Judicial Academy, Jharkhand

SNIPPETS

OF

SUPREME COURT JUDGEMENTS

JANUARY 2026

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1. Bhagheeratha Engineering Ltd. v State of Kerala; 2026 SCC OnLine SC 5

Decided on: 5 January 2026

Bench: 1. Hon'ble Mr. Justice J.B. Pardiwala

2. Hon'ble Mr. Justice K.V. Viswanathan

(Arbitration—Arbitration and Conciliation Act, 1996—Section 21—Object limited to commencement of arbitral proceedings—Non-issuance of Section 21 notice not fatal—Scope of arbitral jurisdiction governed by arbitration agreement, not notice—Wide arbitration clause—Arbitral award restored.)

Facts

The appellant was awarded four Road Maintenance Contracts by the State of Kerala under the Kerala State Transport Project, governed by General Conditions of Contract providing for a tiered dispute resolution mechanism comprising reference to the Engineer, Adjudicator, and thereafter arbitration. Disputes relating to price adjustment, escalation, interest on delayed payments, and valuation of work were raised by the appellant and referred to the Adjudicator in 2004.

The Adjudicator partly allowed the claims. Dissatisfied, the State expressed its intention to refer the matter to arbitration. An Arbitral Tribunal was constituted in January 2005. The Tribunal held that the arbitration clause was of wide amplitude and covered all disputes arising out of or connected with the contract. By an award dated 29 June 2006, the Tribunal allowed the appellant's claims on all four disputes and awarded monetary relief with interest.

The State challenged the award under Section 34 of the Arbitration and Conciliation Act, 1996. The District Judge set aside the award and restored the Adjudicator's decision. The Kerala High Court, while holding that the contractual time-limit for reference offended Section 28(b) of the Contract Act, nonetheless affirmed the setting aside of the award on the ground that the appellant had not issued a notice under Section 21 of the 1996 Act for disputes other than one issue. Aggrieved, the appellant approached the Supreme Court.

Issues

1. Whether the Arbitral Tribunal's jurisdiction was confined only to disputes expressly referred by notice under Section 21 of the Arbitration and Conciliation Act, 1996.
2. Whether non-issuance of a Section 21 notice by one party is fatal to its claims before the Arbitral Tribunal.
3. Whether the High Court was justified in setting aside the arbitral award on jurisdictional grounds.

Judgment

The Supreme Court allowed the appeal, set aside the judgment of the Kerala High Court, and restored the arbitral award dated 29 June 2006 in its entirety.

Rationale

The Court held that the High Court had fundamentally misconstrued the object and scope of Section 21 of the Arbitration and Conciliation Act, 1996. Section 21 serves a limited procedural purpose of determining the date of commencement of arbitral proceedings for the purpose of limitation. It is neither jurisdictional nor a mandatory precondition for raising claims before an Arbitral Tribunal. Failure to issue a notice under Section 21 does not invalidate arbitral proceedings where the claims are otherwise arbitrable and within the scope of the arbitration agreement.

The Court emphasised that arbitral jurisdiction flows from the arbitration agreement and not from the contents of a notice of invocation. Where the arbitration clause is widely worded to cover all disputes "arising out of or connected with" the contract, the Tribunal is competent to adjudicate all such disputes once constituted. Restricting the Tribunal's jurisdiction to disputes mentioned in a Section 21 notice would impermissibly read limitations into the statute and undermine the scheme of Sections 21 and 23 of the Act.

On facts, the Court found that the conduct of the State demonstrated a clear intention to reopen all disputes decided by the Adjudicator. The State could not be permitted to take advantage of its own procedural objections after having participated in the arbitral process and sought

adjudication on all issues. The Court reiterated that procedural preconditions in dispute resolution clauses are capable of being waived by conduct.

Reaffirming earlier precedents, the Court held that claims, counterclaims, and amendments thereto may be raised before the Arbitral Tribunal in accordance with Section 23, unless expressly barred by the arbitration agreement. The High Court's approach, which treated non-issuance of a Section 21 notice as fatal and jurisdiction-limiting, was therefore held to be legally unsustainable.

2. Gulfisha Fatima v State (Govt. of NCT of Delhi) & Ors.; 2026 SCC OnLine SC 10

Decided on: 5 January 2026

Bench: 1. Hon'ble Mr. Justice Aravind Kumar

2. Hon'ble Mr. Justice N.V. Anjaria

(Bail—Unlawful Activities (Prevention) Act, 1967—Section 43D(5)—Prolonged incarceration and Article 21—Scope of judicial inquiry at bail stage—"Prima facie true" standard—Delay not an automatic ground to override statutory embargo—Accused-specific assessment—Bail granted to some appellants and declined to others.)

Facts

The appeals arose from a common judgment of the Delhi High Court affirming rejection of bail applications filed by multiple accused persons in FIR No. 59 of 2020 registered by the Crime Branch, Delhi, in connection with the communal riots that occurred in parts of Delhi in February 2020. The prosecution alleged that the incidents of violence were the result of a pre-planned and coordinated conspiracy aimed at destabilising public order, allegedly linked to protests against the Citizenship Amendment Act, 2019.

Initially registered under provisions of the Indian Penal Code, the case later culminated in a comprehensive charge-sheet and multiple supplementary charge-sheets invoking serious offences including conspiracy, sedition, rioting, murder, and offences under Chapters IV and VI of the Unlawful Activities (Prevention) Act, 1967, as well as allied statutes. The appellants, including Sharjeel Imam, Umar Khalid, Shifa-ur-Rehman, Saleem Khan, Meeran Haider, Shadab Ahmed, and Gulfisha Fatima, were arrested between January and October 2020 and remained in custody for a prolonged period.

Before the Supreme Court, the appellants primarily invoked Article 21, contending that continued pre-trial incarceration without early prospect of trial violated their right to personal liberty and speedy trial, warranting bail notwithstanding the statutory restrictions under Section 43D(5) of the UAPA.

Issues

1. Whether prolonged pre-trial incarceration under the UAPA, by itself, warrants grant of bail on constitutional grounds under Article 21.
2. What is the scope of judicial inquiry at the bail stage under Section 43D(5) of the UAPA.
3. Whether the statutory embargo on bail can be displaced solely on account of delay, and whether bail must be assessed uniformly or on an accused-specific basis.

Judgment

The Supreme Court partly allowed the appeals. Bail was granted to certain appellants, while bail was declined to others. The Court upheld the applicability of the statutory embargo under Section 43D(5) of the UAPA where the threshold of prima facie truth was satisfied, while simultaneously issuing directions for expeditious conduct of trial.

Rationale

The Court undertook an extensive examination of the constitutional plea founded on prolonged incarceration and clarified that Article 21 does not operate in isolation from statutory frameworks enacted by Parliament. While recognising that the right to speedy trial is a facet of personal liberty, the Court held that delay does not function as an automatic or solitary ground for grant of bail in prosecutions under special statutes such as the UAPA.

Relying on *Union of India v K.A. Najeeb*, the Court reiterated that constitutional courts retain the power to intervene where continued detention becomes unconscionable. However, such intervention must be contextual and structured, having regard to the nature of allegations, the statutory setting, the stage of proceedings, causes of delay, and the role attributed to the accused. Delay, though significant, only triggers heightened scrutiny and does not mechanically eclipse statutory restraints.

The Court delineated the scope of inquiry under Section 43D(5), emphasising that the expression “prima facie true” mandates a limited but meaningful examination of prosecution material taken at face value. At the bail stage, courts must not weigh evidence, test defences,

or conduct a mini-trial. The inquiry must remain accused-specific, assessing whether the role attributed bears a prima facie nexus to offences under Chapters IV and VI of the UAPA.

Applying these principles, the Court drew a clear distinction between appellants alleged to have played a central, directive, or ideological role in the alleged conspiracy and those whose involvement was characterised as peripheral or facilitative at the local level. While continued detention of the former was held to be justified in light of the statutory threshold and gravity of allegations, prolonged incarceration of the latter, in the absence of compelling reasons, was found to be disproportionate.

The Court thus calibrated relief by granting bail to some appellants, declining it to others, and directing expeditious progress of trial, underscoring that bail adjudication under special statutes must balance individual liberty with societal and national security concerns through disciplined judicial scrutiny.

3. Adani Power Ltd. v Union of India & Ors.; 2026 SCC OnLine SC 11

Decided on: 5 January 2026

Bench: 1. Hon'ble Mr. Justice Aravind Kumar

2. Hon'ble Mr. Justice N.V. Anjaria

(Taxation—Limits of subordinate legislation—Customs duty on electricity cleared from SEZ to DTA—Absence of charging provision—Misuse of exemption power under Section 25, Customs Act—Retrospective levy without authority of law—Articles 14 and 265—Executive cannot retain amounts collected under an illegal levy—Refund directed.)

Facts

The appellant operated a large coal-based thermal power plant located within the Mundra Special Economic Zone (SEZ), Gujarat, supplying electricity both within the SEZ and to the Domestic Tariff Area (DTA). Prior to 2009, electrical energy did not attract customs duty on import, and consequently, no such duty was payable on electricity cleared from an SEZ to the DTA.

In 2010, the Finance Act introduced changes purportedly enabling the levy of customs duty on electricity cleared from SEZs to the DTA with retrospective effect from 26 June 2009. Pursuant thereto, Notification No. 25/2010-Cus. imposed customs duty at 16% ad valorem. During the pendency of a writ petition challenging this levy, the appellant furnished bank guarantees. Subsequently, the Union issued Notification No. 91/2010-Cus. reducing the duty to ten paise per unit, and later Notification No. 26/2012-Cus. further reducing it to three paise per unit.

In 2015, the Gujarat High Court struck down the levy holding that no customs duty could be imposed on electricity cleared from an SEZ to the DTA, and that the retrospective levy violated Article 265. This judgment was affirmed by the Supreme Court. Thereafter, the appellant sought refund of amounts paid under the subsequent notifications. The High Court, by its judgment dated 28 June 2019, declined relief on the ground that the later notifications had not been expressly challenged. The appellant approached the Supreme Court.

Issues

1. Whether subordinate legislation could validly impose or continue a levy of customs duty in the absence of a charging provision enacted by Parliament.
2. Whether alteration of the rate or form of levy through subsequent notifications could cure the lack of authority of law.
3. Whether the State was entitled to retain amounts collected under a levy already declared to be ultra vires.

Judgment

The Supreme Court allowed the appeal, set aside the judgment of the Gujarat High Court dated 28 June 2019, declared the levy of customs duty on electricity cleared from the SEZ to the DTA to be without authority of law, and directed refund of the amounts collected for the relevant period.

Rationale

The Court held that a valid tax or duty must be founded on a clear charging provision enacted by a competent legislature, coupled with an identifiable taxable event. Section 25 of the Customs Act confers only a power to grant exemption from an existing levy; it does not authorise the executive to create a new levy or expand the field of taxation through subordinate legislation. The use of an "exemption" notification to impose customs duty was held to be a colourable exercise of delegated power.

The Court reaffirmed that electricity generated within an SEZ and supplied to the DTA does not constitute "import into India" for the purposes of Section 12 of the Customs Act. The deeming fiction under Section 30 of the SEZ Act is intended to maintain parity with imported goods and cannot be stretched to create a charging event where none exists. Since imported electricity attracted a nil rate of customs duty, the same treatment necessarily applied to electricity supplied from an SEZ to the DTA.

It was further held that subsequent notifications reducing the rate of duty from 16% ad valorem to a specific per-unit charge did not introduce a new levy, but merely continued the same

unauthorised levy in an altered form. A change in arithmetical rate or prospective application cannot cure the fundamental absence of authority of law. Once a levy is held to be ultra vires, all derivative demands resting on the same foundation must necessarily fail.

The Court also emphasised the obligation of judicial discipline and finality. A coordinate Bench of the High Court was bound by the 2015 declaration of law and could not deny relief by artificially confining its scope. When a levy is declared unconstitutional and affirmed by the Supreme Court, the executive is duty-bound to give effect to that declaration rather than reintroduce the levy through successive notifications.

Finally, the Court held that restitution is a necessary consequence of a finding that a levy is without authority of law. Retention of amounts collected under an illegal impost would offend Articles 14 and 265 of the Constitution. The respondents were therefore directed to refund the amounts collected for the relevant period.

4. Divjot Sekhon v State of Punjab & Ors.; 2026 SCC OnLine SC 17

Decided on: 6 January 2026

Bench: 1. Hon'ble Mr. Justice Sanjay Kumar

2. Hon'ble Mr. Justice Alok Aradhe

(Admissions—NEET (UG)—Sports quota—Midstream modification of eligibility criteria—Alteration of "rules of the game" after commencement of admission process—Violation of Article 14—Lack of transparency and arbitrariness—Modified admission policy quashed.)

Facts

The appeals arose out of challenges to modifications made by Baba Farid University of Health Sciences, Faridkot, and the State of Punjab in relation to admissions to MBBS/BDS courses under the sports quota through NEET (UG). For the academic session 2024, the prospectus initially issued by the University stipulated that sports achievements during Classes XI and XII alone would be considered for preparation of the merit list. Applications were invited and candidates submitted documents on that basis.

Subsequently, after commencement of the admission process, the University issued an email dated 16 August 2024, followed by an addendum, permitting candidates to submit sports achievements of any class or year, thereby expanding the zone of consideration to include Classes IX and X as well. Acting on this change, the Director of Sports, Punjab prepared the sports merit list by factoring in earlier achievements, resulting in a reordering of inter se merit.

The appellants challenged the modification before the Punjab and Haryana High Court, contending that the admission criteria had been altered midstream without justification and contrary to past policy, which restricted such expansion to the Covid-19 affected academic session 2023 alone. The High Court dismissed the writ petitions, leading to the present appeals before the Supreme Court.

