Cassie

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DAILY

Court Digest

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

IN TODAY'S DIGEST

- **UGC Norms | State VC appointment amendment ultra vires : HP HC**
- **Art.21 | Blanket foreign travel ban on govt staff void : P&H HC**
- **S.154 CrPC | Multiple FIRs for same fraud must be clubbed : Gauhati HC**
- **S.54 TPA | Sale deed remains valid despite unpaid price : Gujarat HC**
- **Service Tax payable on coaching's tuition fee; hostel & mess exempt**

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

HIMACHAL PRADESH HC

UGC regulations on Vice-Chancellor selection override conflicting State university statutes

The dispute. Two qualifying professors challenged Himachal Pradesh amendments altering the appointment procedure for agricultural university Vice-Chancellors. The State mandated appointments on government advice and omitted the required UGC nominee from search committees. They filed writ petitions before the High Court seeking to quash the amended rules and the consequential recruitment advertisement.

The reasoning. The High Court held that UGC Regulations 2018 are mandatory and override conflicting State university legislation under Entry 66 of List I. Presidential assent cannot cure a State enactment encroaching on Parliament's exclusive field.

For your practice. State universities cannot dilute UGC search committee requirements, as local statutory amendments excluding central nominees are void ab initio.

The order. The Court quashed the 2023 Amendment Act, Rules 2 to 4 of the 2026 Rules, and the recruitment advertisement. It directed a fresh selection process strictly complying with Regulation 7.3 of the UGC Regulations 2018.

§ **Section 7.3, University Grants Commission Regulations, 2018**

Narender Kumar Sankhyan v. State of Himachal Pradesh & ors.

COURT	DECIDED	CASE NO.	CITATION
Himachal Pradesh High Court	27.08.2026	CWP/4259/2026	2026:HHC:36551

BENCH
Vivek Singh Thakur, Ranjan Sharma

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

PUNJAB AND HARYANA HC

Executive blanket ban on foreign travel by government employees violates personal liberty

The dispute. A nursing officer secured an NOC and visa to appear for a professional licensing examination in Australia. While her earned leave application was pending, the State issued executive instructions imposing a blanket ban on foreign travel for all government employees. She filed a writ petition challenging the executive instructions and seeking a direction to permit her foreign travel.

The reasoning. The High Court held that foreign travel is an Article 21 right requiring statutory authority for any restriction. A blanket executive ban on all public servants without individual assessment is manifestly arbitrary.

> *A blanket prohibition on an entire class of citizens merely because they are in government service is manifestly arbitrary.*
>
> FROM THE JUDGMENT

For your practice. Executive guidelines cannot restrict public servants from travelling abroad without statutory backing and case-specific justification.

The order. The Court quashed the instructions dated 10 June 2026 and directed the authority to grant travel permission by 31 August 2026. The petitioner was permitted to resume service after her leave.

§ **Article 21, Constitution of India, 1950**

SHEETAL RANI vs STATE OF HARYANA & ors.

COURT	DECIDED	CASE NO.	BENCH
Punjab and Haryana High Court	27.08.2026	CWP/27369/2026	Harpreet Singh Brar

Criminal Issues
Financial & Economic Offences

GAUHATI HC

Multiple FIRs arising from the same transaction must be clubbed with the earliest FIR

The dispute. A corporate executive faced four separate FIRs across Assam alleging misappropriation of funds in a government skill-development programme. All complaints alleged an identical modus operandi of falsifying training records and siphoning scheme subsidies. He petitioned the High Court under Section 482 CrPC to consolidate all subsequent complaints with the first registered FIR.

The reasoning. The High Court held that multiple FIRs for the same transaction cannot trigger separate investigations under Section 154 CrPC. Under the test of sameness, subsequent complaints must be transferred and treated as Section 162 statements.

For your practice. Accused persons facing parallel FIRs across jurisdictions can seek consolidation under Section 482 CrPC when complaints share an identical transaction.

The order. The Court ordered three subsequent FIRs transferred to Rangia Police Station and clubbed with the earliest FIR. The later complaints were directed to be treated solely as Section 162 statements.

§ Section 154, Code of Criminal Procedure, 1973

Alok Sarkar v. State of Assam & ors.

