Cassie

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DAILY

Court Digest

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

IN TODAY'S DIGEST

- S.43(5) BNSS | Sunset rule runs from effective custody : Gauhati HC
- Art.19(1)(a) | Disparagement turns on consumer takeaway : Delhi HC
- S.100 CPC | Revenue entries cannot prove title or dedication : SC
- Street Vendors Act | Alternative space within two weeks : Delhi HC
- S.38(9)(a) CPA | Public notice allowed when summons fail : Maha SCDRC

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Supreme Court

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

SUPREME COURT

Revenue entries alone cannot prove dedication to religious trust or adverse possession title

The dispute. Plaintiffs sued for possession of agricultural land based on a 1965 registered sale deed. The defendant mahant resisted, claiming the land was dedicated to a gurdwara and asserting adverse possession through revenue mutation entries. The trial court and first appellate court dismissed the suit, but the High Court reversed those concurrent findings under Section 100 CPC.

The reasoning. Revenue entries do not confer title nor prove dedication to a religious institution without an unequivocal divesting act. Adverse possession requires hostile possession; reversing concurrent findings vitiated by legal error is justified under Section 100 CPC.

For your practice. Litigators cannot rely exclusively on jamabandis or mutations to sustain pleas of dedication or adverse title in second appeals.

The order. The Supreme Court dismissed the appeal and affirmed the High Court decree, leaving plaintiffs to recover possession subject to the vendors' defined share.

§ Section 100, Code of Civil Procedure, 1908

BHAG SINGH (DEAD) THR. MAHANT KASHMIR SINGH vs BASANT KAUR (DEAD)) THR.LRS.

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	10.09.2026	C.A. No.-001718-001718 - 2016	2026:INSC:983

BENCH
Prashant Kumar Mishra

High Courts

7 judgments in this edition

KEEP SWIPING >>>

Intellectual Property (IP) Law
Injunction, Damages and other Civil Remedies

DELHI HC

Commercial disparagement turns on the overall consumer message rather than isolated disclaimers

The dispute. Hindustan Unilever challenged an advertising campaign for dishwashing liquid that depicted a yellow liquid bottle in a grey circular frame, alleging malicious comparison with Vim. The plaintiff sought an interim injunction under Order XXXIX Rules 1 and 2 CPC, alleging product disparagement and trademark dilution.

The reasoning. Commercial speech crossing into product denigration receives no constitutional shield under Article 19(1)(a). Actionability depends on the overall impression produced on an average consumer of imperfect recollection.

For your practice. Comparative advertising suits must target the cumulative visual and textual narrative rather than disclaimers alone.

The order. The High Court granted an ad-interim injunction restraining the defendants from telecasting or publishing the impugned video campaign.

§ Article 19(1)(a) of the Constitution of India

HINDUSTAN UNILEVER LIMITED vs KWICK LIVING (I) PRIVATE LIMITED

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	10.09.2026	I.A.-22515/2026	2026:DHC:7695	A. J. Bhambhani

Criminal Issues
Bail, Arrest & Custody Issues

GAUHATI HC

Sunset rule under criminal procedure runs from effective custody rather than formal arrest memo

The dispute. Police intercepted a female passenger carrying 434 grams of heroin at 6:05 PM before sunset, but completed the formal arrest memo at 7:30 PM after sunset. The accused sought bail alleging violation of sunset arrest safeguards. The accused moved the High Court for regular bail under Section 483 BNSS, arguing mandatory prior judicial permission was omitted.

The reasoning. For Section 43(5) BNSS, the time of arrest is determined by when effective physical custody commences under coercive police control, not the subsequent ministerial completion of the arrest memo. Seizure before sunset satisfies the statute.

For your practice. Defence counsel challenging after-sunset arrests must verify the time of initial physical restraint rather than the arrest memo timestamp.

The order. The High Court dismissed the bail application, holding the arrest was effected before sunset and that Section 37 NDPS commercial quantity rigours barred relief.

