

SUBJECT-INDEX**ACQUIESCENCE:**

Applicability of, to suit between States.
(See under: Constitution of India, 1950) 1160

ADMINISTRATION OF JUSTICE:

(1) Administration of criminal justice – Power of investigation and trial – Intervention by superior Courts – When criminal law machinery is set in motion, superior courts should not mechanically use their inherent powers or writ jurisdiction to intervene with the process of investigation and trial – However, such forms of judicial review can be exercised to prevent miscarriage of justice or to correct some grave errors that might have been committed by subordinate courts.

S. Khushboo v. Kanniammal and Anr. 322

(2) For proper administration of justice, State advised to act fairly and for benefit of public at large – Decisions of the State should be such as to avoid unnecessary litigation.

Special Land Acquisition Officer v. Karigowda & Ors. 164

ADMINISTRATIVE LAW:

(1) Government policy – Purchase preference policy – Entry of medicines in the list – Interpretation of – Invitation of tender for supply of Oral Contraceptive Pills (OCPs) by Government

– Companies seeking tender enquiry documents
– Meanwhile, Purchase Preference Policy for medicines exclusively from Pharma Central Public Sector Enterprises issued by Government – OCPs listed at serial no. 51, as OCP (Mala D and Mala N) – Rate of contract of entire quantity of 275 lakh cycles of OCPs placed by Government on Pharma CPSEs – Challenge to – High Court quashing the rate of contract as regards the award of 175 lakhs cycles of other brands of OCPs apart from Mala D to the extent of 25 lakhs cycles – Held: Order of High Court justified – Entry in the bracket was not illustrative – Entry was specific and was restrictive to Mala D and Mala N – OCPs only of that brand were obviously included in the list – Tender .

Indian Drugs & Pharmaceutical Ltd. v. Famy Care & Ors. 646

(2) Natural justice – Non-furnishing of documents (issued by CVC) to delinquent – Held: In absence of proof that CVC advice was taken into consideration in departmental proceedings or that there is any rule providing that implementation of such advice is mandatory, prejudice against the delinquent cannot be presumed – Onus is on the delinquent to show that non-furnishing of the document resulted in *de facto* prejudice – Departmental inquiries cannot be set aside on the basis of apprehended prejudice – Service Law.

Union of India v. Alok Kumar 35

ADVERSE POSSESSION:

Applicability of, to suits between States.
(See under: Constitution of India, 1950) 1160

APPEAL:

(1) Appeal against interlocutory order.
(See under: Special Courts (Trial of Offences
Relating to Transactions in Securities) Act,
1992) 275

(2) Appeal from conviction.
(See under: Code of Criminal Procedure,
1973) 614

(3) Maintainability of appeal – Matter remitted to
Electricity Tribunal.
(See under: Electricity Act, 2003) 108

ARBITRATION AND CONCILIATION ACT, 1996:

(i) ss. 7 and 11 – Agreement of sale between
seller and buyer and promoters of appellant –
Dispute as to whether appellant was prima facie
party to arbitration agreement and was bound by
it, even though it was not a signatory to agreement
of sale – Held: Merely because buyer described
appellant as its nominee or as a company
promoted by it or that agreement was purportedly
entered by buyer on behalf of appellant, did not
make appellant a party to agreement in absence
of ratification, approval, adoption or confirmation
of the same by appellant – Appellant cannot be
deemed to be a party to arbitration agreement –
No claim against appellant or no dispute with
appellant could be subject-matter of reference to

arbitrator.

(ii) ss. 2(1)(b) and 7 – Arbitration agreement –
Held: A provision for arbitration to constitute an
arbitration agreement for the purpose of s.7 should
satisfy that it should be between the parties to the
dispute; and that it should relate to or be applicable
to the dispute.

Indowind Energy Ltd. v. Wescare (I)
Ltd. and Anr. 284

BAIL:

(1) Anticipatory bail.
(See under: Code of Criminal Procedure,
1973) 702

(2) Cancellation of bail.
(See under: Code of Criminal Procedure,
1973) 1195

(3) Grant of bail to accused by High Court despite
directions by Supreme Court to the contrary – Held:
Court expresses its regret that bail has been
granted by High Court for no good reason except
by saying that the appeal was not likely to be heard
in six months – Such a view cannot be approved
of when a large number of applications had already
been rejected earlier both by High Court and
Supreme Court – Order of High Court granting
bail amounts to contempt of order of Supreme
Court – Impugned order of High Court set aside –
Contempt of Court.

(Also see under: Contempt of Court)

Rabindra Nath Singh v. Rajesh Ranjan @ Pappu Yadav & Anr. 1156

CENTRAL MOTOR VEHICLE RULES, 1989:

r. 159.

(See under: Code of Criminal Procedure, 1973) 97

CODE OF CIVIL PROCEDURE, 1908:

(1) s.11, O.2 r.2 – *Res judicata* – Withdrawal of electricity tariff rebate granted as per Notifications, challenged in writ petitions – Upheld by High Court – But petitioners held entitled to rebate for periods indicated in judgment – SLPs dismissed – Subsequent writ petition in public interest filed challenging validity and legality of the Notifications – Held: In the earlier litigation, issue of validity or legality of Notifications was never raised, nor was the writ petitioner in the subsequent writ petition a party thereto – Merely because State Government did not agitate legality or validity of Notifications in earlier round of litigation, it cannot be deemed to have accepted legality of Notifications or waived its objection thereto – Principles of *res judicata* and doctrine of estoppel not applicable – Also doctrine of merger has no bearing – Rules of Business of Government of Goa – Doctrines. (Also see under: Rules of Business of Government of Goa)

M/s M.R.F. Ltd. Etc. v. Manohar Parrikar and Ors. 1081

(2) s. 25 – Transfer of matrimonial petition – Marriage between parties conducted in Goa under their personal law and under Hindu rites and traditions – Registration of marriage in Goa – Husband filing petition for annulment of marriage in Goa – Meanwhile, wife was commuting between United Kingdom and India and finally settled in Delhi – Petition u/s. 25 by wife, seeking transfer of case pending in Goa to Delhi – Held: Maintainable – Provisions of Hindu Marriage Act are applicable and matter can be heard by any court having jurisdiction within the territories to which it applies – In view of ss. 5 and 6 of the 1962 Act, even if the customary law in Goa would prevail over the personal law of parties, it would not be a bar to transfer the matter outside the State of Goa to any other State – Goa, Daman & Diu (Administration) Act, 1962 – ss. 5 and 6 – Hindu Marriage Act, 1955 – s.12 – Customary laws.

Vinisha Jitesh Tolani @ Manmeet Laghmani v. Jitesh Kishore Tolani 595

(3) s. 80 – Applicability of, to suit between States. (See under: Constitution of India, 1950) 1160

CODE OF CRIMINAL PROCEDURE, 1973:

(1) s. 161(2), explanation to ss. 53, 53-A and 54 – Investigation – Examination of accused persons, suspects and witnesses – Use of scientific techniques viz. narcoanalysis, polygraph examination and Brain Electrical Activation Profile (BEAP) test – Involuntary administration of – Held: Violative of Article 20(3) of the Constitution – However, any information or material that is

subsequently discovered with the help of voluntarily administered test results can be admitted in accordance with s. 27 of Evidence Act – Guidelines formulated by National Human Rights Commission to be strictly adhered to – Constitution of India, 1950 – Article 20(3) – Evidence Act, 1872 – s. 27.

(Also see under: Constitution of India, 1950)

Smt. Selvi & Ors. v. State of Karnataka 381

(2) s.164 – Statement recorded under – Held: Is not substantive evidence and can be utilized only to corroborate or contradict the witness vis-à-vis statement made in court – It can be utilised only as a previous statement and nothing more – Penal Code, 1860 – s.363.

(Also see under: Penal Code, 1860)

Baij Nath Sah v. State of Bihar 619

(3) s. 167(1) – Remand to police custody – Accused arrested and produced before Magistrate – Dismissal of application for police remand – Accused remanded to judicial custody – Subsequently, second application for police remand for three days also dismissed – Accused released on bail – Prayer for cancellation of bail and for grant of police remand – Allowed by High Court – Held: High Court not justified in cancelling the order of bail and directing the arrest of accused on the ground that since disclosures were made by accused, his police custody was necessary for recovery of the same – Police remand can only be made during the first 15 days period of remand after arrest and production

before the magistrate, but not after the expiry of the said period – Order of High Court set aside.

Devender Kumar & Anr. etc. v. State of Haryana & Ors. etc. 1195

(4) s.176.

(See under: Constitution of India, 1950) 89

(5) s.199 – Prosecution for defamation – Appellant's statement published in news magazine regarding the increasing incidence of pre-marital sex especially in the context of live-in relationship – Complaint of defamation by persons associated with a political party active in State of Tamil Nadu alleging that the remarks of appellant caused mental harassment to a large section of women – Maintainability of – Held: Not maintainable – Complainants cannot be properly described as 'persons aggrieved' within the meaning of s. 199(1)(B) – Penal Code, 1860 – s.499.

(Also see under: Words and Phrases)

S. Khushboo v. Kanniammal and Anr. 322

(6) s.320.

(See under: Negotiable Instruments Act, 1881) 678

(7) s. 374 – Appeal from conviction – Dismissed by High Court without referring to points raised in appeal and the evidence adduced – Held: High Court being the final court of fact, was required to re-appraise the evidence and take a view suitable to the case – This obligation has not been

performed by High Court – Matter remitted to High Court for decision afresh – Penal Code, 1860 – ss. 306 and 498-A.

Amarjit Singh & Ors. v. State of Punjab 614

(8) s.378 – Appeal against acquittal – Scope for interference by High Court.

(Also see under: Penal Code, 1860)

C. Magesh and Ors. v. State of Karnataka 623

(9) s.406 – Transfer of cases of kidnapping and murder against accused, an activist of a militant organization, pending in State of Manipur – Sought by CBI to a court in Delhi – Held: In order to ensure that a fair trial takes place in the cases in question, Court must account for the interests of all stakeholders, namely, accused, witnesses, prosecutors, near relatives of victims as well as society at large – In the circumstances, it would be expedient in the interests of justice to conduct trial in Delhi.

Central Bureau of Investigation (C.B.I.) v. Hopeson Ningshen & Ors. 666

(10) (i) s.438 – Anticipatory bail – Rejected by High Court – Held: Perusal of order of High Court and also of the record, indicating that there was no reason to grant anticipatory bail to the petitioner – However, he may apply for regular bail and also file an application for interim bail, which application shall be decided on the same day on which it is filed.

(ii) Bail – Interim bail – Held: Power to grant regular bail includes the power to grant interim bail pending final disposal of the application for regular bail – This power is inherent in the power to grant bail, particularly, in view of Article 21 of the Constitution which contemplates that a person should not be compelled to go to jail if he can establish *prima facie* that in the facts of the case he is innocent – Constitution of India, 1950 – Article 21.

Mukesh Kishanpuria v. State of West Bengal 702

(11) ss. 451 and 457 – Directions issued by Supreme Court in two earlier cases with regard to disposal of seized vehicles involved in commission of various offences – Petition under Article 32 alleging non-compliance of such directions – Considering the mandate of s.451/457, further directions issued by Supreme Court – On non-compliance of the directions, action to be taken against the erring officials – Motor Vehicles Act, 1988 – s.158(6) – Central Motor Vehicle Rules, 1989 – r.159 – Constitution of India, 1950 – Article 32.

General Insurance Council and Ors. v. State of Andhra Pradesh and Ors. 97

(12) s.482.
(See under: Penal Code, 1860) 322

(13) s.482 – Summoning order challenged by accused on the ground of territorial jurisdiction of trial court – Petition dismissed by High Court –

Held: In such cases, application should be filed before trial court giving the relevant facts – Whether court has jurisdiction to try/entertain a case, at least in part, will depend upon the facts of the case – Trial court should after hearing both the sides and recording evidence, if necessary, decide the question of jurisdiction before proceeding further with the case – Order of High Court set aside.

