Cassie

WEDNESDAY, 29 JULY 2026

DAILY

Court Digest

The day's most significant judgments from India's courts.

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- Section 528 BNSS | Unrestricted interrogation and limited advocate presence upheld : SC
- Cannot Convert Civil Property Dispute into Criminal Proceeding : Punjab HC
- Pre-existing disease must be disclosed in life insurance claims : NCDRC

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Supreme Court

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Criminal Issues · Police Harassment & Procedural Violations

SUPREME COURT

Unrestricted interrogation and limited advocate presence upheld

Why it matters. Lawyers must now draft police custody applications without insisting on an inflexible time cap, and can argue for interrogation at specialised facilities rather than prison. Advocates should advise clients that their right to meet counsel is limited to presence during questioning, not continuous accompaniment, and that CCTV safeguards apply only to the interrogation itself.

> *A plain reading of the provision makes it clear that the right guaranteed thereunder is the right to meet an advocate of choice during interrogation. It does not, by any means, contemplate the continuous, ongoing physical presence of an advocate for the entirety of each interrogation session, whatever be the visual or audible distance maintained.*
>
> FROM THE JUDGMENT

The Court held. Police custody period set at seven days from the date of production before the magistrate, with the total police remand not to exceed fifteen days. The investigating officer may interrogate the accused at any designated interrogation centre, removing the earlier restriction to Central Prison, Rajamahendravaram. Continuous audio-visual recording is required only for the interrogation sessions; transit recording is not mandatory. The advocate may be present within visual range during interrogation but may not intervene, and the original order dated 02 July 2026 is set aside.

§ **Section 528, Bharatiya Nagarik Suraksha Sanhita, 2023**

State of Andhra Pradesh v. Suda Suresh Veera Venkata Naga Raju

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	27.07.2026	Crl.A. No.-003441-003441 - 2026	2026 INSC 744

BENCH

Justice Vikram Nath, Justice Sandeep Mehta



Banking Law, Debt & Money Matters · Loan Rescheduling, Moratorium & ... SUPREME COURT

Moratorium does not preclude consumer complaint against other respondents

Why it matters. Lawyers must now treat a Section 14 moratorium as applying solely to the corporate debtor, meaning consumer complaints can continue against promoters, directors or landowners without waiting for insolvency resolution, altering pleading strategy and timing of applications.

> *The scope of the moratorium is statutory. It is not open either to the adjudicating authority or the Court to enlarge its ambit beyond what the statute contemplates.*
>
> FROM THE JUDGMENT

The Court held. The Court set aside the NCDRC order dated 20.01.2025 rejecting I.A. No. 15656 of 2024 and I.A. No. 14200 of 2024. It directed the NCDRC to proceed with Consumer Complaint No. 13 of 2023 against Respondent Nos. 2 to 7, while the moratorium under Section 14 IBC continues to apply to Respondent No. 1. No monetary award was ordered; the decision concerns procedural direction only.

§ **Section 14, Insolvency and Bankruptcy Code, 2016**

Tejas J. Shah & Ors. v. Mantri Technology Constellations Pvt. Ltd. & Ors.

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	27.07.2026	C.A. No.-004289-004290 - 2025	2026 INSC 746

BENCH

Justice Vikram Nath, Justice Sandeep Mehta

Criminal Issues · Murder, Culpable Homicide & Attempt to Mu... SUPREME COURT

Victim's statutory right to appeal acquittal affirmed

Why it matters. Lawyers must now file an appeal under Section 372 for victims rather than a revision, ensuring the procedural right is preserved. Courts can treat such revisions as appeals, but the evidential burden remains unchanged, requiring robust forensic and medical proof to overcome reasonable doubt.

> *The principle not to overturn an acquittal if the view taken in the order of acquittal is plausible; even if another view is possible, is not one of mere caution but is a tenet of criminal jurisprudence which ensures no prejudice being caused to the accused and ensures the benefit of any reasonable doubt arising, being conferred on the accused.*
>
> FROM THE JUDGMENT

The Court held. No monetary relief was awarded; the Court restored the trial court's acquittal order, confirming that the accused are acquitted. It directed that any accused presently in custody be released immediately, and that any bail bonds in force be cancelled. All pending applications were ordered disposed of.

