Cassie

FRIDAY
7 AUGUST 2026

DAILY

# Court Digest

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

IN TODAY'S DIGEST


- **Section 3(2) SC/ST Act | Conviction Requires Proven Caste Motive : Patna HC**
- **S.10(1) Black Money Act | Notice void if the financial year is not specified : ITAT**
- **Section 60(5) empowers personal directions to suspended directors to assist asset recovery | NCLAT**


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25 judgments reported in full on cassie.in

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# Supreme Court

2 judgments in this edition

KEEP SWIPING >>>

Work & Employment Issues

SUPREME COURT

# Compulsory retirement under Rule 56(j) is non-punitive and reviewable only for arbitrariness.

**The dispute.** Sushil Sharma, a CISF Inspector who joined in 1982 and was promoted in 2003, was compulsorily retired on 6 June 2010 after the Internal Screening Committee assessed his record and found declining performance grades from 2004 to 2009 together with disciplinary entries after his last promotion. The Delhi High Court dismissed his writ petition, finding the efficiency decline was substantiated; he appealed to the Supreme Court.

**The reasoning.** The Court reaffirmed that compulsory retirement is an administrative measure to weed out dead wood, not a punishment, and the principles of natural justice including audi alteram partem do not apply.

> *The scope for judicial review of an order of compulsory retirement based on the subjective satisfaction of the employer is extremely narrow and restricted.*
>
> FROM THE JUDGMENT

**For your practice.** A challenge to a compulsory retirement order must be built around concrete evidence of arbitrariness or mala fides.

**The order.** The Supreme Court dismissed the Civil Appeal, upholding the compulsory retirement order dated 6 June 2010. No costs or monetary relief were awarded.

§ Rule 56(j), Fundamental Rules, 1969

*SUSHIL SHARMA vs UNION OF INDIA*

| COURT | DECIDED | CASE NO. | CITATION |
|---|---|---|---|
| Supreme Court of India | 06.08.2026 | C.A. No.-008634-008634 - 2012 | 2026 INSC 809 |

BENCH

Prashant Kumar Mishra, Shree Chandrashekhar

**Property & Asset Disputes**
Inheritance/Succession Matters

SUPREME COURT

# AP Civil Courts Act 1972 does not bar civil suits between non-tribal parties over land.

**The dispute.** Grandsons of Mukkera Muthaiah filed a partition suit in 1998 over ancestral land in a scheduled area of what is now Telangana, where an earlier family partition in 1975-76 had divided the holdings into distinct parcels with separate revenue entries. The trial court dismissed the suit in 2003; the First Appellate Court reversed that in 2008.

**The reasoning.** The Court applied a purposive construction of the AP Civil Courts Act 1972, reading the scheduled-area exclusion as aimed solely at protecting tribal interests.

> *We therefore hold that the Civil Court had the requisite jurisdiction to entertain the dispute.*
>
> FROM THE JUDGMENT

**For your practice.** Civil suits over land in scheduled areas of Andhra Pradesh or Telangana are not automatically barred.

**The order.** The Supreme Court allowed the appeal, set aside the High Court order of 01 February 2022, restored civil-court jurisdiction, and directed the parties to appear before the High Court on 24 August 2026 for an expedited hearing.

§ **Andhra Pradesh Civil Courts Act, 1972**

MUKKERA VENKATA RATNAM *vs* VANTASALA CHINA VENKATESWARLU

| COURT | DECIDED | CASE NO. | CITATION |
|---|---|---|---|
| Supreme Court of India | 06.08.2026 | C.A. No.-010162-010162 - 2026 | 2026 INSC 810 |

BENCH
Sanjay Karol, Augustine George Masih

# High Courts

5 judgments in this edition

KEEP SWIPING >>>

Criminal Issues

DELHI HC

# Prior sanction is mandatory for each public servant at cognizance

**The dispute.** A Special Judge in Tis Hazari Courts referred four questions to the Delhi High Court on the scope of Section 19 of the Prevention of Corruption (Amendment) Act 2018, which extended sanction protection to former public servants. The Division Bench answered the reference, with the State arguing prospective operation and the amicus urging that the amendment conferred a substantive.

