Cassie

WEDNESDAY
2 SEPTEMBER 2026

DAILY

Court Digest

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

IN TODAY'S DIGEST

- **S.12 Maternity Act | Post-maternity demotion prohibited : Delhi HC**
- **S.44A CPC | Foreign decree executable despite corporate veil : SC**
- **S.36-A NDPS | Unheard investigation extension grants bail : P&H HC**
- **S.87A IT Act | Rebate valid against Section 111A STCG : ITAT**

24	3	14	7
JUDGMENTS IN ALL	SUPREME COURT	HIGH COURTS	TRIBUNALS

Swipe to read all 24 judgments >>>

Inside this digest

24 judgments reported in full on cassie.in

SUPREME COURT

Foreign decrees are enforceable while veil issues lie with execution courts 4
Foreign travel tax penalty applies only to non-payment, not delayed deposit 5
Eyewitness testimony without forensic proof cannot sustain murder conviction 18

HIGH COURTS

Post-maternity demotion and role dilution violate statutory safeguards 7
Eight-year delay in completing service tax assessment vitiates demand 8
Investigation extension without notice is void and cannot bar default bail 9
Moratorium bars PF assessments and resolution plan extinguishes past dues 10
MSMEs within fifteen percent of lowest bid must be invited to match 11
Courts cannot interfere with arbitral awards by re-appraising evidence 12
Appellate courts may reduce statutory pre-deposit in extreme financial 13
Refund of sale advance is governed by three-year residuary limitation 14
Writ petitions lie against the State to recover professional legal fees 18
Writ petitions cannot bypass the mandatory 120-day gratuity appeal deadline 18
Dismissing a probationer on criminal charges without inquiry is stigmatic 19
A fresh investigation cannot override an acquittal to retry an accused 19
No-confidence meeting deadline is mandatory despite police unavailability 19
Obstruction FIR is barred absent a written complaint by the public servant 20

TRIBUNALS

Tax rebate cannot be denied on short-term capital gains for AY 2025-26 16
Admitted insolvency claims must align with prior judicial determinations 17
Notification time limits cannot defeat statutory exemptions for SEZ units 20
Ten percent valuation tolerance applies retrospectively to delete additions 20
Assurance of postponement overrides cancellation clause to require refund 21
Assessment order in a deceased taxpayer's name is an irregularity, not void 21
Insurers are not liable for accidents after group policy termination 21

Supreme Court

2 judgments in this edition

KEEP SWIPING >>>

Contracts & Business Disputes
Cross-border Contracts & Jurisdiction Issues

SUPREME COURT

Foreign decrees are enforceable while corporate veil piercing is left to execution courts

The dispute. RAKIA sought to enforce a UAE money decree exceeding five hundred crore rupees against promoter Nimmagadda Prasad. It sought to attach affiliated company assets, alleging they formed an alter-ego web shielding diverted funds. The High Court dismissed contempt and refused interlocutory veil-piercing, prompting this appeal to the Supreme Court.

The reasoning. Foreign decrees command comity, but contempt requires breach of an unambiguous undertaking rather than a clarificatory statement. Piercing the corporate veil requires cogent evidence of fraud, an inquiry reserved strictly for executing courts.

> *The principles of comity of nations demand us to respect the order of RAK Foreign Decree and due weightage has to be given to such order even while passing an interlocutory order.*
>
> FROM THE JUDGMENT

For your practice. Litigators must secure explicit undertakings to ground contempt, reserving veil-piercing claims for execution with cogent proof.

The order. Rejecting contempt, the Supreme Court ordered additional security of two hundred crore rupees within two weeks and directed execution courts to decide within four months.

§ **Section 44A, Code of Civil Procedure, 1908**

RAS AL KHAIMAH INVESTMENT AUTHORITY vs MATRIX PHARMACORP PRIVATE LIMITED

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	01.09.2026	C.A. No.-012993-012994 - 2025	2026 INSC 932

BENCH
Joymalya Bagchi, V. Mohana

Government & Public Body Interactions

SUPREME COURT

Penalty for foreign travel tax applies only to non-payment and not delayed deposits

The dispute. Customs authorities penalised Saudi Arabian Airlines over seven crore rupees for minor delays in depositing foreign travel tax. Although the carrier purchased drafts before statutory deadlines in most instances, actual treasury deposits were delayed by days. The Bombay High Court dismissed the airline's writ petition challenging the customs revisional order that upheld the penalty under the Finance Act.