Issues

1. Whether modification of admission criteria after commencement of the admission process violates the principles of fairness and non-arbitrariness under Article 14.
2. Whether the State and the University were justified in expanding the zone of consideration for sports achievements beyond Classes XI and XII for MBBS/BDS admissions.
3. Whether such modification, allegedly influenced by individual representations, could be sustained in law.

Judgment

The Supreme Court allowed the appeals, quashed the impugned modification of the admission policy, and set aside the High Court's judgments. Appropriate consequential directions were issued to rectify the admissions affected by the illegal modification.

Rationale

The Court reiterated the settled principle that the "rules of the game" governing selection or admission cannot be altered once the process has commenced. This doctrine, grounded in Article 14, applies with equal force to educational admissions as it does to public recruitment. Transparency and predictability at the outset are essential to prevent arbitrariness, nepotism, or favouritism.

On facts, the Court found that the expansion of the zone of consideration to include Classes IX and X was earlier permitted only for the academic session 2023 as a one-time exception owing to the disruption caused by the Covid-19 pandemic. The contemporaneous corrigendum had expressly confined the relaxation to that session alone. There was no policy decision or rational justification to perpetuate or revive the same modification for subsequent sessions.

The Court further noted that the Sports Policy, 2023 did not mandate such expansion and, in fact, excluded sub-junior achievements, rendering the University's directions even more arbitrary. The inconsistency was compounded by the fact that the modified criteria were not applied uniformly across other medical and allied courses offered by the same University.

A critical factor weighed by the Court was the manner in which the policy change was triggered through representations made by the father of a candidate who stood to benefit directly from the modification, without disclosure of the conflict of interest. This lack of probity vitiated the decision-making process and undermined the fairness of the admission exercise.

While recognising the State's power to frame and revise policy, the Court held that such power must be exercised fairly, transparently, and for discernible reasons. A policy change effected midstream, without adequate justification and in deviation from declared norms, cannot withstand judicial scrutiny.

5. Golden Food Products India v State of Uttar Pradesh & Ors.; 2026 SCC OnLine SC 24

Decided on: 6 January 2026

Bench: 1. Hon'ble Ms. Justice B.V. Nagarathna

2. Hon'ble Mr. Justice R. Mahadevan

(Public auction—Highest bid above reserve price—Cancellation of auction on expectation of higher future price—Comparison with dissimilar plots—Absence of fraud, collusion or material irregularity—Arbitrariness—Violation of Article 14—Cancellation set aside.)

Facts

The Ghaziabad Development Authority (GDA) conducted a public auction for allotment of industrial plots under the Madhuban Bapudham Yojana, Ghaziabad, including an industrial plot admeasuring 3150 square metres. The auction followed a two-bid process comprising technical and financial bids. The reserve price for the plot was fixed at ₹25,600 per square metre.

The appellant participated in the auction, its technical bid was approved, and in the financial bid it offered ₹29,500 per square metre, which was higher than the reserve price. There were only two bidders in the auction, and the appellant was declared the highest bidder. Despite this, the GDA cancelled the auction and refunded the earnest money, stating that smaller plots in the same scheme had fetched substantially higher prices per square metre and that re-auctioning the plot could yield better revenue.

Aggrieved, the appellant approached the Allahabad High Court seeking issuance of an allotment letter. The High Court dismissed the writ petitions, holding that the appellant had no indefeasible right to insist on allotment. The appellant thereafter approached the Supreme Court.

Issues

1. Whether the auctioning authority could cancel a public auction where the highest bid was above the reserve price, solely on the expectation of securing a higher price in a future auction.
2. Whether comparison of bids for large plots with bids for much smaller plots constituted a relevant and lawful consideration.
3. Whether such cancellation, in the absence of fraud, collusion or material irregularity, was arbitrary and violative of Article 14.

Judgment

The Supreme Court allowed the appeals, set aside the judgments of the Allahabad High Court, quashed the cancellation of the auction, and directed the GDA to issue an allotment letter in favour of the appellant upon re-deposit of the earnest money.

Rationale

The Court reaffirmed the settled principle that a public auction, once conducted in accordance with law, carries with it a presumption of fairness and finality. Where the highest bid is above the reserve price and the auction is free from fraud, collusion, or material irregularity, the auctioning authority is ordinarily bound to accept the bid.

The Court rejected the justification advanced by the GDA that the appellant's bid was "low" when compared with prices fetched by smaller plots. It observed that demand for smaller plots is ordinarily higher and that identical reserve prices had been fixed for plots of varying sizes, taking into account market demand. Comparing bids for large plots with those for much smaller plots was held to be an irrelevant and extraneous consideration.

Relying on precedent, the Court emphasised that a mere expectation of obtaining a higher price in a future auction cannot justify cancellation of an otherwise valid auction. Such conduct undermines the sanctity of public auctions, erodes bidder confidence, and introduces arbitrariness into public dealings.

The Court further held that refund of earnest money does not legitimise an arbitrary cancellation, nor does the absence of a formal allotment letter absolve the authority of its obligation to act fairly once the highest valid bid is accepted. The High Court was found to have erred in overlooking the distinction between absence of an indefeasible right to allotment and the right to non-arbitrary treatment under Article 14.

6. Commissioner of Customs (Import) v Welkin Foods; 2026 SCC OnLine SC 27

Decided on: 6 January 2026

Bench: 1. Hon'ble Mr. Justice J.B. Pardiwala

2. Hon'ble Mr. Justice R. Mahadevan

(Customs Tariff Act, 1975—Classification of goods—Aluminium shelving imported for mushroom cultivation—Whether "parts" of agricultural machinery (CTI 84369900) or "aluminium structures" (CTI 76109010)—Application of General Rules of Interpretation (GRI)—Limits of common/trade parlance test—Relevance of "use"—Held, classifiable as aluminium structures—CESTAT order set aside.)

Facts

The respondent imported aluminium shelving for mushroom cultivation along with a floor drain and an automatic watering system. While the Customs authorities accepted classification of the drain and watering system as "parts" of agricultural machinery under CTI 84369900, the aluminium shelving was initially declared under the same entry by the importer.

Audit scrutiny objected, holding that the aluminium shelving constituted "aluminium structures" classifiable under CTI 76109010, attracting a higher rate of duty. A show-cause notice was issued alleging short levy of duty amounting to ₹21,01,983 under Section 28 of the Customs Act, 1962. The Joint Commissioner and Commissioner (Appeals) upheld the classification under Chapter 76.

However, the CESTAT reversed the findings and held that the goods were specifically designed mushroom-growing racks, known in trade parlance as such, and classifiable as "parts" of agricultural machinery under Chapter 84. Aggrieved, the Revenue approached the Supreme Court.

Issues

1. Whether aluminium shelving imported for mushroom cultivation is classifiable as "parts" of agricultural machinery under CTI 84369900 or as "aluminium structures" under CTI 76109010.
2. Whether end-use and trade parlance can determine classification under the Customs Tariff Act, 1975.
3. What is the scope and sequential application of the General Rules of Interpretation (GRIs) in classification disputes.

Judgment

The Supreme Court allowed the appeal, set aside the CESTAT's order, and restored the classification of the subject goods under CTI 76109010 as "aluminium structures."

Rationale

The Court undertook an extensive exposition of customs classification principles under the Customs Act, 1962 and the Customs Tariff Act, 1975, particularly the sequential and mandatory application of the General Rules of Interpretation (GRIs). It reiterated that classification must begin with GRI 1, giving primacy to the terms of the headings and relevant Section and Chapter Notes. GRIs cannot be applied as optional tools but must be followed in strict sequence.

On the applicability of the common or trade parlance test, the Court clarified that such a test may be invoked only where the statute or tariff heading does not provide explicit guidance, and where the terminology is not technical. In the HSN-based regime, reliance on trade parlance cannot override clear statutory text, Section Notes, Chapter Notes, or Explanatory Notes. The test must be applied restrictively and cannot displace the legal framework.

The Court further addressed the relevance of "use" in classification disputes. It held that end-use is relevant only where the tariff entry explicitly or implicitly incorporates a use-based criterion. Customs duty is attracted at the time of import, and classification depends upon the condition of goods at that stage. The intended integration of the shelving with other machinery post-import was therefore immaterial.

Applying these principles, the Court found that the mushroom-growing apparatus comprised separate machines performing independent functions and did not constitute a composite machine or functional unit. The aluminium shelving lacked moving parts, did not transmit force or energy, and merely provided a surface for other devices to function. A supporting structure does not become a "part" of a machine merely because machinery is mounted upon it.

The Court drew support from precedent distinguishing between structural supports and machine components, emphasising that to qualify as a "part", the article must be integral to the working of the machine. Since the subject goods were complete and identifiable aluminium structures at the time of import, they were appropriately classifiable under Chapter 76.

Accordingly, the Court held that the CESTAT erred in invoking GRI 3 and relying on trade parlance and end-use considerations. The proper classification was under CTI 76109010 as aluminium structures.

7. Arvind Dham v Directorate of Enforcement; 2026 SCC OnLine SC 30

Decided on: 6 January 2026

Bench: 1. Hon'ble Mr. Justice Sanjay Kumar

2. Hon'ble Mr. Justice Alok Aradhe

(Bail—Prevention of Money Laundering Act, 2002—Section 45—Prolonged pre-trial incarceration—Right to speedy trial under Article 21—Economic offences not a homogeneous class—Statutory restrictions cannot justify indefinite detention—Bail granted.)

Facts

The appellant, a former promoter and non-executive Chairman of Amtek Auto Ltd., was arrested by the Directorate of Enforcement on 9 July 2024 in connection with alleged laundering of proceeds of crime arising from scheduled offences involving diversion and siphoning of public funds from public sector banks. FIRs were registered by IDBI Bank and Bank of Maharashtra alleging fraud exceeding ₹670 crore, leading to registration of ECIRs under the Prevention of Money Laundering Act, 2002.

A prosecution complaint was filed in September 2024, followed by a supplementary complaint in August 2025. Out of twenty-eight individuals named as accused, only the appellant was arrested. The appellant remained in custody for over sixteen months. His application for bail was rejected by the Special Court as well as by the Delhi High Court on the ground that he did not satisfy the twin conditions under Section 45 of the PMLA. Aggrieved, the appellant approached the Supreme Court.

Issues

1. Whether prolonged pre-trial incarceration under the PMLA violates the right to speedy trial under Article 21 of the Constitution.
2. Whether statutory restrictions under Section 45 of the PMLA can justify indefinite detention where trial shows no likelihood of early commencement.

3. Whether economic offences constitute a homogeneous category warranting a blanket denial of bail.

Judgment

The Supreme Court allowed the appeal, set aside the order of the Delhi High Court, and granted bail to the appellant subject to conditions imposed by the Trial Court.

Rationale

The Court reiterated that the right to speedy trial is an inseparable facet of personal liberty guaranteed under Article 21 and applies irrespective of the nature of the offence. Prolonged pre-trial incarceration, without reasonable progress of trial, impermissibly converts preventive detention into punishment.

While acknowledging the gravity of economic offences, the Court clarified that such offences cannot be treated as a single, homogeneous class for the purpose of denying bail. The severity of allegations does not eclipse constitutional guarantees, particularly where the maximum sentence prescribed is limited and the accused has already undergone substantial incarceration.

On facts, the Court noted that investigation qua the appellant had concluded, documentary evidence stood secured, and no cognizance had been taken despite the filing of prosecution complaints. With over two hundred witnesses cited, the trial was unlikely to commence in the foreseeable future. The delay in proceedings was attributable to the prosecuting agency itself, which had obtained a stay of trial proceedings for several months.

The Court rejected allegations of witness intimidation and dissipation of proceeds of crime as unsupported at this stage, observing that the appellant had remained in custody prior to the alleged acts and had cooperated with the investigation. In these circumstances, continued incarceration was held to be unjustified.

Relying on consistent precedent, the Court held that statutory conditions under Section 45 of the PMLA cannot be applied mechanically to defeat the fundamental right to liberty. Where the State is unable to ensure a speedy trial, it cannot oppose bail solely on the ground of seriousness of the offence.

8. Habib Alladin v. Mahmood Builders (P) Ltd., 2026 SCC OnLine SC 54

Decided on: 06 January 2026

Bench: 1. Hon'ble Mr. Justice Dipankar Datta

2. Hon'ble Mr. Justice Satish Chandra Sharma

(Consumer Protection Act — joint development agreement — "consumer" — commercial purpose — landowners as co-venturers — limitation in consumer complaint — cause of action not kept alive by occupancy certificate — liberty to file civil suit — Order VII Rule 6 CPC r/w Limitation Act.)

Facts

The appellants, who were landowners, entered into joint development agreements dated 30.03.2001 with the respondent developer for redevelopment of their land. The developer was to demolish existing structures and construct a cellar mosque with ground plus two upper floors after obtaining GHMC sanction, and the project was to be completed by September 2003 with a six-month extension. The developer furnished an interest-free refundable deposit of Rs. 1 crore, to be returned in stages. The appellants alleged that although possession of their 50% share was handed over by April 2009, the developer committed deficiencies such as incomplete handover, defects, deviations from sanctioned plans, and failure to obtain an occupancy certificate. A consumer complaint was filed before the NCDRC on 01.07.2016 claiming rental damages of Rs. 14.36 crore, compensation of Rs. 1 crore for mental agony, removal of the mosque from the cellar, and costs. The NCDRC dismissed the complaint by order dated 29.08.2025 holding that it was barred by limitation and that the complainants were not "consumers" since the arrangement was a commercial venture for profit. Aggrieved, the landowners appealed to the Supreme Court.