Krishna Kumar Variar v. Share Shoppe 1153

COMPANIES ACT, 1956:

ss. 193, 194, 195, 293, 391, 392, 393 and 394 – Gas Sales & Master Agreement (GSMA) – Entered into by Reliance Natural Resources Limited (RNRL) with Reliance Industries (RIL) on the basis of Memorandum of Understanding (MoU) arrived at between Ambani brothers – Scheme approved by Company Court – Hence, ss. 392 and 394 applicable – Power of the Court u/ss. 391 to 394 wide enough to make necessary changes in the Scheme – However, power does not extend to making any substantial or substantive changes to the Scheme – Arrangement under Clause 19 of the Scheme must be suitable for the interests of shareholders of RNRL and RIL as also obligation of RIL under Production Sharing Contract and broader national and public interest – Article 21 of the PSC must be interpreted to give the power to Government to determine both the valuation and price of Gas – Government owns the gas till it reaches its ultimate consumer – PSC shall override any other contractual obligation between Contractor and any other party –

Empowered Group of Ministers (EGOM) has already set the price of gas for the purpose of PSC – Parties must abide by this and other conditions placed by the Government policy – RIL directed to initiate renegotiation with RNRL within six weeks so that the interests of shareholders are safeguarded and finalise the same within eight weeks thereafter – Resultant decision should be placed before Company Court for necessary orders – Constitution of India, 1950 – Article 14, 39(b), 73, 77(3), 297 and 298 – Oil field (Regulation & Development) Act, 1948 – Territorial Waters Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 – Petroleum and Natural Gas Rules, 1959.

Reliance Natural Resources Ltd. v. Reliance Industries Ltd. 704

COMPENSATION:

(1) Compulsive acquisition – Determination of compensation.
(See under: Land Acquisition Act, 1894) 164

(2) Motor accident case – Award of compensation.
(See under: Motor Vehicles Act, 1988) 657

CONSTITUTION OF INDIA, 1950:

(1) Articles 14, 39(b), 73, 77(3), 297 and 298.
(See under: Companies Act, 1956) 704

(2) Article 19(1)(a) – Right to freedom of speech and expression – Different views are allowed to be expressed by proponents and opponents – Criminal law machinery should not be set into

motion merely for expressing unpopular views.

S. Khushboo v. Kanniammal and Anr. 322

(3) (i) Article 20(3) – Right against self-incrimination – Polygraph examination and Brain Electrical Activation Profile (BEAP) test – Results obtained from these tests should be treated as ‘personal testimony’ since they are a means for ‘imparting personal knowledge about relevant facts’ – Results obtained through involuntary administration of narcoanalysis technique, polygraph examination and BEAP test comes within the scope of testimonial compulsion thereby attracting the protective shield of Article 20(3).

(ii) Article 21 – Personal liberty – Involuntary administration of narcoanalysis technique, polygraph examination and BEAP Test – Held: No person should be forcibly subjected to any of the said techniques whether in the context of investigation in criminal cases or otherwise – Doing so would amount to unwarranted intrusion into personal liberty.

(Also see under: Code of Criminal Procedure, 1973)

Smt. Selvi & Ors. v. State of Karnataka 381

(4) Article 21 – Power to grant interim bail. (See under: Code of Criminal Procedure, 1973) 702

(5) Article 32. (See under: Code of Criminal Procedure, 1973) 97

(6) Articles 39(b), 73 and 77(3) – Directive Principles of State Policy – Natural gas is a material resource – Natural resources are vested with the Government as a matter of trust in the name of the people of India – It is the solemn duty of the State to protect the national interest – Natural resources must always be used in the interests of the country, and not private interests.

Reliance Natural Resources Ltd. v. Reliance Industries Ltd. 704

(7) (i) Article 131 – Suit under – For a declaration that disputed area was under administrative jurisdiction of plaintiff-State – Plea that at the time of creation of plaintiff-State, estate of which the disputed area was part, was transferred to it – Held: Plaintiff-State failed to establish that it had ever exercised administrative control over the disputed area after its creation in 1936 – Defendant-State established its and its predecessor States having administrative jurisdiction over the disputed area – Government of India (Constitution of Orissa) Order, 1936 – s. 3(2) and First Schedule Part-II.

(ii) Article 131 – Suit under – Between States – Pleas of adverse possession, waiver and acquiescence – Held: Procedural provisions applicable to ordinary civil suits are not applicable to suit between States – Pleas need not be considered.

(iii) Articles 131, 1(2) r/w Entry 10 VII Schedule and Article 3 – Suit between States – For

declaration that disputed area was under administrative jurisdiction of plaintiff-State – Maintainability of – Held: Not barred by Articles 1(2) r/w Entry 10, VII Schedule and Article 3 because plaintiff not sought increase, alteration or diminishing of any area but only declaration that it had administrative control over the disputed area – Entertaining the suit would not amount to encroachment on powers of Parliament to alter State boundaries.

(iv) Article 131 and its proviso – Letter by Madras Government to Orissa Government listing the names of villages which fell under the respective jurisdictions of States – Held: Letter cannot be described as the expression ‘Other Similar Instruments’ as occurring in proviso to Article 131 – It was not issued under the authority of a legislation or subordinate legislation nor was it a document of formal character made under constitutional or statutory authority – Thus, original jurisdiction of Supreme Court is not barred with reference to proviso to Article 131.

(v) Article 131 – Suit under – Applicability of provisions of CPC and Limitation Act – Held: Procedural provisions regulating the admissibility of civil suits are not applicable to suits under Article 131 in strict sense – Plea that suit was barred by time and not maintainable for want of notice u/s. 80 CPC not tenable – Code of Civil Procedure, 1908 – s. 80 – Limitation Act, 1963.

(Also see under: Government of India

(Constitution of Orissa) Order 1936)

State of Orissa v. State of Andhra Pradesh 1160

(8) Article 136 – Interference with ad-interim order passed by High Court – Scope of – Deaths in alleged encounters staged by Gujarat police – Writ petition seeking Investigation by CBI – High Court passed order for constituting an Investigation Team – Meanwhile, Metropolitan Magistrate made inquiry u/s. 176 CrPC and submitted report whereunder the alleged encounters were found to be fake – Police officials indicted in the report – Application by State Government in writ petition, with prayer to set aside the report of Magistrate – Operation of report stayed by High Court, with further direction to Registrar General of High Court to make detailed inquiry into the matter which led to holding of inquiry by magistrate u/s. 176 – Held: Order passed by High Court being ad-interim in nature, not to be interfered with under Article 136 – Code of Criminal Procedure, 1973 – s.176 – Interlocutory order.

Shamima Kauser v. Union of India and Ors. 89

(9) Article 142.
(See under: Negotiable Instruments Act, 1881) 678

(10) Articles 154 and 166.
(See under: Rules of Business of the Government of Goa) 1081

(11) Article 226 – Scope of – High Court granting

regular permits to private operators upsetting the ratio fixed in the scheme framed under Motor Vehicles Act, 1988 – Held: Not justified – Motor Vehicles Act, 1988.

(Also see under: Motor Vehicles Act, 1988)

Punjab Roadways Moga Through its General Manager v. Punja Sahib Bus and Transport Co. and Ors. 256

(12) (i) Seventh Schedule – List III, Item 38 – Electricity tariff – Legislature of State of Goa enacting Goa (Prohibition of Further Payment and Recovery of Rebate Benefits) Act, 2002 – Held: Competence of State Legislature to enact the Act is traceable to Entry 38 in List III of the Seventh Schedule – State has every right to recover, by resorting to legislative measures, benefits availed of by persons who cannot be permitted to retain the same – The Act meets and satisfies the constitutional test completely – Goa (Prohibition of Further Payment and Recovery of Rebate Benefits) Act, 2002.

(ii) Articles 14, 19(1)(g) and 32 – Writ petition under Article 32 – Industrial Units challenging a State enactment on the ground of violation of Articles 14 and 19(1)(g) – Held: Not maintainable – Goa (Prohibition of Further Payment and Recovery of Rebate Benefits) Act, 2002. (Also see under: Goa (Prohibition of Further Payment and Recovery of Rebate Benefits) Act, 2002)

Goa Glass Fibre Ltd. & Anr. v. State of Goa and Anr. 970

CONSUMER PROTECTION ACT, 1986:

(i) Medical Negligence – Expert Evidence – Requirement of – Award of compensation – Held: Expert evidence is necessary only when Forum comes to the conclusion that case is complicated or such that it cannot be resolved without assistance of expert opinion – Forum cannot follow mechanical or strait jacket approach – Each case has to be judged on its own facts – Negligence.

(ii) s. 2(1)(g) – Medical Negligence – Award of compensation – Set aside by State Commission as also National Commission holding that there was no expert evidence to prove negligence – Held: Expert evidence was not necessary to prove medical negligence as it was a case of wrong treatment as the patient was treated for typhoid instead of malaria – As a result, condition of patient deteriorated and she could not be revived.

(Also see under: Negligence)

V. Kishan Rao v. Nikhil Super Speciality Hospital & Anr. 1

CONTEMPT OF COURT:

Tactics of Bench hopping – During the course of hearing of appeal against order of High Court granting bail to accused whose application for bail had been rejected a large number of times by High Court and Supreme Court earlier, counsel for accused handing over to Bench a letter written by accused that his case should be heard by a Bench of which, the Judge named therein was not a member – Held: Conduct of respondent-accused

is contemptuous – However, Court restrained itself from issuing a notice for contempt of Court against accused for sending such a letter – Bail – Judicial restraint.

(Also see under: Bail)

Rabindra Nath Singh v. Rajesh Ranjan @ Pappu Yadav & Anr. 1156

CO-OPERATIVE SOCIETIES:

(See under: Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) 927

COSTS:

Imposition of – Aggrieved party not approaching quasi judicial and judicial forums including Supreme Court with clean hands and obtaining interim orders – Issuance of direction to pay Rs.2 lacs as costs.

Oswal Fats and Oils Ltd v. Additional Commissioner (Administration), Bareilly Division, Bareilly and Ors. 927

CRIMINAL LAW:

(1) (See under: Constitution of India, 1950 as also Administration of Justice) 322

(2) Evidence to be evaluated on the touchstone of consistency – Consistency is the keyword for upholding the conviction of an accused.

C. Magesh and Ors. v. State of Karnataka 623

CUSTOMARY LAWS:

(See under: Code of Civil Procedure, 1908) 595

DEFAMATION:

Prosecution for defamation.

(See under: Code of Criminal Procedure, 1973 as also Penal Code, 1860) 322

DELHI ELECTRICITY REFORMS ACT, 2000:

ss.14, 15, 16, 57 and 60.

(See under: Service Law) 1039

DELHI ELECTRICITY REFORMS (TRANSFER SCHEME) RULES, 2001:

rr.3, 6, 8 and 12.

(See under: Service Law) 1039

DOCTRINES/PRINCIPLES:

(1) (i) Doctrine of estoppel – Applicability of.

(ii) Principles of *res judicata* – Applicability of.

(iii) Doctrine of merger – Applicability of.
(See under: Code of Civil Procedure, 1908) 1081

(2) (i) Doctrine of full faith and credit – Applicability of.

(ii) Principle of public accountability and transparency in State action – Applicability of.

Eureka Forbes Ltd. v. Allahabad Bank and Ors. 990

(3) Doctrine of indoor Management – Applicability of.

1235

(See under: Rules of Business of the Government of Goa) 1081

(4) Doctrine of *res ipsa loquitur* – Applicability of.
(See under: Negligence) 1

(5) Principle of *ejusdem generis*.
(See under: Railway Servants (Discipline and Appeal) Rules, 1968) 35

(6) (i) Principle of necessary implication – Applicability of.

(ii) Principle of exclusion – Applicability of.

Union of India v. Alok Kumar 35

(7) Public trust doctrine – Doctrine of Identification – Applicability of.

Reliance Natural Resources Ltd. v. Reliance Industries Ltd. 704

ELECTRICITY:

(1) Rebate in electricity tariff.

(See under: Rules of Business of the Government of Goa as also Code of Civil Procedure, 1908) ... 1081

(2) (See under: Constitution of India, 1950) 970

ELECTRICITY ACT, 2003:

Wheeling charges for a particular period – Challenged in appeal – During the period, not a single unit of energy was wheeled – Maintainability of appeal – Tribunal without considering the issue

1236

of maintainability, decided the appeal on merit – Held: Issue regarding maintainability needed consideration – Matter remitted to tribunal.

West Bengal Electricity Regulatory Commission v. Hindalco Industries Ltd. & Ors. 108

EMPLOYEES' STATE INSURANCE ACT, 1948:

ss. 45-A and 2(9) – Employee – Payment of ESI contributions – Co-operative Milk Producers' Societies engaged in purchase of milk and its pasteurization – Workers employed by contractors in performance of contract awarded to them for transportation of milk – Liability of Milk societies to pay ESI contribution in respect of the workers – Held: Not liable.

