

Corporate Laws including Company Law-66 cases (Compiled by Kushal)

S. No.	Case Name	Issue involved	Module's Page no.	Notes Page No.
1	<i>KANODIA KNITS PVT LTD v. REGISTRAR OF COMPANIES DELHI & HARYANA [NCLAT]</i>	Companies Act, 2013 – Section 248 – <u>Striking of name of the company documents could not prove that the company was working – Whether name to be restored</u> – Held, No		
2	<i>JOHN THOMAS v. Dr. K. JAGADEESAN [SC]</i>	Companies Act, 1956 read with Indian Penal Code, 1860 – <u>Defamatory publication against a reputed hospital – Director filed defamation case against the publisher – Whether director has locus standi to file such case</u> – Held, Yes		
3	<i>JAIPUR METALS & ELECTRICALS EMPLOYEES ORGANISATION v. JAIPUR METALS & ELECTRICALS LTD & ORS [SC]</i>	Companies Act, 2013 read with Insolvency and Bankruptcy Code, 2016 – <u>Winding up of sick company – Pending in High Court – Application moved to transfer the same to NCLT – Refused – Whether correct</u> – Held, No.		
4	<i>BANK STREET SECURITIES PVT LTD & ORS. v. REGIONAL DIRECTOR, NORTHERN REGION [NCLAT]</i>	Companies Act, 2013 – Amalgamation – <u>Petition filed under old Act transferred to NCLT – Based on the report of the RD amalgamation was rejected</u> – Whether correct – Held, Yes.		
5	<i>THE ASSOCIATED JOURNALS LTD & ANR v. LAND & DEVELOPMENT OFFICE [Del]</i>	National Herald case – Companies Act – <u>A cquisition of shares principle of piercing corporate veil</u> – Delhi High Court reiterates the principle.		
6	<i>STEEL AUTHORITY OF INDIA LTD. v. SHRI AMBICA MILLS LTD. & ORS [SC]</i>	Companies Act, 1956 – <u>Government company – Whether department of the government</u> – Held, No.		
7	<i>USHA MARTIN VENTURES LTD. & ORS. v. USHA MARTIN LTD. & ANR [NCLAT]</i>	Companies Act, 2013 – Sections 242 & 242 – <u>Oppression and mismanagement proceedings – Impleadment of creditor bank allowed by NCLT</u> – Whether correct – Held.		
8	<i>MEL WINDMILLS PVT. LTD. v. MINERAL ENTERPRISES LIMITED & ANR [NCLAT]</i>	Companies Act, 2013 – Section 230 – <u>Merger and amalgamation – Investigations pending against one of the merging companies – NCLT rejected the scheme</u> – Whether correct – Held, No.		

9	BACHA F. GUZDAR v. COMMISSIONER OF INCOMETAX [SC]	Indian Companies Act, 1913 – <u>Whether a shareholder has any personal right over the assets and properties of the company</u> – Held, No. <u>Whether the shareholders own the property of the company</u> – Held, No.		
10	UNION OF INDIA & ANR v. MAHALAXMI SAW MILLS P. LTD [DEL]	Government Grant Act read with Companies Act and Transfer of Property Act-grant of government lease- <u>Conversion of partnership firm into private company assets and properties of the firm transferred and vested into the company- leasehold rights of the land of the firm also stood transferred to the company- lessor claimed the payment of unearned increase, based on the terms of the lease deed, from the firm for giving transfer permission</u> – Whether the demand is tenable-Held, Yes.		
11	SIDDARTH GUPTA v. THE DELHI GOLF CLUB LIMITED & ANR [DEL]	Companies Act, 1956 – <u>Expulsion of member without following the provisions of the AOA</u> – Whether tenable – Held, No – <u>Whether plaintiff is entitled to interim injunction</u> – Held, Yes.		
12	MADHUSUDAN GORDHANDAS & CO v. MADHU WOOLLEN INDUSTRIES PVT. LTD [SC]	Companies Act, 1956 – Section 433 – <u>Winding up of a company – Inability to pay debts – Loss of substratum – Principles laid down.</u>		
13	MADRAS PETROCHEM LTD & ANR v. BIFR & ORS [SC]	Section 22 of the SICA read with section 13 of the SARFESI Act – <u>Enforcement of security of the sick company by creditor banks – Whether provisions of SICA prevail over the provisions of SARFESI Act</u> – Held, No.		
14	REGISTRAR OF COMPANIES v. RAJSHREE SUGAR & CHEMICALS LTD & ORS [SC]	Sections 113 & 621 of the Companies Act, 1956 read with sections 468 & 469 of the Code of Criminal Procedure, 1973 – Offences – <u>Delay in despatching the share certificates – Registrar filed complaint after getting knowledge of the same during inspection – Complaint dismissed by trial court that it is time barred - High court upheld the same and in addition held that Registrar is incompetent to file the complaint</u> – Whether tenable – Held, No.		
15	OM PRAKASH PARASRAMPURIA & ORS v. UNION OF INDIA & ORS [DEL]	<u>Recovery proceedings against guarantors of a sick company – Whether protection under section 22A of SICA is available to them</u> – Held, No.		
16	B.I.F.R. & ORS v. KMA LTD & ORS [Bom]	<u>Payment to workmen as per consent terms – Dissent workers demanded priority of payment</u> – Bombay High Court explains the law.		

17	SHRI GOPAL PAPER MILLS CO. LTD. v. COMMISSIONER OF INCOME TAX [SC]	Companies Act,1956 – <u>Capitalisation of profits – Issue of bonus shares – Date of the resolution declaring bonus – Actual allotment taking a date thereafter – When does the shares are said to have been allotted</u> – SC held that it is the date of the resolution.		
18	THE CHIEF CONTROLLING REVENUE AUTHORITY & ANR v. RELIANCE INDUSTRIES LIMITED & ANR [BOM-FB]	<u>Merger of companies and payment of stamp duty</u> – Transferor company obtains sanction order from Bombay High Court – Transferee company obtains sanction order from Gujarat High Court – <u>Transferee company paid Rs.10 crore as stamp duty in Gujarat – Seeks remission of the same from the Government of Maharashtra against the stamp duty payable in Maharashtra</u> – Whether tenable – Held, No.		
19	MESSER HOLDINGS LTD. v. SHYAM MADANMOHAN RUIA & ORS [SC]	<u>Companies entering into shareholders/share purchase agreements – Later on indulging in vicious litigation for over 18 years</u> – Supreme Court imposes heavy exemplary cost on the litigating parties.		
20	Kishinchand Chellaram v. Commissioner of Income Tax [SC]	Companies Act,1913 and 1956 – Dividends – <u>Declared dividend credited to the accounts of shareholders company later on reversed the declaration of dividend - Whether dividend declared and credited to the accounts of the shareholders could be reversed</u> – Held, No.		
21	JABAL C.LASHKARI & ORS v. OFFICIAL LIQUIDATOR & ORS [SC]	Companies Act,1956 read with Bombay Rent Control Act – <u>Company under liquidation- secured creditors willing to pay rent for the leased land to the landlords. landlords approached the court to evict the company from the land and return of the land</u> – Whether their claim tenable – Held, No.		
22	RAM PRSHAD v. COMMISSIONER OF INCOME-TAX, NEW DELHI [SC]	Income tax Act, 1922 read with Companies Act, 1956 – <u>Managing director – Nature of relationship with the company – Master and Servant or agency – Tests for – Whether a managing director is an employee of the company</u> – Held, Yes.		
23	AIR FRANCE GROUND HANDLING PVT. LTD (IN LIQUIDATION) [DEL] Co.Pet. 382/2016 Sudershan Kumar Misra, J. [Decided on 31/05/2016]	Companies Act, 1956 – Section 497 – <u>Voluntary winding up – Court accords approval.</u>		
24	BANDHU SYSTEMATIX PVT LTD. v. REGISTRAR OF COMPANIES [DEL]	Companies Act, 1956 – Section 560 – <u>Restoration of struck of company – Court accords approval.</u>		
25	MIHEER H. MAFATLAL v. MAFATLAL INDUSTRIES LTD [SC]	Companies Act, 1956 – Section 391-394 – <u>Amalgamation of companies – Company court’s jurisdiction – Supreme Court explains the scope.</u>		

26	MADURA COATS LTD v. MODI RUBBER LTD & ANR [SC]	Companies Act read with SICA – <u>Winding up order passed reference to BIFR made during the winding up proceedings – Reference registered after the passing of the winding up order- on appeal division bench set aside the winding up order – Whether tenable</u> – Held, Yes.		
27	CANARA BANK v. NUCLEAR POWER CORPORATION OF INDIA & ORS [SC]	Companies Act, 1956 – Section 10E – <u>Jurisdiction of CLB- share market scam – Transfer of shares by notified person – Jurisdiction of special court – Whether CLB has jurisdiction</u> – Held, No.		
28	SINGER INDIA LTD. v. CHANDER MOHAN CHADHA & ORS [SC]	Companies Act, 1956 read with Delhi Rent Control Act – <u>Shop let out to American company – The company merged with Indian company – Landlord initiated eviction proceedings on the ground of sub-letting – Contested that the transfer was due to merger which is by operation of law</u> – Whether tenable – Held, No.		
29	SARASWATI INDUSTRIAL SYNDICATE LTD v. C.I.T. [SC]	Income tax Act, 1961 read with Companies Act, 1956 – <u>Amalgamation of two companies – Nature of amalgamation – Whether after amalgamation the transferor company ceases to exist and loses its identity</u> – Held, Yes.		
30	TIN PLATE DEALERS ASSN. P. LTD. & ORS v. SATISH CHANDRA SANWALKA & ORS [SC]	Companies Act, 1956 – <u>Various acts of oppression & suppression – Supreme Court upholds the CLB order.</u>		
31	MORGAN STANLEY MUTUAL FUND v. KARTICK DAS [SC]	Consumer protection Act, 1985 read with Sale of Goods Act, 1930 – Goods – <u>Whether shares before allotment is goods</u> – Held, No.		
32	PRESIDENT/SECRETARY J.K. SYNTHETICS MAZDOOR UNION (CITU), KOTA v. ARFAT PETROCHEMICALS PVT.LTD & ORS [SC]	SICA, 1985 – <u>Sale of unit by sick company to purchaser – Purchaser is not a sick company – Whether BIFR issues directions to the purchaser</u> – Held, No.		
33	THE STATE TRADING CORPORATION OF INDIA LTD & ORS v. THE COMMERCIAL TAX OFFICER & ORS [SC]	Companies Act, 1956 read with Constitution of India and (Indian) Citizenship Act, 1955 – <u>Company filed writ petition under Art.32 before the Supreme Court challenging the imposition of sales tax on it – Whether company is a citizen entitled to invoke fundamental rights under Art.32</u> – Held, No.		
34	STATE OF ANDHRA PRADESH & ANR v. ANDHRA PROVINCIAL POTTERIES LTD & ORS [SC]	Section 220 of the Companies Act, 1956 read with section 134 of the Companies Act, 1913 – <u>Company did not hold AGM – Annual accounts could not be adopted in the AGM- failure to file annual accounts with the ROC – Whether directors are liable to be punished for the default</u> - Held, No.		

35	INDIAN CHEMICAL PRODUCTS LTD. v. STATE OF ORISSA & ANR [SC]	Companies Act – <u>Transmission of shares</u> by operation of law – <u>Whether board of directors have discretion to reject transmission</u> – Held, No.		
36	SHANTA GENEVIENVE POMMERAT & ANR v. SAKAL PAPERS PVT LTD & ORS [SC]	Companies Act,1956 – Sections 397, 398 and 483 – <u>Petition alleging oppression and suppression dismissed by the single Judge – Appeal to Division bench- appeal posted for admission and later dismissed in limine</u> whether tenable – Held, No.		
37	BANK OF NEW YORK MELLON LONDON BRANCH v. ZENITH INFOTECH LTD [SC]	Sections 15, 16 and 22 of SICA read with Insolvency and Bankruptcy Code, 2016 (IBC) – <u>reference to BIFR was rejected by the registrar, secretary and the chairman of the Board on the ground that the applicant was not an industrial company- meanwhile Bombay High Court wound up the respondent company</u> – Whether tenable – Held, No. – <u>Whether the respondent company can approach the NCLT under IBC</u> – Held, Yes.		
38	LUXMI TEA COMPANY LTD v. PRADIP KUMAR SARKAR [SC]	Companies Act, 1956 – Section 111 & 155 – <u>Share transfer and rectification of members' register – Whether directors have inherent powers to refuse transfer of shares</u> – Held, No.		
39	TATA ENGINEERING AND LOCOMOTIVE CO LTD. v. STATE OF BIHAR & ORS [SC]	Companies Act, 1956 read with Articles 19 and 32 of the constitution of India <u>whether the corporate veil could be lifted so as to enable the Indian citizens who are the shareholders of the company to enforce their fundamental rights under Article 32</u> – Held, No.		
40	J.K. (BOMBAY) LTD. v. BHARU MATHA MISHRA & ORS [SC]	Companies Act, 1956- section 630- <u>criminal proceedings against directors/employees – Refusal to vacate quarters – Whether family members of the defaulting officer, who is alive, could be prosecuted</u> – Held, No.		
41	MADANLAL FAKIRCHAND DUDHEDIYA v. SHREE CHANGDEO SUGAR MILLS LTD [SC]	Companies Act,1956 – Section 76 – <u>payment of commission- restriction/prohibition to pay commission</u> – Agreement to pay commission was entered into before the commencement of 1956 Act – <u>Whether the agreement is hit by the restriction/prohibition</u> – Held, Yes. <u>Whether commission paid out of profits hit by the restriction/prohibition</u> – Held, Yes.		
42	S. V. KONDASKAR, OFFICIAL LIQUIDATOR v. V. M. DESHPANDE, ITO & ANR [SC]	Companies Act,1956 – Section 446 – <u>Company under liquidation – Income tax proceedings initiated against the OL – Whether leave of the winding up court is required</u> – Held,No.		
43	RAM CHAND AND SONS SUGAR MILLS PVT LTD. v. KANHAYA LAL BHARGAVA & ORS [SC]	Companies Act,1956 read with Order 23 of the CPC – <u>Suit against company – Director fails to appear in court – Defence of the company struck off</u> – Whether correct – Held, No.		