The reasoning. The statutory phrase 'fails to pay' denotes outright non-payment rather than mere delay in remittance. Penalties cannot be imposed mechanically without considering statutory discretion to condone reasonable delays and affording a fair personal hearing.

> *'Failure to pay' would not mean and cannot be equated with 'delay in making payment'.*
>
> FROM THE JUDGMENT

For your practice. Counsel can shield carriers from heavy penalties by distinguishing delayed deposits from non-payment and proactively seeking statutory condonation under the rules.

The order. The Supreme Court quashed the penalty orders and directed the authorities to refund the deposited amount with nine percent annual interest within three months. The appellant's bank guarantee was ordered to be discharged.

§ Section 38(3), Finance Act, 1979, as amended by Finance Act, 1994

M/S SAUDI ARABIAN AIRLINES vs UNION OF INDIA

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	01.09.2026	C.A. No.-001052-001052 - 2013	2026 INSC 933

BENCH

Ujjal Bhuyan, Atul S. Chandurkar

High Courts

8 judgments in this edition

KEEP SWIPING >>>

Work & Employment Issues
PF, ESI & Statutory Benefits Disputes

DELHI HC

Post-maternity demotion and dilution of managerial authority violate statutory protections

The dispute. The petitioner, an Accounting Manager with fourteen years of experience, proceeded on maternity leave after disclosing her pregnancy. She protested the demotion, resigned, and moved the Delhi High Court under Article 226 seeking reinstatement and exemplary compensation.

The reasoning. Section 12 bars adverse service variations, covering substantive demotion and lost managerial authority even if pay is preserved. Statutory maternity duties override private contracts, rendering employers amenable to Article 226 writ relief.

> *A statute which declares certain conduct unlawful and overrides the terms of a contract of service cannot be bypassed on the ground that the matter falls within the sphere of private employment.*
>
> FROM THE JUDGMENT

For your practice. Counsel can invoke Article 226 against private employers to challenge post-maternity role dilution, seeking mandatory reinstatement and exemplary damages.

The order. Allowing the petition in part, the Court ordered reinstatement and Rs 10 lakh compensation plus Rs 1.5 lakh costs with 9% interest within eight weeks. The Union was directed to frame pregnancy guidelines within six months.

§ **Section 12, Maternity Benefit Act, 1961**

RAKHI BISHT vs UNION OF INDIA AND ANR

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	31.08.2026	W.P.(C)-14785/2024	2026:DHC:7286	Sachin Datta

Government & Public Body Interactions

MEGHALAYA HC

Inordinate delay of eight years in concluding assessment proceedings vitiates tax demand

The dispute. Revenue authorities issued a show-cause notice in October 2016 demanding service tax on welfare salary deductions under the Assam Rifles Group Insurance Scheme. The adjudicating authority confirmed the demand only in March 2025, after an unexplained lapse of eight and a half years. The scheme challenged the Order-in-Original before the Meghalaya High Court, assailing the belated assessment as arbitrary and time-barred.

The reasoning. Statutory timelines for concluding tax assessments are mandatory and cannot be bypassed for administrative convenience. An unexplained eight-year delay in adjudication violates procedural fairness, rendering the resulting assessment order void.

For your practice. Counsel can quash protracted tax assessments on limitation grounds alone, forcing revenue authorities to conclude adjudication strictly within statutory timeframes.

The order. The High Court allowed the writ petition and quashed the belated assessment order dated 12 March 2025. It declared the service tax demand, along with all associated interest and penalties, completely void.