The Managing Director, Hassan Co-operative Milk Producer's Society Union Limited. v. The Assistant Regional Director Employees State Insurance Corporation 232

ESTOPPEL:

Doctrine of estoppel – Applicability of.
(See under: Code of Civil Procedure, 1908) 1081

EVIDENCE:

(1) Dying declaration.
(See under: Penal Code, 1860) 1202

(2) Eye witnesses – Reliability of.
(See under: Penal Code, 1860) 605

(3) FIR – Evidentiary value of.

1237	
(See under: FIR)	.... 623
(4) Onus to prove – Land acquisition – Entitlement to receive higher compensation. (See under: Land Acquisition)	.... 164
(5) (See under: Code of Criminal Procedure, 1973)	.... 619
EVIDENCE ACT, 1872:	
(1) s.27. (See under: Code of Criminal Procedure, 1973)	.... 381
(2) s.32 – Dying declarations – Reliability. (See under: Penal Code, 1860)	.... 623
(3) ss. 61, 64, 74 and 75 – Complaint before consumer forum alleging medical negligence – Opposite party alleging that hospital records proved without following the provisions of the Evidence Act – Held: Provisions of the Evidence Act are not applicable – Complaints before consumer forum are to be tried summarily. (Also see under: Consumer Protection Act, 1986 as also Negligence)	
<i>V. Kishan Rao v. Nikhil Super Speciality Hospital & Anr.</i>	.... 1
FIR:	
Evidentiary value of – Discussed.	
<i>C. Magesh and Ors. v. State of Karnataka</i>	.... 623

1238	
FINANCIAL CORPORATION:	
Issuance of recovery certificate by Financial Corporation – Challenge to. (See under: Uttar Pradesh Public Moneys (Recovery of Dues) Act, 1972)	.... 150
GOA, DAMAN & DIU (ADMINISTRATION) ACT, 1962:	
ss. 5 and 6. (See under: Code of Civil Procedure, 1908)	.... 595
GOA (PROHIBITION OF FURTHER PAYMENT AND RECOVERY OF REBATE BENEFITS) ACT, 2002:	
ss.2, 3 and 4 – Act prohibiting payment, requiring recovery of benefits from beneficiaries and extinguishing all liabilities of State arising from void Notifications – Held: Action in issuing Notifications was unauthorised and wholly illegal and as industrial units could not be allowed to reap the benefits of illegal Notifications, State Legislature in its competence rightly enacted the Act – It cannot be said that the Act is aimed at nullifying the judgment of Supreme Court or giving effect to the judgment of High Court – Constitution of India, 1950 – Articles 14 and 19(1)(g), Seventh Schedule List III, Item 38. (Also see under: Constitution of India, 1950)	
<i>Goa Glass Fibre Ltd. & Anr. v. State of Goa and Anr.</i>	.... 970
GOVERNMENT OF INDIA (CONSTITUTION OF ORISSA) ORDER 1936:	
s.3(2) and (3) and First Schedule, Part-II – Dispute between States arising post-independence – Suit	

under Article 131 – Plea that suit was barred under the provisions of the Order – Held: Exclusion of judicial scrutiny in the Order which was notified in pre-independence period cannot be mechanically carried forward to post-independence period – Jurisdiction of Supreme Court to entertain suit under Article 131 not barred – Constitution of India, 1950 – Article 131.

(Also see under: Constitution of India, 1950)

State of Orissa v. State of Andhra Pradesh 1160

GUIDELINES:

Administration of narcoanalysis test – Guidelines by National Human Rights Commission – Adherence to.

(See under: Code of Criminal Procedure, 1973) 381

(2) Guidelines for filing of application for compounding of offences involving s.138 of the Negotiable Instruments Act, 1881.

(See under: Negotiable Instruments Act, 1881) 678

HINDU MARRIAGE ACT, 1955:

s.12.
(See under: Code of Civil Procedure, 1908) 595

INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986:

ss.4 and 6 – Applicability of – Appellant's statement published in news magazine regarding the increasing incidence of pre-marital sex

especially in the context of live-in relationship and need for its societal acceptance – Complaint against appellant – Held: The Act punishes publishers and advertisers who knowingly disseminate materials that portray women in an indecent manner – Act is not applicable to the appellant as she cannot be described as 'advertiser' nor 'publisher' – Penal Code, 1860 – s.499.

(Also see under: Penal Code, 1860)

S. Khushboo v. Kanniammal and Anr. 322

INFORMATION TECHNOLOGY:

(See under: Media) 322

INTEREST:

Land Acquisition – Grant of interest for period prior to Notification.

(See under: Land Acquisition Act, 1894) 164

INTERLOCUTORY ORDERS:

(1) Interlocutory order of Special Court – Appeal against.

(See under: Special Courts (Trial of Offences Relating to Transactions in Securities) Act, 1992) 275

(2) (See under: Constitution of India, 1950) 89

INTERPRETATION OF STATUTES:

(1) (i) Legislative intent – Held: Needs to be noticed for beneficial and proper interpretation of the provisions in the light of the Scheme underlying

the provisions of the Statute.

(ii) Literal/plain construction – Plain words require no construction – However, whether the words are plain or ambiguous can be determined by studying them in their context.

(iii) Interpretation – Guiding principles – Explained.

Special Land Acquisition Officer v. Karigowda & Ors. 164

(2) (See under: Railway Servants (Discipline and Appeal) Rules, 1968) 35

(3) Use of word 'include' in interpretation clause – Held: Is to enlarge the meaning of the words or phrases occurring in the body of the statute – When it is used, those words or phrases must be construed as comprehending, not only such things, as they signify according to their natural import, but also those things which the interpretation clause declares that they shall include – Words and Phrases.

Oswal Fats and Oils Ltd v. Additional Commissioner (Administration), Bareilly Division, Bareilly and Ors 927

INVESTIGATION:

(1) Video recordings of narcoanalysis interviews – Leakage to media by investigation agency – Worrysome practice since public distribution of these recordings can expose the subject to undue social stigma and specific risks – May even

encourage vigilantism in addition to media trial. (Also see under: Code of Criminal Procedure, 1973 as also Constitution of India, 1950)

Smt. Selvi & Ors. v. State of Karnataka 381

(2) Deaths in alleged encounters staged by Gujarat Police – Writ petition seeking investigation by CBI. (See under: Constitution of India, 1950) 89

(3) (See under: Administration of Justice) 322

JUDGMENT/ORDER:

(1) Judgment '*per incuriam*' – Held: When a judgment is passed ignoring the provisions of the governing statute and earlier larger Bench decision on the point, it is rendered '*per incuriam*'.

V. Kishan Rao v. Nikhil Super Speciality Hospital & Anr. 1

(2) Non-reasoned order – Effect of. (See under: Bail) 1156

JUDICIAL RESTRAINT:

(See under: Contempt of Court) 1156

JUDICIAL REVIEW:

(1) Judicial Review – Scope of – In disciplinary matters – Held: Court cannot interfere with the discretion exercised by disciplinary authority/appellate authority, with regard to imposition of punishment unless such discretion suffers from illegality, or material procedural irregularity or that would shock the conscience of the court.

(Also see under: Service Law)

- The Administrator Union Territory of Dadar & Nagar Haveli v. Gulabhia M. Lad* 309
- (2) (See under: Administration of Justice) 322

JURISDICTION:

- (1) Jurisdiction of Debt Recovery Tribunal. (See under: Recovery of Debts Due to Banks and Financial Institutions Act, 1993) 990
- (2) Jurisdiction of Supreme Court to entertain suit under Article 131 of the Constitution – Government of India (Constitution of Orissa) Order, 1936. (See under: Constitution of India, 1950) 1160
- (3) Territorial jurisdiction of trial court. (See under: Code of Criminal Procedure, 1973) 1153
- (4) (See under: Code of Civil Procedure, 1908) 595

JUVENILE JUSTICE ACT, 1986:

- (See under: Juvenile Justice (Care and Protection of Children) Act, 2000) 137

JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000:

- (1) ss. 2(k), 2(l), 7-A, 20 and 49 – Relevant date for determining the applicability of the Act of 2000 – Murder and attempt to murder – Incident occurred in 1991 – Accused aged 16 years and 9 months at that time and, as such, not a juvenile

within the meaning of the Act of 1986 – Conviction and sentence by regular court – Meanwhile, Act of 2000 came into force w.e.f 1st April, 2001 – Claim of juvenility within the meaning of the Act of 2000 since the accused not completed 18 years of age at the time of commission of the said offences – Held: Tenable – Juvenile Justice (Care and Protection of Children) Rules, 2007 – rr. 12 and 98 – Juvenile Justice Act, 1986.

Dharambir v. State (NCT of Delhi) and Anr. 137

(2) ss. 7-A, 15 and 64 r/w r.98 – Juvenile tried along with adults, convicted and sentenced to imprisonment for life – Claim regarding juvenility before Supreme Court – Held: Section 7-A allows a claim of juvenility to be raised before any court at any stage even after final disposal of the case and speaks of the procedure to be adopted by the court – Upon due verification, it is confirmed that the claimant was juvenile on date of commission of offence – Therefore, entitled to benefit of s.7-A r/w. s.64 – Rule 98 applicable to the case of the claimant – He has already undergone more than the maximum sentence, thus, directed to be released forthwith – Juvenile Justice (Care and Protection of Children) Rules, 2007 – r.98 – Penal Code, 1860 – ss. 302/34, 324/34 and 326/34.

Mohan Mali & Anr. v. State of M.P. 373

JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) RULES, 2007:

(1) rr. 12 and 98.

(See under: Juvenile Justice (Care and Protection of Children) Act, 2000) 137

(2) r. 98.

(See under: Juvenile Justice (Care and Protection of Children) Act, 2000) 373

KERALA EDUCATION RULES, 1959:

Chapter XIV-A r. 43 Note 2 – Relevant date for possessing prescribed qualification – Date of occurrence of vacancy or the date on which appointment made – Held: Relevant date would be the date when the vacancy arises.

Jenany J.R. v. S. Rajeevan & Ors. 694

LAND ACQUISITION:

(i) Compensation for land acquisition – Methodology for computation of – In compulsive acquisition – High Court adopting Capitalization of Net Income Method, negating the Sales Statistics Method by taking instances of adjacent villages adopted by Land Acquisition Officer – Held: Adoption of method of Capitalization and multiplying the same by 10, is without the support of evidence, hence inconsequential – Value of mulberry leaves used for sericulture could be capitalized and not the value of silk cocoons – Sale instances of adjacent villages can be made basis for determining the fair market value – Instances considered by Land Acquisition Officer are relevant instances – Claimants are entitled to

increase at the rate of 15% p.a. – Court is entitled to apply some reasonable guess work to balance the equities and fix just and fair market value – On facts, claimants are given higher compensation – Land Acquisition Act, 1894 – ss. 23 and 24.

(ii) Compulsive acquisition – Power of compulsive acquisition has an inbuilt duty and responsibility on the State to pay just and fair compensation without delay.

(iii) Land acquisition – Entitlement to receive higher compensation – Onus to prove – Held: Is on claimants – But it cannot be said that there is no onus on the State – Evidence.

(Also see under: Land Acquisition Act, 1894)

Special Land Acquisition Officer v. Karigowda & Ors. 164

LAND ACQUISITION ACT, 1894:

(i) ss. 23 and 24 – Fair market value – In compulsive acquisition – Determination of – Held: Relevant consideration would be the value of land with its peculiar advantages and disadvantages with reference to commercial value – Other consequential rights, legal or commercial, which remotely flow from an agricultural activity will not be treated as a relevant consideration – Computation of compensation has to be in terms of ss. 23 and 24 – Only statutory benefits in terms of ss. 23 (1-A) and 23 (2) would be available to claimant.

(ii) ss. 23 and 24 – Interpretation of – Held: Court

should apply the principle of literal or plain construction to these provisions – In view of the scheme of the Act, it will not be appropriate either to apply the rule of strict construction or liberal construction to the provisions of the Act – Interpretation of statutes.

(iii) ss. 4 and 48 – Land acquisition – Land taken in possession prior to issuance of notification u/ s. 4 – Grant of interest for the period prior to the notification – Held: Not permissible – However, for such period, court can direct Collector to examine the extent of rent or damages – s. 48 would come to the aid of claimants.

