Cassie

TUESDAY
27 OCTOBER 2026

DAILY

Court Digest

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

IN TODAY'S DIGEST

- **S.30(4) IBC | CoC cannot withdraw approved resolution plan : SC**
- **Art. 21 | State must compensate for defective police probes : SC**
- **S.151 IT Act | Reassessment past 3 years needs CCIT sanction : ITAT**
- **S.151 CPC | Police aid mandatory to restore possession : Madras HC**
- **S.14 IBC | Moratorium allows debtor counter-claims : Bombay HC**

14	4	8	2
JUDGMENTS IN ALL	SUPREME COURT	HIGH COURTS	TRIBUNALS

Swipe to read all 14 judgments >>>

Inside this digest

14 judgments reported in full on cassie.in

— SUPREME COURT

State must compensate undertrials wrongfully jailed by defective probes 4

Creditors cannot withdraw resolution plan after submission to tribunal 5

Statutory access to private records needs no prior inquiry satisfaction 6

Unchallenged Gazette notification creates conclusive title to wakf land 14

— HIGH COURTS

Child welfare overrides wealth and bigamous father cannot retain custody 8

Writ review is maintainable under rules despite criminal procedure bars 9

Police aid to restore possession upon breach of confirmed injunction 10

Insolvency moratorium does not bar counter claims by corporate debtor 11

Trial courts must number plaints before hearing maintainability challenges 14

Third parties cannot challenge power of attorney to seek plaint rejection 14

Advocate immune from prosecution for bona fide title opinion absent fraud 15

Prior rejection does not bar second charge alteration on trial evidence 15

— TRIBUNALS

Reassessment past three years requires Chief Commissioner sanction not P... 13

Seafarers on foreign vessels qualify for the 182-day non-resident threshold 15

Supreme Court

3 judgments in this edition

KEEP SWIPING >>>

Criminal Issues
Bail, Arrest & Custody Issues

SUPREME COURT

State must compensate undertrials wrongfully jailed due to defective police investigations

The dispute. Police arrested the petitioner in 2019 for kidnapping and murder, detaining him as an undertrial for six years. The prosecution relied entirely on an un-reported ransom claim, inadmissible custodial confessions, unclear CCTV footage, and uncertified call records. Following his full acquittal by the trial court for lack of evidence, the Supreme Court examined the investigative lapses while disposing of his petition.

The reasoning. Uncertified electronic records and recoveries lacking prior Section 27 statements cannot sustain a circumstantial conviction. Prolonged detention arising from a slipshod and concocted investigation violates Article 21, obligating the State to pay compensation.

For your practice. Defence counsel can claim public law compensation by proving that prolonged undertrial custody resulted from fabricated recoveries and uncertified electronic records.

The order. Petition disposed of. Uttar Pradesh was directed to pay Rs 6,00,000 compensation to the petitioner within one month, carrying 18% default interest, with orders forwarded to top police authorities for reform.

§ Section 65B, Indian Evidence Act, 1872

ARUN @DEEPAK vs STATE OF U.P

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	26.10.2026	SLP(Crl) No.-004859 - 2026	2026 INSC 1150

BENCH
J.b. Pardiwala, K. Vinod Chandran



Banking Law, Debt & Money Matters

SUPREME COURT

Creditors cannot withdraw approved resolution plan after submission to adjudicating authority

The dispute. A committee of creditors approved a Rs 172.55 crore resolution plan for a tollway corporate debtor whose cash balance subsequently grew from Rs 30 crore to Rs 165 crore. The NCLT permitted withdrawal, but the NCLAT reversed the order, prompting the lead lending bank to appeal before the Supreme Court.

The reasoning. Creditor approval creates a statutory binding obligation with the resolution applicant before tribunal confirmation. Section 12A withdrawal is barred once submitted, and subsequent financial improvements cannot justify reneging on a compliant plan.

> *The resolution plan even prior to the approval of the adjudicating authority is binding inter se the CoC and the successful resolution applicant.*
>
> FROM THE JUDGMENT

For your practice. Financial creditors cannot plead commercial wisdom to recall an approved plan, meaning post-approval value appreciation accrues strictly to the successful resolution applicant.

