

SECTION 14

CRIMINAL LAW

CASE 14.1

Sessions Court Cannot Impose a "Special Category" Life Sentence Barring Remission – Power Vested Only in Constitutional Courts

Naval Kishore & Anr. v. State of Punjab, 2026 INSC 1048 | Decided: 24.09.2026

Bench: Aravind Kumar & Vipul M. Pancholi JJ.

◆ FACTS

The Trial Court at Ludhiana convicted the appellants under Section 302 read with Section 34 IPC for the murder of three persons, including two children, and sentenced them to imprisonment for the rest of their natural lives without remission. The Punjab and Haryana High Court affirmed both conviction and sentence.

◆ ISSUES

1. Can a Sessions Court impose a life sentence that excludes statutory remission and commutation?

◆ JUDGMENT

The Supreme Court held that a Sessions Court lacks jurisdiction to impose a special-category life sentence curtailing remission under Sections 432–435 CrPC; that power vests exclusively in the High Courts and the Supreme Court. A Sessions Court cannot supplement the punishment prescribed under Section 302 IPC or curtail executive remission powers. While affirming the conviction, the Court modified the sentence to 25 years' rigorous imprisonment without statutory remission.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/naval-kishore-v-state-of-punjab-trial-courts-power-to-suspend-remission/

CASE 14.2

Investigation Is the Police's Exclusive Domain – Courts Cannot Declare It Complete on a Stray Statement; UAPA Default Bail Set Aside

State of Maharashtra & Anr. v. Momin Moiuddin Gulam Hasan @ Moin Mistri & Anr., 2026 INSC 1021 | Decided: 21.09.2026

Bench: Prashant Kumar Mishra & Shree Chandrashekhar JJ.

◆ FACTS

The Mumbai ATS registered an FIR under the IPC and UAPA. The Special Judge granted a 30-day extension beyond 90 days, and then a further 15-day extension under Section 43D(2) UAPA to analyse electronic evidence, voice samples and bank records. The accused sought default bail under Section 167(2) CrPC, arguing that the prosecution had itself said there was "enough evidence" and that time could not be extended merely to await sanction under Section 45 UAPA. The Bombay High Court quashed the second extension and granted default bail.

◆ ISSUES

1. Can courts determine when an investigation is complete?
2. Was the second extension under Section 43D(2) UAPA valid?

◆ JUDGMENT

The Supreme Court set aside the High Court's judgment and restored the Special Judge's 15-day extension. Investigation lies within the exclusive domain of the executive through the police; courts cannot curtail statutory investigative powers or prematurely declare an investigation complete, save in exceptional cases or under a statutory bar. A solitary statement in an extension application did not mean the investigation had concluded. Default bail was cancelled and the accused directed to surrender within 30 days.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/state-of-maharashtra-v-momin-moiuddin-gulam-hasan-moin-mistri-power-to-declare-closure-of-investigation/

CASE 14.3

POCSO – Presumption Under Section 29 Is Rebuttable and Arises Only After Foundational Facts Are Proved Beyond Reasonable Doubt

Deepak in JC v. State Govt. of NCT of Delhi, 2026 INSC 1008 | Decided: 17.09.2026

Bench: Prashant Kumar Mishra & N.V. Anjaria JJ.

◆ FACTS

The appellant was convicted by a POCSO Special Court under Section 6 of the POCSO Act and Section 363 IPC for kidnapping and aggravated penetrative sexual assault of a two-and-a-half-year-old child. The Delhi High Court confirmed the conviction, relying on the presumption in Section 29. The appellant pointed to material contradictions between the testimony of the victim's mother and a private doctor, and to medical and FSL reports showing no injuries or blood.

◆ ISSUES

1. Is the statutory presumption of guilt under Section 29 of the POCSO Act absolute?

◆ JUDGMENT

The Supreme Court set aside the conviction. The presumption under Section 29 is not absolute and is rebuttable; it operates only after the prosecution establishes, beyond reasonable doubt, the foundational facts constituting the offence. Reverse-burden provisions neither dilute fair-trial norms nor relieve courts of their duty to scrutinise evidence objectively. The appellant had rebutted the presumption and was ordered to be released.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/presumption-of-guilt-under-pocso-act-2012/

CASE 14.4

Section 413 BNSS – Victim's Appeal Against Acquittal by a Magistrate Lies Before the Sessions Court

Subhas Chandra Sarkar v. State of West Bengal & Ors., 2026 INSC 1052 | Decided: 22.09.2026

Bench: J.B. Pardiwala & K. Vinod Chandran JJ.

◆ FACTS

A victim filed an appeal before the High Court against an order of acquittal passed by a Judicial Magistrate. The High Court rejected the appeal, giving liberty to file it before the Sessions Court, and the victim approached the Supreme Court.