Special Land Acquisition Officer v. Karigowda & Ors. 164

LAND LAWS AND AGRICULTURAL TENANCY:

Restriction on transfer by Bhumidar.
(See under: Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 as also Interpretation of Statutes) 927

LEASE:

Renewal of lease.
(See under: Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) 927

LEGISLATION:

Legislative vacuum – Bridged by judicial pronouncement.
(See under: Negotiable Instruments Act, 1881) 678

LIMITATION ACT, 1963:

Suit between States – Applicability of the provisions of the 1963 Act.
(See under: Constitution of India, 1950) 1160

MAXIMS:

(1) '*Boni judicis est lites dirimere, ne lis ex lite oritur, et interest reipublicae ut sint fines litium*' – Applicability of.

Special Land Acquisition Officer v. Karigowda & Ors. 164

(2) *Ejusdem generis* – Applicability of.

Union of India v. Alok Kumar 35

(3) "*Nullus commodum capere potest de injuria sua propria*" – Applicability of.

Eureka Forbes Ltd. v. Allahabad Bank and Ors. 990

(4) '*Res ipsa loquitur*'.
(See under: Negligence) 1

MEDIA:

(1) Leakage of video recordings of narcoanalysis interviews to media.
(See under: Investigation) 381

(2) Media – Role and responsibility of – Electronic and news media need to play positive role in presenting to general public as to what actually transpire during the course of hearing – It should

not be published in such a manner so as to get unnecessary publicity for its own paper or news channel – Such a tendency, which is indeed growing fast, should be stopped.

S. Khushboo v. Kanniammal and Anr. 322

MOTOR VEHICLES ACT, 1988:

(1) ss. 98, 99, 100, 102, 104 and its proviso – Chapter V and VI – Stage carriage permit – Scheme providing for a ratio with regard to grant of permits on notified routes between State Transport Undertakings and private operators – Power to cancel/modify the Scheme or change the ratio fixed – Held: Power rests with State Government and is not conferred on Regional Transport Authority – No private operator has right to claim regular permit to operate on any part of notified area/route upsetting the ratio prescribed in the Scheme except on a temporary permit granted under the proviso to s.104 – Constitution of India, 1950 – Road transport.

(Also see under: Constitution of India, 1950)

Punjab Roadways Moga Through its General Manager v. Punja Sahib Bus and Transport Co. and Ors. 256

(2) s. 158(6) – Disposal of seized vehicle involved in commission of various offences.

(See under: Code of Criminal Procedure, 1973) 97

(3) s.166 – Compensation – Future loss of earning – Claimant aged 50 years working as mason – In

motor accident, suffered multiple fractures resulting in shortening of right leg by 3.5 cms – Tribunal assessed disability at 20% and awarded compensation of Rs.1.55 lacs – High Court enhanced compensation by Rs.34000 – Held: Appellant had suffered an irreversible damage to his right leg posing difficulties for him in carrying out his avocation as a mason – High Court while making observation that the tribunal's compensation under the heads "loss of amenities and enjoyment of life and loss of earnings during laid up period" was on the lower side, did not make its own assessment under these heads – Matter remitted to High Court for consideration afresh.

Sri B.T. Krishnappa v. The Divisional Manager, United Insurance Company Ltd. and Anr. 657

NATURAL JUSTICE:

Natural justice – Non-furnishing of documents. (See under: Administrative Law) 35

NEGLIGENCE:

(i) Medical negligence – Doctrine of res ipsa loquitur – Applicability of – In medical negligence cases – Held: Doctrine is applicable where negligence is evident – Complainant does not have to prove anything as the thing (res) proves itself – Respondent has to prove that he has taken care and done his duty to repel the charge of negligence – Doctrine – Tort.

(ii) Requirement of expert evidence in medical

negligence cases – Directions in *D'souza's* case to have expert evidence in all cases of medical negligence whether binding – Held: Directions rendered in *D'souza's* case ignoring the provisions of the governing statute and earlier larger Bench decision on the point, not a binding precedent in cases of medical negligence before consumer Forum – Precedent.

(iii) Medical negligence – Bolam test – Held: Lays down the standards for judging cases of medical negligence.

(Also see under: Consumer Protection Act, 1986)

V. Kishan Rao v. Nikhil Super Speciality Hospital & Anr.

1

NEGOTIABLE INSTRUMENTS ACT, 1881:

(i) ss. 147 and 138 – Compounding of offence – Appeal before Supreme Court involving offences punishable u/s 138 – Settlement arrived at between the parties – Held: Compounding of offence allowed and conviction of accused in each case set aside.

(ii) s.147 – Compounding of offences punishable u/s 138 – Guidelines laid down for filing of applications for compounding of offences involving s.138 and imposition of costs on parties who unduly delay compounding of offences – Since s.147 does not carry any guidance on how to proceed with the compounding of offences, there is legislative vacuum in this regard – Even in the past the Supreme Court has used its power to do complete justice under Article 142 to frame

guidelines in relation to subject matter where there was a legislative vacuum – Code of Criminal Procedure, 1973 – s.320 – Constitution of India, 1950 – Article 142 – Legislation.

Damodar S. Prabhu v. Sayed Babalal H. 678

NOTICE:

Notice u/s.80 Code of Civil Procedure, 1908 as regards dispute between two States.

(See under: Constitution of India, 1950) 1160

OIL FIELD (REGULATION & DEVELOPMENT) ACT, 1948:

(See under: Companies Act, 1956) 704

PARTY:

'Person aggrieved'.

(See under: Code of Criminal Procedure, 1973) 322

PENAL CODE, 1860:

(1) ss. 292, 499, 500, 505 and 509 – Complaints against an actress alleging offences of defamation, obscenity, indecent representation of women and incitement – For expressing her opinion in a news magazine regarding the increasing incidence of pre-marital sex especially in the context of live-in relationship and need for its societal acceptance – High Court refusing to quash the proceedings but transferring them to one place – Held: Criminal complaints not maintainable – Indecent Representation of Women (Prohibition) Act, 1986 – ss. 4 and 6 – Code of

Criminal Procedure, 1973 – s.482 – Constitution of India, 1950 – Article 19(1)(a).

(Also see under: Indecent Representation of Women (Prohibition) Act, 1986, Code of Criminal Procedure, 1973 and Constitution of India, 1950)

S. Khushboo v. Kanniammal and Anr. 322

(2) (i) s.302 – Trial of 49 accused – Conviction of 7 accused – Held: There was consistency in evidence regarding role played by 5 of the accused in the commission of offence – Concurrent finding of facts by courts below against them not interfered with – However, as there was inconsistency, improper identification and absence of specific role attributed to the other 2 accused, their conviction is not sustained.

(ii) s.302 – Conviction by High Court relying on dying declarations – Held: Dying declarations were not in question answer form and endorsement by the doctors not made in the beginning of the statements that declarants were mentally fit – Moreover, no reason given as to why dying declarations were not recorded in the presence of Magistrate – Code of Criminal Procedure, 1973 – s.378 – Evidence Act, 1872 – s.32.

C. Magesh and Ors. v. State of Karnataka 623

(3) ss. 302/34, 324/34 and 326/34.
(See under: Juvenile Justice (Care and Protection of Children) Act, 2000) 373

(4) ss.302/149 – Fire shot at victim – Death of victim after 5 days – Dying declaration recorded by magistrate duly endorsed by doctor – Trial court convicted accused u/s.307 but acquitted them u/s.302 – High Court convicted accused u/s.302/149 – Interference with – Held: Not called for.

Munnawar and Ors. v. State of U.P. etc. 1202

(5) ss. 302 and 114 – Murder by appellant-accused with two co-accused – Eye-witnesses to the incident – Recovery of weapon of offence – Conviction by trial court of all the accused – High Court confirming conviction of two of the accused – Held: Justified.

Dilpesh Balchandra Panchal v. State of Gujarat 605

(6) s. 302 and s.300, Exception 4 – Son of a bus operator, stabbing the helper, a young boy to death – Conviction u/s 302 by courts below upheld – Facts do not justify applicability of Exception 4 to s.300.

Vijender Kumar @ Vijay v. State of Delhi 368

(7) ss. 306 and 498-A.
(See under: Code of Criminal Procedure, 1973) 614

(8) s.363 – Kidnapping – Four persons including appellant prosecuted – Conviction u/s. 363 – Held: As victim was not examined as a witness, her statement u/s 164 CrPC cannot be used against the appellant – Even otherwise, her statement did

not involve the appellant in any manner – Appellant acquitted – Code of Criminal Procedure, 1973 – s.164.

(Also see under: Code of Criminal Procedure, 1973)

Baij Nath Sah v. State of Bihar 619

(9) s. 499.

(See under: Code of Criminal Procedure, 1973 as also under Indecent Representation of Women (Prohibition) Act, 1986) 322

PETROLEUM AND NATURAL GAS RULES, 1959:
(See under: Companies Act, 1956) 704

PRACTICE AND PROCEDURE:

Concealment of material facts – Effect of – Held: Such person has no right to be heard on merits of his grievance – Court not only has the right but a duty to deny relief to such person.

Oswal Fats and Oils Ltd v. Additional Commissioner (Administration), Bareilly Division, Bareilly and Ors 927

PRECEDENTS:

(See under: Negligence) 1

PUBLIC INTEREST LITIGATION:

(See under: Rules of Business of the Government of Goa) 1081

PUBLIC SERVANTS (INQUIRIES) ACT, 1850:

Appointment of retired officers as Inquiry Officer.

(See under: Railway Servants (Discipline and Appeal) Rules, 1968) 35

RAILWAY SERVANTS (DISCIPLINE AND APPEAL) RULES, 1968:

(i) r.9(2) – Inquiry – Appointment of retired officers of the Department appointed as ‘inquiry officer’ – Held: Is permissible – Expression ‘other authority’ u/r. 9(2) does not mean a person in service alone – The Rule does not exclude appointment of retired employees as other authority – Application of principle of exclusion cannot be inferred in absence of specific language in the Rule – Service Law – Public Servants (Inquiries) Act, 1850.

(ii) rr. 9(2) and (6) and Schedule 3 – Interpretation of r. 9(2) – Held: Expression ‘other authority’ is intended to cover a vast field, it should not be given a narrow meaning – The rule provides a discretion in matter of appointment of ‘inquiry officer’ which cannot be taken away – Interpretation should be such as to further the object of such rule – Principle of *ejusdem generis* not applicable to r. 9(2) – Rule of contextual interpretation is applicable to the provision – Interpretation of Statutes.

Union of India v. Alok Kumar 35

RECEIVERS:

(i) Receiver appointed by court – Conduct of – Receiver partly complied with the instructions and acted contrary to the other instructions – Application seeking a direction to Receiver to

render accounts and make payments of amounts due to applicant – Dismissed by High Court – Held: High Court did not deal with the crucial aspect as to whether the Receiver discharged his obligations – Order of High Court set aside and the matter remitted to High Court to examine afresh the entire issue.

(ii) Receivers appointed by courts – Monitoring of their functions by courts – Explained.

(iii) Receivers appointed by courts – Functions and responsibilities of – Explained.

Amal Kumar Ghosh & Ors. v. Basanta Kumar Almal

357

RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993:

(1) (i) Object of the Act – Discussed.

(ii) ss.2(g) and 17 – ‘Debt’ – Meaning of – Jurisdiction of Debt Recovery Tribunal – Appellant sold the goods hypothecated to Bank and adjusted the sale proceeds thereof towards the arrears of licence fee due from respondents 2 and 3 without the consent of respondent no.1-bank – Claim by Bank against appellant before Debt Recovery Tribunal – Held: Appellant took no remedial or *bonafide* steps even after it admittedly came to know that the goods in question were hypothecated to the Bank – Goods were disposed off by appellant with the knowledge that the goods were hypothecated to the Bank – Claim raised by

Bank fell well within the ambit and scope of word ‘debt’ u/s.2(g) and was well within the jurisdiction of tribunal exercising its power u/s.17.

Eureka Forbes Ltd. v. Allahabad Bank and Ors.

990

(2) s. 34(2).

(See under: Uttar Pradesh Public Moneys (Recovery of Dues) Act, 1972)

150

RES JUDICATA:

Principles of res judicata.

(See under: Code of Civil Procedure, 1908) 1081

ROAD TRANSPORT:

Stage carriage permit.