§ Section 73(4B), Finance Act, 1994

M/s Assam Rifles Group Insurance Scheme (ARGIS) v. 1. Additional Director General (Adjudication) ... 2. Additional Director General (DGCEI) ... 3. Central Board of Indirect Taxes and Customs

COURT	DECIDED	CASE NO.	CITATION
Meghalaya High Court	01.09.2026	WP(C)/377/2025	2026:MLHC:961-DB

BENCH

H. S. Thangkhiew, B. Bhattacharjee

Criminal Issues
Bail, Arrest & Custody Issues

PUNJAB AND HARYANA HC

Investigation extensions granted without hearing the accused are void and allow default bail

The dispute. Police arrested two individuals under narcotics legislation and remanded them to judicial custody pending chemical analysis of seized contraband. Following the expiry of the statutory one hundred and eighty days without a charge-sheet, the accused petitioned for default bail. The sessions court dismissed their bail pleas citing an earlier extension of the investigation period, which was granted without notifying them.

The reasoning. Notifying the accused before extending investigation beyond statutory limits is an indispensable safeguard, not an empty formality. An extension granted in breach of this requirement is void and cannot extinguish an accrued right to default bail.

For your practice. Defence counsel must scrutinise investigation extensions, as failure to serve notice invalidates the order and preserves the client's indefeasible right to default bail.

The order. The High Court quashed the invalid extension order and set aside the rejection of default bail. It directed the petitioners to be released on personal and surety bonds, provided they are not required in any other case.

§ Section 36-A(4), Narcotic Drugs and Psychotropic Substances Act, 1985

AKASH vs STATE OF HARYANA

COURT	DECIDED	CASE NO.	BENCH
Punjab and Haryana High Court	31.08.2026	CRR/1691/2026	Manisha Batra

Work & Employment Issues
PF, ESI & Statutory Benefits Disputes

BOMBAY HC

Insolvency moratorium bars provident fund assessments and plan approval extinguishes past dues

The dispute. During corporate insolvency proceedings against Dolphin Offshore, the provident fund department pursued assessment inquiries despite the statutory moratorium. The corporate debtor filed a writ petition before the High Court challenging the assessment order as unlawful and barred by insolvency law.

The reasoning. The Court held that the insolvency moratorium freezes coercive assessment proceedings against a corporate debtor. Moreover, statutory clean-slate rules operate retrospectively to extinguish pre-approval claims omitted from the approved plan.

> *In view of the statutory freeze under Section 14 IBC, no assessment proceeding can be continued by the EPFO during the moratorium period.*
>
> FROM THE JUDGMENT

For your practice. Statutory authorities cannot revive unapproved pre-insolvency debts, ensuring that successful resolution applicants take over corporate debtors on a genuine clean slate.

The order. The High Court quashed the assessment order demanding over Rs 1.22 crore in provident fund dues. The Court ruled that the claim was extinguished, leaving only the approved sum of Rs 2,250 payable.

§ **Section 31(6), Insolvency and Bankruptcy Code, 2016 (as amended 2026)**

DOLPHIN OFFSHORE ENTERPRISES LTD. vs UNION OF INDIA THR MINISTRY OF LABOUR & ors.

COURT	DECIDED	CASE NO.	CITATION
Bombay High Court	01.09.2026	WP/6845/2023	2026:BHC-AS:35779

BENCH
Sharmila U. Deshmukh

Government & Public Body Interactions
Tenders, Blacklisting & Debarment by Government Bodies

CALCUTTA HC

Procuring authorities must invite qualifying MSMEs within fifteen percent to match lowest bid

The dispute. Sanjay Kumar Agarwal, a registered micro and small enterprise, participated in an electronic reverse-auction tender floated by the Steel Authority of India Limited for scrap handling. His final bid was just 0.5 per cent higher than the lowest offer, well within the statutory price preference band. When SAIL awarded the contract to the lowest bidder without inviting him to match the price, Agarwal petitioned the High Court for mandamus.

The reasoning. The Court held that the 2012 MSE policy creates a binding statutory duty to grant purchase preference. Portal configuration errors or technical omissions cannot defeat this right once an enterprise satisfies the quantitative price band.

For your practice. Procuring authorities cannot rely on portal glitches to bypass statutory MSE quotas, giving excluded small enterprises clear legal standing to seek immediate mandamus relief.

The order. The High Court allowed the petition, quashing the work order awarded to the rival bidder. SAIL was directed to invite the petitioner within one week to match the lowest bid of over Rs 155 crore.

§ **Public Procurement Policy for Micro and Small Enterprises Order, 2012**

Sanjay Kumar Agarwal vs. Steel Authority of India Limited (SAIL) & ors.