44	SHAILESH PRABHUDAS MEHTA v. CALICO DYEING & PRINTING MILLS LTD [SC]	Companies Act, 1956 – Section 111 – <u>Refusal to register transmission of shares – Action of directors</u> – Whether correct – Held, Yes.		
45	OFFICIAL LIQUIDATOR OF HIGH COURT OF KARNATAKA v. SMT. V. LAKSHMIKUTTY [SC]	Companies Act, 1956 read with Provincial Insolvency Act – <u>Liquidation proceedings – Claim of the company against debtor – Debt due – Whether the claim of the debtor against the company should also be considered</u> – Held, Yes.		
46	A.P. STATE FINANCIAL CORPORATION v. OFFICIAL LIQUIDATOR [SC]	Companies Act, 1956 – Section 446 – <u>Conditional permission granted to secured creditor to stand out of the winding up proceedings – Whether company court could grant permission with conditions</u> – Held, Yes.		
47	63, MOONS TECHNOLOGIES LTD (FORMERLY FINANCIAL TECHNOLOGIES (INDIA) LTD. v. UNION OF INDIA & ORS [BOM]	Companies Act, 1956 – Section 396 – <u>Power of central government to amalgamate companies – Amalgamation of NSEL and FTIL – Whether valid in the public interest</u> – Held, Yes.		
48	DIVYA MANUFACTURING CO PVT LTD. v. UNION BANK OF INDIA & ORS [SC]	Companies Act, 1956 – <u>Company in liquidation – Sale of assets through public auction – Principles of determining the sale value of the asset – Supreme Court explains .</u>		
49	P. PUNNAIAH v. JEYPORE SUGAR CO. LTD & ORS [SC]	Companies Act, 1956 – Sections 397, 398 & 399 – <u>Petition signed by power of attorney holder of the shareholder – Whether valid consent</u> – Held, Yes.		
50	MACKINTOSH BURN LTD. v. SARKAR AND CHOWDHURY ENTERPRISES PVT. LTD [SC]	Companies Act, 2013 – Section 58 – <u>Refusal to register share transfer – Conflict of interest between the company and the transferee – Whether this could be sufficient cause</u> – Held, Yes.		
51	HANUMAN PRASAD BAGRI & ORS v. BAGRESS CEREALS PVT. LTD. & ORS [SC]	Companies Act, 1956 – Section 397-399 – <u>No case made out as to winding up of the company will cause prejudice to the appellants – High court dismissed the petition</u> – Whether correct – Held, Yes.		
52	CHERAN PROPERTIES LTD. v. KASTURI AND SONS LTD & ORS [SC]	Companies Act, 2013 read with Arbitration and Conciliation Act, 1996 – <u>Arbitral award directing transfer of shares – NCLT ordered rectification of register of members accordingly – NCLAT affirmed the decision</u> – Whether correct – Held, Yes.		
53	THE COMMISSIONER OF INCOME TAX v. CITY MILLS DISTRIBUTORS (P) LTD [SC]	Companies Act, 1956 – Incorporation of company – <u>Pre-incorporation transactions carried out by promoters – When a company comes to exist as a juristic person</u> – Supreme Court settles the issue.		

54	COMPANY LAW BOARD v. UPPER DOAB SUGAR MILLS LTD [SC]	Companies Act, 1956 – <u>Managerial remuneration – Power of central government to impose condition while allowing remuneration – Provision explained.</u>		
55	IN THE MATTER OF TMD FRICTION INDIA PVT LTD [DEL] CO.PET. 15/2018 Jayant Nath, J. [Decided on 01/06/2018]	Companies Act, 1956 – Section 497 – <u>Voluntary winding up – Allowed.</u>		
56	BALKRISHAN GUPTA & ORS v. SWADESHI POLYTEX LTD & ANR [SC]	Companies Act, 1956 – Section 169 – <u>Member’s right to vote – Requisitionists’ meeting – Shares of one of the requisitionists were attached by collector and receiver was also appointed – Whether such shareholder’s shares could be considered for the eligibility criteria – Whether such requisitionist could participate in the meeting – Held, Yes.</u>		
57	KAMAL KUMAR DUTTA & ANR v. RUBY GENERAL HOSPITAL LTD. & ORS [SC]	Companies Act, 1956 – Sections 397 & 398 – <u>Company floated by elder brother – Younger brother usurps the company – Whether an act of oppression & suppression – Held, Yes.</u>		
58	SHAH BROTHERS ISPAT PVT. LTD. v. P. MOHANRAJ & ORS. [NCLAT]	Section 14 of Insolvency & Bankruptcy Code, 2016 read with section 138 of the Negotiable Instruments Act, 1882 – <u>Moratorium fixed against corporate debtor – Operational creditor filed complaint under NI Act against corporate debtor & IDs directors during moratorium period – Whether tenable – Held, Yes.</u>		
59	STANDARD CHARTERED BANK & ORS v. DIRECTORATE OF ENFORCEMENT & ORS [SC]	Foreign Exchange Regulation Act, 1973 – Section 50 & 51 – <u>Mandatory punishment of imprisonment and fine – Whether a company could be prosecuted – Held, yes.</u>		
60	PAHUJA TAKII SEED LTD. & ORS v. REGISTRAR OF COMPANIES, NCT OF DELHI & HARYANA [NCLAT]	Companies Act, 2013 – Sections 441 & 451 – <u>Compounding of offences – Powers of Tribunal – Legal principles elucidated.</u>		
61	WORKMEN OF ROHTAS INDUSTRIES LTD. v. ROHTAS INDUSTRIES LTD [SC]	Companies Act, 1956 – <u>Wagers of workmen – Priority of payment – Finished goods hypothecated with secured creditor – Realisation of sale proceeds – Whether workmen wages get priority over secured creditors claim – Held, Yes.</u>		
62	SAS HOSPITALITY PVT LTD & ANR v. SURYA CONSTRUCTIONS PVT LTD & ORS [DEL]	Companies Act, 2013 – Sections 59 & 62 – <u>Allotment of shares – Jurisdiction of civil court – Suit filed seeking declaration that the allotment of shares is null and void – Whether civil court has jurisdiction – Held, No.</u>		

63	K. J. SUWRESH & ANR v. TEAMLEASE STAFFING SERVICES PVT. LTD. & ANR [NCLAT]	Companies Act, 2013 – <u>Amalgamation – Allowed by NCLT –</u> <u>Objection raised based on alleged non-receipt of notice – Not</u> <u>raised before NCLT – On merits dismissed by NCLAT.</u>		
64	INDUSTRIAL CREDIT AND INVESTMENT CORPORATION OF INDIA LTD. v. M/S. SRINIVAS AGENCIES & ORS [SC]	Companies Act, 1956 – <u>Winding up – Rights of secured</u> <u>creditors – Approaching civil court for realisation- power of</u> <u>company court to permit the continuance of proceedings or</u> <u>to transfer the proceedings to itself</u> – Law explained.		
65	MONTREAUX RESORTS (P) LTD & ORS v. ASCOT HOTELS & RESORTS LTD & ORS [NCLAT]	Companies Act, 2013 – Sections 241 – <u>Oppression &</u> <u>mismanagement – Several intricate issues settled and</u> <u>explained by NCLAT.</u>		
66	S. AHAMED MEERAN v. RONNY GEORGE & ORS [NCLAT]	Companies Act, 2013 – Sections 241 & 244 – <u>Eligibility criteria</u> <u>to petition the Tribunal – Grant of waiver to maintain</u> <u>application – Whether correctly granted</u> – Held ,No.		

Multidisciplinary Case Studies

Securities Laws -14 Case studies (Compiled by Kushal)

<u>S. No.</u>	<u>Case Name</u>	<u>Issue involved</u>	<u>Module's Page no.</u>	<u>Copy Page No.</u>
1	ADJUDICATING OFFICER, SEBI v. BHAVESH PABARI [SC]	SEBI Act – Section 15J read with sections 15A to H – <u>Powers of adjudicating officer in levying penalty</u> – Supreme Court clarifies law.		
2	PVP GLOBAL VENTURES PVT LTD v. SEBI [SAT]	Section 28A of the SEBI Act, 1992 read with section 220 of the Income Tax Act, 1961 – <u>Recovery proceedings</u> – <u>Interest imposed by recovery officer</u> – Whether tenable – Held, Yes		
3	THERM FLOW ENGINEERS PVT. LTD. v. SEBI [SAT]	SEBI takeover code read with SEBI Act – <u>Takeover of company</u> – <u>Acquisition of minuscule proportion above the permitted limit</u> – <u>Transfer of shares between promoters via open market</u> – <u>No public announcement made</u> – <u>WTM directed public announcement</u> – Whether correct – Held, No.		
4	GRD SECURITIES LTD. v. NATIONAL STOCK EXCHANGE & ANR [SAT]	SEBI Act – <u>Currency derivative segment transaction</u> – <u>Margin money deposited with delay</u> – <u>Heavy penalty levied</u> – Whether correct – Held, No.		
5	SEBI v. KISHORE R.AJMERA [SC]	<u>SEBI (Prohibition of Fraudulent and Unfair Trade Practices Relating to Securities Market) Regulations</u> and <u>SEBI (Stock-Brokers and Sub-Brokers) Regulations</u> – <u>Penalty for matching trade</u> – <u>Whether tenable</u> – Held, No – <u>Penalty for synchronised trade and circular trade</u> – Whether tenable - Held, Yes.		
6	IN RE: NEESA TECHNOLOGIES LIMITED & ORS [SEBI] WTM/PS/46/WRO/JUN/2016 Prashant Saran, Whole Time Member [Decided on 02/06/2016]	<u>SEBI (Issue and Listing of Debt Securities) Regulations, 2008</u> read with SEBI Act and Companies Act, 1956 – <u>Issue of NCDs violation of provisions- whether the company is liable for the violations</u> – Held, Yes.		
7	SEBI v. OPEE STOCK-LINK LTD & ANR [SC]	SEBI Act – Section 15Z – <u>Cornering of shares in IPO through benami demat accounts</u> – <u>Supreme Court upholds the penalty and punishment imposed by SEBI on the erring stock brokers.</u>		

8	SEBI v. BURREN ENERGY INDIA LTD& ANR [SC]	<u>SEBI Acquisition & Takeover Regulations – Acquirer entered into a MoU (share purchase agreement) for the acquisition of shares on 14/02/2005 – Acquirer appointed its nominees as directors in the parent company of the target company on 14/02/2005 – Public offer made on 15/02/2005 – Whether the appointment of directors violates the provisions of the Takeover Regulations – Held, Yes.</u>		
9	NATIONAL SECURITIES DEPOSITORY LTD v. SECURITIES AND EXCHANGE BOARD OF INDIA [(2017) 5 SCC 517]	<u>SEBI Act, 1992 – Sections 11 and 15T – Appealable orders – Whether administrative circular issued by SEBI is appealable before the SAT – Held, No.</u>		
10	LAUREL ENERGETICS PVT LTD. v. SEBI [SC]	<u>SEBI Act, 1992 read with Regulation 10 of the SEBI Takeover Regulations, 2011 – Shares of target company – Interse transfer between promoters in July 2014 at Rs.6.20 per share – Acquirer promoters of the target company are the promoters of parent company also – Public announcement for open offer made in 2015 at Rs.3.20 per share – SEBI rejected the offer price and directed to increase it to Rs.6.20 – whether corporate veil could be lifted to avail exemption under section 10 of the Regulations – Held, No.</u>		
11	DUSHYANT N DALAL v. SEBI [SC]	<u>SEBI Act, 1992 – Section 28A – Recovery of interest on penalty and disgorgement of unlawful gains cases – Whether interest could be recovered – Held, Yes.</u>		
12	RATNABALI CAPITAL MARKETS LTD v. SEBI & ORS [SC]	<u>SEBI Act, 1992 read with section 391 of the Companies Act, 1956 – Merger of companies dealing in stocks and shares – Benefit of payment of registration fees – Merged entity operated in derivative market – Whether fee exemption available – Held, No.</u>		
13	PENTA GOLD LIMITED v. NATIONAL STOCK EXCHANGE [SAT]	<u>SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2009 – Regulation 106P – Discharge of underwriter's obligation – Done through procuring applications from third parties – Whether permissible – Held, Yes.</u>		