Issues Before the Supreme Court

1. Whether landowners entering into a 50:50 joint development agreement with a builder qualify as "consumers" under consumer law.

2. Whether such a transaction is excluded as being for "commercial purpose", treating the parties as joint venture participants.
3. Whether the consumer complaint filed in 2016 was barred by limitation, considering possession/knowledge in 2009.
4. Whether the Supreme Court should interfere with the NCDRC's dismissal and what remedy should remain available to the appellants.

Judgment

The Supreme Court declined to interfere with the NCDRC's order and dismissed the appeal, holding that there was no reason to entertain it. However, it granted liberty to the appellants to institute a civil suit, and held that they would be entitled to claim exemption from limitation under Order VII Rule 6 CPC read with the Limitation Act, 1963.

Rationale

The Court upheld the NCDRC's view that the appellants were not "consumers" because the joint development agreement was not a simple hiring of services for personal use but a 50:50 commercial arrangement where the landowners contributed land, received an interest-free deposit of Rs. 1 crore, obtained equal share in the constructed area (including multiple flats and commercial space), and thereafter commercially exploited the property through rentals and sales. This made the transaction a business-to-business joint enterprise falling within the "commercial purpose" exclusion, thereby taking the complainants outside the scope of consumer jurisdiction. The Court also accepted the finding on limitation, holding that the cause of action accrued when possession was handed over and the deficiencies became known, and could not be kept alive indefinitely merely because project formalities like obtaining an occupancy certificate remained incomplete. While refusing to reopen these findings, the Court balanced equities by expressly preserving the appellants' right to pursue civil remedies and protecting them by allowing them to claim exemption from limitation under Order VII Rule 6 CPC read with the Limitation Act.

9. Meenakshi v State of Haryana, 2026 SCC OnLine SC 94

Decided on: 07 January 2026

Bench: 1. Hon'ble Mr. Justice Aravind Kumar

2. Hon'ble Mr. Justice Prasanna B. Varale

(Criminal procedure — personal appearance of accused — suspension of sentence and grant of bail — appellate/revisional court — necessity of attendance — Non-Bailable Warrant — practice and procedure — criminal appeal.)

Facts

The appellant, accused in a case under Section 138 of the Negotiable Instruments Act, 1881, had his sentence suspended and was granted bail by the trial court and appellate/revisional courts over time. Despite repeated adjournments and personal hardships (change of counsel multiple times, death of petitioner's mother, and medical exemption on account of Herpes Zoster), the appellate court insisted on his personal appearance on every date of hearing and ultimately cancelled his bail and issued a Non-Bailable Warrant (NBW). The appellant surrendered and sought bail, which was rejected. He also approached the High Court challenging the adjournment order, but that court adjourned proceedings due to paucity of time and pendency of the appeal. Aggrieved, the appellant approached the Supreme Court, contending that personal appearance on every date after suspension of sentence and grant of bail was neither warranted nor lawful, especially given the lengthy pendency of the appeal (over eight years) and the appellant's compliance with bail conditions.

Issues Before the Supreme Court

1. Whether an appellate/revisional court can insist on personal appearance of the accused on every date of hearing after suspension of sentence and grant of bail.
2. Whether cancellation of bail and issuance of NBW was justified under these circumstances.

3. Whether personal appearance on every hearing date is necessary for proper disposal of appeal once bail has been granted.
4. Whether the appellate court should have adopted alternative methods (amicus curiae/representation) rather than demanding personal appearance.

Judgment

The Supreme Court allowed the appeal, set aside the appellate court's order cancelling bail and issuing NBW, and held that personal appearance of the accused on every date after suspension of sentence and grant of bail is not warranted. The Court ordered that the bail granted continue to operate till disposal of the appeal before the Sessions Court, with directions for expeditious hearing preferably within three months. It also directed the Punjab & Haryana High Court to circulate the judgment to the District Judiciary through an appropriate circular.

Rationale

The Court observed that once an appellate/revisional court, being satisfied of the necessity, has suspended the sentence and granted bail, insisting on the accused's personal appearance on every date is unduly burdensome and unnecessary, particularly where the appeal may remain pending for months or years with repeated adjournments attributable to various parties. The Court emphasised that personal attendance is not indispensable in every hearing once bail has been granted, and consequences of dismissal of the appeal will automatically follow with the jurisdictional Magistrate empowered to secure the accused's presence if lawfully required. The Court strongly criticised the appellate court for adopting a mechanically rigid approach, refusing alternative arrangements such as assistance of amicus curiae or representation, especially given the appellant's legitimate difficulties. While acknowledging the unjustifiable pendency of the appeal for over eight years, the Court held that such delay did not justify the extreme measure of cancelling bail and issuing NBWs. The proper course was to proceed with the appeal on merits, ensure representation, and secure the presence of the accused only in accordance with law — upon dismissal or as otherwise warranted — rather than mandating personal attendance on every hearing date. The directions aimed at ensuring fair trial and efficient disposal without penalising the accused unduly.

10. Sumit Bansal v. MGI Developers & Promoters, 2026 SCC OnLine SC 49

Decided on: 08 January 2026

Bench: 1. Hon'ble Mr. Justice Sanjay Karol

2. Hon'ble Mr. Justice Prashant Kumar Mishra

(Section 138, Negotiable Instruments Act, 1881 — multiple complaints — multiple cheques issued in same transaction — separate cause of action on each dishonour — Section 139 NI Act presumption — Section 482 CrPC quashing — High Court cannot decide disputed facts at threshold — no abuse of process merely due to multiplicity.)

Facts

The appellant entered into an Agreement to Sell with the respondent developer for purchase of three commercial units in a project at Ghaziabad and paid a total consideration of around ₹1.72 crore. The respondent failed to execute and register the sale deeds within the agreed time. Towards refund of the amount along with compensation, the respondent issued multiple cheques—some drawn from the firm's account and some issued personally by the proprietor. On presentation, all cheques were dishonoured. The appellant thereafter filed multiple complaints under Section 138 NI Act in respect of each dishonoured cheque. The respondents approached the Delhi High Court seeking quashing of the complaints. The High Court quashed one complaint holding that multiple prosecutions arising out of the same transaction amounted to parallel proceedings, though it refused to quash other complaints. Aggrieved by the quashing of one complaint, the appellant approached the Supreme Court.

Issues Before the Supreme Court

1. Whether multiple complaints under Section 138 NI Act are maintainable when multiple cheques issued pursuant to the same transaction are dishonoured.
2. Whether multiplicity of complaints in such a situation amounts to abuse of process.
3. Whether the High Court was justified in quashing one complaint under Section 482 CrPC by examining disputed questions of fact at the threshold.

4. Whether the statutory presumption under Section 139 NI Act requires the complaints to proceed to trial.

Judgment

The Supreme Court allowed the appeal and set aside the High Court's order quashing the complaint. It held that multiple complaints under Section 138 NI Act, arising from dishonour of multiple cheques issued under the same transaction, are maintainable and do not per se constitute abuse of process, since each dishonoured cheque gives rise to an independent cause of action upon fulfilment of statutory requirements.

Rationale

The Court held that under Section 138 NI Act, a distinct and independent cause of action arises upon dishonour of each cheque, provided the statutory sequence—presentation, dishonour, issuance of notice, and failure to pay—is completed. The mere fact that multiple cheques were issued pursuant to the same underlying transaction does not merge them into one cause of action. The Court further held that the High Court exceeded its jurisdiction by quashing the complaint on the basis of disputed factual questions, such as whether certain cheques were issued in substitution of others, whether they were alternative securities, or whether they were intended to be enforceable simultaneously. Such matters are mixed questions of fact and law requiring evidence and cannot be decided at the threshold in a petition under Section 482 CrPC. The Court also emphasised that the statutory presumption under Section 139 NI Act operates in favour of the complainant once issuance and dishonour are shown, and the burden shifts to the accused to rebut the presumption at trial. Therefore, the prosecution could not be stifled prematurely merely because multiple complaints had been filed, and the complaint was held to be prima facie maintainable.

11. State of Uttar Pradesh v Anurudh; 2026 SCC OnLine SC 40

Decided on: 9 January 2026

Bench: 1. Hon'ble Mr. Justice Sanjay Karol

2. Hon'ble Mr. Justice N. Kotiswar Singh

(Bail—Section 439, Code of Criminal Procedure, 1973—Scope of jurisdiction—POCSO Act offences—Age of victim—High Court cannot conduct a mini-trial or issue mandatory investigative directions at bail stage—Determination of age is a matter for trial—Impugned directions set aside.)

Facts

The respondent-accused was arraigned in an FIR registered in November 2022 for offences under Sections 363 and 366 of the Indian Penal Code, 1860 and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012, on allegations of kidnapping and sexual assault of a minor girl. The Trial Court rejected the bail application in September 2023.

In proceedings under Section 439 CrPC, the Allahabad High Court not only granted interim and subsequently regular bail to the respondent but also undertook an elaborate examination of the issue of age determination of the victim. Relying on perceived inconsistencies in school records and statements under Sections 161 and 164 CrPC, the High Court directed constitution of a medical board and issued sweeping directions mandating medical age determination at the inception of investigation in all POCSO cases. It further held that medical age determination could prevail over documentary evidence even at the bail stage.

Aggrieved by these directions and the reasoning adopted, the State of Uttar Pradesh approached the Supreme Court.

Issues

1. Whether the High Court, while exercising jurisdiction under Section 439 CrPC, could issue general directions mandating age determination tests in POCSO cases.

2. Whether determination of the victim's age could be conclusively undertaken at the bail stage.

3. Whether the High Court exceeded its jurisdiction by conducting a detailed factual and legal inquiry amounting to a mini-trial while deciding bail.

Judgment

The Supreme Court allowed the appeal in part, set aside the impugned judgment and directions of the High Court, but did not interfere with the bail already granted to the respondent.

Rationale

The Court held that the jurisdiction of the High Court under Section 439 CrPC is confined to determining whether the accused should be released on bail pending trial. At this stage, the Court is required to take only a prima facie view of the material on record, without embarking upon a detailed examination of disputed questions of fact or law.

The Court emphasized that determination of the age of the victim under the POCSO Act is a substantive issue that directly bears on guilt and is therefore a matter for trial. While a bail court may tentatively consider age-related material to assess the prima facie case, it cannot undertake a conclusive determination or direct medical age determination as a matter of course. Such an exercise amounts to conducting a mini-trial, which is impermissible in bail jurisdiction.

The Supreme Court further clarified the distinction between constitutional powers of the High Court and its statutory powers under Section 439 CrPC. Though the High Court is a constitutional court, statutory jurisdiction cannot be expanded under the guise of constitutional status. Directions affecting investigation, evidence collection, or trial procedure must remain within the limits prescribed by statute.

On the statutory scheme, the Court held that neither Section 164-A CrPC nor Section 27 of the POCSO Act mandates compulsory medical age determination at the commencement of investigation in every case. Age determination must follow the hierarchy laid down in law and cannot be resorted to mechanically. The High Court's blanket directions were thus held to be legally unsustainable.

However, considering that the respondent had already been released on bail and no supervening circumstances were shown, the Court declined to cancel bail, balancing correction of legal error with individual liberty.

12. Centre for Public Interest Litigation v Union of India; 2026 SCC OnLine SC 57

Decided on: 13 January 2026

Bench: 1. Hon'ble Mr. Justice K.V. Viswanathan

2. Hon'ble Ms. Justice B.V. Nagarathna

(Prevention of Corruption Act, 1988—Section 17A—Requirement of prior approval for enquiry, inquiry or investigation—Challenge to constitutional validity—Balance between protection of honest public servants and independent investigation—Distinction from erstwhile Section 6A, DSPE Act—Section 17A upheld as constitutionally valid.)

Facts

The writ petition under Article 32 of the Constitution challenged the constitutional validity of Section 17A of the Prevention of Corruption Act, 1988, introduced by the Prevention of Corruption (Amendment) Act, 2018. Section 17A mandates prior approval of the appropriate Government or authority before any police officer can conduct an enquiry, inquiry, or investigation into offences alleged to have been committed by a public servant, where such offences are relatable to recommendations made or decisions taken in discharge of official functions or duties.

The petitioner contended that Section 17A was a legislative reincarnation of the "Single Directive" struck down in *Vineet Narain v Union of India* and of Section 6A of the Delhi Special Police Establishment Act, 1946, which had been declared unconstitutional by a Constitution Bench in *Subramanian Swamy v Director, CBI*. It was argued that the provision impermissibly fettered independent investigation, enabled executive interference, violated Articles 14 and 21, and undermined India's obligations under international anti-corruption conventions.

The Union of India defended the provision, contending that Section 17A was enacted after extensive legislative deliberation to protect honest public servants from frivolous or vexatious prosecution for bona fide administrative decisions, while retaining safeguards against abuse. The matter was placed before the Supreme Court for adjudication on constitutional validity.

Issues

1. Whether Section 17A of the Prevention of Corruption Act, 1988 violates Articles 14 and 21 of the Constitution by restricting enquiry and investigation against public servants.
2. Whether Section 17A is constitutionally indistinguishable from the invalidated Section 6A of the DSPE Act and the Single Directive considered in *Vineet Narain*.
3. Whether the requirement of prior approval under Section 17A impermissibly compromises the independence of investigation into corruption offences.

Judgment

The Supreme Court dismissed the writ petition and upheld the constitutional validity of Section 17A of the Prevention of Corruption Act, 1988.

Rationale

The Court undertook an extensive doctrinal and historical analysis tracing the evolution from the Single Directive to Section 6A of the DSPE Act and ultimately to Section 17A of the Prevention of Corruption Act. It held that Section 17A is qualitatively distinct from the earlier provisions struck down in *Vineet Narain* and *Subramanian Swamy*. Unlike Section 6A, which created a status-based classification and foreclosed even preliminary enquiry by an independent agency, Section 17A applies uniformly to all public servants and is narrowly tailored to offences relatable to recommendations or decisions taken in discharge of official duties.