§ Section 43(5), Bharatiya Nagarik Suraksha Sanhita, 2023

Asmina Begum v. The State of Assam

COURT	DECIDED	CASE NO.	CITATION
Gauhati High Court	09.09.2026	Bail Appln./2433/2026	2026:GAU-AS:13070

BENCH
Sanjeev Kumar Sharma

Contracts & Business Disputes
Breach, Disputes & Reliefs

CALCUTTA HC

Vendor failing initial share transfer promise cannot claim damages or forfeit advance

The dispute. Vendors entered into an MOU to sell controlling equity in a sponge iron company, receiving one crore rupees as advance. The vendors failed to transfer shares or reconstitute the board, leading purchasers to avoid the deal. Vendors sued for 5.51 crore rupees damages while purchasers counter-claimed for refund of advance; the single judge decreed the vendors' claim.

The reasoning. Under Sections 51 to 54 of the Contract Act, a promisor who fails to perform an initial condition precedent cannot treat the promisee as being in breach. Absent an explicit forfeiture clause, advance consideration cannot be forfeited.

For your practice. Transactional counsel drafting share purchase MOUs must provide express forfeiture clauses, as courts will not imply forfeiture upon mutual termination.

The order. The Division Bench set aside the decree for damages and affirmed the direction requiring vendors to refund the one crore rupee advance with statutory interest.

§ Sections 51, 52, 54, 65, 73, Indian Contract Act, 1872

Nirmal Kanodia & ors. v. Umadevi Agarwalla & ors.

COURT	DECIDED	CASE NO.	BENCH
Calcutta High Court	10.09.2026	APD/5/2026	Debangsu Basak, Aryak Dutt



Banking Law, Debt & Money Matters
Account & Locker Matters (Account freeze/lien, joint account, access disputes, theft, etc.)

CALCUTTA HC

Freezing current accounts on suspicion of mule transactions requires evidence and fair hearing

The dispute. State Bank of India's risk management cell froze a commercial current account on suspicion of being a mule account, without disclosing any police requisition, investigative report, or evidence of fraudulent transactions. The account holder filed a writ petition under Article 226 challenging the unilateral debit freeze as arbitrary and violative of banking directions.

The reasoning. Under Clause 59 of RBI Master Directions, banks cannot freeze operating accounts on subjective internal suspicion alone. Depriving an enterprise of operational funds without verifiable evidence or pre-decisional hearing is arbitrary.

For your practice. Commercial account holders facing sudden internal bank freezes can secure immediate writ relief where no formal criminal FIR exists.

The order. The High Court quashed the bank's debit freeze order and directed immediate defreezing of the current account, subject to standard regulatory compliance.

§ **Clause 59, RBI Master Direction DBR.AML.BC.No.81/14.01.001/2015-16 dated 25 February 2016**

Sanjiv Kumar Dalmia v. State Bank of India & ors.

COURT	DECIDED	CASE NO.	BENCH
Calcutta High Court	10.09.2026	WPA/13210/2026	Krishna Rao

Property & Asset Disputes
Tenancy and Lease Matters

BOMBAY HC

Caretaker agreements constitute revocable licenses rather than leases under property law

The dispute. Property owners engaged a caretaker under written agreements to manage their residential flat in Mumbai. Decades later, the caretaker asserted tenancy rights and resisted eviction, claiming protection under rent control laws. The appellate bench reversed the trial court decree and ordered eviction, prompting the occupant to petition under Article 227 of the Constitution.

The reasoning. A lease under Section 105 TPA requires transfer of an interest and exclusive enjoyment. Caretaker agreements confer only permissive occupation as a license, and High Courts may invoke Order XLI Rule 33 in Article 227 to direct mesne profits.

For your practice. Property owners can defeat adverse tenancy claims from caretakers by showing absence of demise, while securing mesne profits for unauthorised stay.

