Cassie

THURSDAY
15 OCTOBER 2026

DAILY

Court Digest

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

IN TODAY'S DIGEST

- AICTE Regs | Course fees must be notified before admission : SC
- Passing Off | Film title 'Queen' lacks secondary meaning : Bombay HC
- S.66B FA | Advocates as a class exempt from service tax : Gujarat HC
- S.172 ICA | Subrogated share pledge takes priority : Karnataka HC
- S.281 Moh Law | Safety fears bar conjugal restitution : Jharkhand HC

15	2	10	3
JUDGMENTS IN ALL	SUPREME COURT	HIGH COURTS	TRIBUNALS

Swipe to read all 15 judgments >>>

Inside this digest

15 judgments reported in full on cassie.in

— SUPREME COURT

Fees for professional courses must be fixed before admission, not mid-stre... 4

IBC appeal limitation runs from order pronouncement not copy receipt 16

— HIGH COURTS

Generic film title 'Queen' lacks secondary meaning to support passing off. 6

Advocates providing legal services are exempt from service tax 7

Subrogated share pledge takes priority over unsecured personal guarantee 8

Promoter termination stayed for breach of shareholders agreement 9

Adolescent consensual cases may be quashed with welfare safeguards 10

Safety apprehension and offer of separate home bars conjugal restitution. 11

Deficit stamp duty reference cannot be initiated after registration 12

Domestic violence maintenance requires asset affidavits 13

Money paid for illegal purpose cannot create criminal breach of trust 16

Magistrates may summon uncharged persons on independent record scruti... 16

— TRIBUNALS

Invoice address mismatch cannot rebut supply proved by tax credits 15

Notice receipt date counts in limitation for consumer written version 17

Review on written version rejection cannot be clubbed with main hearing 17

Supreme Court

1 judgment in this edition

KEEP SWIPING >>>



SUPREME COURT

Consumer & Service Problems
Education, Coaching & Skill Courses

Professional Course Fees Must Be Notified Pre-Admission and Cannot Be Hiked Mid-Stream

The dispute. Engineering colleges in West Bengal challenged a High Court order that barred them from applying a revised fee structure notification dated 16.10.2023 to students already admitted for the 2023-2027 batch, claiming their prospectus reserved the right to alter fees periodically. The Supreme Court examined whether fee revision committees can alter fees mid-course relying on disclaimer clauses in college admission brochures.

The reasoning. SC held AICTE Regulations 1994 mandate certainty in professional education fees. Fee committees must fix structures before admission cycles commence. Prospectus reservation clauses cannot override regulations to impose mid-stream hikes absent unforeseen costs.

For your practice. Litigators challenging education fee hikes can enforce pre-admission certainty, compelling institutions to refund or adjust mid-stream increases levied on enrolled batches.

The order. Appeals dismissed. Notification dated 16.10.2023 held inapplicable to students admitted prior to that date. Colleges directed to refund excess fees collected or adjust them against the next semester fees within one month of commencement.

§ **Regulation 7, All India Council for Technical Education (Norms and Guidelines for Fees and Guidelines for Admission in Professional Colleges) Regulations, 1994**

DR. B.C. ROY ENGINEERING COLLEGE vs THE STATE OF WEST BENGAL

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	14.10.2026	C.A. No.-013769-013769 - 2026	2026:INSC:1120

BENCH
Pamidighantam Sri Narasimha, Alok Aradhe

High Courts

8 judgments in this edition

KEEP SWIPING >>>

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

BOMBAY HC

Generic Film Title 'Queen' Lacks Secondary Meaning Absent Proof of Exclusive Association

The dispute. Phantom Studios, co-owner of the 2014 hit film 'Queen', sought an interim injunction against Jiostar and Trigger Happy to restrain their proposed film 'Queen Full Power', alleging passing off and breach of a co-production agreement governing sequel rights. The plaintiff claimed 50% IP ownership in 'Queen' and argued the single-word title had acquired exclusive secondary significance.

The reasoning. Bombay HC held 'Queen' is a common laudatory word with widespread use across cinema and OTT platforms. Commercial success alone does not displace primary meaning without evidence that the public associates the single word exclusively with the plaintiff.

For your practice. Litigators protecting film titles must prove secondary meaning through evidence of exclusive consumer association rather than relying on box office revenue or industry awards.

The order. Interim injunction application dismissed without costs. The court found zero likelihood of confusion as the plots and themes—a European honeymoon voyage versus a Mumbai kidnapping thriller—were entirely dissimilar.