(See under: Motor Vehicles Act, 1988) 256

RULES OF BUSINESS OF THE GOVERNMENT OF GOA:

rr. 3, 6, 7 and 9 – Decision taken by Minister of Power allowing rebate in electricity tariff – Matter not referred to Chief Minister or Council of Ministers – Concurrence of Finance Department also not taken – Held: Such a decision cannot be said to be the decision of the Government – Notifications giving effect to such decisions without complying with the Rules of Business framed under Article 166(3), are non-est and void *ab initio* – There is sufficient doubt with regard to the conduct of Minister of Power in issuing Notifications – Suspicion of irregularity renders the doctrine of indoor management inapplicable – Constitution

of India, 1950 – Articles 154 and 166 – Doctrines.

M/s M.R.F. Ltd. Etc. v. Manohar Parrikar and Ors. 1081

SENTENCE/SENTENCING:

Accused juvenile at the time of commission of offence – Reduction of quantum of sentence to the period already undergone.

(See under: Juvenile Justice (Care and Protection of Children) Act, 2000) 137

SERICULTURES:

(See under: Land Acquisition) 164

SERVICE LAW:

(1) Appointment/Recruitment/Selection:

(i) Appointment of retired officers of Department as Inquiry Officer.

(See under: Railway Servants (Discipline and Appeal) Rules, 1968 as also Administrative Law) 35

(ii) Appointment – Relevant date of possessing prescribed qualification.
(See under: Kerala Education Rules, 1959) 694

(iii) Selection – Haryana Police – Post of Constable – Vacancies in general category as well as reserved categories – Reserved category for ex-servicemen (ESM) comprising of three distinct sub categories, ESM (General Category), ESM BC(A) and ESM BC(B) category – Appointment of appellant in ESM BC(B) category

– Quashed by court – Termination – Held: Two candidates selected in ESM BC(B) category ahead of appellant ought to have been selected against vacancies in ESM (General) category as per their merit since they scored more marks than the last two candidates in ESM (general) category – Select List was required to be recast and candidates suitably shifted from reserved category to general category in which event appointments could be offered to other candidates in ESM BC(B) category such as appellant depending on their merit.

Ravinder Kumar v. State of Haryana and Ors. 116

(2) Disciplinary proceedings – Different punishment to delinquents in a joint inquiry – Propriety of – Held: Is permissible if responsibilities and duties of delinquents differ or where distinguishing features exist – Similarity of charges is not determinative factor for imposition of punishment.

The Administrator Union Territory of Dadar & Nagar Haveli v. Gulabhia M. Lad 309

(3) Termination – Assistant Teacher appointed in Scheduled Tribes category – Tribe Certificate produced by him found invalid by Scheduled Tribe Caste Scrutiny Committee – Termination – Held: Once Scheduled Tribe certificate was invalidated by Caste Scrutiny Committee, the appointment became void from the beginning – In the interests of justice, Government directed to create

supernumerary post to accommodate the teacher concerned.

Chief Executive Officer, Zilla Parishad v. State of Maharashtra & Ors. 127

(4) Transfer of Management – Re-organization of Delhi Vidyut Board (DVB) – Statutory transfer scheme – Tripartite agreements between Govt. of National Capital Territory of Delhi, DVB and DVB Joint Action Committee (consisting of various Unions etc.) – DVB unbundled into private companies including appellants-DISCOMs w.e.f. 1-7-2002 – All employees transferred – Plea of appellants that they had no liability relating to employees, who ceased to be employees of the erstwhile Delhi Electric Supply Undertaking (predecessor of DVB) prior to 1-7-2002 on account of their retirement, removal, dismissal or compulsory retirement in accordance with the provisions of the Act – Held: Not tenable – Delhi Electricity Reforms Act, 2000 – ss.14, 15, 16, 57 and 60 – Delhi Electricity Reforms (Transfer Scheme) Rules, 2001 – rr.3, 6, 8 and 12.

North Delhi Power Ltd. v. Govt. of National Capital Territory of Delhi & Ors. 1039

SHARES AND SECURITIES:

Fraudulent securities transactions – Siphoning of huge funds of various banks.

(See under: Special Courts (Trial of Offences Relating to Transactions in Securities)

Act, 1992) 275

SOCIAL STATUS CERTIFICATE:

Appointment on the basis of scheduled tribe certificate – Certificate invalidated by Caste Scrutiny Committee – Effect on appointment.

(See under: Service Law) 127

SPECIAL COURTS (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992:

ss. 3 and 10 – Appeal against interlocutory order of Special Court – Maintainability of – Special Court passed decrees against appellant and its group Companies – Realization of amounts under the decrees – Sale of properties in the process – Plea that appropriation of sale proceeds ought to have been carried out individually against each of the decrees and not as done by Custodian treating all decrees as a consolidated decree negated by Special Court – Held: Order passed by Special Court was purely interlocutory and did not amount to deciding any lis as such between parties – Appeals against interlocutory orders are specially excluded u/s.10 – Interference with the order is unwarranted.

Killick Nixon Ltd. v. The Custodian and Ors. 275

SUIT:

(1) Disputes between States arising post-independence – Suit under Article 131 of the Constitution of India, 1950.

(See under: Constitution of India, 1950) 1160

(2) Suit for specific performance – Receivers appointed by court – Duties of. (See under: Receivers)	....	357
TENDER: (See under: Administrative Law)	....	646
TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976: (See under: Companies Act, 1956)	....	704
TORT: Medical negligence – Doctrine of <i>res ipsa loquitur</i> . (See under: Negligence)	....	1
TRANSFER PETITION: (1) Transfer of cases of murder and kidnapping against activist of militant organization from Manipur to designated CBI Court in New Delhi. (See under: Code of Criminal Procedure, 1973)	....	666
(2) Transfer of matrimonial petition. (See under: Code of Civil Procedure, 1908)	....	595
UTTAR PRADESH PUBLIC MONEYS (RECOVERY OF DUES) ACT, 1972: (i) Applicability of the Act – Discussed. (ii) ss. 2 and 3 – Non-payment of dues, for goods purchased from financial Corporation – Corporation issuing recovery certificates u/s. 3 and		

also filing FIR –Held: The recovery certificates are illegal – Such certificates should be based on tangible agreement – Sale of goods is not ‘financial assistance’, hence s.3 not applicable – In view of FIR, goods were taken away in the course of criminal action – Act is not intended to recover value of goods taken away in the course of criminal action – After coming into force of Debt Recovery Act, recourse cannot be taken to the Uttar Pradesh Act – Recovery of Debts Due to Banks and Financial Institutions Act, 1993 – s. 34 (2).

M/s. A.P.T. Ispat Pvt. Ltd. v. U.P. Small Industries Corporation Ltd. & Anr. 150

UTTAR PRADESH ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1950: (i) s.154 – Restriction on transfer by bhumidhar – Purchase of land by Company in excess of ceiling limit – Company and State Government entered into lease agreement whereby Company took the excess land on lease from Government by conceding that it had purchased excess land in violation of s. 154(1) and the same vested in State Government – Held: By execution of lease agreement, object and purpose of the Act and order passed by Collector, stood frustrated – State Government directed not to renew the lease of the Company after 30 years and deal with excess land as per the provisions of the Act – Lease – Renewal of. (ii) s. 154(1) – Word ‘person’ appearing in s.		
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154(1) – Construction of – Held: It cannot be construed in a manner which would defeat the object and the purpose of legislation – Word ‘person’ includes any company or association or body of individuals, whether incorporated or not – Co-operative society is also included by virtue of explanation to s. 154(1) – Words and Phrases.

Oswal Fats and Oils Ltd v. Additional Commissioner (Administration), Bareilly Division, Bareilly and Ors. 927

WAIVER:

Applicability of, to suit between States.
(See under: Constitution of India, 1950) 1160

WITNESS:

Eye-witnesses – Evidentiary value of.
(See under: Penal Code, 1860) 605

WORDS AND PHRASES:

(1) ‘Authority’ – Meaning of.

Union of India v. Alok Kumar 35

(2) Expression ‘supervision’ – Meaning of – In the context of s. 2(9) of the Employees’ State Insurance Act, 1948.

The Managing Director, Hassan Co-operative Milk Producer’s Society Union Limited. v. The Assistant Regional Director Employees State Insurance Corporation 232

(3) (i) “Offence”– Meaning of – In the context of

ss. 40, 41 and 42 of the Penal Code, 1860, s.2(n) of the Code of Criminal Procedure, 1973 and s.3(38) of the General Clauses Act, 1897.

(ii) “Person aggrieved” – Meaning of – In the context of s. 199(1)(b) of the Code of Criminal Procedure, 1973.

S. Khushboo v. Kanniammal and Anr. 322

(4) Word ‘person’ – Construction of.
(See under: Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 as also Interpretation of Statutes) 927

CONTENTS

A.P.T. Ispat Pvt. Ltd. (M/s.) v. U.P. Small Industries Corporation Ltd. & Anr.	.....	150
Additional Commissioner (Administration), Bareilly Division, Bareilly and Ors.; Oswal Fats and Oils Limited v.	.....	927
Administrator Union Territory of Dadar & Nagar Haveli (The) v. Gulabhia M. Lad	.....	309
Allahabad Bank and Ors.; Eureka Forbes Limited v.	.....	990
Alok Kumar; Union of India v.	.....	35
Amal Kumar Ghosh & Ors. v. Basanta Kumar Almal	.....	357
Amarjit Singh & Ors. v. State of Punjab	.....	614
Assistant Regional Director Employees State Insurance Corporation; Managing Director, (The) Hassan Co-operative Milk Producer's Society Union Limited. v.	.....	232
Baij Nath Sah v. State of Bihar	.....	619
Basanta Kumar Almal; Amal Kumar Ghosh & Ors. v.	.....	357
Central Bureau of Investigation (C.B.I.) v. Hopeson Ningshen & Ors.	.....	666
Chief Executive Officer, Zilla Parishad v. State of Maharashtra & Ors.	.....	127

(i)

(ii)

Custodian (The) and Ors.; Killick Nixon Ltd. v.	.....	275
Damodar S. Prabhu v. Sayed Babalal H.	.....	678
Devender Kumar & Anr. etc. v. State of Haryana & Ors. etc.	.....	1195
Dharambir v. State (NCT of Delhi) and Anr.	.....	137
Dilpesh Balchandra Panchal v. State of Gujarat	.....	605
Divisional Manager, United Insurance Company Ltd. and Anr.; Sri B.T. Krishnappa v.	.....	657
Eureka Forbes Limited v. Allahabad Bank and Ors.	.....	990
Famy Care & Ors.; Indian Drugs & Pharmaceutical Ltd. v.	.....	646
General Insurance Council and Ors. v. State of Andhra Pradesh and Ors.	.....	97
Goa Glass Fibre Ltd. & Anr. v. State of Goa and Anr.	.....	970
Govt. of NCT of Delhi & Ors.; North Delhi Power Limited v.	.....	1039
Gulabhia M. Lad; Administrator Union Territory of Dadar & Nagar Haveli (The) v.	.....	309
Hindalco Industries Ltd.; West Bengal Electricity Regulatory Commission v.	.....	108
Hopeson Ningshen & Ors.; Central Bureau of Investigation (C.B.I.) v.	.....	666