14	BOI SHAREHOLDING LIMITED v. SEBI [SAT]	SEBI Act – Section 15HB – <u>Delay in implementation of anti-money laundering policy – Imposition of penalty of Rs. 40 lakhs</u> – Whether tenable – Penalty reduced.		
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Multidisciplinary Case Studies

FEMA & others (Compiled by Kushal)

<u>S. No.</u>	<u>Case Name</u>	<u>Issue involved</u>	<u>Module's Page no.</u>	<u>Copy Page No.</u>
1	EMAAR MGF LAND LIMITED v. AFTAB SINGH [SC]	Consumer Protection Act, 1985 read with Arbitration and Conciliation Act, 1996 – <u>Flat buyer's agreement – Consumer dispute – Agreement contained arbitration clause – Purchaser filed consumer complaint – Whether liable to be referred to arbitration</u> – Held, No.		
2	CARLSBERG BREWERIES A/S v. SOM DISTILLERIES AND BREWERIES LTD [Del-FB]	<u>Infringement of design and passing off of the plaintiff's trade dress – Composite suit filed – Whether maintainable</u> – Held, Yes.		
3	HINDUSTAN INFRASTRUCTURE CONSTRUCTION CORPORATION LTD. v. M/S. R.S. WOODS INTERNATIONAL & ORS [DEL]	Indian Partnership Act, 1932 read with Negotiable instruments Act, 1881 – <u>Dishonour of cheque – Civil suit filed by unregistered partnership firm – Whether suit is barred under section 69(2)</u> – Held, No.		
4	M/S. SICAGEN INDIA LTD v. MAHINDRA VADINENI & ORS [SC]	Negotiable Instruments Act, 1881 – Section 138 – <u>Dishonour of cheque – Complaint filed on the basis of second notice – Whether maintainable</u> – Held, Yes.		
5	UNION OF INDIA v. KHAITAN HOLDINGS (MAURITIUS) LTD & ORS [DEL]	Arbitration under bilateral investment treaties – BIT between India and Mauritius – <u>Investment in India by Mauritius entity – Dispute – Arbitration proceedings initiated under BIT by investor – Government of India sought anti-arbitration injunction – Whether grantable</u> – Held, No.		
6	BIR SINGH v. MUKESH KUMAR [SC]	Negotiable Instruments Act, 1882 – Section 138 & 139 – <u>Issuance of cheque admitted by drawer – Objection raised that payee filled in the cheque and the cheque was given as security – Trial court and first appellate court convicted the drawer – High Court reversed the decision- whether correct</u> – Held, No.		
7	ROHITBHAI J PATEL v. THE STATE OF GUJARAT [SC]	Negotiable Instruments Act – Section 138 & 139 – <u>Preseumption as to cheque drawn in favour of complainant – Yet trial court put the onus on the complainant to prove the liability</u> – Whether correct – Held, No.		

8	BHARAT BROADBAND NETWORK LTD. v. UNITED TELECOMS LTD [SC]	Arbitration and Conciliation Act, 1996 – Section 12 – Appointment of arbitrator – <u>Agreement provided for CMD as arbitrator – CMD disqualified and became ineligible to be appointed as arbitrator – Whether such disqualified person can appoint an arbitrator –</u> Held, No.		
9	ANJUM HUSSAIN & ORS v. INTELLICITY BUSINESS PARK PVT LTD & ORS [SC]	Consumer Protection Act, 1986 – Section 12 – Class action by consumers – <u>Delay in handing over possession of office/flats – All buyers filed a joint complaint before the NC – NC dismissed the case as not maintainable as class action –</u> Whether correct – Held, No.		
10	RESERVE BANK OF INDIA v. JAYANTILAL N. MISTRY [SC]	Right to Information Act, 2005 – Section 8 – Exemptions from disclosure – <u>Informants asked information as to investigation, audit, bad debts, FEMA violations etc. of various banks from RBI – RBI refused to furnish the same on the ground of information obtained from these banks on fiduciary relationship – Whether refusal tenable</u> – Held, No.		
11	GAUTAM KUNDU v. MANOJ KUMAR ASSISTANT DIRECTOR, DOE [SC]	Prevention of Money Laundering Act, 2002 read with the Code of Criminal Procedure, 1973 and SEBI Act, 1992 – <u>Offence committed under section 3 of the PMLA – Bail sought under section 439 of the CRPC appellant floating as many as 27 companies – Monies collected through front company routed through these companies – Whether appellant entitled for bail</u> – Held, No.		
12	KOTAK MAHINDRA BANK LTD. v. ANUJ KUMAR TYAGI [DEL]	Limitation Act, 1963 – Section 3 read with articles 55 and 113 – Grant of vehicle loan – Borrower failing to pay the EMIs – Suit filed by the bank – Trial court dismissed the suit as time barred without appreciating articles 55 and 113 – Whether the rejection of suit tenable – Held, No.		
13	MAHANIVESH OILS & FOODS PVT LTD. v. DIRECTORATE OF ENFORCEMENT [DEL]	Prevention of Money Laundering Act, 2005 – Section 5 – Proceeds of crime – <u>Property purchased before the enforcement of the Act attachment of property – Whether tenable</u> – Held, No.		
14	SANDEEP GUPTA v. PUNJAB NATIONAL BANK & ORS [DEL]	Indian Partnership Act – Section 32 – <u>Retiring partner's liability petitioner provided guarantee to the respondent bank – Upon retirement he sought to withdraw his guarantee – Reconstitution agreement upon which the petitioner retired and new partners inducted did not provide for the release of the guarantee – Whether guarantee could be released</u> – Held, No.		

15	TODAY HOTELS (NEW DELHI) PVT LTD. v. INTECTURE INDIA DESIGNS PVT LTD [DEL]	Arbitration and Conciliation Act, 1996 – Section 8 – <u>Application to refer to arbitration dismissed – Whether appeal lies against it</u> – Held, No.		
16	LAKHMI CHAND v. RELIANCE GENERAL INSURANCE [SC]	Consumer Protection Act, 1986 – Section 23 – Revision by National Commission – <u>Accident caused due to the rash driving of the offending vehicle – Damaged vehicle was carrying excess passenger – National Commission rejected the compensation on the ground of violating the insurance contract terms</u> – Whether correct – Held, No.		
17	RASHTRIYA ISPAT NIGAM LTD. v. PRATHYUSHA RESOURCES & INFRA PVT LTD & ANR [SC]	Arbitration and Conciliation Act, 1996 – <u>Disputes as to escalation – Letter as to the base year of calculation of escalation – Whether time barred</u> – Held, No.		
18	ROHINI KANOI & ANR v. ALLAHABAD BANK & ORS [Del]	Recovery proceedings – <u>Impleadment of grand children of the guarantor after 10 years – Whether allowable</u> – Held, No.		
19	INDIAN MACHINERY COMPANY v. ANSAL HOUSING & CONSTRUCTION LTD [SC]	Consumer Protection Act, 1986 – <u>First complaint dismissed due to the default of non-prosecution second complaint filed but rejected as not maintainable</u> – Whether correct – Held, No.		
20	EITZEN BULK A/S v. ASHAPURA MINECHEM LTD & ANR [SC]	Arbitration and Conciliation Act, 1996 – <u>Seat of arbitration was London and governing law of the contract was English law – Foreign award – Execution thereof in India – Whether Indian courts have jurisdiction to entertain the challenge to the execution of foreign award</u> – Held, No.		
21	ANITA INTERNATIONAL v. TUNGABADRA SUGAR WORKS MAZDOOR SANGH & ORS [SC]	Companies Act read with RDB Act – <u>Company under liquidation – OL appointed – Creditor bank approaches DRT – Claim allowed – Recovery officer sells the assets of the company – Objections of the OL overlooked – Whether sale is liable to be set aside</u> – Held, Yes.		
22	WEXFORD FINANCIAL INC PANAMA v. BHEL [SC]	Arbitration and Conciliation Act, 1956 – Section 11– <u>Disputes over the payment of agency commission – Supreme Court appoints arbitrator.</u>		

23	THE CHANCELLOR, MASTERS & SCHOLARS OF THE UNIVERSITY OF OXFORD & ORS v. RAMESHWARI PHOTOCOPY SERVICES & ANR [DEL]	Copyrights Act, – Infringement of copy right – <u>Photocopying of portions of book for preparation of its course material by university – Allowing photocopying the same in mass scale to distribute the same to students through contractor – Whether results in infringement of copyright – Held, No.</u>		
24	ROTOMAC ELECTRICALS LTD. v. UNION OF INDIA & ANR [Del]	Foreign Trade (Development and Regulation) Act, 1992 – Advance licence – Export obligations – <u>Failure to discharge – Penalty proceedings – Failure to produce documents – Penalty imposed – Whether tenable – Held, yes.</u>		
25	IDBI TRUSTEESHIP SERVICES LTD. v. HUBTOWN LTD [SC]	Investment in debentures – <u>Appointment of debenture trustee – Failure to pay interest – Enforcement of corporate guarantee – Summary suit filed against the guarantor – Court allowed unconditional leave to defend</u> – Whether correct – Held, No.		
26	STATE OF U.P. & ORS v. ALL U.P. CONSUMER PROTECTION BAR ASSOCIATION [SC]	Consumer Protection Act, 1985 – <u>Deficiency in the administration of the law – Supreme Court issues directions to improve.</u>		
27	GREAVES COTTON LTD. v. UNITED MACHINERY & APPLIANCES [SC]	Arbitration and Conciliation Act, 1996 – <u>Section 8 – Civil suit filed by plaintiff against defendant – Defendant initially sought time to file written statement thereafter defendant filed an application seeking reference to arbitration – Trial court rejected the application –</u> Whether correct – Held, No.		
28	THOUGHTWORKS INC v. SUPER SOFTWARE PVT LTD & ANR [DEL]	Arbitration and Conciliation Act, 1996 – Section 34 – <u>Appellant’s registered trademark – Infringement thereof by the respondent in its domain name arbitrator failed to consider certain valid issues in the award – Award passed against the appellant</u> – Whether appeal to be allowed – Held, Yes.		
29	FALCON PROGRESS LTD v. SARA INTERNATIONAL LTD. [DEL]	Arbitration and Conciliation Act, 1996 – <u>Execution of foreign award challenge as to validity of the contract</u> – Whether tenable – Held, No.		
30	IMAX CORPORATION v. E-CITY ENTERTAINMENT (I) PVT LTD [SC]	Arbitration and Conciliation Act, 1996 – Section 34 – Appeal – <u>Arbitration in London under ICC Rules – Awards passed – Award challenged before the Bombay High Court – Court found appeal maintainable</u> – Whether correct – Held, No.		

31	COSMO FERRITES LTD. v. PRAGYA ELECTRONICS PVT. LTD & ORS. [DEL]	Arbitration and Conciliation Act, 1996 – Section 31(7) (a) – <u>Interest on award arbitrator refused to allow interest on awarded sum</u> – Whether correct – Held, No.		
32	DELHI METRO RAIL CORPORATION LTD. v. DELHI AIRPORT METRO EXPRESS PVT.LTD [DEL]	Arbitration and conciliation Act, 1966 – Award in favour of respondent – <u>Single judge directs deposit of Rs.65 crores with the bank of Respondent to cover interest charges</u> – Whether tenable – Held, Yes.		
33	ESSAR PROJECTS (INDIA) LTD. v. INDIAN OIL CORPORATION LTD & ANR [DEL]	Arbitration and Conciliation Act, 1996 – Dispute between the parties – <u>Respondent was about to encash the bank guarantees given by petitioner – Whether respondent could be restrained from encashing the guarantees</u> – Held, No.		
34	ANANTHESH BHAKTA v. NAYANA S. BHAKTA & ORS	Arbitration and Conciliation Act, 1966 – Disputes between partners unregistered partnership – <u>Partnership deed as well as retirement deed provided for arbitration – Whether arbitration proceedings could be refused on the ground that partnership is unregistered</u> – Held, No.		
35	NEWGEN SPECIALTY PLASTIC LTD v. INTEC CAPITAL LTD [DEL]	Arbitration and conciliation Act, 1996 – Section 37 – Ex parte award – <u>Liability to repay the loan proved by evidence – Whether the award could be interfered</u> – Held, No.		
36	KANCHAN UDYOG LTD. v. UNITED SPIRITS LTD [SC]	Indian contract Act,1872 – Section 73 – <u>Damages towards loss of anticipated profits – Bottling contract – Termination thereof by brand owner – Bottler filed suit claiming damages for loss of anticipated profits – Trial court decreed the suit while High Court reversed it – Whether the plaintiff is entitled damages for loss of anticipated profits</u> – Held, No.		
37	PILE ENGINEERING INDIA (P) LTD. v. BIHAR RAJYA PUL NIRMAN NIGAM LTD [SC]	Arbitration and Conciliation Act, 1996 – <u>Clause in the contract – Whether an arbitration clause</u> – Held, Yes.		
38	M/S DURO FELGUERA S.A v. GANGAVARAM PORT LIMITED [SC]	Arbitration and Conciliation Act, 1996 – <u>Five different contracts and one MoU – Each contract contained arbitration clause – Whether single arbitration tribunal could be appointed to resolve all the disputes arose in these six contracts</u> – Held, No.		