§ Section 2, Trade Marks Act, 1999

PHANTOM STUDIOS INDIA PRIVATE LIMITED vs JIOSTAR INDIA PRIVATE LIMITED

COURT	DECIDED	CASE NO.	BENCH
Bombay High Court	14.10.2026	COMS/97/2026	Sandeep V. Marne

Government & Public Body Interactions

GUJARAT HC

Legal services provided by advocates are fully exempt from service tax

The dispute. Tax authorities demanded service tax from advocates for the 2015-16 financial year under the Finance Act. The practitioners and the bar association resisted the levies, contending that statutory notifications set taxable legal services to nil. The petitioners approached the High Court in writ proceedings seeking to quash the demands and declare advocates exempt from the levy.

The reasoning. Notifications No. 25/2012-ST and 30/2012-ST explicitly exempt legal services provided by advocates from service tax. Where an exemption fixes liability at nil, assessing officers act without jurisdiction in raising demands.

> *It is thus clear that as set out in the Notification, the taxable service in respect of services provided or to be provided by the individual advocate for a firm of advocates has been set out to be 'Nil'.*
>
> FROM THE JUDGMENT

For your practice. Advocates facing service tax assessments can challenge the demands directly under writ jurisdiction as ultra vires without departmental appeals.

The order. The High Court quashed the assessment orders and declared advocates exempt from service tax on legal services. The writ petitions were allowed and the rule made absolute.

§ Section 66B, Finance (Service Tax) Act, 1994

JAY MANUBHAI THAKKAR Versus OFFICE OF DEPUTY/ASSISTANT COMMISSIONER, DIVISION 1

COURT	DECIDED	CASE NO.	CITATION
Gujarat High Court	13.10.2026	R/SCA/6661/2023	2026:GUJHC:64837-DB

BENCH

A.s. Supehia, Vaibhavi D. Nanavati



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

KARNATAKA HC

A subrogated pledge over shares takes priority over an unsecured personal guarantee

The dispute. Diageo Holdings paid USD 140.97 million under a backstop guarantee for loans to Watson Ltd, acquiring a subrogated pledge over United Breweries shares. A bank consortium claimed priority over the shares to recover Kingfisher Airlines debts under earlier personal guarantees. The DRT and DRAT upheld the banks' claim and attached the shares, which Diageo challenged before the High Court.

The reasoning. A personal guarantee creates only an unsecured obligation unless it expressly creates a charge over specific property. A subrogated pledge over identified shares therefore prevails over prior negative covenants lacking proprietary security.

For your practice. Lenders relying on personal guarantees must insist on express charges over identified assets, as negative covenants cannot resist subsequent pledged securities.

The order. The Court quashed the recovery and tribunal orders, permitting Diageo to recover USD 140.97 million by disposing of the pledged United Breweries shares.

§ Section 172, Indian Contract Act, 1872

DIAGEO HOLDINGS NETHERLANDS B V vs STATE BANK OF INDIA

COURT	DECIDED	CASE NO.	BENCH
Karnataka High Court	14.10.2026	WP/43105/2017	D.K. Singh, T.M. Nadaf

Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

DELHI HC

Flagrant breach of shareholders agreement justifies interim stay of promoter termination

The dispute. A founding promoter holding thirty percent equity was abruptly dismissed for cause at a board meeting called on twenty-eight minutes of notice. The termination threatened immediate loss of his vested shares, voting rights, and directorship without requisite majority investor consent. The promoter moved the High Court under Section 9 of the Arbitration Act seeking urgent interim protection pending arbitral proceedings.

The reasoning. Personal service contract bars do not preclude interim protection when a founder's equity and governance rights are threatened. Blatant disregard of notice rules and shareholder agreements establishes irreparable harm justifying a stay pending arbitration.

For your practice. Founders facing abrupt termination can invoke Section 9 to stay board resolutions when notice periods and shareholder approval covenants are breached.

The order. The Court stayed the operation of the board resolution and termination letter pending final disposal, directing replies within four weeks and listing the matter for 8 December 2026.

§ Section 9, Arbitration and Conciliation Act, 1996

MR. PULKIT BALDEV vs MBOOK TECHNOLOGY PRIVATE LIMITED & ors.

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	14.10.2026	I.A.-28055/2026	2026:DHC:9092	Vinod Kumar

Criminal Issues
Sexual Offences, POCSO & Domestic Crimes

MEGHALAYA HC

Adolescent consensual relationships may be quashed upon verifying informed consent and welfare

The dispute. An adolescent relationship between members of a matrilineal community in Meghalaya resulted in consensual cohabitation and the birth of a child. The young mother's parent lodged a statutory rape complaint under the POCSO Act before the couple established their independent household. After attaining majority, the survivor confirmed her voluntary union, prompting the father to petition the High Court for quashing.

