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THURSDAY
6 AUGUST 2026

DAILY

Court Digest

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

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- **A&C Act | Non-signatory to MoS bound to arbitration where performance integral : SC**
- **S.3(m) Patents Act | Seven-step mental-act test issued to Controller : Delhi HC**

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Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

SUPREME COURT

Non-signatory whose performance is integral to an MoS is a veritable party to arbitration

The dispute. KKH Finvest sought total acquisition of Sensorise entities via a May 2022 MoS; consultant shareholder Ashiesh Shukla executed a separate SPA with a clause stating his transfer was independent of the MoS. The Delhi High Court held Shukla was not a veritable party; KKH Finvest appealed to the Supreme Court.

The reasoning. The Court applied the veritable-party factors from Cox v. SAP India: mutual intent, performance interdependence, and composite nature of the transaction. Identical independence clauses in co-sellers' SPAs defeated Shukla's claim of separation.

For your practice. A severance clause in an ancillary agreement will not exclude a party from arbitration where their performance is essential to the main deal.

The order. High Court order of 21 October 2024 set aside. Shukla held a veritable party; his disputes referred to the sole arbitrator appointed 12 April 2023. Each side bears its own costs.

§ **Arbitration and Conciliation Act, 1996**

KKH FINVEST PVT. LTD. VS ASHIESH SHUKLA

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	05.08.2026	C.A. No.-010056-010056 - 2026	2026 INSC 803

BENCH
Sanjay Kumar, Sanjeev Sachdeva

Judgment

SUPREME COURT

Assembly of CKD modules is not manufacture under Section 2(f) CE Act

The dispute. Revenue alleged Xerox India's warehouse kitting of imported CKD photocopier modules amounted to manufacture, demanding Rs.17.86 crore in excise duty and penalties. CESTAT found no manufacture; Revenue appealed to the Supreme Court.

The reasoning. The Court applied the two-fold test: manufacture requires a new article with different name, character or use. Kitting of already-complete machines cleared under heading 8471 satisfied neither limb.

For your practice. Revenue must prove physical transformation creating a new commodity; absent that proof, excise demands for assembly-only warehouse operations will fail.

The order. Civil Appeals 5939-5941/2010 and 11870-11872/2018 dismissed. No excise duty, ED Cess or penalty imposed.

§ Section 2(f), Central Excise Act, 1944

COMMISSIONER OF CENTRAL EXCISE HYDERABAD IV COMMISSIONER VS M/S XEROX INDIA LTD. & ors.

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	05.08.2026	C.A. No.-005939-005941 - 2010	2026 INSC 805

BENCH

S.V.N. Bhatti, N.V. Anjaria

High Courts

11 judgments in this edition

KEEP SWIPING >>>

Intellectual Property (IP) Law
Patents Registration and Objections

DELHI HC

Section 3(m) mental-act exclusion assessed by whole-claim test

The dispute. T-Mobile's patent application for a mobile terminal optimisation method was refused under Sections 3(k) and 3(m) by the Controller General of Patents in December 2016. T-Mobile appealed to the Delhi High Court, which also received a draft guidelines report from an Amicus Curiae.

The reasoning. The Court laid down a seven-step test: construe the claim as a whole, ask whether infringement is possible by mere thinking, and keep the Section 3(m) inquiry separate from novelty and inventive-step.

For your practice. Patent applicants must draft claims with integral hardware or technical effects; a token physical step that is non-essential will not defeat a Section 3(m) objection.

The order. Binding seven-step guidelines for Section 3(m) examination issued; guidelines to be placed before the Controller General of Patents within six weeks. Appeal closed; no monetary relief awarded.

§ Section 3(m), Patents Act, 1970

T-MOBILE INTERNATIONAL AG AND CO. KG. THROUGH MR. TANMAY JOSHI, CONSTITUTED ATTORNEY vs THE CONTROLLER GENEREAL OF PATENTS, DESIGNS AND TRADEMARKS AND ANR.