COURT	DECIDED	CASE NO.	CITATION	BENCH
Calcutta High Court	01.09.2026	WPA/23381/2026	2026:CHC-AS:1398	Krishna Rao

Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

DELHI HC

Courts cannot interfere with arbitral awards by re-appraising evidence or contract terms

The dispute. Otsuka Chemical engaged Trans Engineers for turnkey plant expansion and paid the agreed lump sum of ₹71 cr. Following project completion, the contractor claimed ₹28 cr. for extra work, which the arbitrator rejected in a nil award. A Single Judge set aside the award under Section 34 for misconstruing drawings, prompting the employer's appeal to the Division Bench.

The reasoning. Judicial review of arbitral awards is strictly confined to patent illegality, barring courts from acting as appellate forums. Courts exceed their statutory powers when re-evaluating evidence or substituting an alternative interpretation of the contract.

> *The learned Single Judge has exceeded its jurisdiction vested in it under Section 34 of the A&C Act in interfering with the Impugned Award.*
>
> FROM THE JUDGMENT

For your practice. Litigators must anchor award challenges in manifest illegality rather than contractual re-interpretation, preserving the finality of arbitral outcomes.

The order. The Division Bench allowed the appeal, set aside the Single Judge's order, and restored the arbitral nil award dated 7 March 2022.

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

OTSUKA CHEMICAL (INDIA) Pvt. Ltd. vs TRANS ENGINEERS INDIA Pvt. Ltd.

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	01.09.2026	FAO(OS) (COMM)-234/2024	2026:DHC:7310-DB

BENCH
Navin Chawla, Madhu Jain

Criminal Issues
Cheque Bounce

UTTARAKHAND HC

Appellate courts can reduce the statutory pre-deposit on showing extreme financial distress

The dispute. An indigent appellant facing conviction under the Negotiable Instruments Act suffered total asset auction in 2021 and survived selling street food from a hand-cart. When he appealed, he sought complete exemption from the mandatory twenty percent pre-deposit citing acute impoverishment. The sessions court rejected his plea for failing to produce a certified copy of the auction order, directing twenty percent deposit.

The reasoning. Although statutory pre-deposit is the general rule, appellate courts retain discretion to reduce the burden in exceptional circumstances.

For your practice. Counsel can seek reduced appellate deposits in cheque dishonour cases by placing concrete documentary proof of severe financial hardship and impoverishment on record.

The order. The High Court modified the order, directing the revisionist to deposit ten thousand rupees within one week. The sessions court was ordered to hear the appeal on the merits without demanding further deposit.

§ Section 148, Negotiable Instruments Act, 1881

Alok Jain and Another - Revisionist s Versus State Of Uttarakhand And Another - Respondents

COURT	DECIDED	CASE NO.	BENCH
Uttarakhand High Court	01.09.2026	CRLR/669/2026	Alok Mahra

Property & Asset Disputes

MADRAS HC

Suits for refund of sale advance are governed by three-year residuary limitation period

The dispute. The respondents' predecessor paid an advance of Rs 2 lakh under a 2004 agreement to purchase a residential house from the petitioners. After the buyer died without the transaction completing, his legal heirs instituted a suit in 2023 seeking recovery of the deposit with interest. The petitioners moved the High Court after the trial judge refused to reject the plaint on the ground that the suit was barred by limitation.

The reasoning. The High Court held that a statutory charge arises only upon completion of sale, not under an uncompleted agreement. Consequently, claims for refund of advance are contractual restitutionary actions governed by the three-year residuary limitation period.

For your practice. Purchasers cannot invoke the twelve-year statutory charge period to recover aborted sale advances, making prompt institution of suits within three years essential to prevent.

The order. The High Court allowed the civil revision petition and set aside the impugned order of the subordinate judge. Holding the recovery suit barred by limitation, the Court rejected the plaint for refund of the advance deposit.