The Court emphasised that Section 17A does not bar investigation into corruption per se, nor does it apply to trap cases or on-the-spot arrests involving acceptance of illegal gratification. It merely introduces a pre-investigative filter to prevent harassment of public servants for bona fide policy or administrative decisions taken in good faith. The provision was held to strike a constitutionally permissible balance between accountability and administrative efficiency.

Rejecting the contention that Section 17A undermines independent investigation, the Court noted the existence of a structured Standard Operating Procedure prescribing timelines, levels of scrutiny, and procedural safeguards for grant or refusal of approval. Judicial review of

decisions taken under Section 17A was held to remain available, ensuring that arbitrary or mala fide refusals do not go unchecked.

The Court further observed that the Constitution does not prohibit all forms of prior approval or sanction mechanisms. Protection afforded to honest public servants is a legitimate legislative objective, particularly to avoid policy paralysis and chilling effects on decision-making. Mere possibility of abuse was held insufficient to invalidate a statutory provision enacted after due legislative deliberation.

Accordingly, the Court concluded that Section 17A does not violate Articles 14 or 21, does not resurrect the mischief condemned in earlier precedents, and represents a constitutionally valid legislative choice.

13. Sujata Bora v Coal India Limited & Ors.; 2026 SCC OnLine SC 58

Decided on: 13 January 2026

Bench: 1. Hon'ble Mr. Justice J.B. Pardiwala

2. Hon'ble Mr. Justice K.V. Viswanathan

(Service Law—Recruitment of Persons with Disabilities—Expiry of selection panel—Rights of Persons with Disabilities Act, 2016—Reasonable accommodation as a fundamental "gateway right"—Articles 14, 21 and 41—Intersectionality of disability and gender—Supernumerary post directed under Article 142—Denial of employment not attributable to candidate.)

Facts

Coal India Limited (CIL), a Maharatna Public Sector Undertaking, issued an advertisement dated 16-12-2019 for recruitment of Management Trainees. The appellant, a visually impaired woman with approximately 60% low vision and residual partial hemiparesis, applied under the Visually Handicapped (VH) category for the post of Management Trainee (Personnel & HR).

She qualified for interview and was called for Document Verification and Initial Medical Examination (IME) in July 2021. However, she was declared medically unfit in September 2021 on the ground that she suffered from multiple disabilities.

The learned Single Judge of the Calcutta High Court held that CIL, being a public sector entity, could not deny appointment under the multiple disability category and quashed the IME result. Since the 2019 panel had expired, the Single Judge moulded relief by permitting consideration in the 2023 recruitment process from the IME stage. The Division Bench set aside the order solely on the ground that the panel had expired and no direction could be issued thereafter.

On appeal, the Supreme Court directed AIIMS to constitute a medical board. The final report dated 01-01-2026 assessed the appellant's disability at 57%, exceeding the benchmark of 40%.

Issues

1. Whether expiry of a recruitment panel can defeat the substantive rights of a candidate wrongfully denied appointment.
2. Whether denial of employment to a person with benchmark disability violated the mandate of reasonable accommodation under the RPwD Act and Articles 14 and 21.
3. Whether the Court could grant relief, including creation of a supernumerary post, in exercise of Article 142.

Judgment

The Supreme Court allowed the appeal, set aside the judgment of the Division Bench, and directed Coal India Limited to create a supernumerary post and appoint the appellant as Management Trainee. Directions were issued for provision of suitable desk work with universal design facilities and posting at North Eastern Coalfields, Assam. Relief was additionally granted in exercise of powers under Article 142.

Rationale

The Court held that mere expiry of a selection panel cannot override constitutional guarantees where denial of employment occurred through no fault of the candidate. Technicalities cannot be permitted to defeat substantive justice, particularly where the appellant had qualified and was unlawfully excluded.

Reaffirming prior precedents, the Court declared that reasonable accommodation is not merely statutory but a fundamental "gateway right" rooted in Articles 14, 21 and 41. It enables persons with disabilities to meaningfully access other constitutional freedoms. A rigid or "one size fits all" approach is impermissible; flexibility tailored to individual needs is intrinsic to substantive equality.

The Court emphasised that Articles 39(a) and 41, though part of the Directive Principles, are fundamental in interpreting the scope of fundamental rights. The right to livelihood forms an essential facet of the right to life.

Recognising the intersectionality of disability and gender, the Court noted that women with disabilities face compounded disadvantages requiring a broader lens of equality. The denial of appointment on technical grounds ignored these realities.

The judgment also located disability rights within Corporate Social Responsibility (CSR) and ESG frameworks, observing that public sector undertakings must treat disability inclusion as a constitutional and social obligation rather than a mere compliance formality.

Considering the peculiar facts and the appellant's eligibility as certified by AIIMS, the Court invoked Article 142 to ensure complete justice by directing creation of a supernumerary post and immediate appointment.

14. Kanchana Rai v. Geeta Sharma, 2026 SCC OnLine SC 59

Decided on: 13 January 2026

Bench: 1. Hon'ble Mr. Justice Pankaj Mithal &

2. Hon'ble Mr. Justice S.V. Bhatti

(Maintenance under Section 22 HAMA — dependant under Section 21(vii) — "any widow of his son" includes widowhood arising after father-in-law's death — timing of widowhood irrelevant — denial violates Articles 14 & 21 — estate-bound obligation of heirs.)

Facts

Dr. Mahendra Prasad died on 27 December 2021 leaving behind three sons. One son (Ranjit Sharma) died later on 2 March 2023, while another son (Devinder Rai) had predeceased him, and the third son (Rajeev Sharma) was alive. A dispute arose among the heirs over Dr. Mahendra Prasad's estate, particularly in light of a registered Will dated 18 July 2011, under which the estate was allegedly bequeathed in favour of the sons of Kanchana Rai (widow of the predeceased son Devinder Rai), while ignoring the other sons. After the death of her husband Ranjit Sharma (which occurred after the father-in-law's death), Geeta Sharma filed a petition before the Family Court seeking maintenance from her father-in-law's estate under Section 22 of the Hindu Adoptions and Maintenance Act, 1956. The Family Court dismissed the petition as not maintainable, holding that she was not a widow at the time her father-in-law died. The High Court reversed this and held that she qualified as a "dependant" being a widow of the son of the deceased, and directed the Family Court to decide the claim on merits. Kanchana Rai and another claimant (Uma Devi) challenged the High Court's order before the Supreme Court.

Issues Before the Supreme Court

1. Whether a daughter-in-law who becomes a widow after the death of her father-in-law is a "dependant" under Section 21(vii) HAMA.
2. Whether such a widow can claim maintenance from the father-in-law's estate under Section 22 HAMA.

3. Whether the expression "any widow of his son" can be restricted only to widows of a predeceased son.
4. Whether denial of maintenance based solely on the timing of widowhood would violate Articles 14 and 21.

Judgment

The Supreme Court dismissed the appeals and upheld the High Court's view.

It held that a widowed daughter-in-law is entitled to claim maintenance from the estate of her deceased father-in-law under Section 22 HAMA, even if she became a widow after the father-in-law's death.

Rationale

The Court held that the statutory language in Section 21(vii) is clear and unambiguous: it includes "any widow of his son" as a dependant. The provision does not say "widow of a predeceased son", and courts cannot add such a restriction by interpretation. Applying the literal rule, the Court concluded that the timing of widowhood is immaterial, and once the woman becomes the widow of the son of the deceased, she falls within the definition of dependant (subject to the statutory conditions such as not remarrying and inability to maintain herself from other sources). The Court further explained that Section 22 creates a post-death obligation upon all heirs who inherit the estate to maintain dependants out of that inherited property. Therefore, where the dependant has not received a share in the estate, she has a statutory right to maintenance against those who take the estate. The Court also held that any interpretation which excludes widows merely because their husbands died after the father-in-law would be constitutionally suspect, since such classification is arbitrary, has no rational nexus with the object of maintenance law, and would violate Article 14. Denial of maintenance in such a situation would also offend Article 21, as it would push a vulnerable widow towards destitution and deny her the right to live with dignity. The Court clarified the distinction between Section 19 (maintenance by father-in-law during his lifetime) and Section 22 (maintenance from the estate after his death), and concluded that the High Court rightly treated Geeta Sharma's petition as maintainable.

15. Rajasthan Public Service Commission, Ajmer v Yati Jain & Ors.; 2026 SCC OnLine SC 80

Decided on: 15 January 2026

Bench: 1. Hon'ble Mr. Justice Dipankar Datta

2. Hon'ble Mr. Justice Augustine George Masih

(Service Law—Waiting/Reserve List—No vested right to appointment—Statutory validity period strictly construed—Six-month period computed from date of forwarding original list—Mandamus impermissible in absence of requisition—Public Service Commission has locus standi to appeal—High Court orders set aside.)

Facts

The appeals arose from recruitment processes conducted by the Rajasthan Public Service Commission (RPSC) for the posts of Junior Legal Officer (JLO) and Assistant Statistical Officer (ASO). After declaration of results, select lists and provisional reserve lists were prepared.

In certain cases, selected candidates did not join or their appointments were cancelled. Some wait-listed candidates approached the Rajasthan High Court seeking directions to "pick up" their names from the reserve list and to appoint them against vacancies caused by non-joining. The Single Judges allowed the writ petitions and directed consideration/appointment from the reserve list. The Division Bench dismissed the RPSC's intra-court appeals, primarily observing that the writ petitioners had approached the Court within six months from the date of non-joining of selected candidates and that the State had not appealed.

Aggrieved, the RPSC approached the Supreme Court.

Issues

1. Whether the RPSC had locus standi as a "person aggrieved" to maintain writ appeals despite the State not preferring appeals.

2. Whether a candidate in a waiting/reserve list acquires a vested or indefeasible right to appointment.
3. How the six-month statutory validity period of the reserve list under the relevant Recruitment Rules is to be computed.
4. Whether the High Court could issue a mandamus to appoint or consider wait-listed candidates in absence of a requisition from the Appointing Authority.

Judgment

The Supreme Court allowed all three appeals, set aside the judgments of the Division Bench as well as the Single Judges, and held that the writ petitions were not maintainable in law once the reserve lists had expired and no requisition had been made.

Rationale

On locus standi, the Court held that the RPSC, being a constitutional authority under Articles 315 and 320, is a "person aggrieved" when judicial directions affect its statutory functions. Since appointments cannot be made without its recommendation, any direction compelling appointment from an expired or improperly operated reserve list directly impacts its legal authority and exposes it to potential contempt. The Division Bench erred in holding that absence of appeal by the State defeated maintainability.

On the nature of a waiting/reserve list, the Court reiterated settled jurisprudence that a waiting list is not a perennial source of recruitment. It operates only within the confines of the recruitment rules and does not confer a vested or indefeasible right to appointment. A wait-listed candidate has, at best, a limited right to be considered, and only within the period and conditions prescribed by the rules.

Interpreting Rule 24 of the Rajasthan Legal State and Subordinate Services Rules, 1981 and Rule 21 of the Rajasthan Agriculture Subordinate Service Rules, 1978, the Court held that the six-month validity period is to be computed from the date on which the original select list is forwarded by the Commission (or at most from the last recommendation made under the original list). It cannot be computed from the date of non-joining or cancellation of appointment

if such event occurs beyond the statutory window. Accepting the contrary interpretation would render the recruitment process interminable and defeat the legislative intent of finality.

On the absence of requisition, the Court held that the Commission can recommend names from the reserve list only upon requisition by the Appointing Authority. In the absence of such requisition, no mandamus can be issued directing the Commission to "pick up" names. Judicial directions cannot override explicit statutory conditions.

The Court clarified that while arbitrariness in public employment is impermissible, equitable considerations cannot override clear statutory prescriptions. Once the reserve list expires, its life cannot be revived on the ground of subsequent non-joining or administrative delay.

Accordingly, the High Court's directions were held legally unsustainable and were set aside.

16. Amit Kumar & Ors. v Union of India & Ors.; 2026 SCC OnLine SC 81

Decided on: 15 January 2026

Bench: 1. Hon'ble Mr. Justice J.B. Pardiwala

2. Hon'ble Mr. Justice R. Mahadevan

(Education Law—Student suicides in Higher Educational Institutions (HEIs)—Institutional responsibility—Fragmented regulatory framework—Exercise of plenary powers under Article 142—Pan-India binding directions—Mandatory reporting, centralized data, scholarship timelines, faculty recruitment, and compliance audits—Model SOPs for student well-being framework directed.)

Facts

The matter arose in continuation of earlier proceedings wherein the Supreme Court had clarified the law regarding mandatory registration of FIRs in cases of student suicides on campus and constituted a National Task Force (NTF) to examine the rising incidence of suicides in Higher Educational Institutions (HEIs).

Pursuant to the Court's directions dated 24-03-2025, the NTF submitted an interim report analysing national data (including NCRB and SRS statistics), stakeholder surveys, institutional visits, and existing legal frameworks. The report identified that student suicides are only the "visible tip of a much larger iceberg of student distress" and highlighted systemic stressors including academic pressure, structural inequalities, ragging, inadequate mental health infrastructure, faculty shortages, financial stress due to scholarship delays, and ineffective grievance redressal mechanisms.

The Court recorded disturbing statistics indicating over 13,000 student suicides in 2022, with suicides constituting one of the leading causes of death among the 15–29 age group. It further noted that existing regulations, though numerous, remained scattered and weakly enforced, with accountability gaps allowing non-compliance by HEIs.

