Cassie

TUESDAY
4 AUGUST 2026



DAILY

Court Digest

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

IN TODAY'S DIGEST

- **S.498A IPC | Live-in partner counts as 'husband' for cruelty : SC**
- **S.168 MV Act | 18x multiplier, Rs 83 lakh for child victim : SC**
- **S.187 BNSS | No transit remand voids entire custody chain : CG HC**
- **Art.14 | Age-tiered DA/DR liquidation plan struck down : P&H HC**
- **IBC S.31 | Award outside resolution plan is extinguished : Delhi HC**

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Supreme Court

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Relationships & Family Matters
DV, Dowry, Cruelty, and other Criminal Matters

SUPREME COURT

Live-in partners treated as 'husband' for cruelty

The dispute. Dr. Lokesh B.H. and Smt. Theertha married under Hindu rites in October 2010. By 2016 two complaints alleged cruelty; charge-sheets under Section 498A were filed in Shivamogga and Bengaluru. The accused argued that no valid marriage existed, so Section 498A did not apply to him. Karnataka HC dismissed the Section 482 CrPC petition on 18 November 2025. The accused filed SLP in the Supreme Court seeking quash of the criminal proceedings.

The reasoning. Section 498A's protective purpose prevails over strict construction. 'Husband' includes men in void, voidable and live-in relationships bearing marital attributes. The test: cohabitation, shared household, joint finances and public representation as spouses.

For your practice. Section 498A can reach live-in partners bearing marital attributes. Frame evidence around cohabitation, joint finances and public representation. Section 41 CrPC governs arrest.

The order. Appeals dismissed. Karnataka HC's refusal to quash is affirmed. Criminal proceedings under Section 498A in Shivamogga and Bengaluru continue. No custodial or monetary direction. Section 41 CrPC compliance required before arrest.

§ **Section 498A, Indian Penal Code, 1860**

LOKESH B.H VS STATE OF KARNATAKA

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	03.08.2026	SLP(Crl) No.-002240-002241 - 2026	2026 INSC 784

BENCH
Sanjay Karol, Nongmeikapam Kotiswar Singh

Tort and Personal Injury
Road Accidents

SUPREME COURT

Child accident victim gets 18-yr multiplier; functional disability assessed at 100%

The dispute. A six-month-old child suffered 90% permanent spinal injury in a 2015 road accident. Her mother's MACT claim got Rs 30.12 lakh from the Tribunal at 6% interest; the High Court raised it to Rs 45.40 lakh but cut the multiplier from 18 to 15. She appealed. 3rd MACT Cuttack awarded Rs 30.12 lakh. Orissa HC enhanced to Rs 45.40 lakh, applying multiplier 15 and 6% interest. Mother appealed to the Supreme Court.

The reasoning. Section 168 demands just compensation. The 18-year multiplier applies to catastrophically injured children irrespective of age. Where physical disability eliminates earning capacity, functional disability is 100%. High Court erred substituting multiplier 15.

For your practice. Catastrophic child injury claims: the 18-year multiplier applies. Frame loss-of-earnings on functional disability, not the medical percentage. Claim 9% interest from filing.

The order. Award enhanced to Rs 83.38 lakh: earnings Rs 17.46 lakh, attendant charges Rs 25.92 lakh, pain and suffering Rs 25 lakh, medical heads Rs 15 lakh, conveyance Rs 2 lakh. Interest 9% p.a. from 24.08.2015. Insurer deposits within six weeks.

§ Section 168, Motor Vehicles Act, 1988

GAYATREE PATTNAIK FOR SHREEJITA PATTNAIK VS ARUNDHATI SAHOO

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	03.08.2026	C.A. No.-007067-007067 - 2026	2026 INSC 785

BENCH
Ujjwal Bhuyan, N.V. Anjaria

High Courts

10 judgments in this edition

KEEP SWIPING >>>

Criminal Issues
Bail, Arrest & Custody Issues

CHHATTISGARH HC

Article 22(2) detention without transit remand is illegal; magistrate remand cannot cure it

The dispute. Jitesh Anand of Rohtak was picked up by Chhattisgarh police on 28 June 2026 without a transit remand, transported across states, and produced before a magistrate on 30 June. Judicial then police custody remands followed on 3 July. No grounds were given when his liberty was first curtailed. Writ under Article 226 challenged the 30 June and 3 July custody orders. State argued petitioner went voluntarily after a Section 35(3) notice.