The order. Appeal disposed of, upholding the NCLAT ruling against withdrawal. The NCLT was directed to hear the confirmation application and holding company settlement plea together and decide expeditiously.

§ Section 30(4), Insolvency and Bankruptcy Code, 2016

BANK OF INDIA vs S.M KAMAL PASHA

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	26.10.2026	C.A. No.-012045 - 2026	2026 INSC 1154

BENCH

J.b. Pardiwala, K. Vinod Chandran

Government & Public Body Interactions
RTI & Transparency Issues

SUPREME COURT

Statutory access to private records for disclosure requires no prior inquiry satisfaction

The dispute. A cooperative bank member sought copies of a construction contract and general body meeting minutes under transparency law. After the High Court Division Bench affirmed the member's right to receive the documents, the cooperative bank appealed to the Supreme Court.

The reasoning. Information under Section 2(f) includes private body records accessible by regulators under any law. Access simpliciter cannot require prior inquiry satisfaction, since examining documents is a prerequisite to determining if an inquiry is warranted.

> *Access simpliciter, thus cannot be conditioned with a prior satisfaction, since without such access, the Registrar cannot enter upon a satisfaction.*
>
> FROM THE JUDGMENT

For your practice. Requesters can access private entity records by invoking statutory inspection powers of regulators, defeating stock defences that no formal regulatory inquiry is pending.

The order. Appeals dismissed. The Supreme Court affirmed the disclosure orders and directed the Registrar to requisition the construction agreement and meeting minutes from the bank within two weeks for supply to the respondent member.

§ **Section 2(f), Right to Information Act, 2005**

THE MUPPATHADAM SERVICE CO OPERATIVE BANK LTD vs THE STATE CHIEF INFORMATION COMMISSIONER

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	26.10.2026	C.A. No.-013906-013906 - 2026	2026 INSC 1153

BENCH
J.b. Pardiwala, K. Vinod Chandran

High Courts

4 judgments in this edition

KEEP SWIPING >>>

Relationships & Family Matters
Custody, Adoption and Guardianship

ALLAHABAD HC

Child welfare overrides parental wealth and a defaulting bigamous father cannot claim custody

The dispute. A husband abandoned his wife and younger child, took away their elder son, and contracted a second marriage without obtaining a divorce. He defied a conjugal restitution decree and blocked all visitation, while the mother sought custody of the minor under guardianship law. The family court granted custody to the father solely citing the mother's financial dependence, which she challenged on appeal before the High Court.

The reasoning. Child welfare is paramount and cannot be subordinated to superior parental wealth or financial disparity. A parent flouting court decrees, entering a bigamous marriage, and evading cross-examination cannot benefit from his own wrongs.

For your practice. Financial superiority cannot defeat custody claims where the earning spouse flouts court orders, as trial courts must grant maintenance rather than penalise dependent mothers.

The order. The High Court set aside the family court judgment and directed the father to hand over custody within one month. The father was granted weekly visitation every Saturday between 3:00 PM and 5:00 PM at DLSA, Varanasi.

§ Section 25, Guardians and Wards Act, 1890

P.S. v. P.P.S.

COURT
Allahabad High Court

DECIDED
26.10.2026

CASE NO.
FIRST APPEAL No. - 895 of 2024

BENCH
Saral Srivastava, Sudhanshu Chauhan

Criminal Issues
Appeals, Revision and Pardons

MADRAS HC

Writ courts retain power to review orders despite criminal procedure bars against review

The dispute. A petitioner filed contempt proceedings after state authorities failed to execute a writ order directing an FIR into a recruitment scam. The implicated Minister resisted the investigation for lack of a prior hearing, while the State initially sought review. The Minister challenged the direction to register the FIR through a review petition, which was heard alongside the contempt plea.

The reasoning. High Court review jurisdiction under writ rules is constitutional and remains unaffected by criminal procedure review bars. A proposed accused has no right to a pre-FIR hearing, and the State may freely abandon an untenable legal stance.