**The reasoning.** Applying generalia specialibus non derogant, the Court held that cognizance under Section 19 is taken of the offence and of the specific public servant, requiring a prior sanction for each accused.

> *Dilawar Singh (supra) clearly holds that the general law that cognizance of an offence is taken and not of the offender , is not applicable to Section 19 (1) of the 1988 Act , whether pre or post its amendment .*
>
> FROM THE JUDGMENT

**For your practice.** Verify the date of cognizance before filing charges under the PC Act.

**The order.** The Court answered all four reference questions, holding the amendment prospective as to the sanction requirement from 26 July 2018, and directed the Special Judge to list the matter on 10 September 2026.

§ **Section 19, Prevention of Corruption Act, 1988 (as amended by the Prevention of Corruption (Amendment) Act, 2018)**

*COURT ON ITS OWN MOTION vs STATE*

| COURT | DECIDED | CASE NO. | CITATION |
|---|---|---|---|
| Delhi High Court | 06.08.2026 | CRL.REF.-1/2019 | 2026:DHC:6342-DB |

BENCH

Navin Chawla, Ravinder Dudeja

Criminal Issues

PATNA HC

# Conviction Requires Proven Caste Motive

**The reasoning.** A conviction under the SC/ST (Prevention of Atrocities) Act requires proof that the offence was committed on the ground of caste; without that motive the Act does not apply, and a solitary eyewitness sustains a conviction only if wholly reliable.

> *No evidence has been adduced to establish that any caste-related abuse was hurled at the time of occurrence or that the offence was motivated by the caste identity of the deceased.*
>
> FROM THE JUDGMENT

**For your practice.** Lawyers must now ensure that charge-sheets under the SC/ST Act expressly allege a caste-based motive and produce corroborative evidence, otherwise convictions risk being set aside even if other elements of the offence are proved.

**The order.** Life imprisonment for murder under IPC 302 read with 34 affirmed for all three appellants...all convictions under Section 3(2) (v) of the SC/ST (Prevention of Atrocities) Act set aside; sentences to run concurrently.

§ **Section 3(2)(v), Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**

*Birendra Yadav vs The State Of Bihar*

| COURT | DECIDED | CASE NO. | BENCH |
|---|---|---|---|
| Patna High Court | 05.08.2026 | CR. APP (DB)-948/2018 | Bibek Chaudhuri, Rana Vikram Singh |

Criminal Issues

MADHYA PRADESH HC

# Magistrate may name custodial officials in death inquiry

**The dispute.** Jail Superintendent Raja Ram Dangi and empanelled doctors challenged the judicial inquiry report dated 3 April 2023 and FIR No. 0336/2023, which named them following the custodial death of convict Bheru at District Jail, Dhar on 27 February 2023 after an alleged assault during a routine search. The petitioners argued before the Madhya Pradesh High Court that Section 176(1-A) limits the magistrate to determining cause of death.

**The reasoning.** The Court held that Section 176(1-A) confers powers equivalent to those in an offence inquiry, permitting the magistrate to examine the complete sequence of events, name responsible officials, and recommend prosecution.

**For your practice.** A magistrate's Section 176(1-A) report can directly ground an FIR against custodial staff.

**The order.** Both writ petitions were dismissed. The judicial inquiry report of 3 April 2023 and FIR No. 0336/2023 of 8 May 2023 were upheld. The investigating agency was directed to proceed impartially and expeditiously. No costs were awarded.

§ Section 176, Code of Criminal Procedure, 1973

*Dr. Kamlesh Kumar Ahirwar vs The State Of Madhya Pradesh*

| COURT | DECIDED | CASE NO. | CITATION |
|---|---|---|---|
| Madhya Pradesh High Court | 06.08.2026 | WP 19908/2023 | 2026:MPHC-IND:21865 |

BENCH

Jai Kumar Pillai

Criminal Issues

UTTARAKHAND HC

# Non-compoundable charge quashed on voluntary settlement

**The dispute.** Amit Dand Pathak faced a charge-sheet dated 21 May 2025 under Sections 109(1) and 3(5) of the Bharatiya Nyaya Sanhita for alleged simple-injury offences at Police Station Raipur, Dehradun. The State opposed the compounding application on the ground that Section 109 is non-compoundable.