The reasoning. Article 22(2) attaches once liberty is substantially curtailed, not at formal arrest. Inter-state transfer needs a transit remand; a Section 35(3) notice does not substitute. Grounds must be given at the point of restraint; remand cannot cure unlawful arrest.

For your practice. Check for a transit remand before any inter-state detainee is produced; its absence vitiates the arrest and every custody order that follows. File under Article 226 promptly.

The order. Custody orders of 30 June and 3 July 2026 quashed. Petitioner released on bail: personal bond of Rs.5,00,000 with two sureties. Conditions: surrender passport, appear before IO and trial court, cooperate with investigation. No costs.

§ Section 187, Bharatiya Nagarik Suraksha Sanhita, 2023

JITESH ANAND @ JITU VS STATE OF CHHATTISGARH JITESH ANAND @ JITU VS STATE OF CHHATTISGARH -->

COURT	DECIDED	CASE NO.	CITATION
Chhattisgarh High Court	03.08.2026	WPCR/388/2026	2026:CGHC:33358-DB

BENCH
Ramesh Sinha, Ravindra Kumar Agrawal

Government & Public Body Interactions
Service Matters of Government Employees (Transfers, Promotions, etc.)

PUNJAB AND HARYANA HC

DA/DR must be paid on Central pattern, age-tiered plan struck down

The dispute. Punjab state employees and PSPCL pensioners claimed the State had accepted the 6th Pay Commission's recommendation to grant DA/DR on the Central AICPI pattern but withheld accrued instalments. The State countered with a tiered Liquidation Plan staggering payments by age over five years. Single Judge quashed the Liquidation Plan on 8 April 2026. The State and PSPCL appealed by LPA to the Division Bench.

The reasoning. Once a Pay Commission recommendation is accepted, the State must implement it fully. Rule 9 timing discretion cannot convert an entitlement into a discretionary payment. Differentiating pensioners by age violates Article 14; fiscal need is no defence.

For your practice. A formally accepted Pay Commission recommendation is an enforceable right. Challenge age-based payment schedules under Article 14. Claim 6% interest on delayed DA/DR instalments.

The order. LPAs dismissed. Single Judge's order of 8 April 2026 affirmed. Liquidation Plan (18 Feb 2025) and Finance Circular 03/2025 quashed. State and PSPCL to pay pending DA/DR at IAS/IPS/IFS rates within a fortnight; 6% interest on default.

§ Punjab Civil Services (Revised Pay) Rules, 2021

ADDITIONAL CHIEF SECRETARY TO GOVT. OF PUNJAB Vs NIRMAL SINGH DHANOA & ors.

COURT	DECIDED	CASE NO.	CITATION
Punjab and Haryana High Court	03.08.2026	LPA/1437/2026	2026:PHHC:104717-DB

BENCH
Ashwani Kumar Mishra, Rohit Kapoor

Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

DELHI HC

S.34 petition infructuous after IBC plan approval; security deposit refunded with interest

The dispute. MBECL contracted with Metso India in 2011. A 2018 arbitral award of Rs 5.52 crore plus 12% interest went against MBECL, which challenged it under Section 34 and deposited the sum as security. MBECL entered CIRP in 2022; the December 2023 resolution plan excluded Metso's claim. MBECL sought refund, saying plan approval extinguished the claim. Metso argued the deposit equated to payment, creating a vested right.

The reasoning. An arbitral award is a claim under s.3(6) IBC; s.31 extinguishes claims absent from the plan. Security deposits remain the debtor's asset, not the decree holder's. A s.34 challenge to an extinguished award is infructuous.

> *It observed that the deposit was ordered as a condition for stay of execution, i.e., as security, not as payment.*
>
> FROM THE JUDGMENT

For your practice. A creditor who skips filing with the RP before plan approval loses the claim permanently. Register on CIRP commencement; treat court security deposits as the debtor's asset.

The order. Section 34 petition dismissed as infructuous. Refund allowed: INR 5,52,30,693 with accrued FDR interest, released to MBECL within two weeks. Metso's retention claim rejected; court fees refunded.

§ **Section 34, Arbitration and Conciliation Act, 1996**

MCNALLY BHARAT ENGINEERING COMPANY LIMITED vs METSO INDIA PVT. LTD.