◆ ISSUES

1. Under the proviso to Section 413 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which forum hears a victim's appeal against a Magistrate's acquittal?

◆ JUDGMENT

The Supreme Court held that under the proviso to Section 413 BNSS, an appeal by a victim against an order of acquittal passed by a Magistrate lies before the Sessions Court, being the court to which an appeal ordinarily lies from the Magistrate's order of conviction. The High Court's view was upheld.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/subhas-chandra-sarkar-v-the-state-of-west-bengal-2026-insc-1052-appeal-victim-order-acquittal-1622718

CASE 14.5

Constitutional Courts May Order Reinvestigation Even After Trial – But Not Against an Already Acquitted Accused (Dharmasthala Case)

Kusumavati Gowda v. Government of Karnataka & Ors., 2026 INSC 1030 | Decided: 21.09.2026

Bench: Sanjay Kumar & Sanjeev Sachdeva JJ.

◆ FACTS

The 2012 rape and murder of a 17-year-old girl at Dharmasthala was investigated by three successive agencies; the sole person prosecuted was acquitted. The Karnataka High Court refused to order reinvestigation. The appeal was pursued by the victim's mother after the death of the original writ petitioner, her husband.

◆ ISSUES

1. Does the power of constitutional courts to order reinvestigation survive the conclusion of a trial?
2. Can an acquitted accused be subjected to further investigation in the same FIR?

◆ JUDGMENT

The Supreme Court set aside the High Court's order and directed a de novo investigation by a freshly constituted Special Investigation Team, holding that the manner of the earlier probes shocked the conscience of the court. The power of constitutional courts to order reinvestigation survives the commencement and even the conclusion of a trial. However, the acquitted accused cannot be investigated or prosecuted again in the same FIR, being protected by Article 20(2) and Section 300 CrPC.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/kusumavati-gowda-v-the-government-of-karnataka-2026-insc-1030-dharmasthala-minor-rape-murder-case-1622449

CASE 14.6

Extradition Assurance of a 25-Year Cap Does Not Convert Life Imprisonment Into a Fixed Term; Jail-Earned Remission Excluded

Abu Salem Abdul Qayoom Ansari v. State of Maharashtra, 2026 INSC 982 | SLP (Crl) No. 12871/2026 | September 2026

Bench: Vikram Nath & Sandeep Mehta JJ.

◆ FACTS

The appellant was extradited from Portugal on 12.10.2005 on the Union's sovereign assurance that he would neither face the death penalty nor imprisonment exceeding 25 years. A TADA Special Court imposed concurrent life sentences in 2015 and 2017. The Supreme Court had earlier directed the Union to honour the assurance upon completion of 25 years. Claiming that undertrial custody and jail-earned remission completed the 25 years, he sought release; the Bombay High Court dismissed his habeas corpus petition in April 2026.

◆ ISSUES

1. Can jail-earned remission be counted towards the 25-year period flowing from an extradition assurance?

◆ JUDGMENT

Dismissing the appeal, the Supreme Court found that overlapping periods of custody had been double-counted and that 25 years had not been completed. Since the appellant is serving life imprisonment, jail-earned remission can only shorten the life sentence and cannot be applied to the period arising from the extradition assurance; the 25-year stipulation does not convert the life sentence into a fixed-term sentence.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/abu-salem-abdul-qayoom-ansari-v-state-of-maharashtra-sentence-calculation-under-an-extradition-assurance/

SECTION 15

LABOUR & SERVICE LAW

CASE 15.1

Contract, Ad Hoc and Daily-Wage Service Before Regularisation Counts as Qualifying Service for Pension

Punjab School Education Board & Anr. v. Satnam Singh & Ors., 2026 INSC 965 | Decided: 08.09.2026

Bench: Prashant Kumar Mishra & Shree Chandrashekhar JJ.

◆ FACTS

The respondents were engaged by the Board on contractual/ad hoc basis between 1993 and 1996 and were regularised in 2004. They claimed pension under the old scheme by counting their pre-regularisation service. The State declined on the ground that they were not in continuous service. A Single Judge and a Division Bench of the Punjab and Haryana High Court allowed their claim.

◆ ISSUES

1. Must service rendered on contract/ad hoc/daily-wage basis prior to regularisation be counted for pensionary benefits?

◆ JUDGMENT

Dismissing the Board's appeal, the Supreme Court held that where breaks in service are merely notional, artificial or administrative, the period of engagement must be treated as continuous service for pension. The employees could not be treated as fresh recruits merely because their regularisation letters used the word "appointment"; their engagement was in substance regular. Pension is deferred wage earned for past service.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/punjab-school-education-board-v-satnam-singh-calculation-of-pension-benefits-for-contractual-workers/

CASE 15.2

Armed Forces Disability Pension – Entitlement Rules Are Claimant-Protective; 2008 Rules Do Not Dismantle the 1982 Presumptions

Union of India & Ors. v. Col. N.C. Isaac (Retd.), 2026 INSC 993 | Decided: 15.09.2026

Bench: Pamidighantam Sri Narasimha & Alok Aradhe JJ.