(iii)			(iv)		
Indian Drugs & Pharmaceutical Ltd. v. Famy Care & Ors.	.....	646	Mukesh Kishanpuria v. State of West Bengal	.....	702
Indowind Energy Ltd. v. Wescare (I) Ltd. and Anr.	.....	284	Munnawar and Ors. v. State of U.P. etc.	.....	1202
Jenany J.R. v. S. Rajeevan & Ors.	.....	694	Nikhil Super Speciality Hospital & Anr.; Kishan (V.) Rao v.	.....	1
Jitesh Kishore Tolani; Vinisha Jitesh Tolani @ Manmeet Laghmani v.	.....	595	North Delhi Power Limited v. Govt. of NCT of Delhi & Ors.	.....	1039
Kanniammal and Anr.; Khushboo (S.) v.	.....	322	Oswal Fats and Oils Limited v. Additional Commissioner (Administration), Bareilly Division, Bareilly and Others	.....	927
Karigowda & Ors.; Special Land Acquisition Officer v.	.....	164	Punja Sahib Bus and Transport Co. and Ors.; Punjab Roadways Moga Through its General Manager v.	.....	256
Khushboo (S.) v. Kanniammal and Anr.	.....	322	Punjab Roadways Moga Through its General Manager v. Punja Sahib Bus and Transport Co. and Ors.	.....	256
Killick Nixon Ltd. v. The Custodian and Ors.	.....	275	Rabindra Nath Singh v. Rajesh Ranjan @ Pappu Yadav & Anr.	.....	1156
Kishan (V.) Rao v. Nikhil Super Speciality Hospital & Anr.	.....	1	Rajeevan (S.) & Ors.; Jenany J.R. v.	.....	694
Krishna Kumar Variar v. Share Shoppe	.....	1153	Rajesh Ranjan @ Pappu Yadav & Anr.; Rabindra Nath Singh v.	.....	1156
M.R.F. Ltd. (M/s.) Etc. v. Manohar Parrikar and Ors.	.....	1081	Ravinder Kumar v. State of Haryana and Ors.	.....	116
Magesh (C.) and Ors. v. State of Karnataka	.....	623	Reliance Industries Ltd.; Reliance Natural Resources Ltd. v.	.....	704
Managing Director, (The) Hassan Co-operative Milk Producer's Society Union Limited. v. Assistant Regional Director Employees State Insurance Corporation	.....	232	Reliance Natural Resources Ltd. v. Reliance Industries Ltd.	.....	704
Manohar Parrikar and Ors.; M.R.F. Ltd. (M/s.) Etc. v.	.....	1081	Sayed Babalal H.; Damodar S. Prabhu v.	.....	678
Mohan Mali & Anr. v. State of M.P.	.....	373			

(v)

Selvi (Smt.) & Ors. v. State of Karnataka	.....	381
Shamima Kauser v. Union of India and Ors.	.....	89
Share Shoppe; Krishna Kumar Variar v.	.....	1153
Special Land Acquisition Officer v. Karigowda & Ors.	.....	164
Sri B.T. Krishnappa v. Divisional Manager, United Insurance Company Ltd. and Anr.	.....	657
State (NCT of Delhi) and Anr.; Dharambir v.	.....	137
State of Andhra Pradesh and Ors.; General Insurance Council and Ors. v.	.....	97
State of Andhra Pradesh; State of Orissa v.	.....	1160
State of Bihar; Baij Nath Sah v.	.....	619
State of Delhi; Vijender Kumar @ Vijay v.	.....	368
State of Goa and Anr.; Goa Glass Fibre Ltd. & Anr. v.	.....	970
State of Gujarat; Dilpesh Balchandra Panchal v.	.....	605
State of Haryana & Ors. etc.; Devender Kumar & Anr. etc. v.	.....	1195
State of Haryana and Ors.; Ravinder Kumar v.	.....	116
State of Karnataka; Magesh (C.) and Ors. v.	.....	623
State of Karnataka; Selvi (Smt.) & Ors. v.	.....	381
State of M.P.; Mohan Mali & Anr. v.	.....	373

(vi)

State of Maharashtra & Ors.; Chief Executive Officer, Zilla Parishad v.	.....	127
State of Orissa v. State of Andhra Pradesh	.....	1160
State of Punjab; Amarjit Singh & Ors. v.	.....	614
State of U.P. etc.; Munnawar and Ors. v.	.....	1202
State of West Bengal; Mukesh Kishanpuria v.	.....	702
U.P. Small Industries Corporation Ltd. & Anr.; A.P.T. Ispat Pvt. Ltd. (M/s.) v.	.....	150
Union of India and Ors.; Shamima Kauser v.	.....	89
Union of India v. Alok Kumar	.....	35
Vijender Kumar @ Vijay v. State of Delhi	.....	368
Vinisha Jitesh Tolani @ Manmeet Laghmani v. Jitesh Kishore Tolani	.....	595
Wescare (I) Ltd. and Anr.; Indowind Energy Ltd. v.	.....	284
West Bengal Electricity Regulatory Commission v. Hindalco Industries Ltd. & Ors.	.....	108

CASES-CITED

Abdul Rehman Khan & Anr. v. Muffasal Bank Ltd. and Ors, AIR 1926 All 497;	...	1089
Adarsh Travels Bus Service and Anr. v. State of U.P. and Ors. (1985) 4 SCC 557,	...	259
Agricultural and Processed Food Products v. Oswal Agro Furane and Ors. (1996) 4 SCC 297;	...	929
Anand Behari Lal (B.) v. Dinshaw and Co. (Bankers) Ltd, AIR 1942 Oudh 417;	...	1089
Ananth Kumar Naik v. State of Andhra Pradesh, 1977 Cri L J 1797 (A.P.)	...	417
Anil Anantrao Lokhande v. State of Maharashtra, 1981 Cri L J 125 (Bom),.	...	417
Antulay (A.R.) v. R.S. Nayak and Anr. (1988) 2 SCC 602;	...	7
Arnit Das v. State of Bihar (2000) 5 SCC 488,	...	139
Ashok Kapil v. Sana Ullah (Dead) and Ors. 1996 (6) SCC 342,	...	998
Assistant Commissioner, Assessment-II, Bangalore & Ors. v. M/s Velliappa Textiles Ltd. & Ors, AIR 2004 SC 86	...	711 & 725
Association of Natural Gas & Ors. v. Union of India & Ors. 2004 (4) SCC 489,	...	725
– relied on.	...	709 & 718

(vii)

(viii)

Attorney General's Reference (No. 3 of 1999), (2001) 1 All ER 577,	...	420
Bachhittar Singh v. State of Punjab (1962) Supp 3 SCR 713	...	1084
Balak Ram v. State of U.P. 1975(3) SCC 219;	...	1203
Baldev Singh v. State of Punjab (1990) 4 SCC 692,		
–relied on.	...	625
Balkishan A. Devidayal v. State of Maharashtra, (1980) 4 SCC 600,	...	404
Bank of India v. Vijay Ramniklal AIR 1997 Gujarat 75		
–distinguished.	...	998
Bannari Amman Sugars Ltd. v. Commercial Tax Office (2004) 6 Suppl. SCR 264 = (2005) 1 SCC 625;		
–cited.	...	1084
Basant Kumar and Ors. v. Union of India and Ors. (1996) 11 SCC 542;		
–relied on.	...	173
Basu (D.K.) v. State of West Bengal, AIR 1997 SC 610,	...	423
–relied on.	...	427
Bhalla (K.K.) v. State of M.P. 2006 (3) SCC 581		
–relied on.	...	1084
Bhondar v. Emperor, AIR 1931 Cal 601;	...	412

(ix)

Bola (S.S) v. B.D. Saldhana (1997) 2 Suppl. SCR 507 = AIR 1997 Supreme Court 3127 ...	975
C.E.S.C. Limited and Ors. v. Subhash Chandra Bose and Ors. (1992) 1 SCC 441, –relied on. ...	236
CBI v. Ravi Shankar Srivastava, (2006) 4 Suppl. SCR 450 = (2006) 7 SCC 188; –relied on. ...	1084
Central Bank of India v. State of Kerala (2009) 4 SCC 94, –relied on. ...	43 & 935
Central Bureau of Investigation, Special Investigation Cell-I, New Delhi v. Anupam J. Kulkarni 1992 (3) SCC 141, –relied on. ...	1197
Centre for Public Interest Litigation & Anr. v. Union of India & Anr. (2005) 8 SCC 202 –relied on. ...	1002
Chairman and Managing Director, United Commercial Bank and Ors. v. P.C. Kakkar (2003) 4 SCC 364; ...	310
Charan Singh v. Healing Touch Hospital (2000) 7 SCC 668; ...	8
Chaturvedi (B.C.) v. Union of India and Ors. (1995) 6 SCC 749; ...	310

(x)

Chengalvaraya Naidu (S.P.) (dead) by L.Rs. v. Jagannath (dead) by LRs. and Ors. (1994) 1 SCC 1; ...	929
Chitralekha (R.) v. State of Mysore (1964) 6 SCR 368, held inapplicable. ...	1084 & 1089
CIFCO Properties (P) Ltd. and Others v. Custodian and Others (2005) 3 SCC 708, –relied on ...	277
CIT v. Enron Oil and Gas India Ltd. (2008) 305 ITR 75; ...	724
CIT, A.P. v. Taj Mahal Hotel, Secunderabad (1971) 3 SCC 550, ...	935
Commissioner of Income Tax, Udaipur, Rajasthan v. Mcdowell and Company Limited 2009 (10) SCC 755, –distinguished. ...	42
Concord of India Insurance Co. Ltd. (M/s.) v. Smt. Nirmala Devi & others (1979) 4 SCC 365; –relied on. ...	659
Confederation of Ex-Service Man Associations and Ors. v. Union of India and Ors. (2006) 8 SCC 699, –relied on. ...	45
Dalip Singh v. State of U.P. and Ors C.A. No. 5239/2002 decided on 3.12.2009; ...	930

(xi)		(xii)	
Dattatraya Moreshwar v. State of Bombay (1952) SCR 612;	... 1084	Executive Director v. Sarat Chandra Bisoi and Anr. 2000 (6) SCC 326;	... 174
Deokinandan Prasad v. State of Bihar 1971 (2) SCC 330, –relied on.	... 47	Executive Engineer, Dhenkanal Minor Irrigation Division, Orissa and Ors. v. N.C. Budharaj (deceased) by Lrs. and Ors., (2001) 2 SCC 721;	
Deomam Shamji Patel v. State of Maharashtra, AIR 1959 Bom 284;	... 412	–distinguished	... 179
Deputy Commissioner of Police and Ors. v. Mohd. Khaja Ali 2000 (2) SLR 49, –relied on.	... 45	F.C.I. v. Kamdhenu Cattle Feed Industries. AIR 1993 SC 1601;	... 725
Dholakia (O.P.) v. State of Haryana, (2000) 1 SCC 672;	... 679	Faridabad Gas Power Project, N.T.P.C. Ltd. and Ors. v. Om Prakash and Ors. 2009 (4) SCC 719;	... 174
Director General, RPF and Ors. v. Ch. Sai Babu (2003) 4 SCC 331;	... 310	Food Corporation of India v. M/s Kamdhenu Cattle Feed Industries, (1993) 1 SCC 71;	... 709
Divisional Controller, KSRTC v. Mahadeva Shetty & another (2003) 7 SCC 197, –relied on.	... 659	Gafar v. Moradabad Development Authority (2007) 7 SCC 614, –relied on.	... 173
ECIL v. B. Karunakar (1993) 4 SCC 727; –relied on.	... 47	General Insurance Council and Others v. State of Andhra Pradesh, 2007 (8) SCR 192, .	... 100
Economic Transport Organisation v. M/s. Charan Spinning Mills (P) Ltd. 2010 (2) SCALE 427 –followed	... 291	Gillick v. West Norfolk and Wisbech Area Health Authority (1985) 3 All ER 402, .	... 329
Emperor v. Sibnath Banerjee & Ors. AIR 1943 FC 75, –distinguished	... 736	Gobind v. State of Madhya Pradesh, (1975) 2 SCC 148;	... 419
		Greater Bombay Coop. Bank Ltd. v. United Yarn Tex (P) Ltd. & Ors. (2007) 6 SCC 236; ...	... 998
		Gudur Kishan Rao v. Sutirtha Bhattachaarya (1998) 4 SCC 189; –relied on.	... 43

(xiii)

Gulabrao Keshavrao Patil v. State of Gujarat, (1995) 6 Suppl. SCR 97 = (1996) 2 SCC 26; –relied on.	... 1084
Gupta (S.K.) & Anr. v. K.P. Jain & Anr. (1979) 3 SCC 54, –relied on. –held inapplicable.	... 709 & 725 ... 935 ... 748
Hari Narain v. Badri Das AIR 1963 S.C. 1558,	... 930
Hari Ram v. State of Rajasthan & Another (2009) 13 SCC 211, –relied on.	... 141 & 374
Haridwar Singh v. Bagun Sumbrui, (1973) 3 SCC 889; –relied on.	... 1084
Haryana Financial Corporation v. Kailash Chandra Ahuja 2008 (9) SCC 31, –relied on.	... 47
Hasmukhlal Dahayabhai and others v. State of Gujarat and Ors. (1976) 4 SCC 100; –relied on.	... 935
Housing Board of Haryana v. Haryana Housing Board Employees Union (1996) 1 SCC 95	... 43

(xiv)