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	04.08.2026	C.A.(COMM.IPD-PAT)-149/2022	2026:DHC:6266

BENCH
Tushar Rao Gedela



Work & Employment Issues
Suspension, Show-cause Notices & Departmental Action

BOMBAY HC

Suspension lapses after three months absent a charge-sheet and reasoned extension order

The dispute. Two senior Gokhale Institute faculty members were suspended on 17 October 2025; no charge-sheet was served before the three-month deadline of 17 January 2026, and the charge-sheet eventually issued on 16 April 2026 came three months late. The petitioners challenged the suspension orders by writ petition before the Bombay High Court.

The reasoning. Under Clause 1(A)(i) of the April 2025 Government Resolution, read with MCS Rules 1979, suspension ceases automatically after three months if no charge-sheet is served; any extension requires a reasoned order passed within that window.

For your practice. A disciplinary suspension unsupported by a charge-sheet within three months is void; writ petitions filed promptly after that deadline will succeed without more.

The order. Suspension orders of 17 October 2025 quashed. Both petitioners reinstated immediately. Disciplinary inquiry permitted to continue under applicable Rules. No costs awarded.

§ **Clause 1(A)(i), Government Resolution dated 22 April 2025, Maharashtra Civil Services (Discipline and Appeal) Rules, 1979**

DR. DILIP KAJALE Vs GOKHALE INSTITUTE OF POLITICS AND ECONOMICS & ors.

COURT	DECIDED	CASE NO.	BENCH
Bombay High Court	05.08.2026	WP/8665/2026	R.I. Chagla, Farhan P. Dubash

Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

KARNATAKA HC

30-Day Window Is Absolute in Statutory Arbitrations

The dispute. NHAI challenged a fresh arbitral award for NH-275 land acquisition at Bengaluru; its Section 33 correction application was filed 153 days after receiving the award, far outside the statutory window. The Arbitral Tribunal rejected the application; the District Court upheld the award on 13.02.2026; NHAI appealed under Section 37.

The reasoning. Section 33 permits extension only by party agreement, which is impossible in a statutory arbitration; Section 5 of the Limitation Act is excluded by the A&C Act's scheme and the proviso to Section 34(3).

> *The period within which an application to set aside an arbitral award can be made is inflexible.*
>
> FROM THE JUDGMENT

For your practice. Calendar a 30-day deadline from the date of receiving an arbitral award; condonation arguments under the Limitation Act will fail in NH Act arbitrations.

The order. Appeal dismissed; award dated 01.12.2023 and District Court order dated 13.02.2026 upheld; no relief granted.

§ Section 33, Arbitration and Conciliation Act, 1996

NATIONAL HIGHWAYS AUTHORITY OF INDIA V/S THE SPECIAL DEPUTY COMMISSIONER - 3

COURT	DECIDED	CASE NO.	BENCH
Karnataka High Court	05.08.2026	MFA/3756/2026	Vibhu Bakhru, K.S. Hemalekha

Criminal Issues
Murder, Culpable Homicide & Attempt to Murder

DELHI HC

Murder Conviction Falls Without Unbroken Evidence Chain

The dispute. Six co-accused were convicted in 2002 for the 1997 murder of a Delhi resident; the prosecution relied on circumstantial evidence, witness identification, and police disclosure statements. The Additional Sessions Judge sentenced all to life; six separate appeals were heard together by the High Court.

The reasoning. A Section 302 conviction requires an unbroken chain of circumstances; identification after witnesses see the accused outside a formal TIP cannot be the sole basis for conviction.

> *When the witnesses have had an opportunity to see the accused prior to the holding of the TIP, the evidentiary worth of such proceedings stands considerably diminished.*
>
> FROM THE JUDGMENT

For your practice. TIP must precede any exposure of the accused to witnesses; disclosure statements implicating co-accused are inadmissible under Section 27 of the Evidence Act.

The order. Firoz, Shehzad and Sanjay Kumar acquitted; Rajesh, Nasim and Rahish convicted under Section 304 Part-II with Section 34 IPC; Rahish's Arms Act conviction upheld; bail bonds valid six months.