§ Article 113, Limitation Act, 1963

P.Sampath vs B.Vasanthi

COURT	DECIDED	CASE NO.	BENCH
Madras High Court	01.09.2026	CRP.1462/2026	P.B. Balaji

Tribunals

2 judgments in this edition

KEEP SWIPING →

Government & Public Body Interactions

ITAT

Tax rebate cannot be denied on short-term capital gains for assessment year 2025-26

The dispute. The assessee filed her return for assessment year 2025-26 declaring total income under seven lakh rupees, including short-term capital gains. After the first appellate authority upheld the tax demand by relying on the departmental circular, the assessee appealed to the appellate tribunal.

The reasoning. The Tribunal held that the applicable statute contained no express bar against granting rebate on short-term capital gains. Administrative circulars cannot curtail statutory benefits, and prospective amendments cannot be applied retrospectively.

> *The statutory language, as applicable for the year under consideration, did not contain any express exclusion of income chargeable to tax at the special rate under section 111A.*
>
> FROM THE JUDGMENT

For your practice. Taxpayers can resist departmental circulars that curtail statutory reliefs, protecting against the unlawful retrospective enforcement of future tax amendments.

The order. The Tribunal allowed the appeal and directed the assessing officer to grant the full rebate of Rs 25,000. The revenue was ordered to delete the disputed tax demand and refund any excess tax paid.

§ Section 87A, Income Tax Act, 1961

Kajol Patel,Ahmedabad vs Income Tax Officer,Ward-1, Mehsana

COURT
Income Tax Appellate Tribunal

DECIDED
01.09.2026

CASE NO.
ITA No. 1613/AHD/2026

BENCH
Narendra Prasad Sinha, Tapas Ram Misra



Banking Law, Debt & Money Matters
Surety, Guarantor & Co-borrower Liability Disputes

NCLAT

Resolution professionals must align admitted claims with prior judicial determinations of debt

The dispute. A financial creditor lodged an inflated claim of over eighteen hundred crore rupees in a corporate insolvency process despite courts having previously capped the debt. The adjudicating authority approved the resolution plan while dismissing all stakeholder objections with costs, triggering appeals before the tribunal.

The reasoning. Resolution professionals have a duty to reconcile claims with binding judicial rulings instead of admitting claims mechanically.

> *We find that the Information Memorandum was fundamentally incorrect as SREI's claim of about ₹1,885 crores was admitted despite earlier judicial determination reducing the recoverable debt.*
>
> FROM THE JUDGMENT

For your practice. Insolvency practitioners must audit claims against prior rulings to avoid inflated admissions and recognise paying guarantors as secured creditors in resolution plans.

The order. The appellate tribunal quashed the inflated claim, recognised the guarantor as a secured creditor, and annulled the resolution plan. It ordered a fresh insolvency process with a corrected memorandum and vacated director costs.

§ **Section 30(2), Insolvency and Bankruptcy Code, 2016**

Gujarat Industrial Development ... vs Zaveri & Co. Pvt. Ltd & ors.

COURT
National Company Law Appellate Tribunal

DECIDED
31.08.2026

CASE NO.
Company Appeal (AT) (Insolvency) Nos. 1557 of 2023, 1684 of 2023, 626-628 of 2025

BENCH
Arun Baroka

Also decided today

§ Section 302, Indian Penal Code, 1860

SUPREME COURT

Inconsistent eyewitness testimony without forensic proof cannot sustain murder conviction

Testimonies of interested witnesses marred by contradictions cannot establish guilt beyond reasonable doubt absent forensic corroboration. Serious investigative lapses such as failing to seize weapons or spent cartridges fatally undermine the prosecution case.

Crl.A. No.-001434-001438 - 2017 · 2026 INSC 935 · 01.09.2026

§ Article 226 of the Constitution of India

DELHI HC

Writ petitions lie against the State to recover advocate fees despite factual disputes

Writ jurisdiction is not barred by factual disputes where official records conclusively establish the professional services rendered. Having accepted the advocate's appearances, the state cannot approbate and reprobate to evade liability for agreed fees.

W.P.(C)-13196/2021 · 2026:DHC:7284 · 31.08.2026

§ Section 7(7), Payment of Gratuity Act, 1972

BOMBAY HC

Writ petition cannot circumvent the mandatory statutory appeal deadline for gratuity claims

The sixty-day appeal window extendable by a further sixty days creates an absolute statutory ceiling. Writ jurisdiction cannot be invoked to circumvent this mandatory limitation or resurrect remedies extinguished by the expiry of the appeal period.