Human Rights Commission, India: Guidelines Relating to Administration of Polygraph Test [Lie Detector Test] on an Accused (2000),	... 415
Ibrahim(K.M.) v. K.P. Mohammed & Anr. 2009 (14) SCALE 262,	... 679
ICICI Bank Ltd. v. SIDCO Leathers Ltd. & Others 2006 (10) SCC 452; –distinguished.	... 1042
India Photographic Co. Ltd. v. H.D. Shourie (1999) 6 SCC 428,	... 8
Indian Aluminium & Others Vs. State Of Kerala 1996(1) SCC 637.	... 975
Indian Bank v .Godhara Nagrik Coop. Credit Society Ltd. (2008) 12 SCC 541;	... 724
Indian Medical Association v. V.P. Shantha & others (1995) 6 SCC 651, –relied on.	... 5 & 9
Indian Oil Corporation v. NEPC India Ltd., (2006) 6 SCC 736,	... 995
J.K. Industries Ltd. & Ors. v. Chief Inspector of Factories and Boilers & Ors. (1996) 6 SCC 665,	... 711 & 724
Jacob Mathew v. State of Punjab and another (2005) 6 SCC 1, –relied on.	... 7 & 9

(xv)

Jain (R.L.) (D) by Lrs. v. DDA and Ors. 2004 (4) SCC 79,		
–relied on	...	180
Jamshed v. State of Uttar Pradesh, 1976 Cri L J 1680 (All),	...	413 & 417
Jawala Ram & Ors. v. The State of Pepsu (now Punjab) & Ors. AIR 1962 SC 1246;		
–relied on.	...	328
Jayaraj (M.S.) v. Commissioner of Excise, Kerala & Ors. (2000) 7 SCC 552;	...	330
Jayshree (G.) and others v. Bhagwandas S. Patel and Ors. (2009) 3 SCC 141;	...	930
Kale & Ors. v. Deputy Director of Consolidation & Ors., (1976) 3 SCC 119;	...	711
Kantaben Manibhai Amin and Anr. v. The Special Land Acquisition Officer, Baroda AIR 1990 SC 103,	...	175
Kanwar Singh and Ors. v. Union of India AIR 1999 SC 317,		
–relied on	...	175
Kanwar Singh and Ors. v. Union of India JT 1998 (7) SC 397;		
–relied on.	...	175
Kapoor (S.L.) v. Jagmohan 1980 (4) SCC 379;		
–relied on.	...	47

(xvi)

Kharak Singh v. State of Uttar Pradesh, AIR 1963 SC 1295;	...	419
Kirloskar Brother Ltd. v. Employees' State Insurance Corporation (1996) 2 SCC 682;	...	233
Kishore Kumar v. J.K. Corporation Ltd., (2004) 12 SCC 494;	...	679
Knupffer v. London Express Newspaper Ltd. (1944) 1 ALL ER 495,	...	330
Kuldip Nayar v. Union of India and Ors. (2006) 5 Suppl. SCR 1 = (2006) 7 SCC 1,	...	972
Kumari Shrilekha Vidyarthi v. State of U.P. (1991) 1 SCC 212;	...	724
Kusumam Hotels (P) Ltd. v. Kerala SEB. (2008) 13 SCC 213;	...	724
Lakshmanan (K.) and Co. and Ors. v. Commissioner of Income Tax, (1998) 9 SCC 537,		
–relied on	...	172
Land Acquisition Officer, A.P. v. Kamadana Ramakrishna Rao (2007) 3 SCC 526,	...	178
Lata Singh v. State of U.P. & Anr. AIR 2006 SC 2522,		
–relied on.	...	329
LIC of India v. Consumer Education & Research Center. (1995) 5 SCC 482;	...	724
LIC v. Escorts Ltd (1989) 1 SCC 264;	...	725
Lucknow Development Authority v. M.K. Gupta (1994) 1 SCC 243;	...	8

(xvii)	(xviii)
Madan Mohan Pathak & Anr. v. Union Of India & Ors. 1978 (2) SCC 50; –distinguished. ... 1042	Martin F. D’souza v. Mohd. Ishfaq 2009 (3) SCC 1, – held per incuriam. ... 9
Madan Mohan Rao (M.) & Ors. v. UOI & Ors. (2002) 6 SCC 348; –relied on. ... 259	Medchl Chemicals & Pharma Ltd. (M/s) v. M/s Biological E. Ltd. & Ors. AIR 2000 SC 1869; –relied on. ... 326
Madhav Rao Jivaji Rao Scindia v. Union of India (1971) 1 SCC 85; ... 724	Meghal Homes (P) Ltd. v. Shree Niwas Girni K.K. Samiti & Ors. (2007) 7 SCC 753; ... 725
Madhvi Amma Bhawani Amma and Ors. v. Kunjikutty Pillai Meenakshi Pillai and Ors. (2000) 3 SCR 752 = (2000) 6 SCC 301 ... 1090	– held inapplicable. ... 709
Mahabir Auto Stores v. Indian Oil Corpn., (1990) 3 SCC 752; ... 724	Mehta (M.C.) v. Kamal Nath (1997) 1 SCC 388, ... 718
Mahipal Maderna v. State of Maharashtra, 1971 Cri L J 1405 (Bom) ... 413	Merchant (J. J.) (Dr.) and others v. Shrinath Chaturvedi (2002) 6 SCC 635, –relied on. ... 10
Malay Kumar Ganguly v. Dr. Sukumar Mukherjee and others (2009) 9 SCC 221, –relied on. ... 4	Miheer H. Mafatlal v. Mafatlal Industries Limited (1997) 1 SCC 579 ... 709 & 725
Maneka Gandhi v. Union of India (1978) 1 SCC 248, –relied on. ... 397	Modi (K.K.) v. K.N. Modi & Ors., (1998) 3 SCC 573; ... 711
Maneka Gandhi v. Union of India, AIR 1978 SC 597; ... 419	Mohammad Raofuddin v. The Land Acquisition Officer (2009) 5 SCR 864, –relied on ... 171
Maneka Sanjay Gandhi v. Rani Jethmalani, (1979) 2 SCR 378 = (1979) 4 SCC 167; ... 667	Mohta Alloy & Steel Works v. Mohta Finance & Leasing Co. Ltd. (1997) 89 Comp. Cases 227; ... 725

(xix)	(xx)
Monica Variato v. Thomas Variato (2000) 2 Goa L.T. 149, –referred to. ... 597	People’s Union for Civil Liberties v. Union of India, AIR 1997 SC 568; ... 419
Municipal Council of Colombo v. Kuna Mana Navanna Suna Pana Letchiman Chettiar AIR (34) 1947 PC 118, ... 171,	Pepsi Foods Ltd. (M/s) & Anr. v. Special Judicial Magistrate & Ors. AIR 1998 SC 128; –relied on. ... 326
Nandini Satpathy v. P.L. Dani, (1978) 2 SCC 424, ... 399, 401, 402, 404	Poonam Verma v. DDA. (2007) 13 SCC 154; ... 724
Narasimhan (G.) & Ors. v. T.V. Chokappa, AIR 1972 SC 2609, ... 330	Poppatlal Shah v. State of Madras AIR 1953 SC 274; –relied on. ... 935
Narayanaswamy Reddy (G.) (dead) by LRs. and Anr. v. Government of Karnataka and Anr. (1991) 3 SCC 261; ... 929	Postgraduate Institute of Medial Education and Research, Chandigarh v. Jaspal Singh and others (2009) 7 SCC 330, ... 9
National Insurance Co. Ltd. v. Boghara Polyfab Pvt. Ltd. 2009 (1) SCC 267, –relied on. ... 291	Pratap Singh v. State of Jharkhand & Anr. (2005) 3 SCC 551, –followed. ... 139
Nelson Fernandes and Ors. v. Special Land Acquisition Officer, South Goa and Ors. (2007) 9 SCC 447 ... 171 & 174	Prestige Lights Ltd. v. State Bank of India (2007) 8 SCC 449; ... 929
New Moga Transport Co. v. United India Insurance Co. Ltd. AIR 2004 SC 2154,. ... 41	Proprietary Articles Trade Association v. Attorney General for Canada AIR 1931 PC 94; –relied on. ... 328
Nirmal Chandra Bhattacharjee v. Union of India 1991 (Supp (2) SCC 363; –relied on. ... 43	Public Committee Against Torture in Israel v. State of Israel, H.C. 5100 / 94 (1999), ... 430
NTPC Ltd. v. Reshmi Constructions, Builders & Contractors. (2004) 2 SCC 663; ... 724	Punjab Land Development and Reclamation Corporation Ltd., Chandigarh v. Presiding Officer, Labour Court, Chandigarh and Ors. (1990) 3 SCC 682,. ... 7

(xxi)

Punjab State Industrial Development Corpn. Ltd. v. PNFC Karamchari Sangh 2006 (3) SCR 751 = (2006) 4 SCC 367; –relied on.	... 1084
R (on the application of S) v. Chief Constable of South Yorkshire, (2003) 1 All ER 148 (CA)	... 420
R. v. Mc Donnell, (1966) 1 All. E.R. 193,	... 711
Rai Sahab Ram Jawaya Kapur & Ors. v. State of Punjab, 1995(2) SCR 2;	... 724
Raj Gopal (R.) v. State of Tamil Nadu, (1994) 6 SCC 632;	... 419
Raja Narayanlal Bansilal v. Maneck Phiroz Mistry, [1961] 1 SCR 417;	... 404
Rajakamal Transport and Another v. Employees' State Insurance Corporation, Hyderabad (1996) 9 SCC 644;	... 233
Rajesh Ranjan Yadav Alias Pappu Yadav v. CBI through its Director (2006) 9 Suppl. SCR 40 = (2007) 1 SCC 70,	... 1156
Rajeshwari (R.) v. H.N. Jagadish, (2008) 4 SCC 82;	... 679
Ram Kishan Singh v. Harmit Kaur and Anr. (1972) 3 SCC 280 –relied on.	... 619
Ram Krishna Verma v. State of U.P. (1992) 2 SCC 620,	... 259

(xxii)

Rama and Ors. v. State of Rajasthan (2000) 4 SCC 571, –relied on.	... 614
Ramachandra Reddy (K.) & Anr. v. The Public Prosecutor 1976(3) SCC 618	... 1204
Raman Lal Bhailal Patel & Ors. v. State of Gujarat (2008) 5 SCC 449;	... 998
Ramana Dayaram Shetty v. International Airport Authority of India & Ors, (1979) 3 SCC 489;	... 709
Ramanathan Chettiar (P.S.L.) & Ors. v. O.R.M.P.R.M. Ramanathan Chettiar AIR 1968 SC 1047;	... 998
Ramanlal Bhailal Patel v. State of Gujarat (2008) 5 SCC 449, –relied on.	... 935 and 998
Ramdev Food Products (P) Ltd.v. Arvindbhai Rambhai Patel 2006 (8) SCC 726; –distinguished.	... 1042
Ramesh Chandra v. Randhir Singh and others (1990) 3 SCC 723, –relied on.	... 658
Rangaraj (V.B.) v. V.B. Gopalkrishnan & Ors. AIR 1992 SC 453;	... 711
Rangarajan (S.) v. P. Jagjivan Ram & Ors. (1989) 2 SCC 574, –relied on.	... 332

(xxiii)

Ranjit D. Udeshi v. State of Maharashtra AIR 1965 SC 881;		
–relied on.	...	327
Rathinaswami (M.) & Ors. v. State of Tamil Nadu & Ors. 2009 (5) SCC 625;		
–distinguished.	...	1042
Ravi Malik v. National Film Development Corporation Ltd. and Ors. 2004 (13) SCC 427,		
–distinguished.	...	41
Ravinder Narain and Anr. v. Union of India 2003 (4) SCC 481;	...	174
Re: Cauvery Water Dispute Tribunal AIR 1992 SC 522,		
–relied on.	...	718
Regional Director, Employees' State Insurance Corpn., Madras v. South India Flour Mills (P) Ltd. (1986) 3 SCC 238;	...	233
Reserve Bank of India v. Peerless General Finance and Investment Co. Ltd. and Ors. (1987) 1 SCC 424,	...	168
–relied on.	...	935
Romesh Chandra Mehta v. State of West Bengal, [1969] 2 SCR 461	...	404
Royal Talkies, Hyderabad and Others v. Employees State Insurance Corporation (1978) 4 SCC 204,		
–relied on.	...	233

(xxiv)