39	HIMANGNI ENTERPRISES v. KAMALJEET SINGH AHLUWALIA [SC]	Arbitration and conciliation Act, 1996 – Section 8 – Tenancy contract – <u>Arbitration clause in the contract – Landlord initiated civil proceedings for eviction – Civil court refused to refer the parties to arbitration</u> – Whether correct – Held, Yes.		
40	INNOX WIND LTD. v. THERMOCABLES LTD [SC]	Arbitration and Conciliation act, 1996 – <u>Appointment arbitrator – Purchase orders – Standard terms and conditions containing arbitration clause attached to the purchase orders – Disputes between the parties – whether arbitrator could be appointed</u> – Held, Yes.		
41	INDIAN FARMERS FERTILIZER COOPERATIVE LTD. v. M/s.BHADRA PRODUCTS [SC]	Arbitration and Conciliation Act, 1996 – <u>Arbitrator deciding the issue of limitation – Whether an interim award amenable to challenge under appeal</u> – Held, Yes.		
42	TOYOTA JIDOSHA KABUSHIKI KAISHA v. PRIUS AUTO INDUSTRIES LTD & ORS. [SC]	Trademarks Act – <u>Prior use of trademark – Use in a particular territory – What to be established to claim prior user right</u> – Supreme Court explains the law.		
43	ROYAL ORCHID HOTELS LTD. v. KAMAT HOTELS (INDIA) LTD & ORS [SC]	<u>Copyrights Act – Earlier registration under class 16 upheld – Later classification under class 42 refused – Facts proved that petitioner was not able to prove that it was the prior user of the logo- High Court held accordingly – Whether requires interference by the Supreme Court</u> – Held, No.		
44	DAIICHI SANKYO COMPANY LTD. v. MALVINDER MOHAN SINGH & ORS [DEL]	Arbitration and Conciliation Act, 1996 – Section 48 – <u>Execution of foreign award – Objections – Whether enforceable against minors</u> – Held, No.		
45	SUNDARAM FINANCE LTD. v. ABDUL SAMAD & ORS [SC]	Arbitration and Conciliation Act, 1996 – Section 42 – <u>Execution of award – Whether it can be filed and executed straightaway in the Court where the assets are located</u> – Held, Yes.		
46	MARICO LTD v. MRS. JAGIT KAUR [DEL]	Copyrights Act – <u>Subsequent registration of mark – Whether an entry wrongly made in or remaining on the Copyright Register</u> – Held, Yes.		
47	ORIENTAL INSURANCE COMPANY LTD. v. NARBHERAM POWER & STEEL PVT LTD [SC]	Arbitration and Conciliation Act, 1996 – <u>Insurance policy – Clause stipulating disputed claim would not be referred to arbitration – Insurer repudiating the claim – Whether referable to arbitration</u> – Held, No.		

48	ANTRIX CORPORATION LTD. v. DEVAS MULTIMEDIA PVT. LTD. [DEL]	Arbitration and Conciliation Act, 1996 read with Commercial Courts Act – <u>International arbitration – Bangalore court having jurisdiction over subject matter – Seat of arbitration is Paris – Award in favour of Devas – Antrix challenged the award before Bangalore court – Devas filed execution petition in New Delhi – Whether Bangalore court has jurisdiction to entertain the appeal</u> – Held, Yes.		
49	SHYAM SUNDER AGARWAL v. P. NAROTHAM RAO [SC]	Arbitration and Conciliation Act, 1996 – Section 7 – Arbitration agreement – <u>Dispute resolution clause in MoU used words “Mediators/Arbitrators”, “any breaches” and “decision to be final” – Whether such clause is as arbitration clause/agreement</u> – Held, No.		
50	M/S. NANDHINI DELUXE v. M/S. KARNATAKA COOPERATIVE MILK PRODUCERS FEDERATION LTD [SC]	Trademarks Act, 1999 – Section 11 – <u>Similar tradenames “NANDHINI” and “NANDINI” in the same class but for different products – Whether registration to be rejected</u> – Held, No.		
51	DEEPAYAN MOHANTY v. CARGILL INDIA PVT LTD & ORS. [Del]	Indian Contract Act, 1872 – Section 27 – <u>Agreement in restraint of trade – Cash portion of bonus paid but retention portion refused on the ground of joining competitor’s business – Whether tenable</u> – Held, No.		
52	M/S SHRIRAM EPC LIMITED v. RIOGLASS SOLAR SA [SC]	Arbitration and Conciliation Act, 1996 read with India Stamp Act, 1889 – Sections 48 & 49 – <u>Enforcement of foreign award – Whether stamp duty on the foreign award has to be paid for enforcement</u> – Held, No.		
53	SONELL CLOCKS AND GIFTS LTD. v. THE NEW INDIA ASSURANCE CO. LTD [SC]	<u>Insurance Act read with Appointment of Surveyors Regulations – Claim lodged with delay of about 4 months – Insurer appointed surveyor – Later insurer repudiated the claim – Whether appointment of surveyor operates as waiver against the insurer</u> – Held, No.		
54	DREDGING CORPORATION OF INDIA v. MERCATOR LTD [DEL]	<u>Arbitration and Conciliation Act, 1996 – Appeal – Seat of arbitration London – Venue changed to Delhi with parties’ consent – Whether courts in Delhi have jurisdiction</u> – Held, No.		
55	GOVT OF N.C.T OF DELHI v. YASIKAN ENTERPRISES PVT. LTD [DEL]	Arbitration and Conciliation Act, 1996 – Arbitration agreement – <u>Contract with proprietary concern “Yasikan Enterprise” – Arbitration invoked by “Yasikan Enterprise Pvt Ltd” a company of the proprietor</u> – Whether tenable – Held, No.		

56	TRUSTEE, JACOBITE SYRIAN CATHEDRAL & ANR v. JIPPU VARKEY [NCDRC]	Consumer Protection Act, 1985 – <u>Cathedral collecting money for permitting to construct family tomb- tomb destroyed – Whether deficiency of services liable for compensation –</u> Held, No.		

<u>S. No</u>	<u>Case Name</u>	<u>Issue involved</u>	<u>Module's Page no.</u>	<u>Copy Page No.</u>
1	<u>LALIT MISHRA & ORS</u> <u>v.</u> <u>SHARON BIO MEDICINE LTD. & ORS. [NCLAT]</u>	Insolvency and Bankruptcy Code, 2016 – <u>Resolution plan – Personal guarantor claimed his subrogation right – Whether tenable – Held, No.</u>		
2	<u>FORECH INDIA LTD.</u> <u>v.</u> <u>EDELWEISS ASSETS RECONSTRUCTION CO LTD & ANR [SC]</u>	Insolvency & Bankruptcy Code, 2016 – Section 7&11 – <u>Financial creditor filed an insolvency petition against the corporate debtor – Appellant objecting to the admission on the ground of continuance of winding up petition under the old Act – Objection rejected – Whether correct – Held, Yes.</u>		
3	<u>SWISS RIBBONS PVT LTD.</u> <u>v.</u> <u>UNION OF INDIA [SC]</u>	<u>Insolvency and Bankruptcy Code, 2016 – Whether constitutionally valid – Held, yes.</u>		
4	<u>SHALINI PUBLICITY CREATIVE PVT. LTD.</u> <u>v.</u> <u>DENA BANK [NCLAT]</u>	Insolvency & Bankruptcy Code, 2016 – Section 7 – <u>Default in repayment of loan by corporate debtor – OTS proposal failed financial creditor filed petition – NCLT admitted the petition whether correct – Held, Yes.</u>		
5	<u>COAL INDIA LTD.</u> <u>v.</u> <u>GULF COIL LUBRICANTS INDIA LTD & ANR [NCLAT]</u>	Insolvency & Bankruptcy Code, 2016 – Section 9 – <u>Petition filed by operational creditor admitted – NCLT overlooked the fact of the payment of principal amount under a settlement – Whether correct – Held, No.</u>		
6	<u>AFFINITY FINANCE SERVICES PVT LTD.</u> <u>v.</u> <u>KIEV FINANCE LTD [NCLAT]</u>	Insolvency and Bankruptcy Code, 2016 – <u>Corporate insolvency proceedings – Liquidation order passed – Recall rejected – Whether refusal to recall the liquidation order correct – Held, Yes.</u>		
7	<u>JK JUTE MILL MAZDOOR MORCHA</u> <u>v.</u> <u>JUGGILAL KAMLAPAT JUTE MILLS LTD & ORS [SC]</u>	Insolvency and Bankruptcy Code, 2016 – <u>Whether trade union is an 'operational creditor' when representing the interests of the workmen – Held, Yes.</u>		
8	<u>PRANAMI TRADING PVT LTD.</u> <u>v.</u> <u>KIEON DEVELOPERS PVT. LTD [NCLAT]</u>	Insolvency and Bankruptcy Code, 2016 – Section 238 – <u>Application of Limitation Act to proceedings – Petition of operational creditor rejected by NCLT on the ground of limitation – Whether correct Held, No.</u>		
9	<u>AXIS BANK</u> <u>v.</u> <u>SBS ORGANICS PVT. LTD & ANR [SC]</u>	SARFASEI Act – Appeal before DRAT – <u>Pre-deposit of 50% of contended sum- appeal withdrawn – Borrower claimed the refund of the pre-deposit sum – Bank contended it cannot be refunded – Whether the claim of the borrower tenable – Held, Yes.</u>		

10	<u>UCO BANK & ANR</u> <u>v.</u> <u>DIPAK DEBBARMA & ORS [SC]</u>	SARFAESI Act, 2002 read with Tripura Land Revenue and land Reform Act, 1960 – <u>Enforcement of security interest – Sale of mortgaged assets of the borrower by the bank – Whether prohibited by the provisions of the Tripura Act – Held, No.</u>		
11	<u>STATE BANK OF INDIA</u> <u>v.</u> <u>SANTOSH GUPTA & ANR [SC]</u>	SARFAESI Act read with constitution of India and constitution of Jammu & Kashmir – <u>Whether provisions of SARFAESI Act are applicable to the State of J&K – Held, Yes – Whether Constitution of India is superior to the Constitution of J&K – Held, yes.</u>		
12	<u>CHUNNU FASHIONS & ORS</u> <u>v.</u> <u>EDELWEISS ASSET RECONSTRUCTION CO LTD [DEL]</u>	SARFAESI Act, 2002- sections 17 & 18 – <u>Borrower filed appeal before DRAT against the attachment order of the secured creditor – Appeal admitted with condition of pre-deposit – Borrower failed to pay the pre-deposit amount appeal dismissed by DRAT – Whether correct – Held, Yes.</u>		
13	<u>MOBILOX INNOVATIONS PVT LTD.</u> <u>v.</u> <u>KIRUSA SOFTWARE PVT LTD [SC]</u>	Insolvency and Bankruptcy code,2016 – Section 8 – <u>Operational debt – Term ‘existence of dispute’ – Meaning thereof</u> – Explained by the Supreme Court.		
14	<u>SURENDRA TRADING COMPANY</u> <u>v.</u> <u>JUGGILAL KAMLAPAT JUTE MILLS CO LTD [SC]</u>	Insolvency and Bankruptcy Code, 2016 – <u>Proviso to section 9 (5) – 7 days’ time limit to remove defects in the application – Whether directory – Held Yes.</u>		
15	<u>INNOVENTIVE INDUSTRIES LTD</u> <u>v.</u> <u>ICICI & ANR [SC]</u>	Insolvency and Bankruptcy Code, 2016 – <u>Corporate debtor entered into CDR with 19 financial creditors – One financial creditor (respondent) invoked the provisions the Code – Application filed before the NCLT – Objections raised as to the applicability of the Code qua the Maharashtra Act and that the debt is not due under the CDR agreement – Objections rejected – Application admitted – NCALT dismissed the appeal</u> – Whether contentions of the appellant are tenable – Held, No.		
16	<u>M.D. FROZEN FOODS EXPORTS PVT. LTD.</u> <u>v.</u> <u>HERO FINCORP LTD [SC]</u>	Section 13 of the SARFESI Act read with Arbitration and Conciliation Act,1996 – <u>Default in payment by borrower- lender invoked arbitration – Meanwhile lender became financial institution by virtue of notification – Therefore lender instituted proceeding under SARFESI Act also</u> – Whether tenable- Held, Yes.		