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	03.08.2026	O.M.P. (COMM)-362/2018	2026:DHC:6218

BENCH
Avneesh Jhingan

Property & Asset Disputes
Benami Transactions & Benami Property Issues

RAJASTHAN HC

Revenue bears burden under s.2(9)(A); retracted statements need cross-examination

The dispute. M/s Alishan Complex, a real-estate developer, was declared benamidar for 79 Jodhpur properties. The IO relied on a Section 132 statement by the company's accountant, retracted nine days later alleging duress. The attachment order issued before the reply period expired. AA confirmed benami status (Aug 2024); Appellate Tribunal affirmed (Apr 2026). The company challenged in HC: burden reversed, retracted statement inadmissible.

The reasoning. Revenue must prove both limbs of s.2(9)(A). A Section 132 statement retracted within nine days, untested by cross-examination, is infirm. Section 69 clearance does not bar PBPT action. Grave civil consequences demand natural-justice safeguards.

For your practice. File a cross-examination request once the IO relies on any statement. Document fund sources; an accepted IT assessment is a material fact revenue cannot ignore.

The order. Three orders (Tribunal Apr 2026, AA Aug 2024, attachment Jul 2023) set aside. IO to place IT assessment on record, afford cross-examination if the retracted statement is used, and pass a fresh order under s.24(4)/(5). Attachment remains.

§ **Section 2(9)(A), Prohibition of Benami Property Transactions Act, 1988**

M/S ALISHAN COMPLEX PRIVATE LIMITED Vs. THE INITIATING OFFICER

COURT	DECIDED	CASE NO.	CITATION
Rajasthan High Court	03.08.2026	CMA / 1595 / 2026	2026:RJ-JP:35541-DB

BENCH
Arun Monga, Sandeep Shah

Criminal Issues
Public Order/Nuisance, Rioting & Unlawful Assembly, Protests, etc.

DELHI HC

Three FIRs from single procession quashed under test of sameness

The dispute. MLA Kuldeep Kumar led a Tiranga Yatra on 15 August 2021 through Kondli Constituency in breach of COVID-19 restrictions. Three FIRs under Section 188 IPC were lodged at different police stations. FIR No. 353/2021 ended in conviction and fine. Kumar petitioned to quash the remaining two. Convicted under FIR 353/2021, Kumar challenged FIR 413/2021 and 372/2021 at Delhi HC. The State argued each was a distinct offence at a different location.

The reasoning. Courts apply a three-limb test: unity of purpose, proximity of time and place, and continuity of action. All three FIRs arose from one procession over 1-2 km under the same GNCTD order. Separate police jurisdictions do not multiply transactions.

For your practice. Raise the sameness test at first hearing where multiple FIRs arise from one incident. Conviction on any FIR from the transaction triggers Article 20(2) and Section 300 CrPC bar.

The order. The court quashed FIR 413/2021 (P.S. Kalyanpuri) and FIR 372/2021 (P.S. Ghazipur) and set aside all proceedings, holding continuation would violate Article 20(2) and Section 300 CrPC. FIR 353/2021 stood, conviction already recorded.

§ Section 188, Indian Penal Code, 1860

KULDEEP KUMAR vs STATE NCT OF DELHI

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	03.08.2026	CRL.M.C.-5853/2022	2026:DHC:6236

BENCH
Swaranga Kanta Sharma

Criminal Issues
Bail, Arrest & Custody Issues

DELHI HC

MCOCA bail requires showing syndicate's continuing unlawful activity, not a fresh personal act

The dispute. Naresh Balyan, a two-term MLA from Uttar Nagar, was arrested on 4 December 2024 in FIR 165/2024, charged with participating in an organised crime syndicate led by Kapil Sangwan. His second bail application before the trial court was rejected on 27 May 2025. He appealed to the Delhi High Court. Trial court rejected the second bail application on 27 May 2025. Balyan appealed in CRL.A. 1676/2025, challenging the Section 21(4) MCOCA threshold.

The reasoning. MCOCA's bail test is syndicate-centric: charge-sheets must name the syndicate, not the accused personally. Ongoing syndicate activity through linked FIRs and voice recordings satisfies Section 21(4); a fresh personal act by the accused is not required.

For your practice. Bail petitions under MCOCA must counter syndicate-level activity, not only personal conduct. Retracted confessions remain admissible at bail; their weight is assessed at trial.

The order. Appeal dismissed. Trial court's order of 27 May 2025 denying bail upheld. Balyan remains in custody pending trial. No monetary relief or costs awarded.