For your practice. Review maintainability turns on the constitutional writ forum rather than procedural labels, while suspects cannot claim pre-FIR hearings.

The order. The Court dismissed the Minister's review on merits and allowed the State to withdraw its application. The contempt petition was closed following DVAC's undertaking to investigate the registered FIR.

§ Article 226, Constitution of India

I.S.Inbadurai vs A.T.Durai Kumar, IPS

COURT
Madras High Court

DECIDED
26.10.2026

CASE NO.
CONT P.872/2026

BENCH
Sushrut Arvind Dharmadhikari, G.arul Murugan

Property & Asset Disputes
Possession and Encroachment Issues

MADRAS HC

Police aid is mandatory to restore possession when confirmed interim injunctions are violated

The dispute. Two brothers secured an interim injunction over agricultural land upon proving continuous possession, which appellate courts affirmed. The rival defendants subsequently entered with weapons, harvested the standing paddy crops, and forcibly dispossessed the plaintiffs during the suit. The Trial Court dismissed the plaintiffs' plea for police aid to regain possession, prompting this revision petition before the High Court.

The reasoning. Trial courts cannot re-examine possession already settled by confirmed interim injunctions when deciding enforcement applications. Judicial orders cannot remain paper decrees, and police aid must be extended to undo forcible dispossession pendente lite.

For your practice. Appellate confirmation orders should be cited to prevent trial courts from re-examining possession, securing prompt police aid to reverse forcible dispossession pendente lite.

The order. Civil revision petition allowed. The High Court set aside the impugned order, allowed the application, and directed jurisdictional police to extend aid to enforce the injunction and restore possession to the plaintiffs.

§ **Order XXXIX Rules 1, 2 and 2A, Code of Civil Procedure, 1908**

R. Venkatesh Rao vs N. Kaliyan

COURT	DECIDED	CASE NO.	CITATION	BENCH
Madras High Court	26.10.2026	CRP.3427/2023	2026:MHC:4305	R.sakthivel

Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

BOMBAY HC

Insolvency moratorium bars proceedings against corporate debtor but permits its counter claims

The dispute. A developer agreed to redevelop a housing society in 2010 but halted work after excavation, prompting the society to terminate the agreement in 2017. Following subsequent insolvency, the resolution professional pursued an arbitral counter-claim for specific performance and damages. The arbitral tribunal vacated a consent status quo to allow appointing a new developer, which the corporate debtor challenged under Section 37.

The reasoning. Section 14(1)(a) bars proceedings against a corporate debtor but permits counter-claims pursued by it. Contracts terminated prior to insolvency are not protected assets, preserving arbitral jurisdiction when termination is unrelated to insolvency.

For your practice. Corporate debtors may pursue arbitral counter-claims during insolvency, while counter-parties can modify interim relief without referring contractual disputes to the NCLT.

The order. The High Court dismissed the petition and vacated the stay on arbitration. The parties were directed to appear before the arbitral tribunal within two weeks, with proceedings resuming after six weeks.

§ Section 14(1)(a), Insolvency and Bankruptcy Code, 2016

A A Estates Private Limited through its Resolution Professional Mr Harshad Deshpande vs Govind Niwas Cooperative Housing Society

COURT	DECIDED	CASE NO.	CITATION
Bombay High Court	26.10.2026	CARBPL/12886/2025	2026:BHC-OS:23161

BENCH
Somasekhar Sundaresan

Tribunals

1 judgment in this edition

KEEP SWIPING →

Government & Public Body Interactions

ITAT

Reassessment beyond three years requires sanction from the Chief Commissioner not PCIT

The dispute. The assessee, an iron manufacturer, filed a nil income return for assessment year 2018-19. After the CIT(A) deleted the additions, the Revenue appealed to the ITAT, where the assessee raised a Rule 27 jurisdictional challenge.

The reasoning. The tribunal held that Section 151(ii) mandates Chief Commissioner sanction beyond three years, rendering PCIT approval invalid. It ruled that the Finance Act 2023 proviso applies prospectively, preventing retrospective validation of time-barred notices.