§ **Section 372, Criminal Procedure Code, 1973 (as amended by Act 5 of 2009)**

Khalil Pasha & Ors. v. Abdul Rasheed & Anr.

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	28.07.2026	Crl.A. No.-003507-003507 - 2026	2026 INSC 754

BENCH

Justice K. Vinod Chandran, Justice J. B. Pardiwala

High Courts

6 judgments in this edition

KEEP SWIPING >>>

Property & Asset Disputes · SARFAESI, Mortgage Suits, Lien, Att... BOMBAY HC

Auction purchasers have locus standi for possession

Why it matters. Lawyers must now recognise that auction purchasers can directly approach the High Court for possession orders under the SARFAESI Act, bypassing the need for the secured creditor to file, and state officials are obligated to enforce magistrate orders without delay.

> *We find that the petitioners, as auction purchasers, do have locus standi to maintain the present writ petition, in the light of registered sale certificate existing in favour of petitioner No.1 and there being no interim order of any kind operating in favour of the respondents throughout the pending proceedings and even today.*
>
> FROM THE JUDGMENT

The Court held. The Court ordered respondent No.5 - Tahsildar, Alibag to take physical possession of the subject property on 13.08.2026 and hand it over to respondent No.2 - bank, which shall immediately hand it over to the petitioners. Respondent No.7 - Superintendent of Police, Alibag must provide police assistance, including lady constables, for the execution of the possession order on the same date. The writ petition was allowed in prayer clauses (a), (c), (e) and (f); prayers (g) and (h) were reserved. The DRAT may continue to hear the appeal of respondents Nos.3 and 4.

§ **Section 14, Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002**

M/s. Jasraj Restaurants Pvt. Ltd. & Others v. State of Maharashtra & Others

COURT	DECIDED	CASE NO.
Bombay High Court	28.07.2026	WP/8601/2026

BENCH

Justice Manish Pitale, Justice Shreeram V. Shirsat

Intellectual Property (IP) Law · Trademarks Registration, Rejection,... DELHI HC

Prior user does not override earlier filing

Why it matters. Practitioners must now prioritize filing dates over post-filing use when seeking trademark protection. Claims of prior use will not defeat an earlier application unless use predates the filing. Consistency in examination-report replies is essential to avoid estoppel and preserve equitable relief.

> *The appellant having already taken a stand as stated above in its response to the examination report dated 24.06.2008, it cannot now be allowed to claim rights on the same mark '20-20' and challenge the registration granted to the respondent No. 2, on the ground that the marks are deceptively similar.*
>
> FROM THE JUDGMENT

The Court held. The appeal filed on 28 July 2026 was dismissed. The Court upheld the Single Judge's order dated 10 March 2026, which in turn affirmed the Registrar's order of 29 April 2025 granting registration of the mark "20-20" to respondent No. 2. No costs were awarded, and the registration remains in force.

§ Section 34, Trade Marks Act, 1999

Parle Products Pvt Ltd vs The Registrar of Trade Marks and Ors

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	28.07.2026	LPA-316/2026	2026:DHC:6020-DB

BENCH

V. Kameswar Rao, Manmeet Pritam Singh Arora, JJ

Constitutional & Fundamental Rights

ORISSA HC

Discriminatory denial of mining lease violates equality principle

Why it matters. Lawyers must now treat a Letter of Intent issued before the 2015 amendment as a protected right, ensuring that any administrative delay cannot be used to deny lease execution without risking a breach of Article 14 and a mandamus order.

> *The object and purpose of the Amendment Act, 2015 is to ensure that allocation of mineral resources is done through auctioning. This is the reason why sub-section (1) to Section 10-A mandates that all applications received prior to 12-01-2015 shall become ineligible.*
>
> FROM THE JUDGMENT

The Court held. The Court ordered the State Government of Odisha to execute and register the mining lease for OCL Iron & Steels Ltd. within eight weeks from the date of the judgment, held that Rule 8(4) of the MC Rules, 2016 does not apply to the petitioner, and declared the State's discriminatory treatment a violation of Article 14. No costs were awarded.