The order. The High Court dismissed the writ petition, confirmed the eviction order, and directed the trial court to conduct a mesne profit enquiry from the date of license revocation.

§ Section 105, Transfer of Property Act, 1882

NAVINA DINESH SHETTY vs SHAIKH AYUB REHMAN

COURT	DECIDED	CASE NO.	CITATION	BENCH
Bombay High Court	10.09.2026	WP/7067/2003	2026:BHC-AS:37423	Sandeep V. Marne

Criminal Issues
Appeals, Revision and Pardons

GAUHATI HC

Orders rejecting witness summoning petitions under Section 311 CrPC are revisable

The dispute. In a criminal trial, the defence petitioned under Section 311 CrPC to summon bank officials to produce crucial loan documentation, which the trial magistrate rejected. The sessions court entertained a revision petition against the dismissal, which the complainant challenged under Section 482 CrPC.

The reasoning. An order rejecting an application under Section 311 CrPC to summon essential witnesses directly touches the fairness of trial and admissibility of defence evidence, constituting an intermediate order revisable under Section 397 CrPC.

For your practice. Enables practitioners to challenge erroneous refusals to summon crucial witnesses through criminal revision under Section 397 CrPC, ensuring that trial courts cannot foreclose essential rebuttal testimony in cheque bounce and property disputes.

The order. The Court set aside and quashed the impugned orders dated 26.06.2023 passed in Crl. Rev. P. Nos. 400/2023, 401/2023, and 402/2023 by the learned CJM, Kamrup (R), which had rejected petitions under Section 311 CrPC for summoning Anil Das as Court witness; accordingly, the criminal revision petitions were allowed and disposed of, directing that petitioner be permitted to adduce Anil Das's evidence under Section 311 CrPC in the underlying NI Act proceedings.

§ Section 311, Code of Criminal Procedure, 1973

CAMBRIDGE EDUCATION TRUST VERSUS HARI DAS

COURT	DECIDED	CASE NO.	CITATION	BENCH
Gauhati High Court	10.09.2026	Crl.Rev.P./401/2023	2026:GAU-AS:13179	Mitali Thakuria

Government & Public Body Interactions
Municipal Licences, Trade Licences & Shop Establishment Issues

DELHI HC

Street vendors displaced on safety grounds must be allotted alternative sites within two weeks

The dispute. A street vendor holding a provisional certificate was stopped from vending over a covered drain following a fire, with municipal authorities alleging safety hazards from an oversized gas cylinder. The vendor sought directions to continue peaceful vending or obtain an alternative location. He approached the Delhi High Court under Article 226 seeking enforcement of his provisional certificate of vending against municipal interference.

The reasoning. When an existing vending site poses safety risks, municipal bodies cannot issue a blanket prohibition or destroy livelihood. Authorities are obligated under the Street Vendors Act to identify an alternative vending space within two weeks, subject to reasonable operational safeguards.

For your practice. Prevents municipal authorities from summarily evicting street vendors on safety pretexts without offering a time-bound alternative vending location.

The order. The High Court directed the Municipal Corporation of Delhi to identify an alternative vending space within two weeks, subject to cart use, small cylinder limits, and strict cleanliness conditions.

§ **Section 21, Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014**

RAJENDER vs MUNICIPAL CORPORATION OF DELHI & ors.

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	10.09.2026	W.P.(C)-13254/2026	2026:DHC:7769-DB	Prathiba M. Singh

Tribunals

3 judgments in this edition

KEEP SWIPING →



Banking Law, Debt & Money Matters
Personal Bankruptcy & Insolvency

NCLAT

IBBI liquidation regulation amendments cannot apply retrospectively to ongoing proceedings

The dispute. During liquidation of a corporate debtor initiated under prior rules, the liquidator issued a fresh process memorandum applying amended IBBI regulations that introduced stricter auction and consultation conditions. An auction participant challenged the amended process memorandum before the NCLT; upon dismissal, the bidder appealed to the NCLAT under Section 61 IBC.