> *In taxing statutes, intendment cannot be assumed unless specifically expressed in the provision enacted by the legislature.*
>
> FROM THE JUDGMENT

For your practice. Tax counsel must check sanctioning authorities against limitation dates, as any Section 148 notice issued beyond three years with only PCIT approval is jurisdictionally void.

The order. Allowing the assessee's Rule 27 objection, the tribunal quashed the Section 148 notice and consequential reassessment order. The Revenue's appeal challenging the deletion of Rs 12.90 crore additions was dismissed as infructuous.

§ Section 151, Income Tax Act, 1961

Dcit, Central Circle - 4(4), Kolkata, ... vs Shivam Dhatu Udyog Private Limited, ...

COURT	DECIDED	CASE NO.
Income Tax Appellate Tribunal	26.10.2026	ITA No. 1435/KOL/2025

BENCH

Rajesh Kumar, Pradip Kumar Choubey

Also decided today

§ Section 4, Wakf Act, 1954 — SUPREME COURT

Unchallenged statutory Gazette notification establishes conclusive title to wakf land

A Gazette notification creates presumptive title that becomes unassailable after the one-year dispute limitation expires. Absent any genuine cloud on statutory title, a suit for injunction simpliciter is maintainable without seeking declaration.

C.A. No.-002804-002804 - 2024 · 2026 INSC 1152 · 26.10.2026

§ Order VII Rule 11, Code of Civil Procedure, 1908 — MADRAS HC

Trial courts cannot return unnumbered plaints without registration and maintainability hearing

Perceived statutory bars require judicial adjudication rather than administrative rejection at the threshold. The trial court must number the plaint, hear the plaintiff in open court, and pass a formal rejection order to preserve appellate remedies.

CRP.4548/2023 · 2026:MHC:4308 · 26.10.2026

§ Order VII Rule 11, Code of Civil Procedure, 1908 — MADRAS HC

Third parties cannot challenge power of attorney execution to seek rejection of plaint

Third parties to a power of attorney lack standing to challenge its execution, and the document requires no compulsory attestation. Furthermore, foreign notarial acts are legally recognisable in Indian courts without requiring statutory reciprocity.

CRP.4533/2023 · 2026:MHC:4306 · 26.10.2026

Also decided, continued

§ Section 482, Code of Criminal Procedure, 1973 PATNA HC

Panel advocate cannot face criminal liability for bona fide legal opinion absent conspiracy

Legal opinions are advisory and professional negligence attracts disciplinary inquiry, not prosecution, absent tangible evidence of conspiracy. Entrustment and dishonest inducement were absent because the advocate merely vetted submitted records.

Cr.Misc.-50456/2016 · 26.10.2026

§ Section 216, Code of Criminal Procedure, 1973 ALLAHABAD HC

Prior rejection does not bar second charge alteration application supported by trial evidence

The power to alter charges continues until judgment, so an initial dismissal does not preclude a renewed plea once trial evidence emerges. Medical proof of a firearm injury alongside the victim's testimony provides ample prima facie basis.

APPLICATION U/S 528 BNSS No. - 27503 of 2026 · 26.10.2026

§ Section 6(1)(c), Income Tax Act, 1961 ITAT

Seafarers leaving for foreign employment qualify for the 182-day non-resident threshold

Explanation 1(a) to Section 6(1) substitutes sixty days with 182 days for citizens leaving India for employment abroad on foreign vessels. As the assessee stayed only 158 days, he was non-resident and his foreign salary was exempt from Indian tax.

ITA No.1915/JPR/2025 · 26.10.2026

By holding that a Committee of Creditors cannot withdraw an approved resolution plan after submission while directing State compensation for undertrials victimised by flawed police investigations, courts today underscored the primacy of legal finality and constitutional accountability. Where commercial certainty demands that creditors abide by their commitments, should criminal justice administration face equal commercial-scale liability for investigating lapses that deprive citizens of liberty?

14 judgments **4** Supreme Court **8** High Courts **2** Tribunals

Every judgment here, analysed in full.

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

cassie.in/newsletter