The matter was considered for issuance of binding directions to strengthen institutional responsibility and preventive mechanisms.

Issues

1. Whether Higher Educational Institutions can absolve themselves of responsibility for student suicides by individualising such incidents.
2. Whether the existing legal and regulatory framework adequately addresses student mental health and suicide prevention.
3. Whether the Supreme Court, in exercise of Article 142, could issue pan-India directions to ensure systemic reform and institutional accountability.

Judgment

Invoking its plenary powers under Article 142 of the Constitution, the Supreme Court issued a series of binding pan-India directions aimed at strengthening institutional accountability, mental health infrastructure, and preventive safeguards within HEIs. The Union of India and State Governments were directed to ensure strict implementation.

Rationale

The Court held that while suicides may involve complex personal and societal factors, HEIs cannot "shift the blame" and evade their fundamental duty to ensure that campuses are safe, equitable, inclusive and conducive learning environments. Institutional responsibility cannot be diluted by attributing tragedies solely to individual autonomy.

The Court observed that although multiple statutory instruments exist, such as UGC Regulations on ragging, equity promotion, sexual harassment, grievance redressal, the Mental Healthcare Act, 2017, and the National Suicide Prevention Strategy, implementation remains fragmented and accountability mechanisms are weak. Regulatory prescriptions without enforceable consequences were found inadequate.

Accordingly, the Court issued detailed directions, inter alia:

- **Centralised Data Collection:** Mandatory central recording of suicides among the 15–29 age group and NCRB categorisation distinguishing school and HEI students.

- **Mandatory Reporting:** HEIs must immediately report any student suicide or unnatural death to police authorities and annually report to UGC and other professional regulators.
- **24×7 Medical Access:** Residential HEIs must ensure round-the-clock access to qualified medical assistance.
- **Faculty & Administrative Vacancies:** All teaching and non-teaching vacancies, especially reserved posts, must be filled within four months; key administrative posts must not remain vacant beyond one month.
- **Scholarship Disbursement:** Backlogs to be cleared within four months; students cannot be penalised for delays; no withholding of exams, hostels, marksheets, or degrees due to pending scholarships.
- **Strict Regulatory Compliance:** Mandatory operationalisation of Anti-Ragging Committees, Internal Complaints Committees, Equal Opportunity Cells, Anti-Discrimination Officers, and Student Grievance Redressal Committees.

Recognising the need for implementation roadmaps rather than merely prescriptive directions, the Court directed the NTF to formulate model Standard Operating Procedures (SOPs) for periodic "well-being audits," faculty sensitisation, and campus mental health services. It further envisioned a unified "Student Well-being Protocol" integrating anti-ragging, equity, mental health, accessibility, and grievance redressal mechanisms into a cohesive national framework.

The Court underscored that non-compliance by HEIs would invite serious consequences, signalling a shift from advisory regulation to enforceable accountability.

Accordingly, the matter was continued for receipt of the NTF's final report incorporating detailed implementation mechanisms.

17. Authority for Advance Rulings (Income Tax) & Ors. v Tiger Global International II Holdings & Ors.; 2026 SCC OnLine SC 86

Decided on: 15 January 2026

Bench: 1. Hon'ble Mr. Justice R. Mahadevan

2. Hon'ble Mr. Justice J.B. Pardiwala

(Income Tax Act, 1961—Section 9(1)(i), Expln. 5—Indirect transfer—India–Mauritius DTAA—Article 13—GAAR (Chapter X-A)—Section 245R(2) proviso (iii)—Tax Residency Certificate not conclusive—Commercial substance—Impermissible avoidance arrangement—Treaty benefit denied—Capital gains taxable in India.)

Facts

The respondents, Mauritius-incorporated investment entities of the Tiger Global group, held shares in Flipkart Private Limited, Singapore. Flipkart Singapore derived substantial value from underlying Indian operating companies. In 2018, pursuant to Walmart Inc.'s acquisition of a controlling stake in Flipkart, the respondents transferred their shares in Flipkart Singapore to a Luxembourg entity for consideration exceeding USD 2 billion.

Prior to the transaction, the respondents sought nil withholding certificates under Section 197 of the Income Tax Act, 1961, claiming benefit under the India–Mauritius Double Taxation Avoidance Agreement (DTAA). The Revenue rejected the claim. The respondents then approached the Authority for Advance Rulings (AAR) under Section 245Q seeking a ruling on taxability of capital gains.

The AAR declined to entertain the applications, holding that the transaction was prima facie designed for avoidance of income tax and was hit by the jurisdictional bar under proviso (iii) to Section 245R(2). The Delhi High Court quashed the AAR's order and held that the gains were grandfathered under Article 13(3A) of the DTAA. Aggrieved, the Revenue appealed to the Supreme Court.

Issues

1. Whether capital gains arising from the sale of shares of Flipkart Singapore, deriving substantial value from Indian assets, are taxable in India under Section 9(1)(i) read with Explanation 5.
2. Whether the respondents were entitled to treaty protection under the India–Mauritius DTAA on the basis of Tax Residency Certificates.
3. Whether the transaction constituted an impermissible avoidance arrangement attracting GAAR and the bar under proviso (iii) to Section 245R(2).

Judgment

The Supreme Court allowed the appeals, set aside the judgment of the Delhi High Court, upheld the AAR's order, and held that capital gains arising from the transfer of shares of Flipkart Singapore were taxable in India. The respondents were held disentitled to treaty benefits.

Rationale

The Court reaffirmed that taxation is an inherent sovereign function, subject to Article 265 of the Constitution. While DTAAs allocate taxing rights, they cannot be utilised as instruments for achieving non-taxation through artificial arrangements.

On the domestic law front, the Court held that Explanation 5 to Section 9(1)(i), introduced by the Finance Act, 2012, codifies the "look-through" principle. Transfer of shares of a foreign company deriving substantial value from Indian assets constitutes an indirect transfer taxable in India. The present transaction squarely fell within this provision.

Examining treaty entitlement, the Court held that a Tax Residency Certificate (TRC) is prima facie evidence of residence but not conclusive in cases of treaty abuse. The Revenue is entitled to examine control, management, and commercial substance. On facts, the Court accepted the AAR's findings that the respondents were part of a multi-layered structure effectively controlled from outside Mauritius, and functioned as conduit entities. The "head and brain" of the structure was not situated in Mauritius.

The Court rejected the argument that Article 13(3A) grandfathered the transaction. It held that the 2016 Protocol shifted capital gains taxation towards a source-based regime. Indirect transfers were governed by Article 13(4), which did not contain a grandfathering protection applicable to the impugned transaction. Treaty benefits are available only when the arrangement possesses genuine commercial substance and the assessee is liable to tax in the residence State.

Invoking Chapter X-A (GAAR), the Court held that the arrangement lacked commercial substance and was designed primarily to obtain treaty benefits. Section 90(2A) makes it clear that GAAR overrides DTAA provisions where impermissible avoidance arrangements are established. The statutory presumption under Section 96 was not rebutted by the respondents.

The Court emphasised that while legitimate tax planning is permissible, artificial structures designed solely to secure treaty benefits without real economic substance constitute impermissible avoidance. The AAR was therefore justified in invoking the jurisdictional bar under proviso (iii) to Section 245R(2).

Accordingly, the capital gains arising from the transfer were held taxable in India, and treaty protection under the India–Mauritius DTAA was denied.

18. HT Media Ltd. v. Commr. (CGST), (2026) SCC Online SC 90/ (2026) 154 GSTR 237

Decided on: 16 January 2026

Bench: 1. Hon'ble Mr. Justice J.B. Pardiwala &

2. Hon'ble Mr. Justice K.V. Viswanathan

(Finance Act, 1994 — Event Management Service — booking foreign speakers — reverse charge — strict interpretation of taxing statute — classification of taxable service — service must fall within charging provision — CESTAT order set aside.)

Facts

HT Media conducted its annual event called the Hindustan Times Leadership Summit, for which it invited prominent foreign speakers. For securing the participation of these speakers, HT Media entered into contracts with foreign speaker-booking agencies such as the Washington Speakers Bureau and the Harry Walker Agency, through whom personalities like Tony Blair, Jerry Linenger and Al Gore were booked. The Department issued show cause notices alleging that the fees paid for booking these speakers amounted to taxable "Event Management Service" under Section 65(105)(zu) read with Sections 65(40) and 65(41) of the Finance Act, 1994, and sought to recover service tax with interest and penalty (invoking extended limitation). The Commissioner confirmed the demand. In appeal, the CESTAT set aside the extended period but upheld the demand for the normal limitation period, still treating the service as event management. HT Media challenged this before the Supreme Court.

Issues Before the Supreme Court

1. Whether the fees paid for booking foreign speakers through booking agencies are taxable as "Event Management Service" under the Finance Act, 1994.
2. Whether arranging a speaker's participation and modalities of visit amounts to planning, promotion, organisation or presentation of an event.
3. Whether the levy can be sustained by expanding the meaning of "event management" beyond the statutory definition.

4. Whether the principle of strict interpretation of taxing statutes applies to deny the levy.

Judgment

The Supreme Court allowed the appeals, set aside the CESTAT order, and held that booking foreign speakers through agencies does not amount to "Event Management Service". Accordingly, HT Media was not liable to pay service tax under that category.

Rationale

The Court held that the service obtained by HT Media was only the booking of guest speakers, and not the management of the Summit itself. It reiterated that under the pre–1 July 2012 service tax regime, taxation operated on a positive list basis, meaning only services which squarely fall within a defined taxable category could be taxed. On examining Sections 65(40), 65(41) and 65(105)(zu), the Court observed that "event management" contemplates activities connected with planning, promotion, organising or presentation of an event. The booking agencies did not undertake venue management, publicity, ticketing, security, stage arrangements, sound and lighting, or overall event execution; they merely ensured the participation of specific speakers and laid down conditions relating to travel, accommodation, schedule and interaction. The Court clarified that participation in an event is not the same as management of an event, and therefore neither the speaker nor the booking agency could be treated as an "event manager." It further held that the Revenue's argument about the existence of a principal–agent relationship was irrelevant, as the core question was correct classification of the service. Applying strict interpretation of charging provisions and even the common parlance understanding, the Court concluded that booking a speaker cannot be artificially brought within "event management service." Hence, the levy failed as the activity did not fall within the "four corners" of the charging provision.

19. X v. Office of the Speaker of the House of People, 2026 SCC OnLine SC 91

Decided on: 16 January 2026

Bench: 1. Hon'ble Mr. Justice Dipankar Datta &

2. Hon'ble Mr. Justice Satish Chandra Sharma

(Section 3(2) Judges (Inquiry) Act, 1968 — first proviso — Joint Committee — scope limited to notices admitted in both Houses — Article 91 Constitution — Deputy Chairman's competence when Chairman's office vacant — Speaker's independent power to constitute Committee — Secretariat's role administrative, not adjudicatory — Article 32 confined to enforcement of Fundamental Rights — parliamentary procedure.)

Facts

The petitioner, a sitting Judge of the Delhi High Court, faced allegations after a fire incident at his official residence on 14.03.2025, during which burnt currency notes were allegedly discovered. Following this, allegations of misbehaviour were examined under the Supreme Court's In-House Procedure (Full Court resolution dated 15.12.1999), and a three-member committee constituted by the Chief Justice of India on 22.03.2025 submitted a report on 03.05.2025 stating that the allegations were substantiated and warranted initiation of removal proceedings. The report was forwarded to the President and Prime Minister, and the petitioner's earlier challenge to the in-house process was dismissed by the Supreme Court on 07.08.2025. During the Monsoon Session beginning 21.07.2025, notices of motion for removal were submitted in both Houses on the same day—first in the Lok Sabha (signed by over 100 members) and later in the Rajya Sabha (signed by over 50 members). The Chairman of the Rajya Sabha indicated that the Secretary-General would take steps in view of the first proviso to Section 3(2), and later the same day the Chairman resigned as Vice-President. The Rajya Sabha Secretariat verified signatures and found mismatches; the Secretary-General prepared a draft decision that the notice was not in order, and the Deputy Chairman (acting under Article 91 due to vacancy) concurred and recorded that the notice was not admitted. On 12.08.2025, the Speaker of the Lok Sabha admitted the Lok Sabha notice and constituted a three-member Inquiry Committee under Section 3(2). The petitioner then filed the present writ petition under Article 32 challenging the Speaker's action, contending that since notices were given in both

Houses on the same day, the first proviso required a Joint Committee and the Deputy Chairman lacked authority to refuse admission.

Issues Before the Supreme Court

1. Whether the first proviso to Section 3(2) of the Judges (Inquiry) Act, 1968 mandates constitution of a Joint Committee merely because notices were given in both Houses on the same day, even if one notice is not admitted.
2. Whether the Deputy Chairman of the Rajya Sabha was competent under Article 91 to refuse admission of the notice when the office of Chairman was vacant.
3. Whether the Speaker's constitution of an Inquiry Committee under Section 3(2) was invalid due to the Rajya Sabha notice being not admitted.
4. Whether the Rajya Sabha Secretariat/Secretary-General had any adjudicatory role in declaring the notice "not in order."
5. Whether Article 32 could be invoked to interfere with parliamentary procedure in absence of a Fundamental Rights violation.

Judgment

The Supreme Court dismissed the writ petition and upheld the continuation of the impeachment/removal process. It held that the first proviso to Section 3(2) applies only when notices given on the same day are admitted in both Houses; the Deputy Chairman was constitutionally competent to act when the Chairman's office was vacant; the Speaker's action was valid; the Secretariat's role is administrative; and Article 32 cannot be used to interfere with parliamentary procedure absent infringement of Fundamental Rights.