◆ FACTS

The Union filed about 271 appeals and SLPs against grants of disability pension by the Armed Forces Tribunal and High Courts, contending that the disabilities were "neither attributable to nor aggravated by" (NANA) military service, and that the twin presumptions under the 1982 Entitlement Rules (good health at entry; service causation on medical discharge) had been modified by the 2008 Rules.

◆ ISSUES

1. Did the Entitlement Rules for Casualty Pensionary Awards, 2008 alter the beneficial presumptions in the 1982 Rules?

◆ **JUDGMENT**

The Supreme Court dismissed all the appeals. The disability pension rules are claimant-protective, and the 2008 Rules do not fundamentally alter or dismantle the protective structure of the 1982 Rules. Disability benefits are not to be denied on hyper-technical grounds. The Court also recorded that the 2015 Raksha Mantri Committee's recommendation to withdraw NANA litigation, accepted in 2018, had not been faithfully implemented.

Read the judgment / verified report →
https://www.scobserver.in/supreme-court-observer-law-reports-scolr/grant-of-disability-pensions-for-ex-servicemen/

CASE 15.3

Compulsory Retirement as a "Backdoor" Disciplinary Measure Is Indefensible – ₹15 Lakh Awarded and Formal Farewell Directed

S.S. Das v. Union of India, 2026 INSC 980 | Decided: 09.09.2026

Bench: Dipankar Datta & Sheel Nagu JJ.

◆ **FACTS**

A former Indian Trade Service officer with an unblemished record and outstanding gradings was compulsorily retired under FR 56(j) a little under five years before superannuation, just two months after being promoted to Joint Secretary on merit. The CAT upheld the order and the Delhi High Court declined to interfere.

◆ **ISSUES**

1. Can an officer with a consistently outstanding record, promoted on merit shortly before, be branded "dead wood" and compulsorily retired?

◆ **JUDGMENT**

The Supreme Court set aside the compulsory retirement. A merit promotion immediately preceding the order, absent intervening adverse material, renders it susceptible to invalidity; and an order partaking the character of a backdoor disciplinary proceeding, evading Article 311 safeguards, is indefensible. The Court awarded ₹9 lakh for loss of reputation and ₹6 lakh as costs, and directed the DGFT to call him back for a formal farewell with full honour.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/ss-das-v-union-of-india-2026-insc-980-compulsory-retirement-disciplinary-proceeding-1621745

CASE 15.4

No Vested Right to Promotion Under Repealed Rules Where the Policy Change Is Fair and Reasonable

Bharat Sanchar Nigam Ltd. & Anr. v. G.N. Mani Ravinder & Ors., 2026 INSC 1007 | Decided: 17.09.2026

Bench: Prashant Kumar Mishra & Ujjal Bhuyan JJ.

◆ **FACTS**

Officiating employees of BSNL sought promotion to the post of Rajbhasha Adhikari (formerly Assistant Director, Official Language) under the earlier rules, without taking the written examination prescribed by the 2005 Recruitment Rules, on the ground that vacancies had arisen before the rules were amended. The Kerala High Court accepted their claim.

◆ **ISSUES**

1. Does an employee acquire a vested right to be considered under repealed rules merely because the vacancy arose before the amendment?

◆ **JUDGMENT**

Reversing the High Court, the Supreme Court held that there is no vested right to promotion under repealed rules merely because the vacancy pre-dates the amendment, provided the policy change is fair, reasonable and consistent with Article 14. Merely officiating employees stand on a different footing from those who had secured a provisional promotion with an accrued statutory entitlement, and they could not bypass the written examination.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/the-bharat-sanchar-nigam-limited-v-gn-mani-ravinder-2026-insc-1007-promotion-under-repealed-rules-officiating-employee-1622204

CASE 15.5

Article 311(1) Is Attracted Only When the Dismissing Authority Is Subordinate in Rank to the Actual Appointing Authority

Union of India & Ors. v. Ramdhani Prasad, 2026 INSC 1047 | Decided: 24.09.2026

Bench: Aravind Kumar & Vipul M. Pancholi JJ.

◆ **FACTS**

A Rakshak of the Railway Protection Special Force was removed from service by an Adjutant. The First Appellate Court invalidated the removal on the ground that it was ordered by an authority subordinate to the purported appointing authority, and the Allahabad High Court affirmed.