17	<u>INTERNATIONAL ASSET RECONSTRUCTION COMPANY OF INDIA LTD.</u> v. <u>OFFICIAL LIQUIDATOR OF ALDRICH PHARMACEUTICALS LTD & ORS [SC]</u>	Recovery of Debts and Bankruptcy Act, 1993 read with Limitation Act, 1963 – <u>Proceeding before the Recovery officer of the Tribunal – Order of the RO – Appeal filed after 30 days – Whether the delay could be condoned – Held, No.</u>		
18	<u>MACHHAR POLYMER PVT LTD</u> v. <u>SABRE HELMETS PVT LTD [NCLAT]</u>	Insolvency & Bankruptcy Code, 2016 – Section 9 – <u>Application by operational creditor – Rejected as time barred – Whether correct – Held, No.</u>		
19	<u>NEETA CHEMICALS (I) PVT. LTD.</u> v. <u>STATE BANK OF INDIA [NCLAT]</u>	Insolvency & Bankruptcy Code, 2016 – Section 10 – <u>Application by corporate applicant – No liquidation/winding up proceedings pending against the corporate applicant – Rejected on the ground of suppression of facts – On appeal remanded back to NCLT for fresh adjudication .</u>		
20	<u>ITC LTD.</u> v. <u>BLUE COAST HOTELS LTD.[SC]</u>	SARFESI Act – Section 13 – <u>Enforcement of security interest – Default by borrower – Secured creditor took symbolic possession of borrower’s property – Property sold in auction by secured creditor – Whether valid – Held, Yes.</u>		
21	<u>J.P. ENGINEERS PVT. LTD</u> v. <u>MURTI UDYOG LTD [NCLAT]</u>	Insolvency & Bankruptcy Code, 2016 – Sections 9 – <u>Corporate debtor disputed the debt and also filed civil suit against the operational creditor – Whether this is existence of dispute – Held, Yes.</u>		
22	<u>PROWESS INTERNATIONAL PVT. LTD.</u> v. <u>ACTION ISPAT & POWER PVT. LTD [NCLAT]</u>	Insolvency & Bankruptcy Code, 2016 – Section 61 – <u>Appeal – Limitation period to file – Appellant filed appeal after six months of the passing of the order – Whether delay condonable – Held, No.</u>		
23	<u>INDIAN BANK</u> v. <u>K. PAPPIREDDIYAR [SC]</u>	SARFAESI ACT – <u>Enforcement of security interest – Agricultural land – No finding of fact – Whether exempt from the provisions of the Act – Held, No.</u>		
24	<u>K. KISHAN</u> v. <u>VIJAY NIRMAN COMPANY PVT. LTD [SC]</u>	Insolvency and Bankruptcy Code, 2016 read with the Arbitration and Conciliation Act, 1996 – <u>Operational debt – Arbitration award in favour of operational creditor – Corporate debtor challenged the award – Insolvency petition filed against corporate debtor based on the award as admitted debt – NCLT and NCLAT entertained the application – Whether tenable-Held, No.</u>		

25	<p style="text-align: center;"><u>TRANSMISSION CORPORATION OF ANDHRA PRADESH LTD.</u> <u>v.</u> <u>EQUIPMENT CONDUCTORS & CABLES [SC]</u></p>	<p>Insolvency and Bankruptcy Code, 2016 – <i>Time barred claim rejected by arbitral council – Operational creditor filed petition before NCLT – Corporate debtor refuted the claim – Dismissed by NCLT – On appeal allowed by NCLAT – Whether sustainable – Held, No.</i></p>		
26	<p style="text-align: center;"><u>RAJESH ARORA</u> <u>v.</u> <u>SANJAY KUMAR JAISWAL</u> <u>[NCLAT]</u></p>	<p>Insolvency and Bankruptcy Code, 2016 – Section 9 – <i>Application admitted without issuing notice to corporate debtor – Whether correct – Held, No.</i></p>		

Multidisciplinary Case Studies

Competition Law-67 cases (Compiled by Kushal)

<u>S. No.</u>	<u>Case Name</u>	<u>Issue involved</u>	<u>Module's Page no.</u>	<u>Copy Page No.</u>
1	COMPETITION COMMISSION OF INDIA v. BHARTI AIRTEL LTD & ORS [SC]	Competition Act,2002 read with TRAI Act- <u>telecom sector- allegation of cartel- investigation by CCI- whether CCI has jurisdiction – Held, Yes only after TRAI returns a finding thereto – initial jurisdiction rests with TRAI.</u>		
2	MAHYCO MONSANTO BIOTECH (INDIA) PVT LTD. v. COMPETITION COMMISSION OF INDIA & ORS [DEL]	Competition Act, 2002 – Section 48 – <u>Vicarious liability – Directors and officers of offending enterprise – Whether applicable to contravention of sections 3 & 4 also – Held, Yes.</u>		
3	JASPER INFOTECH PVT LTD (SNAPDEAL) v. KAFF APPLIANCES (INDIA) PVT. LTD [CCI]	Competition Act,2002 – Section 3 – Online market – <u>Kitchen products heavy discount offered by online portal – Manufacturer cautioned public that products sold through the online portal was without its authorisation and counterfeit – No warranty services shall be provided by it for such products – Whether anti-competition restriction – Held, No.</u>		
4	VEDANTA BIO SCIENCES v. CHEMISTS AND DRUGGISTS ASSOCIATION OF BARODA [CCI]	Competition Act, 2002 – Section 3 – <u>Anti-competition agreements insisting for NOC and fixing minimum margins – Cease and desist order passed along with imposition of penalty.</u>		
5	RAVI PAL v. ALL INDIA SUGAR TRADE ASSOCIATION & ANR [CCI]	Competition Act, 2002 – Section 3 – <u>Price fixing of sugar – CCI dismisses the complaint.</u>		
6	SUN ELECTRONICS PVT LTD v. ELECTEK SOLUTIONS PVT LTD & ORS [CCI]	Competition Act, 2002 – Sections 3 & 4 – <u>Non execution of work demand of additional sum – Whether issues for investigation made out – Held, No.</u>		
7	Ms. DEJEE SINGH & ORS v. SANA REALTORS PVT LTD [CCI]	Competition Act, 2002 – Sections 3 & 4 – <u>Delay in handing over possession of shop – Whether constitute abuse of dominance – Held, No.</u>		
8	KANHAIYA SINGHAL v. INDIABULLS HOUSING FINANCE LTD & ORS [CCI]	Competition Act, 2002 – Section 3 & 4 – <u>Provision of housing loan change in the interest rate – Whether abuse of dominance – Held, No.</u>		

9	OIL COUNTRY TUBULAR LTD. v. MAHARASHTRA SEAMLESS LTD [CCI]	Competition Act, 2002 – Section 3 & 4 – <u>Refusal to supply – Tender for green pipes – Informant placing orders of supply at the eleventh hour – Supply could not be made before the tender closing date whether non-supply results in refusal to supply</u> – Held, No.		
10	DEPUTY CHIEF MATERIALS MANAGER, RAIL COACH FACTORY, KAPURTHALA, PUNJAB v. FAIVELEY TRANSPORT INDIA LTD & ORS. [COMPAT]	Competition Act, 2002 – Sections 3 & 4 – <u>Quoting of identical price by bidders – Whether, by ipso facto, constitutes cartel</u> – Held, No.		
11	BELARANI BHATTACHARYYA v. ASIAN PAINTS LTD. [CCI]	Competition Act, 2002 – Sections 3 & 4 – <u>Painting services – Done through agent – Whether constitutes violation of section 3 & 4 of the Act</u> – Held, No.		
12	PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA) v. TAM MEDIA RESEARCH PRIVATE LTD [CCI]	Competition Act, 2002 – Sections 3 & 4 – <u>TRP rating service – Rural areas excluded – Whether constitutes discriminatory conditions</u> – Held, No.		
13	MERU TRAVEL SOLUTIONS PVT LTD v. UBER INDIA SYSTEMS PVT. LTD & ORS [CCI]	Competition Act, 2002 – Sections 3 & 4 – <u>Radio taxi service – OP offering services at reduced rate and also gives more discount – Whether this constitutes anti competition practice and abuse of dominance</u> – Held, No.		
14	TAMIL NADU CONSUMER PRODUCTS DISTRIBUTORS ASSOCIATION v. BRITANNIA INDUSTRIES LTD & ORS [CCI]	Competition Act – Section 4 – <u>Abuse of dominance – Restrictive conditions in distributorship agreement – Whether constitute abuse of dominance</u> – Held, No.		
15	DEPARTMENT OF SPORTS v. ATHLETICS FEDERATION OF INDIA [CCI]	Competition Act – Section 3 & 4 – <u>Abuse of dominance – OP restricting state marathons which are without its permission – Whether constitute abuse of dominance</u> – Held, Yes.		
16	REGISTRARS ASSOCIATION OF INDIA v. NSDL & ORS [CCI]	Competition Act, 2002 – Sections 3 & 4 – <u>NSDL proposed to enter the share transfer agency segment through its subsidiary – Whether it constitutes abuse of dominance by NSDL being a depository to also become a share transfer agent</u> – Held, No.		

17	CONFEDERATION OF REAL ESTATE BROKERS ASSOCIATION OF INDIA v. MAGICBRICKS.COM & ORS [CCI]	Competition Act, 2002 – Section 4 – <u>Abuse of dominance – Real estate broking through internet portals – Offer of less brokerage commission – whether constitutes abuse of dominance – Held, No.</u>		
18	XYZ v. REC POWER DISTRIBUTION COMPANY LTD [CCI]	Competition Act, 2002 – Sections 3 & 4 – <u>Abuse of dominance holding company financing of rural electrification project subsidiary company focuses on developing and investing in electricity distribution and related activities – Whether abuse of dominance – Held, No.</u>		
19	SOUTHWEST INDIA MACHINE TRADING PVT LTD v. CASE NEW HOLLAND CONSTRUCTION EQUIPMENT INDIA PVT LTD [CCI]	Competition Act, 2002 – Sections 3 & 4 – <u>Abuse of dominance contract for sale of machinery – Seller refuses to sell on the ground of misuse by the buyer- whether abuse of dominance – Held, No.</u>		
20	PICASSO ANIMATION PRIVATE LTD v. PICASSO DIGITAL MEDIA PVT LTD [CCI]	Competition Act, 2002 – Abuse of dominance – <u>Allegations as to violation of copyright in brand name “Picasso” – Whether constitutes abuse of dominance – Held, No.</u>		
21	DUGAR TEA INDUSTRIES PVT. LTD v. STATE OF ASSAM & ORS [SC]	Assam Industries (Sales Tax Concession) Act, 1987 – <u>Tax exemption – Blending of tea – Whether ‘manufacture’ enabling to exemption – Held, No.</u>		
22	RAKESH SANGHI v. BENNETT, COLEMAN & COMPANY LTD & ANR [CCI]	Competition Act, 2002 – <u>Publication of legal notices in newspapers – OP charging higher fees than other newspapers – Whether abuse of dominance – Held, No</u>		
23	VEER PRATAP NAIK v. AVEVA INFORMATION TECHNOLOGY INDIA PVT LTD [CCI]	Competition Act, 2002 – <u>Software licence contracts – Restrictive clauses – Whether constitutes anti-competition practice and abuse of dominance – Held, No</u>		
24	ASHUTOSH BHARDWAJ v. DLF LTD & ORS [CCI]	Competition Act, 2002 – Section 4 – Abuse of dominance – <u>Restrictive clauses in the flat buyer’s agreement – Delay in completion of projects – Whether constitutes abuse of dominance – Held, Yes.</u>		