Saibaba (D.) v. Bar Council of India and Anr. AIR 2003 SC 2502,	...	169
Sailesh Shyam Parsekar v. Baban, (2005) 4 SCC 162;	...	679
Salar Jung Sugar Mills Ltd. etc. v. State of Mysore & Ors., (1972) 1 SCC 23;	...	709 & 725
Samaresh Bose v. Amal Mitra AIR 1986 SC 967,		
–relied on.	...	327
Sanjeev Coke Manufacturing Company v. M/s. Bharat Coking Coal Ltd. & Anr. (1983) 1 SCR 1000 = (1983) 1 SCC 147 (172);	...	972
Saraswat Films (M/s.) v. Regional Director, E.S.I. Corporation Trichur JT 2002 (Suppl 1) SC 454,	...	233
Satinder Singh and Ors. v. Umrao Singh and Anr. AIR 1961 SC 908,		
–distinguished	...	179
SBP & Co. v. Patel Engineering Limited 2005 (8) SCC 618,		
–followed.	...	291
Secretary, Ministry of Chemicals & Fertilizers Government of India v. M/s. Cipla Ltd. and Ors., 2003 (7) SCC 1,	...	648
Senior Electric Inspector v. Laxminarayan Chopra, AIR 1962 SC 159;	...	413
Shaji Kuriakose and Anr. v. Indian Oil Corp. Ltd. and Ors. AIR 2001 SC 3341;	...	174

(xxv)

Shakson Belthissor v. State of Kerala & Anr. (2009) 14 SCC 466, –relied on.	... 326
Shankar Ramachandra Abhyankar v. Krishnaji Dattatreya Bapat (1970) 1 SCR 322 = (AIR 1970 SC 1),	... 1091
Sharda v. Dharampal, (2003) 4 SCC 493; –distinguished.	... 413 ... 419
Sharma (K.D.) v. Steel Authority of India Ltd. and Ors. (2008) 12 SCC 481;	... 930
Sharma (M.P.) v. Satish Chandra, [1954] SCR 1077,	... 402, 404, 409, 415, 419
Shetty (R.D.) v. International Airports Authority of India (1979) 3 SCC 489;	... 725
Shin-Etsu Chemical Co. Ltd. v. Aksh Optifibre Ltd. & Anr. 2005 (7) SCC 234, –distinguished.	... 1042
Shree Vijay Cotton and Oil Mills Ltd. v. State of Gujarat (1991) 1 SCC 262; –relied on.	... 180
Shrisht Dhwan(Smt.) v. Shaw Bros. (1992) 1 SCC 534;	... 1089
Sivasankaran v. State of Kerala & Anr., (2002) 8 SCC 164;	... 679
Spring Meadows Hospital v. Harjol Ahluwalia (1998) 4 SCC 39;	... 8 & 9

(xxvi)

Sree Mohan Chowdhury v. The Chief Commissioner, Union Territory of Tripura 1964 (3) SCR 442, –relied on.	... 1164
Standard Chartered Bank & Ors. v. Directorate of Enforcement & Ors. AIR 2006 SC 1301; –relied on.	... 329
State Bank of Bikaner & Jaipur v. Ballabh Das & Co. & Ors. (1999) 7 SCC 539	... 998
State Bank of India and Ors. v. D.C. Aggarwal and Anr. 1993 (1) SCC 13,.	... 46
State of A.P. and Anr. v. Dr. Rahimuddin Kamal 1997 (3) SCC 505; –relied on.	... 47
State of A.P. v. McDowell and Co. (1996) 3 SCR 721 = (1996) 3 SCC 709;	... 972
State of Andhra Pradesh v. Food Corporation of India (2004) 13 SCC 53, –relied on.	... 1002
State of Bihar v. Kripalu Shankar, (1987) 3 SCR 1 = (1987) 3 SCC 34; –relied on.	... 1084
State of Bihar v. Subhash Singh (1997) 4 SCC 430; –relied on.	... 1002
State of Bombay and Ors. v. Hospital Mazdoor Sabha and Ors. AIR 1960 SC 610;	... 935

(xxvii)

State of Bombay v. Kathi Kalu Oghad & Others, [1962] 3 SCR 10	... 402, 404, 413, 415
–relied on.	... 401, 408, 409
State of Gujarat and Ors. v. Akhil Gujarat Pravasi V.S. Mahamandal & Ors. (2004) 5 SCC 155;	... 998
State of Haryana & Ors. v. Ch. Bhajan Lal & Ors. AIR 1992 SC 604;	
–relied on.	... 326
State of Haryana v. Karnal Distillery Co. Ltd. (1977) 2 SCC 431;	... 929
State of Karnataka v. All India Manufacturer Organization and Others, (2006) 1 SCC 32,	... 1089
State of Karnataka v. Union of India (1977) 4 SCC 608,	
–relied on.	... 1165, 1169
State of Karnataka v. Vishwabharathi House Building Coop. Society & Others (2003) 2 SCC 412;	... 8
State of Kerala v. A. Lakshmikutty (1987) 1 SCR 136 = (1986) 4 SCC 632;	
–relied on.	... 1084
State of Madhya Pradesh v. Thakur Bharat Singh, 1967 (2) SCR 454;	... 724

(xxviii)

State of Maharashtra v. Sheshappa Dudhappa Tambade, AIR 1964 Bom 253;	... 417
State of Meghalaya and Ors. v. Mecken Singh N. Marak (2008) 7 SCC 580,.	... 310
State of Orissa v. Brij Lal Misra and Ors. (1995) 5 SCC 203,	
–relied on.	... 172
State of Rajasthan v. Union of India (1977) 3 SCC 592;	
–relied on.	... 1165
State of Sikkim v. Dorjee Tshering Bhutia (1991) 3 SCR 633 = (1991) 4 SCC 243,	... 1084
State of Tamil Nadu v. L. Abu Kavur Bai 1984 (1) SCC 515;	... 709 & 725
–relied on.	... 716
State of U.P. and Ors. v. Raj Pal Singh JT 2001 (Suppl. 1) SC 44,	
–distinguished.	... 311
State of U.P. v. Neeraj Avasthi (2005) 5 Suppl. SCR 906 = 2006 (1) SCC 667,	
–relied on.	... 1084
State of U.P. v. Om Prakash Gupta (1969) 3 SCC 775,	
–cited.	... 1084
Sumita Singh v. Kumar Sanjay (2001) 10 SCC 41;	... 597

(xxix)

Sunderbhai Ambalal Desai v. State of Gujarat, (2002) 10 SCC 283	...	100
Sunil Batra v. Delhi Administration, (1978) 4 SCC 494	...	423
–relied on.	...	408
Sunil Kumar Banerjee v. State of West Bengal and Ors. 1980 (3) SCC 304;	...	46
Sunil Poddar and Ors. v. Union Bank of India (2008) 2 SCC 326;	...	930
Suraj Singh v. State of U.P. 2008 (11) SCR 286, –relied on.	...	628
Tarun Thakore v. Dr. Noshir M. Shroff O.P. No. 215/2000 dated 24.9.2002,.	...	10
Tata Engineering and Locomotive Co. Ltd. v. Jitendra Pd. Singh and Anr. (2001) 10 SCC 530;	...	311
–distinguished	...	311
Thogorani v. State of Orissa, 2004 Cri L J 4003 (Ori);	...	413
Thomas Dana v. State of Punjab AIR 1959 SC 375;	...	328
–relied on.	...	328
Tinsukhia Electric Supply Company Ltd. v. State of Assam & Ors., (1989) 3 SCC 709;	...	709
Transport Corporation of India v. Employees' State Insurance Corporation and Another (2000) 1 SCC 332;	...	233

(xxx)

Tripathi (K.L.) v. State Bank of India (1984) 1 SCC 43;	...	47
–relied on.	...	47
U.P. SRTC v. Omaditya Verma (2005) 4 SCC 424,	...	259
–relied on.	...	259
U.P. State Road Transport Corporation, Lucknow v. Anwar Ahmad and Ors. (1997) 3 SCC 191;	...	259
Umesh Chandra v. State of Rajasthan (1982) 2 SCC 202	...	139
Union of India & Ors. v. Asian Food Industries, (2006) 13 SCC 542;	...	724
Union of India and Anr. v. S.S. Ahluwalia (2007) 7 SCC 257;	...	310
Union of India and Anr. v. Smt. Shanti Devi and Ors. 1983 (4) SCC 542;	...	174
Union of India and Ors. v. Virpal Singh Chauhan and Ors. 1995 (6) SCC 684,.	...	44
Union of India and others v. Muneesh Suneja (2001) 3 SCC 92;	...	929
Union of India v. Bal Ram and Anr. AIR 2004 SC 3981;	...	175
–relied on.	...	175
Union of India v. Raman Iron Foundry (1974) 2 SCC 231;	...	998

(xxxi)		
Union of India v. United India Insurance Co. Ltd. (1997) 8 SCC 683;	...	711 & 724
Unique Butyle Tube Industries (P) Ltd. v. U.P. Financial Corporation and Ors. (2003) 2 SCC 455;	...	998
–relied on.	...	152
United Bank of India v. Debt Recovery Tribunal & Ors. (1999) 4 SCC 69;	...	998
UPSRTC and Another v. Sanjidha Banu and Ors. (2005) 10 SCC 280;		
–relied on.	...	259
Venture Global Engineering v. Satyam Computer Services Ltd. & Anr. 2008 (4) SCC 190		
– distinguished.	...	1042
Vijay Kumar Kathuria v. State of Haryana (1983) 3 SCC 333;	...	929
Vijaya (M.) v. Chairman and Managing Director, Singareni Collieries Co. Ltd., AIR 2001 AP 502,	...	419
Vinay Devanna Nayak v. Ryot Sewa Sahakari Bank Ltd., 2007 (12) SCR 1134 = (2008) 2 SCC 305;	...	679
Welcome Hotel and Ors. v. State of Andhra Pradesh and Ors. (1983) 4 SCC 575;	...	929
X v. Hospital Z, (1998) 8 SCC 296;	...	419

(xxxii)		
X v. Hospital Z, (2003) 1 SCC 500	...	419
Yogi Agrawal v. Inspiration Clothes & U & Ors. 2009 (1) SCC 372,		
–relied on.	...	287
Zahira Habibulla H. Sheikh v. State of Gujarat (2004) 4 SCC 157,	...	667
Zandu Pharmaceutical Works Ltd. (M/s) & Ors. v. Mohd. Sharaful Haque & Ors. AIR 2005 SC 9;		
–relied on.	...	326

(xxxiii)

(xxxiv)

(xxxvii)

(xxxviii)

(li)

(lii)

(liii)

(liv)

(iv)

(vi)

(lvii)

(lviii)

(lix)

(lx)

(lxi)

(lxii)

(lxiii)

(lxiv)

(lxxiii)

(lxxiv)

(lxxv)

(lxxvi)

(lxxvii)

(lxxviii)

(lxxix)

(lxxx)

(lxxxi)

(lxxxii)

(lxxxiii)

(lxxxiv)

(lxxxv)

(lxxxvi)



THE
SUPREME COURT REPORTS

Containing Cases Determined by the Supreme Court of India

**VOLUME INDEX
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Hon'ble Mr. Justice H.S. Bedi, Judge, Supreme Court of India was on leave for one day on 27.04.2010 on full allowances.

Hon'ble Mr. Justice S.S. Nijjar, Judge, Supreme Court of India was on leave for one day on 28.04.2010 on full allowances.

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<i>Page No.</i>	<i>Line No.</i>	<i>Read for</i>	<i>Read as</i>
150	20-21	Recovery of Debts due to Financial Institutions Act, 1993	Recovery of Debts Due to <u>Banks and</u> Financial Institutions Act, 1993
1082	5	have accepted legality <u>for</u> the Notifications or waived its	have accepted legality <u>of</u> the Notifications or waived its

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<i>SCR Volume</i>	<i>Page No.</i>	<i>Line No.</i>	<i>Read for</i>	<i>Read as</i>
2010 (5)	26	3 & 4	it is <u>required the</u> direction in paragraph 106, <u>quoted above</u> in D' souza (supra)	it is <u>required, the</u> direction in paragraph 106, in D'souza (supra)
2010 (5)	1131	4 from bottom	that <u>no</u> proposal	that <u>a</u> proposal
2010 (5)	1139	14	embodied in <u>Chapter II, Part III</u>	embodied in <u>Chapter II of Part VI</u>