The reasoning. Inherent powers under Section 528 BNSS permit quashing adolescent consensual cases to avoid greater hardship to the young family. The court must independently verify informed consent through legal aid authorities and ensure access to state welfare schemes.

For your practice. Petitions to quash adolescent cohabitation cases require verification of informed consent through legal aid and documentation securing state welfare benefits.

The order. The High Court quashed the FIR and pending proceedings in Special POCSO Case No. 71 of 2025, directing authorities to extend statutory welfare benefits and submit a compliance report by 11.11.2026.

§ Section 528, Bharatiya Nagarik Suraksha Sanhita, 2023

S.S. v. The State of Meghalaya & ors.

COURT	DECIDED	CASE NO.	CITATION
Meghalaya High Court	14.10.2026	Crl.Petn./108/2026	2026:MLHC:1157

BENCH
Revati Mohite Dere

Relationships & Family Matters
Restitution of Conjugal Rights

JHARKHAND HC

Wife's Safety Apprehension and Willingness for Alternate Home Bars Conjugal Restitution

The dispute. A Muslim husband obtained a Family Court decree for restitution of conjugal rights after his wife left the matrimonial home. The wife appealed, establishing she withdrew due to genuine safety apprehension caused by the improper conduct of the husband's brother-in-law in the shared residence. The wife established she repeatedly offered to cohabit with the husband if provided separate accommodation away from the offending relative.

The reasoning. Jharkhand HC held restitution under Section 281 Mohammedan Law requires withdrawal without lawful cause. A wife's genuine apprehension for her safety and dignity in a joint household, coupled with willingness to live in alternate housing, negates desertion.

For your practice. Matrimonial advocates can defeat restitution petitions by proving specific household safety risks and showing the client's bona fide willingness to reside in independent housing.

The order. Appeal allowed. Family Court judgment and decree for restitution of conjugal rights set aside. The court held the wife withdrew with lawful cause and cannot be compelled to cohabit in an unsafe household.

§ Section 281 of the Mohammedan Law (by Mulla)

S.H. v. F.H.

COURT	DECIDED	CASE NO.	CITATION
Jharkhand High Court	13.10.2026	FA/73/2025	2026:JHHC:30698-DB

BENCH
Sujit Narayan Prasad, Pradeep Kumar Srivastava

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

PATNA HC

Registering officers cannot refer instruments for deficit stamp duty after registration

The dispute. Two land buyers had their registered sale deeds referred by the Sub-Registrar to the registration authority for alleged undervaluation following complaints. Demands for deficit stamp duty and penalties were subsequently issued against both purchasers. After the appellate commissioner dismissed their appeals, both buyers challenged the post-registration demand orders before the High Court.

The reasoning. Section 47-A(1) of the Indian Stamp Act mandates that an undervaluation reference by the registering officer must precede registration. Upon registration, the registering officer loses all jurisdiction to initiate deficit stamp duty proceedings.

For your practice. Stamp duty challenges must focus on the date of reference, as any referral initiated after registration is void ab initio regardless of property valuation.

The order. The Court quashed the deficit duty and appellate orders, directing the revenue authorities to refund the pre-deposited sums of Rs 2,57,400 and Rs 1,62,162 within eight weeks.

§ Section 47-A(1), Indian Stamp Act, 1899

Raman Bharti vs The State of Bihar

COURT	DECIDED	CASE NO.	BENCH
Patna High Court	14.10.2026	CWJC-6242/2024	Alok Kumar

Relationships & Family Matters
Maintenance for Spouse & Children

CALCUTTA HC

Maintenance under domestic violence law requires affidavits of assets and liabilities

The dispute. A wife sought domestic violence relief alleging physical torture against her husband, a ration dealer claiming reduced income from hepatitis. She obtained monthly maintenance of ₹12,000 for herself and their daughter alongside shared residence rights. After the Sessions Judge dismissed his appeal, the husband moved the High Court in revision against the unverified award.

The reasoning. Applying Rajnesh v. Neha, the court held that asset affidavits are mandatory in all maintenance proceedings. Magistrates cannot determine support on bare assertions without verified financial disclosures from both spouses.

> *It is mandatory to submit the Affidavit of Assets and Liabilities by the parties in respect of any proceeding filed claiming maintenance in order to assess the actual income of the parties.*
>
> FROM THE JUDGMENT

For your practice. Matrimonial pleadings under the PWDV Act must annex sworn asset affidavits to prevent maintenance orders from being set aside on revision.