25	INDIAN COMPETITION REVIEW v. GATEWAY TERMINALS INDIA PVT LTD & ORS [CCI]	Competition Act, 2002 – Sections 3 and 4 – Anti competition agreements and abuse of dominance – <u>Container terminal service at Port – Limiting the services of CFSs at JNP, denying market access to the CFSs which are not owned by it, compelling shipping lines to either use the services of its own or select CFSs at JNP and use the services of OP 4 as well as its own CFSs at Pipavav port – Whether constitutes anti-competitive restrictions and abuse of dominance – Held, No.</u>		
26	ONICRA CREDIT RATING AGENCY OF INDIA LTD v. INDIABULLS HOUSING FINANCE LTD [CCI]	Competition Act, 2002 – Sections 3 & 4 – Anti competition agreements and abuse of dominance – Mortgage property loan – Penalty for pre-closure whether constitutes abuse of dominance – <u>Held, No.</u>		
27	SATYENDRA SINGH v. GHAZIABAD DEVELOPMENT AUTHORITY [CCI]	Competition Act, 2002 – Section 4 – Abuse of dominance – EWS housing scheme – Unilateral price increase from Rs.2 lakhs to Rs.7 lakhs – Whether constitutes abuse of dominance – <u>Held, Yes.</u>		
28	COMPETITION COMMISSION OF INDIA v. CO-ORDINATION COMMITTEE OF ARTISTS AND TECHNICIANS OF W.B. FILM AND TELEVISION &	Competition act, 2002 – Section 3 – <u>Ban against the telecast of dubbed version of ‘Mahabharat’ in WB – Agitator coordination committee – Whether and enterprise – Held, Yes. Whether the ban imposed by the coordination committee is violative of section 3 (3) – Held, yes.</u>		
29	ADITYA AUTOMOBILE SPARES PVT. LTD & ORS v. KOTAK MAHINDRA BANK LTD [CCI]	Competition Act, 2002 – Section 4 – Abuse of dominance – Banking services – Credit facilities – <u>Request for reduction of interest rate refused by OP – Takeover of loan by other bank – Delay in handing over title documents by OP – Whether abuse of dominance – Held, No.</u>		
30	VIDHARBHA INDUSTRIES ASSOCIATION v. MSEB HOLDING COMPANY LTD [CCI]	Competition Act, 2002 – Section 4 – Abuse of dominance – <u>Distribution of electricity in Maharashtra – Allegations against State PSU – CCI dismissed the complaint.</u>		
31	BIOCON LTD & ORS v. F. HOFFMANN-LA ROCHE AG & ORS [CCI]	Competition Act, 2002 – Section 4 – Pharma products – Biosimilars – Abuse of dominance – <u>Denial of market access – CCI finds Roche involved in denial of market access to competitors – Investigation ordered.</u>		

32	FX ENTERPRISE SOLUTIONS INDIA PVT. LTD v. HYUNDAI MOTOR INDIA LTD [CCI]	Competition Act, 2002 – Section 3 – <u>Anti competition agreements – Resale price maintenance through discount control mechanism – Cease and desist order passed penalty also imposed on HMIL.</u>		
33	BHARTI AIRTEL LTD v. RELIANCE INDUSTRIES LTD & ANR [CCI]	Competition Act, 2002 – Section 4 – <u>Abuse of dominance- providing free services for a specified period to promote sales – Whether abuse of dominance</u> – Held, No.		
34	C.SHANMUGAM & ANR v. RELIANCE JIO INFOCOMM LIMITED & ORS [CCI]	Competition Act, 2002 – Section 4 – Abuse of dominance – <u>New player in 4G spectrum internet services – Introductory free service offer – Whether triggers abuse of dominance provision - Held, No.</u>		
35	SHRI RATHI STEEL (DAKSHIN) LTD v. GAIL (INDIA) LTD [CCI]	Competition Act, 2002 – Section 4 – <u>Abuse of dominance – Premier gas supplier having 60% market share – Imposition of take or pay liability – Whether triggers abuse of dominance provision – Held, yes.</u>		
36	Top of Form XYZ v. HYUNDAI MOTOR INDIA LTD & ANR [CCI]	Competition Act, 2002 – <u>Complaint against violation of FTDR Act – Complaint not maintainable.</u>		
37	COCHIN PORT TRUST v. CONTAINER TRAILER OWNERS COORDINATION COMMITTEE [CCI]	Competition Act, 2002 – Section 3 – <u>Unilateral fixation of price through Turn Up system – Constitutes anti-competitive practice – Cease and desist order passed .</u>		
38	WESTERN COALFIELDS LTD v. SSV COAL CARRIERS PVT LTD & ORS [CCI]	Competition Act, 2002 – <u>Bid rigging – OPs quoting identical prices- whether results in bid rigging - Held,</u>		
39	INTERNATIONAL AIR TRANSPORT ASSOCIATION v. AIR CARGO AGENTS ASSOCIATION OF INDIA [CCI]	Competition Act, 2002 – <u>Implementation of cargo accounts settlement system (CASS) in India – OPs boycotted business with informant – Whether results in boycott – Held, No.</u>		
40	AKHIL R. BHANSALI v. SKODA AUTO INDIA PVT. LTD. & ANR [CCI]	Competition Act, 2002 – Section 4 – <u>Car manufacturer having its own authorised service centre- deficiency in car servicing- whether constitutes abuse of dominance – Held, No.</u>		

41	MAHARASHTRA ELECTRICAL ENGINEERS ASSOCIATION v. MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION & ANR [CCI]	Competition Act, 2002 – Section 3 – <u>Anti competition agreement – Awarding tenders – Members of the association were excluded – Whether constitutes anti competition practice –</u> Held, No.		
42	ASSOCIATION OF REGISTRATION PLATES MANUFACTURERS OF INDIA. v. SHIMNIT UTSCH INDIA PRIVATE LTD & ORS [CCI]	Competition Act, 2002 – Section 3 & 4 – <u>HSRP contracts – Cartelisation and collusive bidding – Tailor made pre eligibility criteria – Whether charge is proved –</u> Held, No.		
43	VIJAY MENON v. MAHARASHTRA STATE POWER GENERATION CO LTD [CCI]	Competition Act, 2002 – Section 3 – <u>Disqualification conditions for bidders – Bidders against whom an inquiry is pending before the Commission or who have been already penalised – Whether constitutes entry barrier –</u> Held, No.		
44	GURGAON INSTITUTIONAL WELFARE ASSOCIATION v. HARYANA URBAN DEVELOPMENT AUTHORITY [CCI]	Competition Act, 2002 – Section 4 – <u>HUDA monopoly right to allot plots – Allotment of institutional plot on free hold basis by HUDA – Agreement containing restriction to transfer plot without the permission of HUDA – Whether constitutes abuse of dominance requiring investigation –</u> Held, Yes.		
45	DWARIKESH SUGAR INDUSTRIES LTD v. WAVE DISTILLERIES & BREWERIES LTD & ORS [CCI]	Competition Act, 2002 – Sections 3 and 4 – <u>Supply of reserved molasses under the government policy – Informant supplied reserved molasses at negotiated price to OPs – Whether OPs formed cartel and forced informant to sell reserved molasses at less price –</u> Held, No.		
46	C.P. PAUL v. KERALA STATE ELECTRICITY BOARD & ANR [CCI]	Competition Act, 2002 – Section 4 – <u>Electricity supply – Billing dispute – Whether involves any competition issue –</u> Held, No.		
47	HPCL-MITTAL PIPELINES LTD v. GUJARAT ENERGY TRANSMISSION CORPORATION LTD & ORS [CCI]	Competition Act, 2002 – Section 4 – <u>Electricity supply – Abuse of dominance- denial to open access – Whether falls under the ambit of section 4 of the Act –</u> Held, Yes.		

48	INDUSTRIES & COMMERCE ASSOCIATION v. COAL INDIA LIMITED & ORS [CCI]	Competition Act, 2002 – Section 4 – <u>Allocation of coal by e-auction – Whether abuse of dominance –</u> <u>Held, No.</u>		
49	EXPRESS INDUSTRY COUNCIL OF INDIA v. JET AIRWAYS (INDIA) LTD. & ORS [CCI]	Competition Act, 2002 – Section 3 – <u>Anti competition agreement/conduct – Concerted action by airlines in charging fuel surcharge – Whether results in cartel –</u> <u>Held, Yes.</u>		
50	VISHAL PANDE v. HONDA MOTORCYCLE AND SCOOTER INDIA PVT LTD [CCI]	Competition Act, 2002 – <u>Distributor ship agreement – Automobile industry – Sale of Scooters – Restrictive clauses in agreement – Whether constitutes anti-competition agreement and abuse of dominance –</u> <u>Held, Yes.</u>		
51	IN RE: CARTELISATION IN RESPECT OF ZINC CARBON DRY CELL BATTERIES MARKET IN INDIA AGAINST EVEREADY INDUSTRIES INDIA LTD & ORS [CCI]	Competition Act, 2002 – Section 3 – <u>Zinc-carbon dry cell batteries – Cartelisation – Cease and desist order passed.</u> Penalty imposed.		
52	CREDAI-NCR v. DEPARTMENT OF TOWN AND COUNTRY PLANNING, HARYANA & ORS [CCI]	Competition Act, 2002 – Section 4 – Abuse of dominance- <u>development of real estate in Haryana – Licence to developers – Restrictive and onerous clauses – Whether abuse of dominance –</u> <u>Held, Yes.</u> Investigation ordered.		
53	INDIA GLYCOLS LTD v. INDIAN SUGAR MILLS ASSOCIATION & ORS [CCI]	Competition Act, 2002 – Section 3 – Anti competition practices – <u>Complaint with respect to supply of ethanol at an artificially higher price –</u> CCI dismissed the complaint.		
54	In Re: ANTI-COMPETITIVE PRACTICES PREVAILING IN BANKING SECTOR [CCI]	Competition Act, 2002 – <u>Allegation of cartelisation by banks – Savings bank interest rates and service charges – CCI concludes that there is no cartelisation.</u>		
55	PARSOLI MOTOR WORKS PVT. LTD v. BMW INDIA PVT. LTD & ORS [CCI]	Competition Act, 2002 – Sections 4 – Dealership contract – <u>Refusal to renew the contract – Whether such refusal constitute abuse of dominance –</u> <u>Held, No.</u>		
56	JAIDEEP UGRANKAR v. CLIENT ASSOCIATES [CCI]	Competition Act, 2002 – Sections 3 & 4 – <u>Employment contract – Post employment obligations – Employer deducted incremental salary paid at the time of resignation – Whether such deduction and post-employment obligations constitute abuse of dominance –</u> <u>Held, No.</u>		

57	M/S. B. HIMMATLAL AGRAWAL PARTNER v. COMPETENT COMMISSION OF INDIA & ANR [SC]	Competition Act, 2002 – Section 53B – <u>Appeal to tribunal against the order of CCI – Conditional stay granted – Petitioner could not make the deposit – Main appeal dismissed on tis ground</u> – Whether correct – <u>Held, No.</u>		
58	STARLIGHT BRUCHEM LTD v. FLORA AND FAUNA HOUSING & LAND DEVELOPMENTS PVT LTD & ORS [CCI]	Competition act, 2002 – Section 4 – <u>Abuse of dominance-procurement of liquor – Preferential purchase by OP firms specific manufacturers – Whether an act of abuse of dominance requiring investigation</u> – <u>Held, yes.</u>		
59	XYZ v. INDIAN OIL CORPORATION LTD. & ORS [CCI]	Competition Act, 2002 – Sections 3 & 4 – <u>Service of oil tank trucks – Joint tendering by oil marketing companies – Whether an act of anti-competitive restriction and abuse of dominance</u> – Held, No.		
60	In Re: CARTELISATION BY BROADCASTING SERVICE PROVIDERS v. ESSEL SHYAM COMMUNICATION LTD & ORS [CCI]	Section 46 of the Competition Act, 2002 (Act) read with the Competition Commission of India (Lesser Penalty) Regulations, 2009 – <u>Cartel & bid rigging- lesser penalty allowed</u> .		
61	RAJENDRA AGARWAL v. SHOPPERS STOP LIMITED [CCI]	Competition Act, 2002 – Section 3 – <u>Gift coupon-redemption based on certain minimum value purchase</u> – Whether tenable – <u>Held, Yes.</u>		
62	IN RE: ANTICOMPETITIVE CONDUCT IN THE DRY-CELL BATTERIES MARKET IN INDIA AGAINST PANASONIC CORPORATION, JAPAN & ORS [CCI]	Competition Act, 2002 – <u>Cartel in dry cell battery in India – Leniency petition by member of the cartel – Petition allowed.</u>		
63	M/S COUNFREEDISE v. TIMEX GROUP INDIA LTD [CCI]	Competition Act, 2002 – Sections 3 & 4 – <u>Complaint by dealer against watch manufacturer – Complaint dismissed.</u>		
64	RAJASTHAN CYLINDERS & CONTAINERS LTD v. UOI & ORS [SC]	Competition Act, 2002 – Sections 3 & 4 – Cartelisation and bid rigging – <u>Supply of gas cylinders to oil companies – Oligopoly market – Identical price or similar price quoted by cylinder suppliers – CCI imposed heavy penalty – COMPAT reduced the penalty- whether constitutes collusive bidding</u> – <u>Held, No.</u>		

65	TAMIL NADU CONSUMER PRODUCTS DISTRIBUTORS ASSOCIATION v. FANGS TECHNOLOGY PVT LTD & ANR [CCI]	Competition Act, 2002 – Sections 3 & 4 – <u>Sale of mobile phones – Restrictions in dealership contract – Whether constitute anti-competition in mobile market – Held, No.</u>		
66	ALL INDIA ONLINE VENDORS ASSOCIATION v. FLIPKART INDIA PRIVATE LIMITED & ANR [CCI]	Competition Act, 2002 – Section 4 – <u>Abuse of dominance – Online retailer Flipkart – Abuse of dominance alleged</u> – Rejected on facts.		
67	MEET SHAH & OTHER v. UNION OF INDIA, MINISTRY OF RAILWAYS & ORS [CCI]	Competition Act, 2002 – Abuse of dominance – Railway ticket booking – <u>Online ticket booking – Fare rounding off to nearest Rs.5 – Whether abuse of dominance – Held, Yes.</u>		