COURT	DECIDED	CASE NO.	CITATION
Gauhati High Court	27.08.2026	W.P.(Crl.)/43/2022	2026:GAU-AS:12335

BENCH
Anjan Moni Kalita

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

PUNJAB AND HARYANA HC

Teacher eligibility certificates carry lifetime validity despite earlier seven-year limits

The dispute. The petitioners were shortlisted for teaching posts in Haryana based on their 2011 eligibility certificates. The recruiting authority then cancelled their appointments, asserting that their HTET certificates had lapsed under the earlier seven-year validity rule. The candidates approached the High Court to quash the rejection and enforce the NCTE's lifetime validity notification.

The reasoning. The High Court held that NCTE norms granted lifetime validity retrospectively from February 2011. Restricting the benefit to subsequent advertisements creates an unconstitutional classification under Articles 14 and 16.

For your practice. Counsel challenging teacher selection rejections can enforce retrospective NCTE norms against state authorities imposing arbitrary cut-off dates.

The order. The High Court disposed of the writ petition, directing the competent authority to treat it as a representation. The authority must reconsider the candidatures under the NCTE amendment and pass a reasoned order within three months.

§ Article 14, Constitution of India

SHASHI KANT MISHRA & ors. vs THE STATE OF HARYANA & ors.

COURT	DECIDED	CASE NO.	BENCH
Punjab and Haryana High Court	27.08.2026	CWP/27418/2026	Harpreet Singh Brar

Criminal Issues
Wrongful Accusation & False FIRs

PUNJAB AND HARYANA HC

Prosecution for false information cannot proceed while a cancellation report is unaccepted

The dispute. An informant lodged an FIR alleging assault, which the police closed as self-inflicted by filing a cancellation report. Before the Magistrate decided the informant's pending protest petition, the police filed a complaint against him for furnishing false information. He petitioned the High Court under Section 482 CrPC seeking to quash the complaint as an abuse of process.

The reasoning. The High Court held that false-information proceedings cannot proceed while a cancellation report remains unaccepted. Prosecuting the informant before disposing of his protest petition pre-judges his complaint and constitutes an abuse of process.

For your practice. Informants cannot be prosecuted for false information until the Magistrate disposes of pending protest petitions and accepts the cancellation report.

The order. The Court quashed the complaint under Section 182 IPC and all consequential proceedings, directing that no further action be taken against the petitioner.

§ Section 182, Indian Penal Code, 1860

RAJESH KUMAR vs STATE OF HARYANA & ors.

COURT	DECIDED	CASE NO.	BENCH
Punjab and Haryana High Court	27.08.2026	CRM-M/17383/2023	Manisha Batra

Property & Asset Disputes
Co-operative Housing Society Property Disputes

BOMBAY HC

Cooperative courts cannot hear redevelopment disputes unless bye-laws expressly include it

The dispute. Forty-one members of a housing society challenged general body resolutions appointing a developer to reconstruct sixty-nine residential structures. They filed a dispute before the Cooperative Court challenging the resolutions without disputing the underlying development agreement. The Cooperative Court rejected the dispute for lack of jurisdiction, and the appellate court affirmed the rejection.

The reasoning. Redevelopment does not constitute society business under Section 91 unless expressly enumerated in its bye-laws. Moreover, challenging resolutions without the underlying development agreement splits the cause of action, requiring recourse to the civil court.

For your practice. Parties contesting society redevelopment must verify bye-laws before approaching the cooperative court, or file composite civil suits against both resolutions and agreements.

The order. The High Court dismissed the writ petition, upholding the concurrent orders of the cooperative courts rejecting the dispute for lack of jurisdiction.

§ Section 91, Maharashtra Co-operative Societies Act, 1960

BALIRAM TOTARAM MISAL & ors. vs SAUJANYA CO OP. HSG. SOC. LTD

COURT	DECIDED	CASE NO.	CITATION	BENCH
Bombay High Court	27.08.2026	WP/15791/2025	2026:BHC-AS:35191	Sandeep V. Marne

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

GUJARAT HC

Registered sale deeds remain valid despite unpaid consideration or unproven fraud allegations

The dispute. Landowners executed and registered a sale deed for agricultural land after receiving partial payment from a broker. They subsequently sued to declare the deed void, alleging the buyer fraudulently obtained signatures under pretext of an agreement to sell and withheld the remaining price. The trial court dismissed the suit upon finding the fraud allegations unproven and the conveyance validly executed.