The reasoning. Substantive regulatory amendments governing IBC liquidation processes operate prospectively. Ongoing liquidations where auction parameters were established remain governed by the prior regime, preserving procedural vested rights.

For your practice. Resolution professionals and bidders can resist mid-process regulatory disruptions to ongoing asset sales under the Insolvency Code.

The order. The NCLAT allowed the appeal, set aside the revised process memorandum, and directed completion of the liquidation sale under the unamended regulations.

§ **Section 33(2), Insolvency and Bankruptcy Code, 2016**

Garden Court Distilleries Private ... vs Mr. Akhil Ahuja Liquidator Of Honest ...

COURT
National Company Law Appellate Tribunal

DECIDED
10.09.2026

CASE NO.
Company Appeal (AT)(INS) NO.1138 OF 2026

BENCH
Yogesh Khanna



Consumer & Service Problems
Unfair Trade Practices

Forcible repossession of financed vehicles during pending appeal is an unfair trade practice

The dispute. A commercial vehicle owner defaulted on loan installments due to business hardship. While her appeal against the district forum order was sub-judice, the non-banking finance company forcibly seized the commercial truck using musclemen. The state commission found the financier guilty of gross deficiency and awarded damages; the financier preferred a revision petition before the NCDRC.

The reasoning. Financers cannot bypass the rule of law through extra-judicial strong-arm tactics. Forcibly repossessing a secured vehicle while judicial execution or appeal proceedings remain pending constitutes unfair trade practice and gross service deficiency.

For your practice. Borrowers can claim substantial damages against financial institutions for extra-judicial asset seizure during ongoing appellate litigation.

The order. The NCDRC dismissed the revision petition, affirming the award of compensation and litigation costs against the finance company for unlawful repossession.

§ **Consumer Protection Act, 1986**

SHRIRAM TRANSPORT FINANCE CO. LIMITED vs CHANCHLA KUMARI

COURT
National Consumer Disputes Redressal Commission

DECIDED
09.09.2026

CASE NO.
NC/RP/1501/2015

BENCH
A.P. Sahi, Bharatkumar Pandya



SCDRC

Consumer & Service Problems
Banking, Loans & Financial Services

Consumer commissions may order public notice when ordinary service on respondents fails

The dispute. A senior citizen filed a consumer complaint for refund of fixed deposits against a credit society whose registered office returned postal notices marked closed. Lacking personal residential addresses of the directors, the complainant applied for substituted service through newspaper publication. He petitioned the State Commission in revision after the District Commission refused public notice because directors' addresses were not furnished.

The reasoning. Section 38(9)(a) of the CPA vests consumer commissions with full civil court summoning powers. Under Order 5 Rule 20(1-A) CPC, failure of ordinary service entitles a complainant to public notice, regardless of whether directors' personal addresses are known.

For your practice. Enables consumer litigants to overcome evasive corporate respondents and absconding directors by securing newspaper public notice once postal service fails.

The order. The State Commission allowed the revision, quashed the rejection order, and directed the District Commission to permit service on the respondents by newspaper advertisement.

§ **Section 38(9)(a), Consumer Protection Act, 2019**

NANDKISHOR MOTILAL AGRAWAL EDAKHIL SR. CITIZEN vs HINGOLI URBAN NIDHI LTD HNL AND OTHERS & ors.

COURT
State Consumer Disputes Redressal Commission

DECIDED
10.09.2026

CASE NO.
SC/CB1/27/RP/29/2025

BENCH
Milind S. Sonawane, Nagesh C. Kumbre

Also decided today

§ Section 94, Juvenile Justice (Care and Protection of Children) Act, 2015 SUPREME COURT

POCSO convictions require strict statutory proof of victim minority under Section 94 JJ Act

In sexual offence trials under the POCSO Act, minority of the victim is the jurisdictional sine qua non and must be established strictly through the hierarchy of documents prescribed under Section 94 of the Juvenile Justice Act.