**The reasoning.** The Court held that where a compromise is demonstrably voluntary, unsupported by coercion, and does not threaten public interest, the court may quash proceedings even for a non-compoundable offence.

**For your practice.** When seeking to quash non-compoundable proceedings, obtain signed affidavits from both parties and, where possible, a recorded video-conference statement.

**The order.** The Court allowed the compounding application (I.A. No. 03 of 2026) and quashed the charge-sheet dated 21 May 2025, the summoning order dated 13 August 2025.

§ Section 528, Bharatiya Nagarik Suraksha Sanhita, 2023

*Amit Dand Pathak vs State Of Uttarakhand & ors.*

| COURT | DECIDED | CASE NO. | CITATION | BENCH |
|---|---|---|---|---|
| Uttarakhand High Court | 06.08.2026 | C528/1995/2025 | 2026:UHC:6967 | Alok Mahra |

Government & Public Body Interactions

CALCUTTA HC

# CWC abandonment order invalid without statutory inquiry and hearing

**The dispute.** Asmita Poddar claimed to be the biological mother of a newborn found injured in a drain on 23 March 2024; DNA testing confirmed parentage, yet the Child Welfare Committee declared the infant abandoned and the parents incapacitated on 18 November 2024 without notice or inquiry. The biological mother petitioned the Calcutta High Court to quash the CWC order.

**The reasoning.** The Court held that a statutory inquiry under Section 36 and notice under Section 38 of the JJ Act are conditions precedent to any abandonment declaration; the CWC's order, made without any such inquiry, was void on its face.

**For your practice.** Any CWC abandonment or incapacity declaration is judicially vulnerable unless a documented Section 36 inquiry and a hearing to the biological parents precede it.

**The order.** The CWC order of 18 November 2024 was set aside. Adoptive parents were directed to surrender the child to the CWC by 7 August 2026.

§ Section 2(1), Juvenile Justice (Care and Protection of Children) Act, 2015

*Asmita Poddar @ Payel Poddar v. State of West Bengal & ors.*

| COURT | DECIDED | CASE NO. | BENCH |
|---|---|---|---|
| Calcutta High Court | 06.08.2026 | WPA/24620/2025 | Krishna Rao |

# Tribunals

3 judgments in this edition

KEEP SWIPING →

Judgment

ITAT

# Black Money Act notice is void unless it names the financial year under assessment

**The dispute.** The assessee and his wife were nominee shareholders of two foreign companies incorporated in BVI and Singapore, holding bank accounts with BNP Paribas. The CIT(A) confirmed the addition and penalty; the Revenue appealed to ITAT Delhi, which dismissed the appeal and allowed the assessee's cross-objections.

**The reasoning.** A shareholder holds no title to a foreign company's assets, so credits in the company's accounts cannot be taxed in the shareholder's hands. A section 10(1) notice omitting the relevant financial year is jurisdictionally defective and void ab initio.

> *The notice issued under section 10(1) of the BMA Act, 2015 dated 04.06.2018 is void ab initio as it failed to specify the relevant Financial Year/Assessment Year for which the assessment was proposed.*
>
> FROM THE JUDGMENT

**For your practice.** Any section 10(1) notice that is silent on the assessment year is challengeable at the threshold.

**The order.** ITAT dismissed the Revenue's appeals and deleted the addition of Rs 2,25,53,976 and the associated penalty. The notice dated 04.06.2018 was declared void, and the foreign company credits were held not taxable in the assessee's hands.

§ **Section 10(1), Black Money (Undisclosed Foreign Income and Asset) & Imposition of Tax Act, 2015**

*Income Tax Officer, C.R Building, Ito vs Ankita Rai Tiwari, Hd Pitampura*

COURT
Income Tax Appellate Tribunal

DECIDED
06.08.2026

CASE NO.
BMA No. 13/DEL/2023, CO No. 122/Del/2023, BMA No. 14/DEL/2023, CO No. 123/Del/2023

BENCH



**Banking Law, Debt & Money Matters**
Personal Bankruptcy & Insolvency

NCLAT

# Section 60(5) empowers personal directions to suspended directors to assist asset recovery

**The dispute.** Log 9 Mobility's suspended directors were directed to help the Resolution Professional of Gensol EV Lease locate 100 leased electric vehicles after both companies entered CIRP. The Adjudicating Authority at Ahmedabad ordered the directors to cooperate; they appealed to NCLAT under Section 61 IBC.