§ Section 10A(2)(c), Mines and Minerals (Development and Regulation) Act, 1957

OCL Iron & Steels Ltd. v. Union of India & Others

COURT	DECIDED	CASE NO.	BENCH
Orissa High Court	28.07.2026	WP(C)/743/2017	Harish Tandon, Murahari Sri Raman, JJ

Criminal Issues · Process, Delay & Legal System Fru... PUNJAB AND HARYANA HC

Cannot Convert Civil Property Dispute into Criminal Proceeding

Why it matters. Lawyers must now recognise that Section 528 cannot be used to force criminal investigation in purely civil property disputes. Practitioners should steer clients toward appropriate civil forums for succession and title issues, reserving criminal complaints for genuine offences, thereby avoiding futile petitions and preserving judicial resources.

> *The inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, cannot be invoked to impart a criminal colour to a dispute essentially concerning civil and property rights.*
>
> FROM THE JUDGMENT

The Court held. Zero FIRs were ordered against the private respondents; the petition was dismissed in its entirety. The Court held that the dispute is civil in nature and that Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 cannot be invoked to criminalise it. All pending applications arising out of these proceedings were also disposed of. No further orders were required.

§ Section 528, Bharatiya Nagarik Suraksha Sanhita, 2023

Ratinder Kaur v. State of Punjab and Others

COURT	DECIDED	CASE NO.	CITATION
Punjab and Haryana High Court	28.07.2026	CRM-M/40883/2026	2026:PHHC:103769

BENCH

Justice Virinder Aggarwal

Tort and Personal Injury

DELHI HC

Trial Court cannot decide jurisdiction of all Delhi courts

Why it matters. Lawyers must now ensure that jurisdictional pleadings are confined to the court where the suit is filed. A trial court cannot pre-emptively rule out the jurisdiction of other Delhi courts, so parties cannot rely on later evidence of payment location to shift venue without amending the plaint.

> *The legal enquiry before the Court while considering return of a plaint under Order VII Rule 10 CPC is confined to determining whether the said Court before which the suit is instituted possesses territorial jurisdiction or not.*
>
> FROM THE JUDGMENT

The Court held. The appeal FAO (COMM) 279/2025 is partially allowed; the finding dated 07.08.2025 that no Court in Delhi has territorial jurisdiction is modified to read that Courts at South-East District, Saket lack jurisdiction. The order dated 23.08.2025 is left untouched. CM(M) 1936/2025 is dismissed and any pending applications are disposed of.

§ Order VII, Rule 10, Code of Civil Procedure, 1908

Sudhir Kumar v. Monika Makkar & Ors.

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	28.07.2026	FAOC - 279/2025	2026:DHC:6025-DB

BENCH

Justice V. Kameswar Rao, Justice Manmeet Pritam Singh Arora

Criminal Issues · Criminal Breach of Trust & Misappropriation

RAJASTHAN HC

Criminal proceedings cannot be used to settle inheritance disputes

Why it matters. Lawyers must now scrutinise inheritance disputes for criminal elements before filing FIRs. The judgment clarifies that false claims of heirship do not meet the definition of forgery, preventing misuse of Section 482 CrPC to shield civil matters from criminal prosecution.

> *The continuation of the impugned criminal proceedings would amount to a manifest abuse of the process of law.*
>
> FROM THE JUDGMENT

The Court held. FIR No.80/2022 dated 18.07.2022, the charge-sheet (if any) and all consequential criminal proceedings were quashed and set aside. No monetary or punitive relief was awarded. The Court expressly left the parties' civil succession rights to be determined by a competent civil forum.

§ Section 482, Code of Criminal Procedure, 1973

Arvind Dave vs State of Rajasthan

COURT	DECIDED	CASE NO.	CITATION
Rajasthan High Court	28.07.2026	CRLMP / 2034 / 2023	2026 RJ JP 31318

BENCH

Justice Farjand Ali

Tribunals

4 judgments in this edition

KEEP SWIPING >>>



Banking Law, Debt & Money Matters · Transfer Disputes (Transaction failures, Wr... CESTAT

Coaching for qualifying exams exempt from service tax

Why it matters. Lawyers must now argue that any coaching that leads to a statutory professional qualification, even at the qualifying stage, falls within the exemption of Notification 33/2011-ST. The decision also bars tax authorities from arbitrarily splitting composite fees and mandates uniform application of exemptions across periods, reinforcing Article 14 compliance.