§ Section 302, Indian Penal Code, 1860

FIROZ @ SAGAR vs STATE

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	05.08.2026	CRL.A.-609/2002	2026:DHC:6282-DB

BENCH
Navin Chawla, Ravinder Dudeja

Contracts & Business Disputes
Breach, Disputes & Reliefs

BOMBAY HC

Urgency Exception Requires Holistic Pleading

The dispute. A US-based distributor sued an Indian colostrum powder manufacturer for breach of an exclusivity agreement, seeking injunction and specific performance without undergoing pre-institution mediation. The Commercial Court rejected the plaint under Order VII Rule 11 for non-compliance with Section 12-A; the distributor appealed to the Bombay High Court.

The reasoning. The Section 12-A exception requires a factual foundation of genuine urgency, assessed holistically from the plaint and annexures; the enquiry is jurisdictional and not a merits review.

> *The statutory exception contained in Section 12-A(1) of the CC Act stood sufficiently invoked and the Trial Court was not justified in rejecting the plaint at the threshold.*
>
> FROM THE JUDGMENT

For your practice. Urgency must be grounded in specific facts throughout the plaint; a generic prayer for injunction alone will not satisfy the pre-institution mediation exception.

The order. Order of 9 December 2025 set aside; suit restored; trial court directed to consider the interim application on merits; no order as to costs.

§ Section 12-A, Commercial Courts Act, 2015

HIGH POINT SUPPLY CO. LLC Vs AGATI HEALTHCARE PRIVATE LTD.

COURT	DECIDED	CASE NO.	BENCH
Bombay High Court	05.08.2026	COMFA/15/2026	R.I. Chagla, Farhan P. Dubash

Government & Public Body Interactions
Administrative & Disciplinary Proceedings against Public Servants

CHHATTISGARH HC

15-Year Delay Vitiates Charge Sheet

The dispute. A Chhattisgarh police officer contracted a second marriage in 2007 and filed for retrospective permission; the employer issued a charge sheet in February 2023, fifteen years after the marriage. The officer petitioned the High Court under Article 226 of the Constitution to quash the charge sheet dated 14 February 2023.

The reasoning. Inordinate and unexplained delay in initiating disciplinary proceedings amounts to condonation of the alleged misconduct; fifteen years of inaction rendered the charge sheet arbitrary and unsustainable in law.

For your practice. A charge sheet issued long after the misconduct, without explanation, is open to challenge; departments must act promptly once misconduct is discovered.

The order. Charge sheet dated 14 February 2023 quashed; all disciplinary proceedings arising therefrom set aside; no costs awarded.

§ Rule 22(1), Chhattisgarh Civil Services (Conduct) Rules, 1965

IRFAN-UL-RAHIM KHAN VS STATE OF CHHATTISGARH IRFAN-UL-RAHIM KHAN VS STATE OF CHHATTISGARH -->

COURT	DECIDED	CASE NO.	CITATION
Chhattisgarh High Court	05.08.2026	WPS/1883/2023	2026:CGHC:34039

BENCH
Naresh Kumar Chandravanshi

Insurance Law & Claims
Motor Insurance Claims (Own, Second and Third-party)

MADRAS HC

ESI set-off inapplicable to third-party tort claims under the MV Act

The dispute. The widow, daughters, and mother of A. Kumar, killed in a 2021 road accident, claimed compensation against the lorry owner and insurer under the Motor Vehicles Act. The MACT awarded Rs.29,25,000 but directed deduction of ESI pension already received by the family. The insurer defended the deduction under Sections 53 and 61 of the ESI Act; claimants appealed to the Madras High Court.

The reasoning. Section 53 of the ESI Act bars only employment-injury claims brought against the employer, not tort claims against a third-party tortfeasor. Because the claim ran against the lorry owner, no deduction from the MV Act award was permissible.

For your practice. Where a deceased employee's dependants sue a third-party tortfeasor, ESI pension receipts cannot reduce the MV award; the full compensation stands.