The reasoning. Title passes upon registration under Section 54 of the Transfer of Property Act unless expressly conditional on full payment. Moreover, the strong presumption of validity attaching to registered deeds cannot be displaced by vague fraud allegations.

For your practice. Unpaid sellers cannot invalidate registered conveyances without express conditional clauses, and must instead file suits for recovery of the unpaid purchase money.

The order. The High Court dismissed the first appeal, affirmed the trial court decree, vacated interim orders, and directed refund of the appellants' deposit with accrued interest.

§ Section 54, Transfer of Property Act, 1882

JYOTSNABEN RAMANBHAI PATEL & ors. Versus BRIJESHSINH KISHORSINH CHAUHAN & ors.

COURT	DECIDED	CASE NO.	CITATION	BENCH
Gujarat High Court	27.08.2026	R/FA/2539/2024	2026:GUJHC:54835	J. C. Doshi

Work & Employment Issues
Unfair Dismissal / Termination

BOMBAY HC

Workman status cannot be decided as a preliminary issue in labour disputes

The dispute. An engineer dismissed after a disciplinary enquiry challenged his termination before the Labour Court. The employer objected that the employee was not a statutory workman and sought adjudication of the issue preliminarily. The Industrial Court set aside a composite trial order and directed the Labour Court to determine workman status preliminarily.

The reasoning. Workman status involves mixed questions of fact and law that cannot be isolated as a preliminary issue. Bifurcating jurisdictional challenges from substantive merits causes piecemeal litigation and protracted delay.

For your practice. Employers cannot bifurcate references to delay adjudication, requiring jurisdictional and substantive objections to be tried together in a single proceeding.

The order. The High Court allowed the petition, quashed the revision order, and directed the Labour Court to decide workman status alongside the remaining issues.

§ Section 2(s), Industrial Disputes Act, 1947

ANIRUDDH KUMAR DHANIRAM UPADHYAY vs M/S EMERESONS PROCESS MANAGEMENT (INDIA) LTD.

COURT	DECIDED	CASE NO.	CITATION	BENCH
Bombay High Court	27.08.2026	WP/873/2024	2026:BHC-AS:35192	Sandeep V. Marne

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

HIMACHAL PRADESH HC

Insurer must prove owner's knowledge of fake driving licence to avoid compensation liability

The dispute. Parents of a deceased teenager filed a claim petition following a fatal accident involving a vehicle driven by the owner's son. The insurer denied liability, claiming the driver held a fake licence based on a transport authority communication. The Claims Tribunal awarded compensation to the claimants but granted the insurer recovery rights against the vehicle owner.

The reasoning. An insurer must prove wilful breach and conscious knowledge by the owner to avoid statutory compensation liability. A vehicle owner's duty is discharged where the licence appears genuine on its face, which unexamined secondary reports cannot rebut.

For your practice. Insurers cannot shift liability onto vehicle owners without strictly proving conscious breach through admissible evidence subjected to cross-examination.

The order. The High Court allowed the appeal, enhanced compensation to Rs 8,66,000 with 7.5% annual interest, and fastened sole liability on the insurer.

§ Section 149(2)(a)(ii), Motor Vehicles Act, 1988

Ram Lal v. Shibi Devi & ors.

COURT	DECIDED	CASE NO.	CITATION
Himachal Pradesh High Court	27.08.2026	FAO/24/2021	2026:HHC:36557

BENCH
Virender Singh

Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

CALCUTTA HC

Conditional court deposit to stay execution does not halt interest on an arbitral award

The dispute. Reliance Jute Mills secured an arbitral award against Oriental Insurance for fire damages, granting principal sums alongside specified simple interest and costs. To obtain a stay of execution pending its Section 34 challenge, the insurer deposited Rs 7.16 crore with the High Court Registrar. Following dismissal of the Section 34 petition and release of the deposit, the award holder sought Rs 1.09 crore in further interest in execution.

The reasoning. A conditional deposit made to obtain a stay does not constitute payment and interest continues to accrue until unconditional realisation.

For your practice. Judgment debtors remain liable for continuing interest during execution stays unless deposits are unconditional.