§ Section 21(4), Maharashtra Control of Organised Crime Act, 1999

SHRI NARESH BALYAN vs STATE OF NCT OF DELHI

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	03.08.2026	CRL.A.-1676/2025	2026:DHC:6247	Manoj Jain

Property & Asset Disputes

HIMACHAL PRADESH HC

Conditional gift deed revocable when donee fails to maintain donor under s.128 TPA

The dispute. Shantu executed a conditional gift deed on 21 March 1997, transferring his half-share in suit land to Kanshi Ram. The deed provided that the gift would be revoked if Kanshi Ram failed to maintain Shantu and his wife. After he ceased maintenance, heirs filed for declaration and possession. RSA 350/2005, HP HC. Sub Judge, Theog, decreed the gift revocable in November 2002. District Judge, Shimla, reversed in April 2005; heirs appealed.

The reasoning. A maintenance condition in a gift deed is an enforceable stipulation under Section 128 TPA, not a mere motive. Breach by the donee revokes the gift. An unregistered maintenance agreement is admissible: it creates a personal obligation, not a property interest.

For your practice. In gift deeds, state the revocation trigger expressly. The burden to prove maintenance rests on the donee; a maintenance agreement need not be registered to be enforceable.

The order. Appeal allowed. District Judge's 2005 order set aside; 2002 decree restored. Gift deed revoked; possession to plaintiff's heirs; permanent injunction against defendant. Compliance within eight weeks.

§ Section 128, Transfer of Property Act, 1882

Shantu (deceased) through LRs v. Kanshi Ram

COURT	DECIDED	CASE NO.	CITATION
Himachal Pradesh High Court	03.08.2026	RSA/350/2005	2026:HHC:31937

BENCH
Rakesh Kainthla

Intellectual Property (IP) Law
Trademarks Registration, Rejection, Rectification, Cancellation and Objections

BOMBAY HC

Minimal mark changes do not satisfy an injunction

The dispute. A 2020 injunction barred Abaad Masala from using 'White Chinese Pepper Masala' or deceptively similar marks. Abaad adopted 'Frize White Spicy Pepper Masala' and 'Frize Black Spicy Pepper Masala'. Sky Enterprise moved under Order XXXIX Rule 2A CPC alleging wilful disobedience. Sky moved under Order XXXIX Rule 2A CPC before Bombay HC. Abaad contested, arguing the new marks fell outside the injunction's scope.

The reasoning. Order 39 Rule 2A CPC applies a civil, not criminal, standard of proof. Swapping one word and adding a prefix fails the safe-distance test: structural and phonetic similarity to protected marks persists. Courts apply Section 151 CPC remedies before attachment.

For your practice. Any substitution in an enjoined mark must clear the safe-distance test. Cosmetic changes will not. Courts order affidavits and destruction of infringing material before attachment.

The order. Abaad restrained from the two new marks. Financial affidavit due within four weeks; infringing packaging destroyed within eight weeks. Continued breach triggers Court Receiver attachment. No attachment ordered now.

§ **Order XXXIX Rule 2A, Code of Civil Procedure, 1908**

SKY ENTERPRISE PRIVATE LIMITED Vs ABAAD MASALA AND CO.

COURT	DECIDED	CASE NO.	BENCH
Bombay High Court	03.08.2026	COMIP/279/2020	Somasekhar Sundaresan

Government & Public Body Interactions

GAUHATI HC

Tender cancellation without reasons is void

The dispute. Dipak Sarma was L1 bidder for a road construction package under ASOM MALA, with bids Rs. 7 crore below the next bidder. No Letter of Intent was issued. On 12 February 2026 the PWD cancelled the tender and issued a fresh notice without communicating any reasons to bidders. Sarma challenged the re-tender order in WP(C)/948/2026 before Gauhati HC. The State argued no vested right had accrued and the change served public interest.

The reasoning. Section 26(3) of the Assam Public Procurement Act is mandatory, not directory: reasons for cancellation must be communicated to all bidders immediately. The absence of any file-notings or internal memos meant the State's public-interest claim was unsupported.

For your practice. Where tender cancellation lacks written reasons to bidders, Section 26(3) renders it void. The L1 bidder may be entitled to award, regardless of claimed public-interest grounds.

The order. The Gauhati HC set aside the re-tender order dated 12 February 2026 and directed that the road construction work be allotted to Dipak Sarma as the L1 bidder, in accordance with law. No costs were awarded.

§ Section 26(3), Assam Public Procurement Act, 2017

Dipak Sarma v. The State of Assam & ors.