The order. Rs.29,25,000 payable in full with 7.5% interest from the petition date; ESI pension deducted only up to 31.07.2024 and ceasing thereafter; amount to be deposited within six weeks.

§ Section 53, Employees' State Insurance Act, 1948

Jayanthi vs Soundararajan

COURT	DECIDED	CASE NO.	CITATION	BENCH
Madras High Court	05.08.2026	CMA.2106/2026	2026:MHC:3231	N. Anand Venkatesh

Tort and Personal Injury
Road Accidents

PUNJAB AND HARYANA HC

Notional income and dependency multiplier applied

The dispute. Family members of Zile Singh, aged 25, killed in a June 2002 road accident involving a Tata-608, claimed enhanced compensation from the vehicle's owner-driver and insurer, and the tractor owner claimed repair costs. The MACT Kurukshetra awarded Rs.3,30,000 for death and Rs.25,000 for tractor damage; claimants appealed the quantum.

The reasoning. The Court assessed notional income at Rs.4,000 per month, applied the 18-multiplier for six dependants, and added conventional heads; joint and several liability of owner-driver and insurer was affirmed on established principles.

For your practice. Claims for unorganised-sector victims should set notional income on realistic market rates and claim all conventional heads; interest runs from the petition filing date.

The order. Enhanced death compensation of Rs.8,47,000 awarded with 9% interest from 18 July 2002; tractor damage confirmed at Rs.25,000 with same interest rate; respondents jointly and severally liable.

§ Section 166, Motor Vehicles Act, 1988

MEENA & ors. Vs RAJBIR SINGH & ors.

COURT	DECIDED	CASE NO.	CITATION
Punjab and Haryana High Court	04.08.2026	FAO/4886/2003	2026:PHHC:106113

BENCH
Yashvir Singh Rathor

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

DELHI HC

Notice to proprietor mandatory before removal

The dispute. Mehta Cosmetics applied for the "BLUE CHIP" trademark in 1992 and obtained registration in 2005 but never received the certificate. The mark was removed from the Register in 2010 without any Form-O2 renewal notice having been served. A writ petition challenged the removal; the Registrar could not produce dispatch records for either the certificate or the renewal notice.

The reasoning. Section 25(3) makes the renewal notice a mandatory condition precedent to removal; the word "if" signals a condition that must be satisfied before the Registrar can delete a mark.

> *It held that the word "if" in the provision signals a condition that must be satisfied before the Registrar can delete a mark from the Register.*
>
> FROM THE JUDGMENT

For your practice. Confirm that Form-O2 was issued before advising a client that a mark has lapsed; absent proof of dispatch, a removal order is open to writ challenge and restoration.

The order. "BLUE CHIP" registration restored; petitioner may file renewal application within six weeks; Registrar must process and, if in order, renew within three months of completion of formalities.

§ Section 25(3), Trade Marks Act, 1999

AMRIT SINGH MEHTA TRADING AS MEHTA COSMETICS vs CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADE MARKS

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	04.08.2026	W.P.(C)-IPD-5/2026	2026:DHC:6357	Jyoti Singh

Property & Asset Disputes
Property Ownership, Title, Registration, Mutation, Division

BOMBAY HC

De-registration requires misrepresentation at registration, not later

The dispute. Developer Paresh Vohra sought de-registration of a Thane industrial co-operative society under Section 21A, alleging forged documents and absence of NA permission; the Registrar and Minister both allowed de-registration. Society members challenged both orders before the Bombay High Court by writ petition.

The reasoning. Section 21A empowers de-registration only for misrepresentation so material that, without it, registration would not have occurred; post-registration construction irregularities and planning permissions fall outside this ground.

For your practice. A Section 21A petition anchored in post-registration lapses will fail; the correct remedy for a disputed registration is a Section 152 appeal filed promptly.

The order. Registrar's order of 15 July 2024 and Minister's order of 23 June 2025 set aside. De-registration application dismissed. Society's registration restored. No costs awarded.