Rationale

The Court held that the removal process of a Judge is a constitutionally safeguarded yet functional mechanism and cannot be interpreted in a manner that paralyses it. Interpreting the first proviso to Section 3(2) as requiring a Joint Committee merely because notices were

"given" in both Houses on the same day—irrespective of whether they were admitted—would amount to judicial legislation and would allow the proviso to be misused as a veto or a tool to scuttle proceedings by introducing defective notices in the other House. The Court clarified that the proviso is situational and applies only to the specific scenario where notices given on the same day are admitted in both Houses; where one House admits and the other does not, the Speaker/Chairman can independently proceed under Section 3(2). On the Deputy Chairman's competence, the Court held that Article 91 constitutionally mandates that the Deputy Chairman performs the Chairman's duties when the office is vacant, and reading the Inquiry Act in isolation would create a constitutional vacuum rendering the statute otiose. The Court also held that even assuming the Deputy Chairman's refusal was flawed, it would not retrospectively invalidate the Speaker's lawful action since, at the time the Speaker acted, no motion stood admitted in the Rajya Sabha. While the Court expressed reservations about the Secretary-General's draft decision going beyond administrative scrutiny into merits, it treated these observations as academic and not affecting the legality of the process. Finally, it held that Article 32 is confined to enforcement of Fundamental Rights and cannot be invoked for advisory or corrective directions regarding internal statutory/parliamentary mechanisms where no present or inevitable Fundamental Rights violation is shown.

20. Gujarat Public Service Commission v. Gnaneshwary Dushyantkumar Shah, 2026 SCC OnLine SC 93

Decided on: 19 January 2026

Bench: 1. Hon'ble Mr. Justice P.S. Narasimha &

2. Hon'ble Mr. Justice Alok Aradhe

(AICTE Act, 1987 — Sections 10 & 23(1) — AICTE (Career Advancement Scheme) (Degree) Regulations, 2012 — Government Engineering Colleges Recruitment Rules, 2012 (State Rules) — candidate participating without protest cannot challenge selection after failure.)

Facts

An advertisement dated 23 September 2015 was issued by the Gujarat Public Service Commission for recruitment to 7 posts of Professors in Government Engineering Colleges, including 1 post of Professor (Plastic Engineering).

The respondent-candidate applied and participated in the selection process, which was conducted under the Government Engineering Colleges Recruitment Rules, 2012 and general guidelines. The process provided for assessment only through personal interview.

The interview was held on 17 December 2015. The minimum qualifying marks for an unreserved female candidate were 45/100, but the respondent scored only 28/100 and was not recommended.

After being declared unsuccessful, she filed a writ petition contending that the recruitment process violated the AICTE (CAS) Regulations, 2012, and sought a direction for appointment.

The Single Judge dismissed the petition, holding that she had participated without protest and the selection was by an expert committee. However, the Division Bench allowed her appeal, held AICTE Regulations applicable, and directed fresh selection as per AICTE norms.

The Commission appealed to the Supreme Court.

Issues

1. Whether the AICTE (CAS) Regulations, 2012 apply to direct recruitment for Professors in Government Engineering Colleges under the State Rules.
2. Whether AICTE Regulations override the State recruitment framework for initial appointment.
3. Whether the respondent, having participated without protest, could challenge the selection process after being unsuccessful.
4. Whether the High Court Division Bench was justified in invalidating a concluded recruitment process.

Judgment

The Supreme Court allowed the appeal, set aside the Gujarat High Court Division Bench order, and upheld the recruitment conducted under the State Rules.

It held that:

- The AICTE CAS Regulations, 2012 do not apply to this direct recruitment process.
- The respondent-candidate was barred from challenging the selection process after participating without protest and failing.

Rationale

The Court held that the AICTE Regulations relied upon by the respondent were not recruitment rules, but career advancement and promotion/progression regulations meant for teachers already within the institutional system.

It explained that the entire structure of the AICTE CAS Regulations presupposes that the person is:

- an incumbent Assistant Professor/Associate Professor/Professor, or
- a newly appointed teacher entering the CAS framework,

  and is seeking advancement based on service profile, teaching record, and research performance.

The Court held that using CAS provisions to challenge open competitive recruitment would be stretching the regulations beyond their purpose — *"a ladder cannot be used as a gate."*

It further held that the State Rules and AICTE CAS Regulations operate in different fields, and therefore the question of the AICTE Regulations overriding the State recruitment rules did not arise in this context. Importantly, the respondent did not challenge the qualifications prescribed, but only the evaluation method, which was governed by the State recruitment framework.

Additionally, the Court reaffirmed the settled principle that a candidate who participates in a recruitment process without protest cannot challenge the "rules of the game" after being declared unsuccessful. The respondent had taken a chance and invoked the AICTE regime only after failing.

Finally, the Court noted that even if the respondent had strong academic credentials, courts do not make appointments, and a recruitment concluded in 2015 cannot be reopened in 2025 using regulations that never applied to it.

21. Nawal Kishore Meena v State of Rajasthan, 2026 SCC OnLine SC 103

Decided on: 19 January 2026

Bench: 1. Hon'ble Mr. Justice J.B. Pardiwala &

2. Hon'ble Mr. Justice Satish Chandra Sharma

(CrPC — Section 156 investigation — PC Act cognizable offences — Section 17 PC Act (rank of investigating officer) — DSPE Act, 1946 — CBI jurisdiction not exclusive — State ACB/VACB competence — permissive nature of DSPE Act — A.C. Sharma principle.)

Facts

The petitioner, a Central Government employee posted within the territorial jurisdiction of Rajasthan, was proceeded against for offences under the Prevention of Corruption Act, 1988 pursuant to registration of an FIR and investigation by the Anti-Corruption Bureau (ACB), Rajasthan. Challenging the investigation, the petitioner contended that in view of the Delhi Special Police Establishment Act, 1946, only the CBI had jurisdiction to investigate PC Act offences when the accused is a Central Government employee, and that without prior approval/consent of the CBI, the ACB could neither register the FIR nor file a charge-sheet. The Rajasthan High Court rejected the challenge and upheld the jurisdiction of the State ACB to investigate and file the charge-sheet. Aggrieved, the petitioner approached the Supreme Court by way of Special Leave Petition.

Issues Before the Supreme Court

1. Whether offences under the Prevention of Corruption Act, 1988 allegedly committed by a Central Government employee within a State can be investigated by the State Anti-Corruption Bureau.
2. Whether jurisdiction to investigate such PC Act offences lies exclusively with the CBI under the DSPE Act, 1946.
3. Whether a charge-sheet filed by the State ACB against a Central Government employee without prior approval/consent of the CBI is valid in law.

Judgment

The Supreme Court dismissed the challenge and upheld the Rajasthan High Court's view, holding that the State ACB has jurisdiction to register and investigate offences under the PC Act even where the accused is a Central Government employee, and there is no legal requirement of obtaining prior approval or consent of the CBI. The Court held that the charge-sheet filed by the State ACB is valid in law.

Rationale

The Court held that the CrPC is the parent statute governing investigation, inquiry and trial, and unless a special enactment expressly or impliedly provides otherwise, the general power of investigation under Section 156 CrPC continues to apply. Examining the scheme of the Prevention of Corruption Act, the Court held that the PC Act does not prescribe any separate investigative mechanism excluding the State police; rather, Section 17 PC Act only regulates the *rank* of the officer authorised to investigate. The Court clarified that PC Act offences are cognizable and therefore can be investigated by the State police or its specialised agency such as the ACB/VACB. It further held that the DSPE Act is merely enabling and permissive, empowering the CBI but not divesting the regular State police of jurisdiction, reaffirming the principle laid down in *A.C. Sharma v Delhi Administration*, (1973) 1 SCC 726. The Court also noted that the administrative practice of CBI ordinarily investigating corruption cases against Central Government employees is only for convenience and avoidance of duplication, and cannot override statutory powers. Accordingly, the State ACB's registration of FIR, investigation and filing of charge-sheet against a Central Government employee were held to be within jurisdiction and lawful.

22. Neha Lal v. Abhishek Kumar, 2026 SCC OnLine SC 95

Decided on: 20 January 2026

Bench: 1. Hon'ble Mr. Justice Rajesh Bindal &

2. Hon'ble Mr. Justice Manmohan

(Article 142 Constitution of India — complete justice; dissolution of marriage — Section 340 CrPC / Section 379 r/w 215 BNSS — perjury proceedings — Hindu Marriage Act, 1955 — irretrievable breakdown not a statutory ground — Constitution Bench: Shilpa Sailesh v Varun Sreenivasan (2023).

Facts

The petitioner-wife filed a transfer petition seeking transfer of a perjury application filed by the husband under Section 340 CrPC from Delhi to Lucknow, citing hardship, lack of maintenance, and harassment due to multiple litigations.

During proceedings before the Supreme Court, the wife filed an application under Article 142 seeking dissolution of marriage on the ground of irretrievable breakdown, even though the husband did not consent.

The marriage was solemnised on 28 January 2012. The parties cohabited for only 65 days, after which the wife left the matrimonial home on 2 April 2012. Since then, they had been living separately for more than a decade and were involved in over 40 litigations (criminal and civil) across courts in Delhi, Allahabad, Ghaziabad and Lucknow.

The Court sought verified case details from the Registrars General of the Delhi High Court and Allahabad High Court due to discrepancies in the parties' lists.

The wife did not claim alimony and stated all prior claims were settled. The husband opposed divorce, alleging the wife filed false cases and that perjury proceedings were likely to result in her conviction, hence the Article 142 application was filed to escape consequences.

Issues

1. Whether the marriage could be dissolved under Article 142 on the ground of irretrievable breakdown, despite the husband's opposition.

2. Whether prolonged and abusive matrimonial litigation justified dissolution of marriage to achieve "complete justice".
3. Whether all pending litigations between the parties should be disposed of, and whether perjury proceedings should continue.

Judgment

The Supreme Court dissolved the marriage between the parties by exercising powers under Article 142, holding it to be a clear case of irretrievable breakdown.

It further directed:

- All pending matrimonial litigations between the parties shall stand disposed of,
- Perjury proceedings shall continue,
- Both parties shall pay costs of ₹10,000 each to the Supreme Court Advocates-on-Record Association.

Rationale

The Court relied on the Constitution Bench decision in Shilpa Sailesh v Varun Sreenivasan, which affirmed that the Supreme Court may dissolve a marriage under Article 142 on the ground of irretrievable breakdown, even when one spouse opposes the divorce, if continuation of the legal relationship is unjustified and there is no possibility of cohabitation.

Applying the factors laid down in *Shilpa Sailesh*, the Court found that the parties had stayed together only for 65 days, were separated for more than a decade, and repeated efforts at mediation had failed. The litigation history showed extreme bitterness and complete collapse of the matrimonial bond.

The Court held that warring spouses cannot be permitted to treat courts as a battlefield and choke the judicial system through endless proceedings. It observed that matrimonial disputes often escalate once criminal proceedings begin, reaching a point of no return.

While disposing of all pending cases to bring finality, the Court carved out an exception for perjury-related applications, holding that no party can be allowed to "pollute the stream of justice", and such proceedings must be decided on merits.

Since the wife did not claim alimony and all previous claims were settled, the Court held that dissolution would not cause injustice to either party. The Court imposed token costs on both parties due to their extensive litigation conduct.

23. Union of India v. Heavy Vehicles Factory Employees' Union, 2026 SCC OnLine SC 96

Decided on: 20 January 2026

Bench: 1. Hon'ble Mr. Justice Rajesh Bindal &

2. Hon'ble Mr. Justice Manmohan

(Section 59(2) Factories Act, 1948 — overtime wages — Sections 64 & 65 — State exemptions/relaxations — Sections 112 & 113 — rule-making & Central directions — executive instructions cannot override statutory provisions.)

Facts

Employee unions of defence production factories raised a dispute regarding the calculation of overtime wages. The controversy was whether compensatory allowances such as House Rent Allowance (HRA), Transport Allowance (TA), Clothing & Washing Allowance (CWA), and Small Family Allowance (SFA) should be included in the "ordinary rate of wages" under Section 59(2) of the Factories Act, 1948.

Different Government ministries issued multiple letters/Office Memorandums over time, some stating overtime should be calculated only on basic pay + dearness allowance, while others suggested inclusion/exclusion of certain allowances.

The employee unions filed Original Applications before the Central Administrative Tribunal (CAT) challenging the exclusion of allowances. The CAT dismissed their applications. The High Court, however, set aside the CAT order and held that these allowances must be included. The Union of India appealed to the Supreme Court.

Issues

1. Whether compensatory allowances such as HRA, TA, CWA and SFA fall within the meaning of "ordinary rate of wages" under Section 59(2) of the Factories Act, 1948.
2. Whether Government ministries can exclude such allowances through letters/Office Memorandums despite the statutory definition.

3. Whether the High Court was justified in disregarding executive clarifications and adopting a plain reading of Section 59(2).

Judgment

The Supreme Court dismissed the appeals filed by the Union of India and upheld the High Court's judgment.

It held that compensatory allowances are part of "ordinary rate of wages" and therefore must be included while calculating overtime wages under Section 59(2) of the Factories Act, 1948.

Rationale

The Court held that Section 59(2) clearly defines "ordinary rate of wages" as basic wages plus such allowances as the worker is entitled to, and excludes only bonus and wages for overtime work. Since Parliament provided only these exclusions, the executive cannot add further exclusions like HRA, TA, CWA, or SFA through office memorandums.

The Court further held that under the scheme of the Factories Act, powers to make rules or exemptions relating to working hours lie with the State Government, not with different ministries of the Central Government. Sections 112 and 113 also do not confer any power on the Central Government to interpret or modify the statutory meaning of Section 59(2).