The order. Setting aside the orders, the court remitted the matter for fresh determination on financial affidavits. The husband must pay ₹11,000 monthly interim support, clear arrears in six instalments, and pay ₹5,000 rent.

§ **Section 12, Protection of Women from Domestic Violence Act, 2005**

M.B. v. S.B.

COURT	DECIDED	CASE NO.	CITATION
Calcutta High Court	14.10.2026	CRA/560/2010	2026:CHC-AS:1858-DB

BENCH
Chaitali Chatterjee Das

Tribunals

1 judgment in this edition

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Banking Law, Debt & Money Matters

NCLAT

Minor invoice address errors cannot rebut supply debt corroborated by TDS and GST credit

The dispute. An operational creditor supplied mustard seeds under eight invoices totalling Rs 1.42 crore to an edible oils manufacturer. The corporate debtor deducted statutory TDS and claimed GST input credit on the purchases but left Rs 1.29 crore unpaid in its books. NCLT Indore admitted the operational creditor's Section 9 petition, which the suspended director appealed on grounds of invoice PIN code errors.

The reasoning. NCLAT held that clerical PIN code discrepancies cannot displace the presumption of supply raised by commercial invoices. Statutory TDS deductions and GST input credit claims establish receipt of goods and defeat uncorroborated denials of debt.

For your practice. Corporate debtors cannot resist insolvency admission on clerical invoice flaws once their own tax filings acknowledge the underlying purchases.

The order. The tribunal dismissed the appeal and upheld the Section 9 admission order, confirming unpaid operational debt of Rs 1.29 crore with twelve per cent interest.

§ Section 9, Insolvency and Bankruptcy Code, 2016

Girraj Bansal vs Rakesh Kumar Goyal Proprietor Of M/S ...

COURT
National Company Law Appellate Tribunal

DECIDED
14.10.2026

CASE NO.
Company Appeal (AT) (Ins) No. 1571 of 2025

BENCH
Sharad Kumar Sharma, Indevar Pandey

Also decided today

§ Section 62, Insolvency and Bankruptcy Code, 2016 — SUPREME COURT

IBC appeal limitation runs from NCLAT order pronouncement not receipt of certified copy

The sixty-day outer limit under Section 62 is absolute and cannot be enlarged by procedural delay. Only the time between applying for and receiving a certified copy is excluded under Section 12(2) of the Limitation Act.

C.A. No.-007882 - 2023 · 2026:INSC:1121 · 14.10.2026

§ Section 406, Indian Penal Code, 1860 — PATNA HC

Money paid for an illegal purpose cannot create an entrustment for criminal breach of trust

Where money is paid for an unlawful object like procuring public employment, the void transaction creates no valid entrustment. A prosecution for criminal breach of trust founded on an illegal bargain is mala fide and an abuse of judicial process.

Cr.Misc.-50423/2016 · 13.10.2026

§ Section 528, Bharatiya Nagarik Suraksha Sanhita, 2023 — DELHI HC

Magistrates may summon uncharged persons at cognizance upon independent scrutiny of the record

The investigating agency's decision to omit a suspect from the chargesheet does not bind the magistrate at cognizance. Where the record discloses prima facie complicity, the court may issue process, leaving disputed commercial defences for trial.

CRL.M.C.-1961/2025 · 2026:DHC:9114 · 14.10.2026

Also decided, continued

§ Section 13, Consumer Protection Act, 1986 SCDRC

Notice receipt date is included in forty-five day limit for consumer written version

The statutory forty-five day window runs inclusively from the day notice with the complaint is received. Consumer forums possess no jurisdiction to enlarge time or condone delay beyond this inflexible outer limit.

SC/19/RP/108/2025 · 14.10.2026

§ Consumer Protection Act, 2019 SCDRC

Review challenging refusal of a written version cannot be clubbed with final hearing

The acceptance of a written version strikes at the threshold of a consumer dispute and requires separate, expeditious disposal. While commissions possess cause-list autonomy, threshold pleas cannot be conflated with the substantive merits.

SC/19/RP/114/2025 · 14.10.2026

By establishing that professional course fees must be notified prior to admission and cannot be varied mid-stream absent unforeseen expenses, has the Supreme Court struck a decisive blow against predatory fee hikes in private higher education, or will institutions find alternative administrative routes to shift rising operational costs onto enrolled students?

15 judgments **2** Supreme Court **10** High Courts **3** Tribunals

Every judgment here, analysed in full.

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

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