**The reasoning.** NCLAT held that Section 60(5) vests broad jurisdiction to issue directions 'arising out of' or 'in relation to' the insolvency resolution, not confined to parties in direct contractual privity.

**For your practice.** Suspended or former directors who hold knowledge of corporate assets may be compelled to appear before a Resolution Professional regardless of any contractual gap.

**The order.** The appeal under Section 61 IBC was dismissed and the order of 21 July 2026 directing the appellants to appear before Gensol's Resolution Professional to assist in identifying and recovering the EVs was upheld; no costs were awarded.

§ **Section 60(5), Insolvency and Bankruptcy Code, 2016**

*Mr. Akshay Singhal & ors. vs Mr. Keshav Khaneja Resolution ...*

COURT
National Company Law Appellate Tribunal

DECIDED
06.08.2026

CASE NO.
Comp. App. (AT) (Ins) No. 1364 of 2026

BENCH
Yogesh Khanna, Barun Mitra, Ajai Das Mehrotra

Judgment

ITAT

# When a court stay leaves under sixty days, the reassessment window extends to sixty days.

**The dispute.** Vasani Infrastructure filed a nil return for AY 2010-11. The Gujarat High Court stayed the reassessment on 21 December 2017, leaving only ten days of the statutory period; the stay was vacated on 2 April 2018. The CIT(A) upheld the reassessment; the Revenue appealed and the assessee filed a cross-objection before ITAT Ahmedabad.

**The reasoning.** Explanation 1(ii) to section 153 excludes the stay period from the limitation count; the proviso then extends the residual time to sixty days from the vacating date when less than sixty days remain.

**For your practice.** Computing reassessment deadlines: exclude the stay period, check whether the remainder falls below sixty days.

**The order.** ITAT dismissed the Revenue's appeal (ITA No. 2303/Ahd/2025) and the assessee's cross-objection as infructuous.

§ Section 153, Income-tax Act, 1961

*Income Tax Officer, Ward 3 3 5, Ahmedabad vs Vasani Infrastructure , Ahmedabad*

COURT
Income Tax Appellate Tribunal

DECIDED
06.08.2026

CASE NO.
ITA No. 2303/Ahd/2025 & CO No. 100/Ahd/2025

BENCH
B.R.R. Kumar, Rahul Chaudhary

# Also decided today

§ Section 5-A, Uttar Pradesh Prevention of Cow Slaughter Act, 1955 — ALLAHABAD HC

## Confiscation Orders Quashed

Section 5-A requires a permit only for inter-state transport of cattle; movement within Uttar Pradesh needs none, and interception in a border district does not by itself establish inter-state intent.

CRIMINAL MISC. WRIT PETITION No. - 1902 of 2026 · 2026:AHC:164202 · 05.08.2026

§ Uttar Pradesh Recruitment of Dependants of Government Servants Dying in Har... — ALLAHABAD HC

## Accrued regularisation right survives death.

The Court held that once a seniority list crystallises a right to regularisation, that right survives the employee's death and must be considered before adjudicating a dependent's compassionate appointment claim.

WRIT - A No. - 4739 of 2024 · 06.08.2026

§ Section 482, Code of Criminal Procedure, 1973 — DELHI HC

## Inherent Power Not Applicable to Director Status Dispute

Whether a person had resigned as director before the offence is a question of fact for the trial court; Section 482 cannot be invoked to decide it or to stay the proceedings meanwhile.

CRL.M.C.-2575/2022 · 2026:DHC:6395 · 05.08.2026

§ Section 105, Right to Fair Compensation and Transparency in Land Acquisition, Reh... — MADRAS HC

## Delay bars re-determination of compensation

Re-determination of compensation under the 2013 Act is barred by delay and laches, and executive guidelines cannot enlarge a limitation period the statute has fixed.

WA(MD).2848/2025 · 2026:MHC:3258 · 05.08.2026

# Also decided, continued

§ Section 9(1)(vii), Income Tax Act, 1961 — KARNATAKA HC

## Finance Act 2010 amendment cannot be applied retrospectively

An explanation that adds a new condition to a taxing provision is a charging provision, not a clarification, and cannot operate retrospectively.