The order. Holding that the Rs 8.76 crore already released fully satisfied the Rs 8.62 crore arbitral liability, the court dismissed the claim for additional interest and disposed of the execution petition.

§ Arbitration and Conciliation Act, 1996

Reliance Jute Mills (International) Limited v. The Oriental Insurance Company Limited

COURT	DECIDED	CASE NO.	CITATION	BENCH
Calcutta High Court	27.08.2026	EC-COM/594/2025	2026:CHC-OS:365	Gaurang Kanth

Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

BOMBAY HC

Prima facie arbitration agreement established from independent records despite forgery claims

The dispute. A developer sought arbitration under a 2024 development agreement for the redevelopment of a Dadar property against the co-owners. The surviving co-owner resisted reference, alleging the agreement was forged while her late husband was aged ninety, bedridden, and unable to read English. The developer approached the High Court under Section 11 for arbitrator appointment.

The reasoning. Independent subsequent records referencing the transaction, including a registered will, establish prima facie existence of the arbitration clause.

For your practice. Corroborating independent transactions defeats threshold forgery objections under Section 11, leaving substantive challenges on validity and non-signatory joinder for the tribunal.

The order. The High Court appointed advocate Ranjeev Carvalho as sole arbitrator, expressly reserving all objections on forgery, validity, and non-signatory jurisdiction for decision by the tribunal.

§ **Section 11, Arbitration and Conciliation Act, 1996**

Kiran Narendra Patkar vs Milan Narendra Patkar

COURT	DECIDED	CASE NO.	CITATION	BENCH
Bombay High Court	27.08.2026	CARAPL/23278/2026	2026:BHC-OS:19040	Amit Borkar

Intellectual Property (IP) Law
Copyrights Registration, Objections and Infringement

CALCUTTA HC

Interim copyright injunction refused where unstated licence term expired and title was unproved

The dispute. Authors of two grammar books granted publishing licences in 2001 and 2002 without specifying contractual terms of duration. Decades later, the authors issued termination notices and alleged copyright infringement against the publishers and their distribution partners. The authors filed an interim application in their commercial suit seeking to restrain the defendants from printing, marketing, and selling the books.

The reasoning. Publishing licences lacking an express term expire after five years by operation of Section 19(5) of the Copyright Act.

For your practice. Licensors must specify explicit contractual terms to prevent statutory expiry.

The order. Finding no prima facie infringement or balance of convenience, the High Court dismissed the application for interim injunction without any order as to costs.

§ Section 19, Copyright Act, 1957

Pares Chandra Das & ors. Versus New Central Book Agency Private Limited & ors.

COURT	DECIDED	CASE NO.	BENCH
Calcutta High Court	27.08.2026	IP-COM/11/2024	Krishna Rao

Tribunals

1 judgment in this edition

KEEP SWIPING →

Government & Public Body Interactions

CESTAT

Coaching service tax applies only to tuition fees, excluding segregated hostel and mess charges

The dispute. Green Ivy Ventures operated coaching centres across thirty-five branches, collecting itemised fees for tuition, hostel, mess, and study materials. The central tax department demanded service tax on gross receipts and sought penalties under the extended period. The Commissioner confirmed the tax demands across multiple assessment periods, which the coaching institute challenged before the tribunal.

The reasoning. Service tax under Section 67 attaches strictly to tuition fees, as hostel and mess charges lack nexus with coaching services. Sale of study materials constitutes a supply of goods excluded from service tax where accounts are properly segregated.

> *The demand of service tax on books and study material is not sustainable both before 30.06.2012 and under negative tax regime.*
>
> FROM THE JUDGMENT

For your practice. Institutes must itemise ancillary charges and secure CA certificates confirming non-availment of input tax credit to resist composite service tax demands.

The order. The tribunal upheld the service tax demand on tuition fees but quashed demands on hostel, mess, and study-material charges. It waived all penalties under Section 80 and rejected the extended limitation period.

§ Section 67, Finance Act, 1994

Green Ivy Ventures Pvt Ltd. vs Guntur G S T

COURT
Customs Excise and Service Tax Appellate Tribunal

DECIDED
27.08.2026

CASE NO.
Service Tax Appeal No. 22164 of 2015

BENCH
A.K. Jyotishi, Angad Prasad

Also decided today

§ Order XVIII, Rule 1, Code of Civil Procedure, 1908 — PUNJAB AND HARYANA HC

Trial courts retain discretion to direct the defendant to lead evidence first

Order XVIII Rule 1 of the CPC does not bar a court from requiring the defendant to lead evidence first.