§ Section 21A, Maharashtra Co-operative Societies Act, 1960

UDAY PATIL & ors. Vs PARESH SATYENDRA VOHRA THR. POA TAUFAL RIYAZ RAHI & ors.

COURT	DECIDED	CASE NO.	BENCH
Bombay High Court	05.08.2026	WP/6144/2026	Sandeep V. Marne

Criminal Issues
Sexual Offences, POCSO & Domestic Crimes

DELHI HC

Terminating a minor's pregnancy without guardian consent violates MTP Act and POCSO

The dispute. Dr. Poonam Mishra terminated a sixteen-year-old's pregnancy in 2019 without guardian consent and failed to report the offence under the POCSO Act. A supplementary chargesheet followed, charging her under Sections 313, 201 IPC and Section 7 MTP Act. She challenged the further-investigation order and the cognizance order before the Delhi High Court.

The reasoning. A magistrate may order further investigation after taking cognizance, and guardian consent under Section 3(4) MTP Act is mandatory before terminating a minor's pregnancy. Non-reporting under Section 19 POCSO is an independent offence.

For your practice. Doctors handling minor pregnancies face criminal exposure on two fronts: absence of written guardian consent and failure to report under Section 19 POCSO.

The order. The petition was dismissed; the further-investigation order of 29.09.2020 and the cognizance order of 31.07.2021 were upheld.

§ Section 19, Protection of Children from Sexual Offences Act, 2012

DR. POONAM MISRA vs STATE AND ANR.

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	05.08.2026	CRL.M.C.-2900/2021	2026:DHC:6344

BENCH
Purushaindra Kumar Kaurav

Tribunals

1 judgment in this edition

KEEP SWIPING →

Government & Public Body Interactions

CESTAT

Accessories for plant modernisation are capital goods under Notification 104/2009-Cus.

The dispute. Usha Martin imported spares for its coke-oven plant in 2013 using SHIS credits; Revenue raised a demand of Rs 1,30,06,857 alleging the goods were not capital goods and the 10% ceiling was breached. The order-in-original of 31.10.2017 confirming the demand was challenged before CESTAT's Eastern Zonal Bench.

The reasoning. Capital goods under Notification 104/2009-Cus. include accessories used for modernisation; the 10% ceiling applies only to spares of earlier-imported capital goods. The demand was also barred by the one-year limit in Section 28(9).

> *The goods imported by the appellant are not spares/parts but are 'capital goods' covered under Notification No. 104/2009-Cus.*
>
> FROM THE JUDGMENT

For your practice. In SHIS disputes, argue imports as fresh capital goods to escape the 10% ceiling, and check that the demand was decided within the Section 28(9) period.

The order. The Tribunal allowed the appeal, set aside the demand of Rs 1,30,06,857 under Section 28(4) Customs Act 1962, and vacated the interest and penalty under Sections 28AA and 114A.

§ Section 28(4), Customs Act, 1962

Usha Martin Ltd vs Kolkata(Port)

COURT
Customs Excise and Service Tax Appellate Tribunal

DECIDED
05.08.2026

CASE NO.
Customs Appeal No. 75353 of 2018

BENCH
Ashok Jindal, K. Anpazhakan

Also decided today

§ Article 14, Constitution of India, 1950

PUNJAB AND HARYANA HC

Invalid certificate no bar to general post where no reservation benefit claimed

A candidate from a reserved category who scores above the general cut-off and takes no reservation benefit must be treated as a general candidate; certificate invalidity bars reservation, not merit-based consideration.

CWP/35851/2025 · 2026:PHHC:106312 · 05.08.2026

§ Jammu and Kashmir Public Safety Act, 1978

JAMMU & KASHMIR AND LADAKH HC

PSA detention void where order relies on stale FIR without fresh subjective satisfaction

Stale FIR material without fresh intelligence cannot satisfy the subjective satisfaction test for PSA detention; the detaining authority must demonstrate a live, current nexus between the detainee and an ongoing threat.