> *In view of the statutory scheme governing CA and ICWA education, the language implied in Notification No. 33/2011-ST and the consistent judicial precedents relied upon by the appellant, we hold that coaching imparted for CA-CPT, ICWA-Foundation and Intermediate (10+2) examinations is eligible for exemption under Notification No. 33/2011-ST.*
>
> FROM THE JUDGMENT

The Court held. Rs.35,40,895 of service tax, together with accrued interest and penalties, was set aside. The Tribunal ordered that any amount already paid be refunded and directed that no further demand be made on the appellant for the coaching services in question.

§ **Notification No. 33/2011-ST, Service Tax Exemption Notification, 2011**

M/s Master Minds v. Commissioner of Central Excise & Service Tax, Guntur

COURT
Customs Excise and Service Tax Appellate Tribunal

DECIDED
28.07.2026

CASE NO.
Service Tax Appeal Nos. 27076 of 2013, 23370 of 2014, 21360 of 2015

BENCH
P. Anjani Kumar (Technical Member), Angad Prasad (Judicial Member)

Insurance Law & Claims · Health/Life Insurance Claim Denial, Parti... CONSUMER COMMISSION

Pre-existing disease must be disclosed in life insurance claims

Why it matters. Practitioners must now ensure that insurers produce concrete medical evidence when alleging pre-existing conditions, as the burden of proof rests on them. The decision also confirms that a corporation can file revision petitions even if it was not a party before the lower forum, expanding procedural avenues for insurers.

> *It is therefore established that the assured had been suffering from pre-existing diseases since 2010 up to the time he had filled up the proposal forms in 2014.*
>
> FROM THE JUDGMENT

The Court held. 08 July 2022: The State Commission orders setting aside the District Commission's dismissal were set aside. The District Commission orders dismissing the death-claim complaints were restored. The revision petitions filed by the Life Insurance Corporation were allowed, thereby upholding the insurer's right to challenge the appellate order.

§ Consumer Protection Act, 1986

Life Insurance Corporation of India vs Smt Darapu Venkata Lakshmi

COURT	DECIDED	CASE NO.
National Consumer Disputes Redressal Commission, New Delhi	27.07.2026	NC/RP/1329/2022

CITATION	BENCH
NCDRC/2026/1329	Justice A. P. Sahi, Justice Bharatkumar Pandya



Banking Law, Debt & Money Matters

CESTAT

Freight concession not consideration for service tax

Why it matters. Practitioners must now scrutinise any claim that a policy-driven concession or rebate constitutes consideration for a service. The decision clarifies that without a distinct service provider-recipient relationship and genuine consideration, service tax cannot be levied, prompting a re-evaluation of similar levy notices.

> *The appellant has not rendered any taxable service to the Indian Railways under LWIS.*
>
> FROM THE JUDGMENT

The Court held. No service tax, interest or penalty liability remains payable by UltraTech Cement Ltd. All six appeals filed under Service Tax Appeal Nos. 27580/2013, 30830/2016, 30312-30314/2018 and 30108/2020 were allowed. The impugned orders confirming the demand of service tax, interest and penalties were set aside. No monetary amount was awarded; the Tribunal ordered the appeals to be dismissed with any consequential relief as per law.

§ Section 67, Finance Act, 1994

M/s UltraTech Cement Ltd v. Commissioner of Central Tax, Tirupati - GST

COURT
Customs Excise and Service Tax Appellate Tribunal

DECIDED
28.07.2026

CASE NO.
Service Tax Appeal Nos. 27580/2013, 30830/2016, 30312-30314/2018, 30108/2020

BENCH
P. Anjani Kumar (Member, Technical), Angad Prasad (Member, Judicial)



Banking Law, Debt & Money Matters · Transfer Disputes (Transaction failures, Wron... ITAT

Registration of Trust Deed Not Required for Exemption

Why it matters. Lawyers must now advise charitable trusts that lack of registration will not automatically defeat a Section 12A claim. The focus shifts to producing the original deed and ensuring the Commissioner provides a fair hearing before rejecting an exemption application.