<u>S. No.</u>	<u>Case Name</u>	<u>Issue involved</u>	<u>Module's Page no.</u>	<u>Copy Page No.</u>
1	<u>THOMAS CHACKO</u> v. <u>THE CHIEF MANAGER, BANK OF INDIA & ORS [KER]</u>	Constitution of India – Article 227 – Supervisory powers of the High court – <u>DRT having seat at Ernakulum – DRAT having seat at Chennai – matter emanating from Ernakulum – Whether High Court of Kerala has jurisdiction to direct DRAT at Chennai – Held, Yes.</u>		
2	<u>CEMENT WORKERS MANDAL</u> v. <u>GLOBAL CEMENTS LTD (HMP CEMENTS LTD) & ORS [SC]</u>	Constitution of India – Article 226 – Writ jurisdiction of High court – <u>A Kolkatta based company had a cement unit in Porbandar in Gujarat – Unit became sick and wages were not paid – Labour court passed award in favour of workers – Lender in Kolkata attached company's properties and sold in public auction – Workers filed writ before Gujarat High Court seeking deposit of 50% of their dues by the lender – Single judge overruled the jurisdiction issue in favour of workers while division bench allowed the objection – Whether correct – Held, No.</u>		
3	<u>M/S SCIEMED OVERSEAS INC</u> v. <u>BOC INDIA LIMITED & ORS [SC]</u>	<u>Petitioner filed false affidavit in judicial proceedings – High court imposed cost of Rs.10 lakhs – Whether correct – Held, Yes.</u>		
4	<u>VILLAYATI RAM MITTAL (P) LTD</u> v. <u>SHAMBHAVI CONTRACTORS PVT LTD [DEL]</u>	Code of Civil Procedure, 1908 – Section 10 – <u>Defendant filed suit against plaintiff in Shimla for recovery and injunction – Plaintiff filed suit against defendant in Delhi for recovery based on the sub contract – Whether both the suit are based on same cause of action so that the later suit can be stayed – Held, No.</u>		
5	<u>SAVELIFE FOUNDATION & ANR</u> v. <u>UNION OF INDIA & ANR [SC]</u>	<u>Right to live – Victims of road accident – Good Samaritan law – SC approves the guidelines and makes it law</u>		
6	<u>RAMESH RAJAGOPAL</u> v. <u>DEVI POLYMERS PVT. LTD [SC]</u>	<u>Company having 3 different units – Consultancy business headed by director – Development of separate website for consultancy business of the company – Prosecution of director under IPC and IT Act – Whether tenable – Held, No.</u>		
7	<u>STATE OF M.P & ORS</u> v. <u>M/S RUCHI PRINTERS [SC]</u>	Indian Contract Act – <u>Non-supply of text books with in the time stipulated in contract – Whether the supplier can claim the price of the books supplied beyond the stipulated time – Held, No.</u>		
8	<u>STAR SPORTS INDIA PVT LTD</u> v. <u>PRASAR BHARTI & ORS [SC]</u>	Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007 – Section 3 – <u>Sharing of live feed without any advertisements – Meaning and interpretation thereof – Purposive interpretation by the Supreme Court.</u>		
9	<u>RESERVE BANK OF INDIA</u> v. <u>ONICRA CREDIT INFORMATION CO LTD [DEL]</u>	Credit Information Companies (Regulations) Act, 2005 – Section 5(3) – <u>Determination of number of credit information agencies – Whether determination is mandatory before granting certificate of registration – Held, No.</u>		

10	<u>JET AIRWAYS (INDIA) LTD.</u> <u>v.</u> <u>DHANUKA LABORATORIES LTD</u> <u>[DEL]</u>	Carriage By air Act, 1972 – Liability thereunder – Carrier fails to deliver the consignment – <u>Goods appeared to have been stolen – Carrier fails to lead evidence – Whether carrier is liable for the loss – Held, Yes.</u>		
11	<u>BHUPINDER SINGH BAWA</u> <u>v.</u> <u>ASHA DEVI [SC]</u>	Delhi Rent Control Act, 1954 – Eviction of tenant – <u>Bonafide requirement of the landlord – Landlord has several other properties – Whether eviction could be denied on this ground – Held, No.</u>		
12	<u>INNOVATIVE TECH PACK LTD.</u> <u>v.</u> <u>SPECIAL DIRECTOR OF ENFORCEMENT [DEL]</u>	FERA, 1973 – <u>Prosecution of directors for non-filing of exchange control copy of the bill of entry to substantiate the outward remittances against import of materials – Proceedings initiated after lapse of 6 years – Whether sustainable- Held, No.</u>		
13	<u>SOUTHERN MOTORS</u> <u>v.</u> <u>STATE OF KARNATAKA & ORS [SC]</u>	Karnataka VAT Act, 2003 read with rule 3(2) (c) of the Karnataka VAT Rules calculation of taxable turnover – <u>Deduction of discount – Discount not allowed in tax invoice – Discount allowed, thereafter, by way of issuing credit notes whether eligible for deduction to arrive at the taxable turnover – Held, Yes.</u>		
14	<u>ORISSA INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION</u> <u>v.</u> <u>MESCO KALINGA STEEL LTD. & ORS [SC]</u>	Lease of industrial land from government authority – <u>Lessee neglected to execute lease deed for years – Lease cancelled and land resumed lessee obtaining order from High court for the allotment of land – Whether tenable – Held, No.</u>		
15	<u>MGR INDUSTRIES ASSOCIATION & ANR</u> <u>v.</u> <u>STATE OF U P & ORS [SC]</u>	Section 12A of the U.P. Industrial Area Development Act, 1976 read with article 243Q of the constitution of India – <u>Industrial area not notified panchayat levied tax – Whether tenable – Held, Yes.</u>		
16	<u>D.M.ORIENTAL INSURANCE CO. LTD.</u> <u>v.</u> <u>SWAPNA NAYAK & ORS [SC]</u>	<u>Accident compensation- tribunal allowed compensation for victims – High court reduced the same – Appeal to Supreme Court – Insurer sought further reduction in compensation while complainant asked for enhancement – Whether allowable – Held, No.</u>		
17	<u>FARIDABAD COMPLEX ADMINISTRATION</u> <u>v.</u> <u>IRON MASTER INDIA (P) LTD [SC]</u>	Code of Civil Procedure, 1908 – Section 100 – <u>Suit against levy of house tax trial court dismissed the suit – First appellate court allowed the suit – Second appeal before the High Court – Dismissed in limine on the ground that no substantial question of law is involved – Whether tenable – Held, No.</u>		
18	<u>JSW INFRASTRUCTURE LIMITED & ANR</u> <u>v.</u> <u>KAKINADA SEAPORTS LIMITED & ORS [SC]</u>	<u>Awarding contract to operate berth – Successful bidder was already operating a berth in the port – High court cancelled the award – Whether correct – Held, No.</u>		
19	<u>THE MAHARASHTRA STATE COOPERATIVE HOUSING FINANCE CORPORATION LTD</u> <u>v.</u> <u>PRABHAKAR SITARAM BHADANGE [SC]</u>	Cooperative Societies law – Jurisdiction of cooperative court – <u>Dispute between employee and society – Whether cooperative court has jurisdiction to try – Held, No.</u>		
20	<u>M.C. MEHTA</u> <u>v.</u> <u>UNION OF INDIA & ORS [SC]</u>	Pollution control – <u>Supreme Court bans registration of BV III stage vehicles further directions.</u>		

21	<u>BARANAGORE JUTE FACTORY PLC.</u> <u>MAZDOOR SANGH (BMS) ETC.</u> v. <u>BARANAGORE JUTE FACTORY PLC.</u> <u>ETC. [SC]</u>	Acquisition of company land by NHA1 – <u>Court direction to deposit the compensation in court registry – NHA1 pays compensation after deducting TDS – Compensation deposited in court – Company claimed refund of the TDs by filing return and used the same – Whether violation of the court order –</u> <u>Held, Yes.</u>		
22	<u>CONSORTIUM OF TITAGARH</u> <u>FIREMA ADLER S.P.A. TITAGARH</u> <u>WAGONS LTD.</u> v. <u>NAGPUR METRO RAIL</u> <u>CORPORATION LTD [SC]</u>	<u>Holding Company bids on the experience of its subsidiaries – Whether consideration of the bid by the owner is correct –</u> <u>Held, Yes.</u>		
23	<u>GOVT. OF NCT OF DELHI</u> v. <u>MANAV DHARAM TRUST & ANR</u> <u>[SC]</u>	<u>The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – Section 24(2) – Lapse of acquisition under the 1894 Act – Subsequent purchasers/assignees power of attorney holders, etc. approaching the court to set aside the acquisition whether they have locus standi –</u> <u>Held, Yes.</u>		
24	<u>MAHARISHI MARKANDESHWAR</u> <u>MEDICAL COLLEGE & HOSPITAL</u> v. <u>STATE OF HIMACHAL PRADESH &</u> <u>ORS [SC]</u>	<u>Himachal Pradesh Private Medical Educational Institutions (Regulation of Admission and Fixation of Fee) Act, 2006 read with Maharishi Markandeshwar University (Establishment and Regulation) Act, 2010 – Whether a medical college affiliated to a private university under the 2010 Act is required to obtain affiliation with Government university under the 2006 Act-</u> <u>Held, No.</u>		
25	<u>GLAXO SMITHKLINE</u> <u>PHARMACEUTICAL LTD</u> v. <u>UNION OF INDIA [SC]</u>	<u>The appellant manufacturer claimed exemption as provided under paragraph 28 of the Drugs (Prices Control) Order, 1987, read with exemption notification dated 28th February, 1992. The respondent UOI refused to grant exemption on the ground that the sale price of the drug manufactured by the appellant was higher than the controlled price. After crossing all the departmental and courts, the issue landed before the Supreme Court.</u>		
26	<u>APOLLO TYRES LTD.</u> v. <u>PIONEER TRADING</u> <u>CORPORATION & ANR DEL</u>	<u>Designs Act – Tread pattern of truck tyre – Whether entitled to copyright protection –</u> <u>Held, Yes.</u>		
27	<u>METERS AND INSTRUMENTS PVT.</u> <u>LTD & ANR v. KANCHAN MEHTA</u> <u>[SC]</u>	<u>Negotiable Instruments Act – Section 138 – Dishonour of cheque – Compounding of offence – Principles explained and guidelines laid down.</u>		
28	<u>STATE OF MAHARASHTRA</u> v. <u>RELIANCE INDUSTRIES LTD. & ORS</u> <u>[SC]</u>	Land Acquisition Act, 1894 – <u>Land belonged to the State government – Private building standing thereon – State acquired the building – Challenged that without acquiring the land under the building, building per se could not be acquired – Whether the challenge tenable –</u> <u>Held, No.</u>		
29	<u>ATMA RAM PROPERTIES PVT LTD.</u> v. <u>THE ORIENTAL INSURANCE CO.</u> <u>LTD [SC]</u>	NDMC Act, 1994 read with Delhi Rent Control Act, 1958 – <u>Collection of property tax as arrears of rent – Non-payment of property tax by tenant – Eviction sought by landlord under Rent Act – Whether tenant could be evicted as failure to pay rent –</u> <u>Held, No.</u>		

30	<u>CANARA BANK & ANR</u> v. <u>LALIT POPLI (THROUGH LRs) [SC]</u>	Disciplinary action – <u>Bank clerk fraudulently withdrew money from customer’s account – Dismissed from service – Retirement benefits withheld by bank and adjusted against the loss caused – Net amount paid to him – Whether correct – Held, Yes.</u>		
31	<u>B SUNITHA</u> v. <u>STATE OF TELANGANA & B ANR [SC]</u>	Negotiable Instruments Act, 1881 – <u>Advocate obtaining blank fee cheque from client – Later fills up and presented into the bank – Cheque dishonoured – Complaint filed – Accused sought quashing of proceeding on th ground that there was no enforceable debt – High Court declined to quash the proceeding – Whether correct – Held, No.</u>		
32	<u>CENTRE FOR PUBLIC INTEREST LITIGATION</u> v. <u>U.O.I & ORS [SC]</u>	Article 32 of the Constitution of India read with the chartered accountants Act, 1949 – <u>Public interest litigation – Functioning of Multi-National Accounting firms in India and non-compliance of law by them – Supreme Court issues directions.</u>		
33	<u>ASIAN RESURFACING OF ROAD AGENCY PVT. LTD & ANR</u> v. <u>CENTRAL BUREAU OF INVESTIGATION [SC]</u>	<u>Principles of granting stay of lower court proceedings – Should not exceed a period of 6 months – Extension of stay should be by way of a speaking order – Supreme Court lays down new guidelines.</u>		
34	<u>SHIV SINGH</u> v. <u>STATE OF HIMACHAL PRADESH & ORS [SC]</u>	<u>Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – Land acquisition – Objections not considered-whether the award is tenable – Held, No.</u>		
35	<u>STATE OF MAHARASHTRA</u> v. <u>SAYYED HASSAN SAYYED SUBHAN [SC]</u>	Food and Safety Standards Act, 2006 read with Indian Penal Code, 1860 – <u>Offences under food Act – whether prosecution under IPC could be initiated – Held, Yes.</u>		
36	<u>COUNCIL OF THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA</u> v. <u>GURVINDER SINGH [SC]</u>	<u>ICAI Act – Professional misconduct – Other misconduct – Member transferring shares in his own name – Council restrained him from practice for 6 months – Whether correct – Held, Yes.</u>		