HCP/272/2025 · 05.08.2026

§ Section 174-A, Indian Penal Code, 1860

PUNJAB AND HARYANA HC

Judicial custody during proclamation negates wilful evasion under Section 174-A IPC

Section 174-A IPC requires wilful non-appearance; incarceration at the time of proclamation makes evasion impossible, and a prosecution brought in those circumstances is an abuse of process quashable under Section 482 CrPC.

CRM-M/54185/2021 · 2026:PHHC:105071 · 04.08.2026

Also decided, continued

§ Regulations 32, 34 and 47(1), Reserve Bank of India (Staff) Regulations, 1948 ALLAHABAD HC

Service nexus required for misconduct; dismissal is the last resort for gravest breaches

Misconduct must have a real nexus to the employee's service; a personal dispute with a non-official visitor does not qualify, the employer bears the burden of proof, and dismissal must be reserved for the gravest breaches.

SPECIAL APPEAL No. - 246 of 2021 · 05.08.2026

§ Section 124A, Railways Act, 1989 DELHI HC

Affidavit establishes passenger status; lost ticket no bar to railway accident claim

An affidavit of a companion can satisfy the passenger-status burden under the Railways Act; a missing ticket is not conclusive of trespass, and an accidental fall from a moving train is an untoward incident under Section 124A.

FAO-180/2022 · 2026:DHC:6338 · 05.08.2026

§ Paragraph 19.3, Bipartite Settlement, 1997 DELHI HC

Police complaint is not steps to prosecute

The expression 'takes steps to prosecute' in Paragraph 19.3 requires a conscious employer decision to invoke criminal process; a police complaint to trace a missing employee and recover funds does not meet that threshold.

W.P.(C)-16509/2004 · 2026:DHC:6315 · 05.08.2026

Also decided, continued

§ Section 6(2)(f), Passports Act, 1967 — CALCUTTA HC

Section 22 exemption overrides GSR 570(E) one-year cap on renewal

A delegated notification cannot impose a passport duration shorter than the ten years Rule 12 prescribes; where a criminal court permits renewal, the authority must issue a ten-year passport and cannot apply the one-year default.

WPA/9256/2026 · 05.08.2026

§ Section 81, Representation of the People Act, 1951 — MADHYA PRADESH HC

Writ jurisdiction bars post-election asset disclosure challenge

Once declared, an election may only be challenged by an election petition within 45 days; Article 329(b) bars Article 226 writs, and the limit is jurisdictional and not extendable for any reason, including custodial detention.

WP 36367/2025 · 2026:MPHC-JBP:59455 · 04.08.2026

§ Section 19, Indian Contract Act, 1872 — JHARKHAND HC

Unjust enrichment grounds interest on retained auction funds; duress waiver voidable

Retaining a bidder's full payment without delivering possession is unjust enrichment; interest is a normal component of restitution even without an express contractual clause, and a waiver obtained under duress is voidable.

LPA/376/2026 · 2026:JHHC:23110-DB · 05.08.2026

Also decided, continued

§ Extra Ordinary Family Pension (EOFP) Scheme, Government of India, ... PUNJAB AND HARYANA HC

Undertaking to refund excess pension binds the employee after retirement

An employee who gives an undertaking at pay revision to refund any excess is bound by that promise after retirement; the Rafiq Masih bar against recovery from retirees does not apply where such an undertaking exists.

CWP/2496/2025 · 2026:PHHC:106018 · 04.08.2026

§ Section 54, Transfer of Property Act, 1882 DELHI HC

Part payment does not void a sale deed; parties' intention controls

Under Section 54 TPA a sale is complete when the parties intend to transfer ownership; the price may be paid, promised or part-paid, and incomplete payment alone does not void the deed.

RFA-769/2026 · 2026:DHC:6324 · 05.08.2026

The Supreme Court's veritable-party ruling in KKH Finvest raises a question that will follow every multi-party acquisition: when does a party's performance under an ancillary agreement pull it into an arbitration clause it never signed? Where exactly does conduct end and consent begin?

25 judgments **2** Supreme Court **22** High Courts **1** Tribunal

Every judgment here, analysed in full.

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

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