ITA/3025/2005 · 06.08.2026

§ Section 166, Motor Vehicles Act, 1988 — PUNJAB AND HARYANA HC

## Compensation enhanced based on notional income and multiplier

Where documentary proof of income is absent, notional income may be assessed, future prospects added, and a multiplier applied by age; the award was recomputed on that basis.

FAO/3906/2003 · 2026:PHHC:106659 · 05.08.2026

§ Industrial Disputes Act, 1947 — DELHI HC

## CCS rules do not exclude nursing staff from workman definition.

The mere fact that conditions of service are governed by CCS (CCA) Rules does not ipso facto exclude the employee from the Industrial Disputes Act; the test remains whether the establishment is an industry and the individual a workman within Section 2(s).

W.P.(C)-2551/1999 · 2026:DHC:6366 · 06.08.2026

# Also decided, continued

§ Section 41(e), Specific Relief Act, 1963 — ORISSA HC

## Article 227 cannot substitute statutory appeal.

Supervisory jurisdiction under Article 227 is to be exercised sparingly and cannot substitute a statutory appeal under Order 43 Rule 1 CPC where that remedy is available.

CMP/929/2026 · 06.08.2026

§ Chhattisgarh Forest Service Recruitment Rules, 2012 — CHHATTISGARH HC

## Executive Circulars Cannot Override Statutory Recruitment Rules on Seniority

A circular has no force where it conflicts with statutory rules framed under Article 309. Placing directly recruited employees at the foot of a seniority list after an administrative transfer, without statutory authority, violates Articles 14 and 16.

WPS/1105/2026 · 2026:CGHC:34392-DB · 06.08.2026

§ Section 194A, Income Tax Act, 1961 — BOMBAY HC

## Co-operative banks exempt from TDS on interest to non-member societies.

The second limb of Section 194A(3)(v) does not exclude co-operative banks; the legislature's silence is intentional.

ITXAL/2533/2026 · 2026:BHC-OS:17608-DB · 06.08.2026

# Also decided, continued

§ Section 15, Registration of Births and Deaths Act, 1969 — ORISSA HC

## Death certificate date of death is binding.

A death certificate issued under the Registration of Births and Deaths Act is a public document whose entries are presumed correct; an employer or third party cannot unilaterally dispute the recorded date of death.

WP(C)/4157/2026 · 2026:OHC:13 · 06.08.2026

§ Section 12AB, Income Tax Act, 1961 — ITAT

## Registration under section 12AB cannot be refused for absent dissolution clause.

The absence of a dissolution clause is an uncertain future contingency addressed by section 115TD(1)(c) and cannot independently bar registration.

ITA No. 315/Jodh/2024 · 06.08.2026

§ Section 148, Income Tax Act, 1961 — ITAT

## Notice void without s.151(ii) approval.

A notice under Section 148 is invalid where the prescribed approval under Section 151(ii) is absent from the record, and any reassessment built on it cannot stand.

ITA No. 4169/Del/2026 · 06.08.2026

# Also decided, continued

§ Section 2(15), Income Tax Act, 1961 ITAT

## Pre-school activity satisfies the s.2(15) definition of education without formal affiliation

The Tribunal held that s.2(15) deliberately uses a broad term and pre-schooling is an integral part of that definition, regardless of affiliation.

ITA Nos. 3752 & 3753/Del/2026 · 06.08.2026

§ Section 28(4) and Section 114A, Customs Act, 1962; General Rules of Interpretation; Sec... CESTAT

## Glow Plug Controller classifiable under CTH 8511 as part of ignition system.

Section Notes 3 and 4 of Section XVI require classification of components that together perform a single defined function under the heading appropriate to that function.

Customs Appeal No. 54695 of 2023 · 06.08.2026

If cognizance of a corruption offence was taken before 26 July 2018, does the 2018 amendment to Section 19 of the Prevention of Corruption Act require the prosecution to obtain a fresh prior sanction? The Delhi High Court answered four reference questions to settle the point, drawing a clear line between cases already before a court and those yet to reach the cognizance stage.

**25** judgments **2** Supreme Court **16** High Courts **7** Tribunals

## Every judgment here, analysed in full.

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

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