CR/6207/2026 · 27.08.2026

§ Section 9, Arbitration and Conciliation Act, 1996 — BOMBAY HC

Interim attachment lapses upon arbitration withdrawal and seller loses lien after delivery

Section 9 relief is strictly ancillary to an active reference and dissolves immediately when arbitration terminates.

CRR/102/2025 · 2026:BHC-OS:19101 · 27.08.2026

§ Rule 3.17-A, Punjab Civil Services Rules, 1973 — PUNJAB AND HARYANA HC

Continuous part-time service rendered before regularisation qualifies for old pension scheme

Long-term continuous daily-wage engagement constitutes work-charged service under civil services rules, qualifying toward pensionable service.

CWP/420/2020 · 27.08.2026

Also decided, continued

§ Section 9, Arbitration and Conciliation Act, 1996 BOMBAY HC

Agents cannot claim cross-contractual liens and interim relief reaches non-signatory holders

An agent's particular lien under Section 221 of the Contract Act applies strictly to claims arising from the same agreement.

CARBPL/24421/2026 · 2026:BHC-OS:19043 · 27.08.2026

§ Section 250, BNSS (Bihar Narcotic Substances and Substances Act), ... PUNJAB AND HARYANA HC

Discharge requires only a prima facie case while alibi pleas are reserved for trial

Section 250 of the BNSS limits judicial scrutiny at the discharge stage to ascertaining a prima facie case from prosecution records.

CRR/664/2026 · 27.08.2026

§ Section 7, Family Courts Act, 1984 JHARKHAND HC

Family court stridhan decrees cannot be overturned absent demonstrably perverse findings

Appellate interference under family courts law requires establishing a finding that is perverse or wholly contrary to the record.

FA/95/2025 · 2026:JHHC:25806-DB · 27.08.2026

Also decided, continued

§ Section 149(2)(a)(ii), Motor Vehicles Act, 1988

HIMACHAL PRADESH HC

Insurers cannot escape accident liability without proving owner's wilful licence breach

Under motor vehicles law, an insurer cannot disown liability without establishing that the vehicle owner committed a wilful policy breach.

FAO/568/2018 · 2026:HHC:36557 · 27.08.2026

§ Rule 825, Bihar Police Manual, 1978

PATNA HC

Charge memos issued without competent authority invalidate departmental dismissal orders

Under police manual rules, only the appointing authority possesses jurisdiction to frame charge memos for major penalties.

CWJC-14816/2016 · 27.08.2026

§ Section 254(2), Income Tax Act, 1961

ITAT

Tribunal has no power to condone delay in rectification applications filed beyond six months

Section 254(2) imposes a mandatory six-month limitation from the end of the order month with no power to condone delay. Appellate condonation provisions under Sections 249(3) and 253(5) cannot be imported into rectification proceedings.

M.A. No. 05/CTK/2025 · 27.08.2026

Also decided, continued

§ Section 143(1), Income Tax Act, 1961 ITAT

Tax adjustments made without mandatory prior statutory notice to the assessee are void

The first proviso to Section 143(1) mandatorily requires prior notice before altering returned income, rendering unnotified adjustments void. Unforeseen departure of key finance personnel constitutes sufficient cause to condone bona fide appeal delays.

ITA No. 2028/KOL/2026 · 27.08.2026

§ Section 68, Income Tax Act, 1961; Section 14A, Income Tax Act, 1961 ITAT

Documentary proof of loan genuineness precludes additions for unexplained cash credits

Additions under Section 68 fail when bank statements and affidavits establish loan genuineness despite lenders' non-appearance. Separately, the Finance Act 2022 amendment to Section 14A applies prospectively and cannot govern prior assessment years.

ITA No.3204/PUN/2025 · 27.08.2026

Can State legislatures alter Vice-Chancellor appointment criteria without colliding with central higher education standards? By striking down State amendments repugnant to the UGC Regulations 2018, the Himachal Pradesh High Court reaffirms Union supremacy in university governance, underscoring that statutory autonomy cannot bypass national academic benchmarks.

24 judgments **20** 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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