Crl.A. No.-004337-004337 - 2026 · 2026:INSC:984 · 10.09.2026

§ Section 56(2), Electricity Act, 2003 SUPREME COURT

Electricity charges become first due under Section 56(2) only upon issuance of valid bill

Electricity consumption charges become first due under Section 56(2) of the Electricity Act only when a demand bill is raised. A distribution licensee cannot resurrect decade-old claims where no bill was issued within two years.

C.A. No.-005099-005099 - 2013 · 2026:INSC:985 · 10.09.2026

§ Section 432, Code of Criminal Procedure, 1973 SUPREME COURT

Sovereign extradition assurance sets 25-year incarceration cap without double-counting overlapping custody

A sovereign extradition assurance restricting imprisonment to twenty-five years operates as an outer limit rather than converting a life sentence into a fixed term. Overlapping undertrial and concurrent post-conviction periods cannot be aggregated, nor can jail-earned remission accelerate release.

Crl.A. No.-004336-004336 - 2026 · 2026:INSC:982 · 10.09.2026

Also decided, continued

§ Section 29A of the Arbitration and Conciliation Act, 1996 — CALCUTTA HC

Exclusive jurisdiction clauses override statutory facilitation council venue for Section 29A

While the MSMED Act governs statutory reference and conciliation, post-award supervisory petitions under Section 29A of the Arbitration Act remain subject to party autonomy. An agreed exclusive jurisdiction clause binds the parties and excludes other courts.

APDT/18/2026 · 10.09.2026

§ Section 3(2)(va), Atrocities Act, 1989 — GUJARAT HC

Directors cannot be held vicariously liable under Section 406 IPC without specific averments

The Indian Penal Code does not recognise vicarious criminal liability for company directors unless the statute expressly provides so. Criminal breach of trust requires specific entrustment and dishonest misappropriation directly attributed to the director.

R/CR.MA/7206/2017 · 2026:GUJHC:57127 · 10.09.2026

§ Section 148, Income Tax Act, 1961 — ITAT

Reassessment for extended limitation under Section 148 requires escaped income in asset form

Under Section 149(1)(b) of the Income Tax Act, reopening assessments beyond three years requires income to be represented in the form of an asset. Alleged accommodation entries representing unsecured loans constitute liabilities.

ITA Nos. 3334, 3335 & 3336/DEL/2026 · 10.09.2026

Also decided, continued

§ Section 2(d), Consumer Protection Act, 1986 SCDRC

Consumer commission jurisdiction operates as additional remedy overriding arbitration clauses

Remedies provided under the Consumer Protection Act are additional to other statutory rights. An arbitration agreement contained in a real estate development contract does not oust the jurisdiction of consumer commissions.

SC/19/A/655/2018 · 10.09.2026

§ Section 14, Customs Act, 1962 CESTAT

Written consent to enhanced customs valuation does not waive the statutory right of appeal

Payment of assessed duties or signing an acceptance letter to clear imported goods does not constitute estoppel against statutory appellate remedies under Section 128 of the Customs Act.

Customs Appeal No.70471 of 2021 · 10.09.2026

§ Consumer Protection Act, 1986 SCDRC

Delay in notifying insurer of vehicle theft cannot justify repudiating genuine insurance claim

Breach of an insurance policy condition requiring immediate theft intimation does not bar recovery if the theft was promptly reported to police and the insurer fails to demonstrate prejudice or fraudulent fabrication.

SC/5/FA/20/2026 · 10.09.2026

The Gauhati High Court held that for the statutory sunset arrest rule under Section 43(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023, the arrest occurs when effective physical custody commences rather than when the formal arrest memo is stamped. As police stations transition to the new criminal procedure framework, will reckoning arrest from physical restraint prevent evasion of magisterial safeguards, or will it spawn fresh factual disputes over the precise moment informal detention began?

20 judgments **4** Supreme Court **9** 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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