WP/9972/2026 · 2026:BHC-AS:35854 · 01.09.2026

Also decided, continued

§ Article 311, Constitution of India, 1950

HIMACHAL PRADESH HC

Dismissing a probationer over criminal allegations without an inquiry is stigmatic and void

Terminating a probationer on criminal allegations constitutes a stigmatic dismissal rather than a discharge simpliciter. Contractual clauses cannot bypass natural justice and Article 311(2) when termination is founded on alleged misconduct.

CWP/3515/2026 · 2026:HHC:36901 · 31.08.2026

§ Section 300, Code of Criminal Procedure, 1973

PUNJAB AND HARYANA HC

A fresh investigation cannot override an acquittal to permit retrial for the same offence

Section 300 CrPC bars a second prosecution on identical facts while a prior judicial acquittal remains in force. Inherent powers under Section 482 cannot bypass statutory appeals to reopen acquittals using supplementary police reports.

CRM-M/17205/2021 · 31.08.2026

§ Section 12(4), West Bengal Panchayat Act, 1973

CALCUTTA HC

No-confidence meeting deadline is mandatory and police shortage cannot justify postponement

The statutory phrase 'shall not be later than' is prohibitive, reflecting an imperative legislative intent. Absence of police personnel does not constitute a condition beyond administrative control without demonstrable evidence of imminent lawlessness.

MAT/1105/2026 · 2026:CHC-AS:1396-DB · 01.09.2026

Also decided, continued

§ Section 195, Code of Criminal Procedure, 1973 GUJARAT HC

FIR for obstructing a public servant is barred absent a written complaint by the officer

The statutory bar against taking cognizance of obstruction offences without an official written complaint is jurisdictional. Ancillary penal charges cannot be invoked to evade this requirement when the allegations essentially disclose an obstruction offence.

R/SCR.A/3157/2017 · 2026:GUJHC:55415 · 01.09.2026

§ Section 26(1)(e), Special Economic Zones Act, 2005 CESTAT

Notification time limits cannot defeat substantive statutory tax exemptions for SEZ units

Substantive tax exemptions conferred by statute prevail over procedural limits in subordinate notifications. An overriding statutory provision prevents administrative conditions from curtailing substantive refund entitlements.

Appeal No. ST/26524/2013 · 01.09.2026

§ Section 50C, Income Tax Act, 1961 ITAT

Ten percent valuation tolerance applies retrospectively to delete deemed income additions

The statutory amendment raising the permissible valuation tolerance to ten percent is curative and retrospective. Where the valuation gap between declared sale consideration and official valuation is below ten percent, additions cannot stand.

2429/KOL/2025 · 01.09.2026

Also decided, continued

§ Consumer Protection Act, 1986 SCDRC

Written assurance of postponement overrides cancellation clause to require refund of advance

A service provider cannot approbate and reprobate by promising postponement while invoking a cancellation forfeiture clause. Where the venue is reallocated and services remain unperformed, retaining advance payments constitutes a deficiency.

SC/7/FA/544/2025 · 31.08.2026

§ Section 159, Income Tax Act, 1961 ITAT

Assessment order issued in the name of a deceased taxpayer is an irregularity and not void

Where jurisdiction is validly assumed during a taxpayer's lifetime, an order issued after death is a curable irregularity, not a nullity. The statutory framework deems legal representatives as assessees, permitting remittal to substitute heirs.

ITA No. 1293/AHD/2026 · 01.09.2026

§ Section 64VB, Insurance Act, 1938 NCDRC

Insurers are not liable for accident claims occurring after group policy termination

Section 64VB of the Insurance Act bars risk assumption without advance premium, extinguishing liability once group policies terminate. Moreover, lack of privity prevents individual members from enforcing master policies against insurers.

NC/RP/684/2022 · 31.08.2026

The Delhi High Court rules that Section 12 of the Maternity Benefit Act strictly bars post-maternity demotion, awarding compensation and directing the Union to frame binding private sector guidelines within six months. As corporate employers frequently cloak career setbacks under discretionary restructuring, will forthcoming statutory rules effectively eliminate the motherhood penalty from Indian workplaces?

24 judgments **3** Supreme Court **14** 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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