◆ **ISSUES**

1. When is the bar in Article 311(1) attracted?

◆ **JUDGMENT**

The Supreme Court reiterated that Article 311(1) is attracted only when an employee is dismissed or removed by an authority subordinate in rank to the authority that actually appointed him. Since the Adjutant who removed the respondent was not lower in rank than the Assistant Commandant who had appointed him, the removal was valid and was restored.

Read the judgment / verified report →
https://www.verdictum.in/amp/supreme-court/union-of-india-ors-v-ramdhani-prasad-2026-insc-1047-article-311-constitution-1622714

SECTION 16

ANCILLARY BUT IMPORTANT LAWS

CASE 16.1

Safeguards Framed to Curb Misuse of POCSO Allegations as a Strategy in Matrimonial Custody Disputes

R v. E & Anr., 2026 INSC 1049 | Decided: 24.09.2026

Bench: J.B. Pardiwala & K.V. Viswanathan JJ.

◆ FACTS

In a prolonged custody battle, an FIR alleged sexual assault by a father on his minor daughter. A CBI investigation directed by the Supreme Court found the child's allegations unreliable, uncorroborated and inconsistent with CCTV footage and psychiatric evaluation. The father had earlier been granted custody through proceedings culminating before the Court in 2023.

◆ ISSUES

1. Should the prosecution continue on such material?
2. What safeguards should govern POCSO allegations arising in ongoing matrimonial disputes?

◆ JUDGMENT

The Supreme Court quashed the FIR, holding that continuing the prosecution would be a gross abuse of process, and restored legal custody of the child to the father. Describing false attribution of sexual assault to a parent as a growing menace that injures the child and the parent–child bond, the Court laid down structured safeguards against misuse of the POCSO Act in matrimonial disputes, while stressing that these must not dilute the Act's stringent protection for genuine victims.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/r-v-e-2026-insc-1049-safeguards-to-curb-misuse-of-child-abuse-laws-matrimonial-disputes-1622713

CASE 16.2

Motor Accident Claims – Functional Disability Assessed by Earning Capacity in the Open Market; Bachelor's Multiplier Based on His Own Age

Reliance General Insurance Co. Ltd. v. Priyanka Das & Ors., 2026 INSC 950 | Decided: 03.09.2026

Bench: S.V.N. Bhatti & N.V. Anjaria JJ.

◆ FACTS

An IBM Group Manager suffered 100% permanent physical impairment in a motor accident, including a post-traumatic head injury with cortical blindness, pelvic fracture and permanent colostomy. The Tribunal assessed functional disability at 60%; the Punjab and Haryana High Court raised it to 80% and awarded about ₹2.95 crore. Cross-appeals were filed. A connected issue concerned the multiplier for the death of a 33-year-old bachelor.

◆ ISSUES

1. How is functional disability to be assessed where the injured is retained in an accommodated role?
2. Is the multiplier for a bachelor's death determined by his age or his parents'?

◆ JUDGMENT

The Supreme Court held that functional disability must be assessed with reference to earning capacity in the open and competitive labour market, not merely retention in an accommodated role; it reassessed disability at 100% and enhanced compensation to about ₹3.78 crore with 7.5% interest. It also held that the multiplier for a bachelor's death is determined by the deceased's age and not that of his dependent parents, upholding a multiplier of 16 for a 33-year-old.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/reliance-general-insurance-company-limited-v-priyanka-das-and-others-2026-insc-950-1621310

CASE 16.3

Cooperative Federalism – Union and Tamil Nadu Must Jointly Enable Purse Seine Fishing Access to the EEZ; Transit Channel to Be Designated

Fisherman Care v. Government of India, Department of Animal Husbandry, Dairying and Fisheries, 2026 INSC 937 | Decided: 02.09.2026

Bench: Pamidighantam Sri Narasimha & Alok Aradhe JJ.

◆ FACTS

Fishermen using purse seine nets sought the right to access India's Exclusive Economic Zone beyond Tamil Nadu's territorial waters. Access to the EEZ required transit through the State's territorial waters, which are regulated by the State under the Tamil Nadu Marine Fishing Regulation Rules, 2020, while the EEZ falls within the Union's domain.

◆ ISSUES

1. How are the Union's and the State's regulatory domains to be harmonised for transit of purse seine vessels to the EEZ?

◆ JUDGMENT

The Supreme Court held that effective regulation of purse seine fishing access to the EEZ, while transiting through Tamil Nadu's territorial waters, requires the Union and the State to act in accordance with cooperative federalism. Tamil Nadu was directed to frame rules or regulations under Rules 15(5) and 15(6) of the 2020 Rules designating a specified channel for transit of vessels from territorial waters to the EEZ for purse seine fishing.

Read the judgment / verified report →
https://www.verdictum.in/supreme-court/fisherman-care-v-the-government-of-india-department-of-animal-husbandry-dairying-and-fisheries-2026-insc-937-1621274

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