The Court rejected the argument that different allowances may lead to disparity in overtime computation, holding that statutory entitlement cannot be curtailed for administrative convenience. It also noted that different ministries cannot assign different meanings to the same provision of an Act of Parliament, particularly when the Railway Ministry itself had included such allowances for overtime purposes.

The Court distinguished earlier judgments relied upon by the Union of India and held that they did not support the exclusion of allowances that were actually payable to the worker. It reiterated that the Factories Act is a beneficial legislation intended to protect workers from exploitation, and interpretations restricting employee benefits should be avoided.

Finally, the Court disapproved a contrary view taken by the Kerala High Court and held that it does not lay down the correct law.

24. Viraj Impex (P) Ltd. v. Union of India, 2026 SCC OnLine SC 101

Decided on: 21 January 2026

Bench: 1. Hon'ble Mr. Justice Alok Aradhe &

2. Hon'ble Mr. Justice P.S. Narasimha

(Section 3 FTDR Act — Para 1.05(b) FTP 2015–20 — publication/promulgation of delegated legislation — rule of law — natural justice — legal certainty in trade restrictions.)

Facts

The appellants (Viraj Impex and other importing companies) were engaged in importing steel products under Chapter 72 of ITC-HS. Until February 2016, these items were freely importable.

Between 29 January 2016 and 4 February 2016, the appellants entered into firm contracts with foreign exporters and on 5 February 2016, they opened irrevocable Letters of Credit (LCs).

On the same day (5 February 2016), DGFT uploaded a notification on its website imposing a Minimum Import Price (MIP) on certain steel products. The notification itself stated it was "to be published in the Official Gazette." It was actually published in the Gazette on 11 February 2016.

Anticipating restriction, the appellants applied on 8 February 2016 for registration of their LCs under Para 1.05(b) of the FTP (transitional protection).

The appellants argued that the MIP notification could not apply to them because their LCs were opened before Gazette publication.

The Delhi High Court held that the notification would operate from 11 February 2016, but still ruled that uploading on 5 February 2016 constituted sufficient notice, and dismissed the writ petitions.

Issues

1. Whether a DGFT notification issued under Section 3 of the FTDR Act becomes enforceable only upon publication in the Official Gazette.
2. Whether the phrase "date of this Notification" can mean the upload date (5 Feb 2016) rather than the Gazette publication date (11 Feb 2016).

3. Whether transitional protection under Para 1.05(b) FTP applies to imports under LCs opened before Gazette publication.
4. Whether the High Court erred in treating website uploading as sufficient for binding importers.

Judgment

The Supreme Court allowed the appeals, set aside the Delhi High Court judgment, and held:

- The notification acquired legal force only on 11 February 2016 (date of Gazette publication).
- "Date of this Notification" must be read as the date of publication in the Official Gazette.
- The appellants were entitled to the benefit of Para 1.05(b) FTP since their irrevocable LCs were opened prior to 11 February 2016.
- MIP could not be applied to their imports under those LCs.

Rationale

The Court held that delegated legislation cannot bind citizens unless it is published in the manner mandated by law.

Key reasoning:

- Publication in the Official Gazette is not an empty formality; it is the act by which an executive decision becomes law.
- Delegated legislation is framed without parliamentary debate; therefore, strict publication safeguards serve a dual purpose:
    1. Accessibility and notice to affected persons
    2. Accountability and solemnity in exercise of executive legislative power

The parent statute (FTDR Act) expressly requires orders to be "published in the Official Gazette." Once the legislature prescribes the mode, the executive cannot substitute it with another mode like website uploading.

The Court rejected the concept of "fragmented operation" of a notification — it is either law or it is not. It is "born" only on Gazette publication.

The Court also held that denying Para 1.05(b) protection would undermine:

- commercial certainty
- confidence in trade law
- the Rule of Law

Thus, imports based on irrevocable LCs opened before 11 February 2016 were protected, and the MIP could not be imposed retrospectively through an unpublished notification.

25. XXX v State of Kerala & Ors.; 2026 SCC OnLine SC 114

Decided on: 27 January 2026

Bench: 1. Hon'ble Mr. Justice Dipankar Datta

2. Hon'ble Mr. Justice Manmohan

(Bharatiya Nagarik Suraksha Sanhita, 2023—Section 175(4)—Complaints against public servants—Not a standalone provision—To be read harmoniously with Section 175(3)—Mandatory affidavit requirement—Sequential statutory remedy under Section 173(4)—Limited scope of writ interference—Two-tier protection for public servants.)

Facts

The appellant alleged that she was sexually assaulted by police officers on three separate occasions during visits to her residence in connection with investigation of a property dispute. Following earlier complaints and a preliminary report rejecting her allegations, she filed fresh complaints in September 2024 before the Station House Officer and the District Police Chief under Section 173(4) of the BNSS.

Thereafter, she approached the Judicial Magistrate First Class under Section 210 read with Sections 173(4) and 175(4) of the BNSS seeking a direction for registration of an FIR. The Magistrate, invoking Section 175(4), called for a report from a superior police officer. While the application was pending, the appellant filed a writ petition before the Kerala High Court seeking directions for registration of an FIR and contending that Section 175(4) was inapplicable as rape could not be an act in discharge of official duty.

A Single Judge allowed the writ petition and directed registration of an FIR. The Division Bench set aside the order holding that interference under Article 226 was unwarranted when statutory proceedings were pending before the Magistrate. The appellant approached the Supreme Court.

Issues

1. Whether Section 175(4) of the BNSS is a standalone provision or must be read in conjunction with Section 175(3).
2. Whether a complaint against a public servant under Section 175(4) must be supported by an affidavit as required under Section 175(3).
3. Whether the High Court's Single Judge exceeded jurisdiction by issuing directions when proceedings before the Magistrate were pending.

Judgment

The Supreme Court dismissed the appeal, upheld the judgment of the Division Bench, and clarified the procedural framework governing Section 175(4) of the BNSS. The matter was directed to proceed before the Magistrate in accordance with law.

Rationale

The Court undertook an elaborate interpretative exercise of Sections 173 and 175 of the BNSS. It held that Section 175(4) is neither a standalone provision nor a proviso to Section 175(3), but must be read harmoniously with it. While Section 175(3) confers the general power upon a Magistrate to order investigation upon an application supported by affidavit, Section 175(4) introduces an additional procedural safeguard where the proposed investigation concerns a public servant alleged to have committed an offence in the discharge of official duties.

Rejecting the contention that Section 175(4) operates independently, the Court observed that reading it in isolation would enable complainants to bypass the mandatory statutory hierarchy under Section 173(4) and dilute the safeguard of an affidavit mandated by Section 175(3), which reflects the principle laid down in *Priyanka Srivastava*. The expression "complaint" in Section 175(4) was therefore purposively construed to mean a written complaint supported by an affidavit.

The Court clarified that the power to order investigation flows from Section 175(3), whereas Section 175(4) superimposes additional conditions—namely, receipt of a report from the superior officer and consideration of the public servant's explanation—before such power is

exercised. Thus, in cases involving public servants, a two-tier protection operates: first at the threshold stage under Section 175(4), and secondly at the stage of cognizance under Section 218 of the BNSS.

On the question of writ interference, the Court held that the Single Judge ought not to have intervened when the Magistrate had already invoked the statutory procedure and called for a report. Once a competent Magistrate is seized of the matter, recourse to Article 226 without exhausting statutory remedies is impermissible. The Division Bench was therefore justified in setting aside the Single Judge's directions.

26. Jagdeep Chowgule v Sheela Chowgule & Ors.; 2026 SCC OnLine SC 124

Decided on: 29 January 2026

Bench: 1. Hon'ble Mr. Justice P.S. Narasimha

2. Hon'ble Mr. Justice R. Mahadevan

(Arbitration and Conciliation Act, 1996—Section 29A—Extension of time for making arbitral award—Meaning of "Court" under Section 2(1)(e)—Appointment under Section 11 does not confer continuing supervisory jurisdiction—Civil Court of original jurisdiction competent to extend mandate—Perceived hierarchy or conflict of power irrelevant—Commercial Court's order restored.)

Facts

The dispute arose from a Memorandum of Family Settlement dated 11 January 2021 executed between members of the Chowgule family. Arbitration was invoked pursuant to the arbitration clause contained therein. During the pendency of arbitral proceedings, an application under Section 29A of the Arbitration and Conciliation Act, 1996 was filed before the Commercial Court seeking extension of time for making the arbitral award.

Meanwhile, owing to resignation of the presiding arbitrator, an application under Section 11 was moved before the High Court, which appointed a substitute arbitrator. Thereafter, the Commercial Court allowed the application under Section 29A and extended the mandate of the arbitral tribunal.

The said order was challenged in writ proceedings on the ground that since the arbitrator had been appointed by the High Court under Section 11, only the High Court had jurisdiction to entertain an application under Section 29A(4). The Single Judge referred the issue to a Division Bench in view of conflicting decisions. The Division Bench held that in cases where the arbitrator was appointed under Section 11(6), the High Court alone had jurisdiction to extend time under Section 29A. Acting on this view, the Single Judge set aside the Commercial Court's order. Aggrieved, the appellant approached the Supreme Court.

Issues

1. Whether the expression "Court" in Section 29A of the Arbitration and Conciliation Act, 1996 refers to the Court defined under Section 2(1)(e).
2. Whether the High Court, having appointed the arbitrator under Section 11, retains jurisdiction to extend the arbitral tribunal's mandate under Section 29A.
3. Whether perceived concerns of hierarchy, conflict of power, or jurisdictional anomaly justify a contextual departure from the statutory definition of "Court".

Judgment

The Supreme Court allowed the appeal, set aside the judgments of the Division Bench and the Single Judge of the High Court, and restored the order of the Commercial Court extending the time under Section 29A. Parties were granted liberty to approach the Commercial Court for further extension in accordance with law.

Rationale

The Court undertook a comprehensive examination of the statutory scheme of the Arbitration and Conciliation Act, 1996. It held that Section 29A, which falls within Chapters V and VI dealing with conduct and termination of arbitral proceedings, operates independently of Section 11. The jurisdiction under Section 11 is confined to constitution of the arbitral tribunal and stands exhausted upon appointment. The appointing court becomes functus officio thereafter and does not retain supervisory authority over the arbitral process.

Interpreting Section 29A in light of Section 2(1)(e), the Court held that the expression "Court" must ordinarily bear the meaning assigned to it in the definition clause, unless the context otherwise requires. No contextual element warranted departure from the statutory definition. The "Court" competent to extend the mandate of the arbitrator is therefore the Principal Civil Court of original jurisdiction in a district, including a High Court exercising ordinary original civil jurisdiction, and not the High Court acting under Section 11.

The Court rejected the reasoning adopted by certain High Courts that a Civil Court extending or substituting an arbitrator appointed by the High Court would create a "hierarchical anomaly" or "conflict of power". Jurisdiction, the Court observed, flows solely from statute and not from perceived notions of status or hierarchy. Once Parliament has defined the competent Court, interpretative deviation on grounds of perceived institutional superiority is impermissible.

The Court further clarified that Section 42 of the Act does not alter this position. Applications under Section 11 are not made before a "Court" as defined under Section 2(1)(e), and therefore do not attract the exclusive jurisdiction rule under Section 42.

Accordingly, the Commercial Court was held to be the competent forum to entertain the application under Section 29A, and its order extending time was restored.

27. A. Shankar v. Secretary to Government, 2026 SCC OnLine SC 120

Decided on: 30 January 2026

Bench: 1. Hon'ble Mr. Justice Dipankar Datta &

2. Hon'ble Mr. Justice Satish Chandra Sharma

(Article 226 — writ jurisdiction — investigation discretion — writ court cannot compel filing of charge-sheet — cannot fix rigid trial timelines — Sections 173 CrPC / 193 BNSS — fair trial — investigating officer's statutory domain — paragraphs directing charge-sheet/trial timeline deleted — charge-sheets filed pursuant to HC direction set aside.)

Facts

The appellant lodged a complaint dated 08.02.2025, followed by further complaints dated 23.05.2025 and 21.06.2025, alleging that in abuse of power, false cases were being foisted on him by the Commissioner of Police, Chennai, and that the investigation was being carried out in a premeditated manner to frame him. Since his complaints were allegedly not acted upon, he approached the Madras High Court under Article 226 seeking a writ of mandamus directing action on his complaints under the Tamil Nadu Police (Reforms) Act, 2013, and also seeking a restraint against interference with the functioning of his organisation "Savukku Media." The Single Judge noted that the appellant was an accused in 37 cases; charge-sheets had been filed in 24, while investigation was pending in 13. While dismissing the writ petition, the High Court nevertheless directed the police to complete investigation in the 13 cases and file charge-sheets within four months, and directed trial courts to dispose of the 24 trials within six months. Aggrieved by these directions, the appellant approached the Supreme Court.

Issues

1. Whether a writ court can direct completion of investigation and filing of charge-sheets within a fixed time-frame, irrespective of the nature of material collected.
2. Whether a writ court can direct criminal trials to be concluded within a rigid stipulated period without reference to the stage of trial.

3. Whether such directions improperly interfere with the statutory discretion of investigating officers under CrPC/BNSS and compromise the concept of fair trial.
4. Whether the impugned paragraphs of the High Court order were liable to be deleted as unwarranted.

Judgment

The Supreme Court partly allowed the appeal and held that the High Court's directions compelling filing of charge-sheets within a fixed time and directing disposal of trials within six months were unwarranted and uncalled for. It directed deletion of paragraphs 8 and 9 of the High Court's order. Any step taken pursuant to those paragraphs was declared to be of no effect, and charge-sheets filed after the impugned order were set aside. The investigating officers were directed to proceed independently and file appropriate reports under Section 173 CrPC / Section 193 BNSS, uninfluenced by the High Court's directions. Trial courts were left free to proceed in accordance with law.