COURT	DECIDED	CASE NO.	BENCH
Gauhati High Court	03.08.2026	WP(C)/712/2026	Sanjay Kumar Medhi

Property & Asset Disputes

JHARKHAND HC

House structures on Gair Mazaruwa land compensable despite illegal settlement

The dispute. Choudhary's house stood on Gair Mazaruwa land at Dag No. 178, Deoghar, acquired in 1986 for the Punashi Dam Project. He held a Pradhani Patta with Register-II entry. The Deputy Commissioner rejected his claim in 2021 as an illegal settlement, though similar raiyats had received awards. WPC 1762/2021, Jharkhand HC. Petitioner challenged the DC's January 2021 order denying compensation for his house on land acquired for the Punashi Dam Project.

The reasoning. Compensation for structures cannot be denied solely because the underlying land settlement is illegal. The 2013 Act's protective scope covers house-builders on such land, provided possession is evidenced by patta, Register-II entry and mutation records.

For your practice. Gather patta and Register-II entries for any land-acquisition claim where the settlement is disputed. An illegal settlement does not bar structural compensation under the 2013 Act.

The order. DC's order of 12 January 2021 rejecting the compensation claim was quashed. Respondents directed to assess and pay compensation for the house and structures within sixteen weeks.

§ **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013**

Sachidanand Choudhary v. State of Jharkhand & ors.

COURT	DECIDED	CASE NO.	CITATION	BENCH
Jharkhand High Court	03.08.2026	WPC/1762/2021	2026:JHHC:22843	Ananda Sen

Tribunals

1 judgment in this edition

KEEP SWIPING →



Consumer & Service Problems

SCDRC

Shop-room purchase for self-employment falls within consumer definition under s.2(7) CPA 2019

The dispute. Tapan Kumar Sardar paid Rs.6,00,000 against a shop room priced at Rs.7,14,000 and took possession in August 2013. He filed a consumer complaint seeking deed registration, pleading the purchase was for his livelihood. The DCDRC, Howrah, dismissed it as a commercial dispute on 21 November 2024. FA SC/19/FA/7/2025, West Bengal SCDRC. Sardar challenged the DCDRC's November 2024 orders dismissing his complaint on the ground his purchase was commercial.

The reasoning. The Section 2(7) exclusion for 'commercial purpose' does not apply to self-employment purchases. Consumer status is established by a clear pleading of livelihood intent; exhaustive tax filings are not required at the pleading stage.

For your practice. State livelihood purpose explicitly in the complaint under Section 2(7). Tax documents are not required at filing; a self-employment averment retains consumer forum jurisdiction.

The order. DCDRC orders dated 21 November 2024 (Order No.8 in CC/90/2024 and Order No.4 in MA 59/2024) quashed. Complaint restored to the DCDRC's file. Parties to appear before the DCDRC on 17 August 2026. No costs awarded.

§ Section 2(7), Consumer Protection Act, 2019

SRI TAPAN KUMAR SARDAR vs SRI SUNIL KUMAR GUPTA & ors.

COURT	DECIDED	CASE NO.
State Consumer Disputes Redressal Commission	03.08.2026	SC/19/FA/7/2025

BENCH

Bibhas Ranjan De, Mridula Roy

Also decided today

§ Section 2(g)(1), Haryana Common Lands (Regulation) Act, 1961 — SUPREME COURT

Shamilat deh entry vests land in gram panchayat

A 'shamilat deh' entry vests in the gram panchayat without proof of communal use; the test applies only to shamilat patti, taraf or thola. The 1992 Haryana amendment deleted the 25% ceiling, so vesting is unconditional; a successor municipality inherits it.

C.A. No.-000244-000244 - 2011 · 2026 INSC 786 · 03.08.2026

§ Section 528, Bharatiya Nagarik Suraksha Sanhita, 2023 — PUNJAB AND HARYANA HC

Private compromise cannot quash prosecution for a non-compoundable offence

Section 528 BNSS inherent power, like its Section 482 CrPC predecessor, is exercised sparingly. A private compromise cannot extinguish prosecution for non-compoundable offences; the gravity of the allegation and societal impact prevail over private settlement.

CRM-M/15814/2026 · 03.08.2026

§ Section 34, Arbitration and Conciliation Act, 1996 — DELHI HC

Arbitral award exceeding its reference set aside in part, not in whole

An award that grants relief on matters outside the submission falls under Section 34(2)(a)(iv). Reliance on material not disclosed to the opposing party independently violates Section 18. Both grounds allow partial set-aside; the valid portion survives.