> *In view of above material facts it is held that the rejection of application u/s 12A of the Act for non-registration of trust deed with the Sub-Registrar prima facie appears to be not correct.*
>
> FROM THE JUDGMENT

The Court held. The Court set aside the order dated 21 March 2026 rejecting the application under Section 12A, and remitted the matter to the Commissioner of Income Tax (Exemptions) to examine the original Trust Deed and afford the assessee a fair opportunity to rectify any shortcomings before deciding afresh.

§ Section 12A, Income Tax Act, 1961

Ramji Dass Darshan Kumar Charitable Trust v. Income Tax Officer

COURT	DECIDED	CASE NO.
Income Tax Appellate Tribunal	28.07.2026	ITA No. 4565/Del/2026

BENCH

Shri Ramit Kochar, Shri Vimal Kumar, JJ

Also decided today

§ Section 12A, Commercial Courts Act, 2015 — CALCUTTA HC

Mandatory pre-litigation mediation cannot be bypassed without urgent relief

Lawyers must now substantiate any claim of urgent interim relief with concrete facts before filing a commercial suit, or risk having leave under Clause 12.

CS-COM/834/2024 · 28.07.2026

§ Paragraph 8 of Government Order dated 10 January 2019 — ALLAHABAD HC

Refund of Bid Amount When Lease Not Executed

Lawyers must now ensure that any lease or concession that is statutorily conditioned on an authority's approval is not acted upon it is formally granted.

WRIT - C No. - 3483 of 2026 · 2026:AHC:156516-DB · 28.07.2026

§ Section 25-F, Industrial Disputes Act, 1947 — DELHI HC

Continuity of service does not automatically grant regularisation

Lawyers must now separate claims for reinstatement from regularisation, ensuring that petitions for the latter are supported by service-rule criteria.

W.P.(C)-530/2006 · 2026:DHC:6015 · 28.07.2026

Also decided, continued

§ Order VI Rule 17, Code of Civil Procedure, 1908 — PUNJAB AND HARYANA HC

Amendment Cannot Convert Specific Performance Suit to Money Claim

Lawyers must now recognise that seeking to replace a specific performance claim with a monetary claim via Order VI Rule 17 CPC is impermissible.

CR/5713/2019 · 27.07.2026

§ Section 37, Narcotic Drugs and Psychotropic Substances Act, 1985 — PUNJAB AND HARYANA HC

Pre-trial detention cannot continue if delay not caused by accused

Lawyers must now foreground trial delay as a decisive factor in NDPS bail applications, even where Section 37 imposes strict conditions.

CRM-M/37800/2026 · 2026:PHHC:099075 · 27.07.2026

§ Section 15, Haryana Amendment Act, 1995 — PUNJAB AND HARYANA HC

Amendment Cannot Retrospectively Bar Existing Right

Lawyers must now examine amendment statutes for explicit retrospective language before arguing they can defeat vested property rights.

RSA/295/1996 · 2026:PHHC:103353 · 27.07.2026

§ Section 5, Jammu and Kashmir Civil Services (Special Provis... — JAMMU & KASHMIR AND LADAKH HC

Casual workers must be regularised in lowest entry grade, not

Lawyers must now frame regularisation claims for casual staff within the limits of the specific recruitment rules, citing Section 5 of the 2010 Act.

WP(C)/2317/2026 · 27.07.2026

Also decided, continued

§ Section 211 and Section 213, Indian Succession Act, 1925 CALCUTTA HC

Executor’s rights vest immediately on death, not after probate

Lawyers must now argue that an executor can seek interim injunctions immediately after the testator's death, without waiting for probate.

FMAT/226/2026 · 2026:CHC-AS:1121-DB · 27.07.2026

Every judgment here, analysed in full.

All 21 judgments in this digest are reported in full on Cassie, with the facts, the reasoning and the precedents each court engaged with.

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Which of these will change how you argue next week? Tell us in the comments.