Rationale

The Court held that although the High Court was justified in dismissing the writ petition (as no material was placed to establish interference by the Commissioner of Police), it could not thereafter issue coercive directions that intruded into the statutory domain of investigation and trial. The Court reiterated the principle that a litigant cannot be placed in a worse position merely for having approached the court, and the High Court's directions had the effect of disadvantaging the appellant by accelerating prosecution regardless of whether the material warranted it. It emphasised that under the scheme of CrPC and BNSS, the formation of opinion whether the accused should be placed for trial is exclusively that of the investigating officer, and filing of a charge-sheet necessarily requires a positive opinion based on collected material. If a High Court mandates that a charge-sheet must be filed irrespective of evidence, it effectively eliminates the investigating officer's discretion and exposes him to contempt pressure. The Court relied on *Kunga Nima Lepcha v. State of Sikkim* to reiterate that ordering investigation is generally within the executive domain and writ courts must not assume that role except in extreme cases. The Court also held that directions fixing rigid timelines for

disposal of criminal trials, without even considering the stage of proceedings, can have serious consequences and may make fair trial a casualty. Hence, the impugned directions were struck down and the investigation/trial process was restored to operate under statutory procedure.

28. M/s Rhythm County v Satish Sanjay Hegde & Ors.; 2026 SCC OnLine SC 126

Decided on: 30 January 2026

Bench: 1. Hon'ble Mr. Justice Dipankar Datta

2. Hon'ble Mr. Justice Vijay Bishnoi

(National Green Tribunal Act, 2010—Sections 15, 17 & 20—Environmental compensation—Absence of rigid statutory formula—Polluter Pays Principle—Project cost/turnover as permissible metric—Rational nexus with scale and gravity of violation—CPCB guidelines facilitative, not exhaustive—Compensation of Rs 5 crores (1.49%) and Rs 4.47 crores (5.88%) upheld.)

Facts

The appeals arose from two separate orders of the National Green Tribunal (Western Zone Bench, Pune) imposing environmental compensation upon real estate developers for violations of environmental norms.

In the lead appeal, *M/s Rhythm County* undertook a residential and commercial project at Pune pursuant to Environmental Clearance (EC) granted in 2017. The Maharashtra Pollution Control Board (MPCB) later alleged construction without valid statutory consents under the Water and Air Acts, continuation of work despite a stop-work direction, and deviations from sanctioned plans. A Joint Committee constituted by the NGT reported violations, including unauthorised construction and continued activity post regulatory restraint. The NGT enhanced compensation from Rs 2.39 crores (recommended by the Committee) to Rs 5 crores, considering the total project cost of approximately Rs 335 crores.

In the connected appeal, *M/s Key Stone Properties* undertook a housing project without prior EC and subsequently obtained post-facto clearance under the violation regularisation mechanism. Although remediation costs of Rs 1.76 crores were secured by bank guarantee, the NGT found additional statutory infractions, including prolonged construction without Consent to Establish (CTE), continuation despite closure notice, and occupation without Consent to Operate (CTO). Environmental compensation of Rs 4,47,42,188/- was imposed.

Both project proponents challenged the computation methodology, particularly the reliance on project cost/turnover and CPCB guidelines.

Issues

1. Whether, in the absence of a legislatively prescribed formula, the NGT is empowered to quantify environmental compensation.
2. Whether project cost or turnover may be adopted as a relevant yardstick for determining environmental compensation.
3. Whether reliance on CPCB methodology amounts to abdication of adjudicatory function.

Judgment

The Supreme Court dismissed both appeals and upheld the compensation imposed by the NGT. Time to deposit the compensation was extended by three months.

Rationale

The Court emphasised that the NGT Act confers wide, flexible, and principle-oriented powers. Section 15 authorises grant of relief and environmental restitution "as the Tribunal may think fit", while Section 20 mandates application of sustainable development, precautionary principle, and the polluter pays principle. The absence of a rigid statutory formula does not denude the NGT of authority to quantify compensation.

Rejecting the contention that turnover or project cost can never be used as a metric, the Court held that scale of operations bears a rational nexus to environmental footprint. Larger projects imply greater resource use, waste generation and ecological stress. Where the economic magnitude of the project reflects capacity and scale of impact, project cost or turnover may legitimately inform compensation, provided the determination remains reasoned, proportionate and linked to the gravity and duration of violations.

Relying on *Goel Ganga Developers v Union of India*, the Court reiterated that 5% of project cost has been treated as a guiding benchmark in cases of serious violations, though not as an inflexible ceiling. In the case of Rhythm County, compensation of Rs 5 crores constituted only 1.49% of project cost and was neither arbitrary nor disproportionate. In Key Stone's case, the compensation of Rs 4.47 crores amounted to approximately 5.88% of project cost and was justified in light of distinct and prolonged statutory infractions.

The Court clarified that CPCB guidelines are facilitative and indicative, not prescriptive or exhaustive. Their application does not fetter the NGT's discretion. The NGT did not mechanically adopt the Joint Committee's report but independently assessed liability and quantum, distinguishing between regularised violations and separate statutory breaches.

Synthesising precedent including *Deepak Nitrite Ltd.*, *Goel Ganga Developers*, and *Benzo Chem Industrial*, the Court held that environmental compensation must be rational, proportionate and reasoned. While turnover cannot be a blunt instrument, it remains a permissible indicium where facts warrant. The determinations in both appeals fell within the permissible zone of judicial discretion.

29. Yash Charitable Trust & Ors. v Union of India & Ors.; 2026 SCC OnLine SC 131

Decided on: 30 January 2026

Bench: 1. Hon'ble Mr. Justice J.B. Pardiwala

2. Hon'ble Mr. Justice R. Mahadevan

(Medical negligence—Standard of care—Stem cell therapy for Autism Spectrum Disorder (ASD)—Unproven and experimental intervention—Not permissible as routine or commercial clinical service—Falls within definition of "drug" under Drugs Act, 1940—Permissible only within approved and monitored clinical trial—Promotion/advertisement amounts to professional misconduct—Article 21 does not legitimise unproven treatment.)

Facts

The writ petition under Article 32 was instituted as a Public Interest Litigation raising concerns regarding the rampant promotion, prescription and administration of stem cell "therapy" for Autism Spectrum Disorder (ASD) by various clinics across the country. The petitioners contended that although stem cell interventions for ASD remained experimental and unsupported by credible scientific evidence, they were being marketed as a "treatment" or "cure" in violation of the regulatory framework under the Drugs and Cosmetics Act, 1940, the New Drugs and Clinical Trial Rules, 2019 (NDCT Rules), and the National Guidelines for Stem Cell Research, 2017.

It was alleged that parents and caregivers of children diagnosed with ASD, often unaware of regulatory and scientific limitations, were subjected to cost-intensive procedures lacking safeguards available in approved clinical trials. During pendency of the petition, significant developments occurred, including the recommendations dated 06-12-2022 issued by the Ethics and Medical Registration Board (EMRB) of the National Medical Commission (NMC), which concluded that stem cell therapy for ASD was not recommended and that its use, promotion or advertisement would amount to professional misconduct.

Certain clinics and parent associations opposed the petition, asserting that autologous stem cell procedures did not constitute "drugs", were undertaken with consent, and were protected under patient autonomy under Article 21.

Issues

1. Whether doctors, clinics or hospitals are legally permitted to offer stem cell therapy for ASD as a routine or commercial clinical service.
2. Whether stem cells administered for ASD fall within the regulatory framework of the Drugs Act, 1940 and the NDCT Rules, 2019.
3. Whether patient consent and autonomy under Article 21 legitimise administration of an unproven and experimental intervention.

Judgment

The Supreme Court allowed the writ petition in part and held that stem cell therapy for ASD cannot be offered as a routine or commercial clinical service. Administration of stem cells for ASD is permissible only within an approved and monitored clinical trial or research framework. The Court further held that offering, promoting or advertising such therapy constitutes professional misconduct. Directions were issued to ensure regulatory compliance and patient transition to approved trial institutions.

Rationale

The Court began by reaffirming the established jurisprudence on medical negligence and standard of care, drawing from *Indian Medical Association v V.P. Shantha*, *Jacob Mathew v State of Punjab*, and *M.A. Biviji v Sunita*. It reiterated that a medical practitioner must adhere to a practice accepted by a responsible body of medical opinion and judged in light of prevailing scientific knowledge. An intervention characterised by authoritative scientific bodies as unproven or experimental cannot satisfy this standard.

Relying heavily on the Evidence Based Status of Stem Cell Therapy for Human Diseases, 2021, the National Guidelines for Stem Cell Research, 2017, and the EMRB recommendations dated 06-12-2022, the Court found that there exists insufficient and inadequate scientific evidence

supporting the efficacy of stem cell therapy in ASD. Consequently, such therapy does not meet the threshold of a practice acceptable to the medical profession.

The Court rejected the contention that classification as a "procedure" rather than a "drug" removes the therapy from regulatory scrutiny. It held that stem cells administered for therapeutic use fall within the broad definition of "drug" under Section 3(b)(i) of the Drugs Act, 1940. Even if certain autologous stem cell interventions may not qualify as "new drugs" under the NDCT Rules, that classification alone does not legitimise their commercial administration.

On the argument of patient autonomy, the Court held that Article 21 does not confer a right to demand an unproven treatment as a matter of entitlement. Consent cannot legitimise an intervention where adequate scientific information is lacking. Referring to *Samira Kohli v Prabha Manchanda*, the Court emphasised that valid consent presupposes adequate information; where the scientific basis itself is uncertain, consent is vitiated by therapeutic misconception.

Synthesising these principles, the Court concluded that stem cell therapy for ASD cannot be offered as a clinical service outside a properly approved and monitored clinical trial setting. Non-compliance may attract consequences including professional misconduct under applicable medical regulations and action under the Clinical Establishments Act. At the same time, recognising the predicament of patients already undergoing therapy, the Court directed the Ministry of Health and Family Welfare, in consultation with AIIMS and the NMC, to evolve a transitional mechanism to reroute such patients to authorised clinical trial institutions without abrupt discontinuation.

30. Dr. Jaya Thakur v Government of India & Ors.; 2026 SCC OnLine SC 133

Decided on: 30 January 2026

Bench: 1. Hon'ble Mr. Justice J.B. Pardiwala

2. Hon'ble Mr. Justice R. Mahadevan

(Article 21—Right to life and dignity—Right to education as a multiplier right—Right to menstrual health and hygiene—Access to gender-segregated toilets and menstrual hygiene management in schools—Articles 14, 21 and 21A—Continuing mandamus—Comprehensive directions issued.)

Facts

The writ petition under Article 32 was instituted by a social worker seeking directions to the Union of India, States and Union Territories to ensure free provision of sanitary pads to girl students studying between Classes VI and XII, establishment of separate functional toilets for girls in all government-aided and residential schools, maintenance of sanitation facilities, and implementation of awareness programmes relating to menstrual health and hygiene.

The petition highlighted the phenomenon of "menstrual poverty" and its adverse impact on the dignity, health, and educational participation of adolescent girls, particularly in rural and socio-economically disadvantaged settings. It was contended that lack of access to menstrual hygiene management (MHM) facilities results in absenteeism, increased drop-out rates, and denial of equal educational opportunity.

Pursuant to interim orders, the Union and several States placed on record details of existing schemes and policies relating to menstrual hygiene, sanitation infrastructure, and awareness programmes. However, gaps in implementation and uneven compliance across States and Union Territories were evident, prompting the Court to undertake a comprehensive constitutional examination.

Issues

1. Whether lack of access to gender-segregated toilets and menstrual hygiene management measures violates the right to equality under Article 14.
2. Whether the right to dignified menstrual health forms an integral part of the right to life under Article 21.
3. Whether non-availability of menstrual hygiene facilities impairs the right to education under Article 21A and the Right of Children to Free and Compulsory Education Act, 2009.

Judgment

The Supreme Court allowed the writ petition and issued a series of mandatory directions to the Union of India, States and Union Territories to ensure access to gender-segregated toilets, free and safe menstrual absorbents, hygienic disposal mechanisms, and menstrual health education in all schools. A continuing mandamus was issued to monitor compliance.

Rationale

The Court held that the right to education is a "multiplier right" that enables the effective exercise of other fundamental rights and is inseparable from the right to life and human dignity. Education, the Court observed, is not confined to mere enrolment but extends to meaningful, continuous, and non-discriminatory participation. Structural barriers such as lack of sanitation and menstrual hygiene facilities directly impede this right, particularly for adolescent girls.

Recognising menstruation as a biological reality rather than a social stigma, the Court held that inaccessibility of menstrual hygiene management undermines the dignity, privacy, and bodily autonomy of the girl child. The right to life under Article 21 was held to encompass the right to menstrual health, sexual and reproductive health, and access to information necessary for a healthy reproductive life.

Adopting a substantive equality approach under Article 14, the Court noted that menstruating girls face intersectional disadvantages, which are further aggravated in the case of children with

disabilities. The State's obligation is therefore not merely to provide formal equality, but to take affirmative measures to place all children in an equal position to access education.

The Court further held that norms relating to sanitation and menstrual hygiene constitute mandatory "norms and standards" under Section 19 of the RTE Act. Non-compliance by private schools would invite de-recognition, while failure by government schools would entail State accountability. Emphasising shared societal responsibility, the Court underscored the need to sensitise boys, teachers, and parents to dismantle stigma associated with menstruation.

Given the gravity and nationwide dimension of the issue, the Court issued detailed directions covering infrastructure, free supply of sanitary napkins, waste disposal, awareness and training, periodic inspections, and oversight by child rights commissions, clarifying that these directions operate as mandatory minimum standards.