O.M.P. (COMM)-351/2023 · 2026:DHC:6216 · 03.08.2026

Also decided, continued

§ Section 166, Motor Vehicles Act, 1988

PUNJAB AND HARYANA HC

Minor victim's compensation must include future loss, attendant fees and loss of amenities

Future earnings loss for a permanently disabled minor is computed on minimum wages with 40% uplift, scaled by disability and multiplier of 18; attendant fees, loss of amenities and marriage prospects are separately recoverable; interest runs at 9% from filing.

FAO/1215/2002 · 03.08.2026

§ Section 124-A, Railways Act, 1989

DELHI HC

Missing a rail ticket does not defeat a bona fide passenger's compensation claim

Missing a ticket does not defeat a claim where affidavits and a witness establish the deceased boarded the train; an accidental fall from a moving train is an untoward incident under Section 123(c) of the Railways Act regardless of what railway logs record.

FAO-17/2024 · 2026:DHC:6248 · 03.08.2026

§ Section 170-B, Chhattisgarh Land Revenue Code, 1959

CHHATTISGARH HC

Full enquiry into tribal land transfer is mandatory

The SDO must enquire into how, not when, a non-tribal took possession. Pre-1959 revenue entries are rebuttable, not jurisdiction-ousting. The enquiry covers legality of transfer, continuity of possession and fraud; a missing deed does not resolve it.

WPC/1493/2022 · 2026:CGHC:33372 · 03.08.2026

Also decided, continued

§ Section 34, Arbitration and Conciliation Act, 1996 DELHI HC

Damages without proof of loss and interest treated as damages are each patently illegal

An award of prolongation damages without proof of actual loss is patently illegal; treating pre-award interest as damages exceeds the prayer and is equally impermissible. Courts may sever the tainted portions under Section 34 and enforce the valid remainder.

O.M.P. (COMM)-153/2025 · 2026:DHC:6217 · 03.08.2026

§ Section 3 read with Section 5, Foreign Trade (Development and Regulation) Act, 1992 BOMBAY HC

Policy shift to prohibit sugar exports is lawful; no vested right survives it

Shifting sugar export policy to 'prohibited' is a lawful exercise of ministerial discretion. Quota allocations confer no vested rights; legitimate expectation does not survive a policy change. Promissory estoppel needs an unequivocal promise, absent here.

WPST/15306/2026 · 03.08.2026

§ Section 302, Indian Penal Code, 1860 ALLAHABAD HC

Ante-timed FIR with unexplained overwriting is suspect; benefit of doubt follows

When an FIR carries unexplained overwritten time entries and is transmitted to the magistrate six days late, and eyewitnesses fail to establish presence at the scene, the prosecution cannot satisfy the reasonable doubt standard and acquittal follows.

CRIMINAL APPEAL No. - 1711 of 1987 · 03.08.2026

Also decided, continued

§ Section 14, Insolvency and Bankruptcy Code, 2016 NCLAT

Restoring moratorium-breach withdrawals needs no prior finding of fraud

Restoration of funds withdrawn in breach of the moratorium is grounded in Sections 14 and 60(5) of the IBC, not Section 66; no prior fraud finding is required. Filing an IA under Section 66 does not make every relief contingent on a fraud determination.

Company Appeal (AT) (Ins.) No. 86 of 2025 · 03.08.2026

§ Article 12, India-Netherlands Double Taxation Avoidance Agreement, 2005 ITAT

Pure cost recharge fails make-available test, not taxable as royalty

The 'make-available' test under Article 12 is met only when the recipient can independently apply transferred knowledge. A cost-to-cost reimbursement with no markup contains no income element and cannot be taxed as royalty or as fees for technical services.

IT(IT)A No. 667/Bang/2025 · 03.08.2026

§ Rule 12, Central Excise and Service Tax Rules, 2004 CESTAT

Credit on inputs from exempt units not barred before Rule 12 amendment

Before the 2014 Rule 12 amendment, no prohibition barred CENVAT credit on inputs from exempt manufacturers; Rules 3, 4 and 12 must be read harmoniously. A demand arising from an audit cannot invoke extended limitation without proof of intentional suppression.

Excise Appeal No. 60153 of 2020 · 03.08.2026

Today's lead judgment settles that a live-in partner can face prosecution as a 'husband' under Section 498A IPC where the relationship bears the attributes of marriage. The question that follows: how will trial courts assess those attributes in practice, and will the procedural safeguards the Supreme Court reaffirmed actually constrain arrests before that assessment is made?

25 judgments **3** Supreme Court **18** High Courts **4** Tribunals

Every judgment here, analysed in full.

The facts, the reasoning and the precedents each court engaged with.

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