Multidisciplinary Case Studies

Governance Issues-46 Cases (Compiled by Kushal)

<u>S. No.</u>	<u>Case Name</u>	<u>Issue involved</u>	<u>Book Page no.</u>	<u>Copy Page No.</u>
1	POONA EMPLOYEES UNION v. FORCE MOTORS LIMITED & ANR [SC]	Trade Union Act, 1926 – Section 19 – Recognition of trade union – <u>Appellant union claiming to command 85% of the workforce of the company sought recognition – Existing union BKS and the company opposed – Industrial court granted recognition without appreciating the facts properly – Whether recognition to be accorded to the appellant union – Held, No.</u>		
2	MANAGEMENT OF THE BARARA COOPERATIVE MARKETING-CUMPROCESSING SOCIETY LTD. v. WORKMAN PRATAP SINGH [SC]	Industrial Disputes Act, 1947 – Section 25H – <u>Workman accepted the compensation in lieu of his right of reinstatement in service – Later workman seeking reemployment – Whether tenable – Held, No.</u>		
3	EMPLOYEES STATE INSURANCE CORPORATION v. VENUS ALLOY PVT. LTD. [SC]	The short question calling for determination in this appeal is as to <u>whether the Directors of respondent-Company, who are receiving remuneration, come within the purview of “employee” under sub-section (9) of Section 2 of the Employees’ State Insurance Act, 1948 (“the ESI Act”)?</u>		
4	DELHI TRANSPORT CORPORATION v. SATNARAIN [DEL]	Industrial dispute – <u>Conductor dismissed from service – Labour court directed to reinstate him with service continuity and consequential benefits – Employer reinstated the workman but did not pay the benefits – Whether tenable – Held, No.</u>		
5	CENTRAL BOARD OF TRUSTEES v. STANDING CONFERENCE OF PUBLIC ENTERPRISES [DEL]	Employees Provident funds and miscellaneous Provisions Act, 1952 – Section 7A – <u>Scope of enquiry – Employees employed through contractors – Liability of principal employer – No examination of contractors during the enquiry – Whether determination of liability tenable – Held, No.</u>		
6	THE REGIONAL PROVIDENT FUND COMMISSIONER v. VIVEKANANDA VIDYAMANDIR & ORS [SC]	<u>EPF Act – Definition of basic wages – Special allowances – Whether becoming part of basic wages – Held, Yes.</u>		
7	MODERN TRANSPORTATION CONSULTATION SERVICES PVT. LTD. & ANR. v. C.P.F. COMMISSIONER [SC]	EPF Act – Section 2(f) – Excluded employee – <u>Employees retiring from Railways – Withdrawing their accumulated contribution – Joined another establishment – Whether to be treated as excluded employee – Held, No.</u>		
8	DELHI TRANSPORT CORPORATION v. JASBIR SINGH [SC]	<u>Employee dismissed for causing accident – Admitted his guilt and paid compensation in the criminal court – Tribunal directing reinstatement with 50% back wages – Whether correct as to reinstatement – Held, Yes.</u> Whether correct as to 50% back wages – <u>Held, No.</u>		
9	GLOBE GROUND INDIA EMPLOYEES UNION v. LUFTHANSA GERMAN AIRLINES & ANR [SC]	Industrial Disputes Act, 1947 – Section 10 – <u>Employees of subsidiary company raised dispute over retrenchment – Impleadment of the holding company sought – Whether permissible – Held, No.</u>		
10	THE STATE BANK OF INDIA & ORS. v. P. SOUPRAMANIANE [SC]	<u>Banking service – Messenger – Convicted for assault and later discharged on probation – Dismissed from service for moral turpitude – Whether tenable – Held, No.</u> What is moral turpitude explained.		
11	REGIONAL MANAGER, U.P.S.R.T.C. & ANR v. MASLAHUDDIN (DEAD) [SC]	Superannuation of employees – <u>Initially employed in category D – Retirement age 60 years – Subsequently placed in category C with retrospective effect – Retirement age 58 years – Accordingly retired at 58 years – Employees claimed they are entitled service up to 60 years – Whether tenable – Held, No.</u>		

12	JAIBHARAT TEXTILE & REAL ESTATE LTD v. REGIONAL PROVIDENT FUND COMMISSIONER [DEL]	Provisions Act, 1952 – Sections 7-O, 7-Q & 14-B – EPFAT imposed pre-deposit of 50% – <u>failure to deposit appeal dismissed – Assets attached – HC reduces the quantum of pre-deposit to Rs.25 lacs.</u>		
13	JAI BALAJI SECURITY SERVICES (REGD) v. A.P.F.C.DELHI [DEL]	Provisions Act, 1952 – Sections 7A, 7O, 7Q & 14B <u>Power of the EPF Appellate Tribunal to put conditions to grant stay of recovery – HC explains the legal position.</u>		
14	EMPLOYEE STATE INSURANCE CORPORATION v. BATRA HOSPITAL & MEDICAL RESEARCH CENTRE & ORS [DEL]	ESI Act – Section 85 – <u>Inspection of establishment – Respondent establishment was not covered under the Act-respondent establishment refused to produce records for inspection – Whether could be prosecuted – Held,No.</u>		
15	DELHI TRANSPORT CORPORATION v. OM KANWAR [DEL]	<u>Delhi High Court upholds the dismissal of the DTC conductor who had been found, during inspection, to have carried passengers without issuing tickets even after collecting fare from them.</u>		
16	NANDRAM v. GARWARE POLYSTER LTD [SC]	Industrial Disputes Act, 1954 – <u>Company having registered office at Aurangabad – Workman appointed in Aurangabad and later transferred to Pondicherry – Pondicherry establishment closed – Workman was terminated – Workman raised dispute and filed complaint at Aurangabad – Rejected on the ground of lack of jurisdiction – Whether correct – Held, No.</u>		
17	JAYA BISWAL & ORS v. BRANCH MANAGER, IFFCO TOKIO GENERAL INSURANCE COMPANY LTD & ANR [SC]	Employees Compensation Act, 1923 – <u>Truck driver died due to accident while on proceeding to deliver the goods on the way – Whether accident arose in the course of employment – Held, yes.</u>		
18	ESIC v. A.K. ABDUL SAMAD & ANR [SC]	<u>Employees State Insurance Corporation Act – Section 85 – Prosecution- punishment of 6 months imprisonment and a fine of Rs.5,000/- whether the quantum of the fine could be reduced – Held, No.</u>		
19	ROYAL WESTERN INDIA TURF CLUB LTD v. E.S.I.C & ORS [SC]	Employees State Insurance Act, 1948 – Section 2(9) – <u>Casual workers engaged by race club – Whether they are covered under the scheme – Held, Yes.</u>		
20	TAMILNADU TERMINATED FULL TIME TEMPORARY LIC EMPLOYEES ASSOCIATION v. S.K. ROY, THE CHAIRMAN, LIC [SC]	<u>LIC directed to pay backwages and compensation to all badly workmen whose services were terminated in 1988 .</u>		
21	PEPSU ROADWAYS TRANSPORT CORPORATION v. S.K.SHARMA & ORS [SC]	<u>Transfer of employees from PEPSU roadways PEPSU corporation – Workmen retired after taking all retiral benefits in 1991 – Pension scheme revised in 1992 – Retired workmen claimed benefits under the pension scheme also – Whether tenable – Held, No.</u>		
22	INDUSTRIAL PROMOTION & INVESTMENT CORPORATION OF ORISSA LTD v. NEW INDIA ASSURANCE CO. LTD & ANR [SC]	Insurance law – <u>Claim against theft and burglary – No forcible house braking – Whether compensation is payable – Held, No.</u>		
23	ELECTROTHEM (INDIA) LTD v. PATEL VIPULKUMAR RAMJIBHAI & ORS [SC]	Environment laws- projects – <u>Environment clearance – Clearance certificate issued without holding public hearing – Whether tenable – SC directs of post – Clearance public hearing.</u>		
24	GEN SECRETARY, COAL WASHERIES WORKERS UNION, DHANBAD v. EMPLOYERS IN RELATION TO MANAGEMENT OF DUGDA WASHERY OF M/s.BCCL [SC]	Industrial Disputes Act, 1947 – <u>Industrial tribunal awards reinstatement and back wages – High court allows lump sum compensation and rejects reinstatementwhether correct – Held, Yes.</u>		
25	DELHI TRANSPORT CORPORATION v. RAJENDER KUMAR [DEL]	<u>Dismissal of workman on the ground of unauthorised absenteeism – Whether dismissal tenable – Held, Yes.</u>		

26	M/S SILVER TOUCH ENTERPRISES v. RADHA SHARMA & ANR [DEL]	Employee's Compensation Act, 1923 – <u>Retired workman dies in the employers premises – Commissioner awards compensation</u> – Whether tenable – Held, No.		
27	GLOBE GROUND INDIA EMPLOYEES UNION v. LUFTHANSA GERMAN AIRLINES & ORS [DEL]	Industrial Disputes Act, 1947 – <u>Reference of dispute to tribunal – Workers of subsidiary company raised the dispute – Impleadment of the holding company in the proceedings as proper / necessary party was sought</u> – Whether tenable – Held, No.		
28	JORSINGH GOVIND VANJARI v. DIVISIONAL CONTROLLER MAHARASHTRA STATE ROAD TRANSPORT CORPORATION [SC]	Industrial Disputes Act, 1947 – <u>Dismissal of workman – Superannuation before the announcement of the award – Labour court awarded all service benefits and 50% of back wages in lieu of reinstatement – High Court modified the award by allowing only 50% of the back wages</u> – Whether tenable – Held, No.		
29	LANCO ANPARA POWER LTD v. STATE OF UTTAR PRADESH & ORS [SC]	<u>Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and Buildings And Other Construction Workers Welfare Cess Act, 1996 read with Factories Act, 1948 – Construction of factory building</u> – Whether the provisions of BOCW Act are applicable – Held, Yes.		
30	THE MANAGEMENT OF STATE BANK OF INDIA v. SMITA SHARAD DESHMUKH & ANR [SC]	<u>Employee furnishing a forged certificate as to higher qualification – Drawn additional emoluments on the basis of the forged certificate – Management after conducting disciplinary proceedings dismissed the employee - Labour tribunal confirmed the dismissal – High court set aside the dismissal</u> - Whether correct – Held, No.		
31	Top of Form Bottom of Form ALL ESCORTS EMPLOYEES UNION v. THE STATE OF HARYANA [SC]	<u>Trade Union Act – Amendment of membership clause to include workmen working in other industry – Whether permissible</u> – Held, No.		
32	EMPLOYEES STATE INSURANCE CORPORATION v. MANGALAM PUBLICATIONS (INDIA) PVT. LTD [SC]	<u>ESI Act – Wages – Interim wages paid to employees – No contribution was made on this – Whether interim wages included in the term 'wages' under the Act</u> – Held, Yes.		
33	UTTARAKHAND TRANSPORT CORPORATION & ORS. v. SUKHVEER SINGH [SC]	Industrial Disputes Act – <u>Dismissal of employee – Misappropriation charges – Driver in connivance with conductor allowed passengers to travel without tickets – Whether dismissal is too harsh</u> – Held, No.		
34	P. KARUPPAIAH (D) THROUGH LRS. v. GENERAL MANAGER, THIRIUVALLUVAR TRANSPORT CORPORATION [SC]			
35	BATRA HOSPITAL EMPLOYEES UNION v. BATRA HOSPITAL & MEDICAL RESEARCH [DEL]	Payment of Bonus Act, 1965 – <u>Exemption from coverage – Charitable institution running hospital – Whether entitled for exemption</u> – Held, No.		
36	THAI AIRWAYS INTERNATIONAL LTD v. GURVINDER SINGH [DEL]	Payment of Gratuity Act – Section 7 – <u>Controlling authority directing payment of gratuity – Whether could be challenged under writ jurisdiction</u> – Held, No.		
37	PARADEEP PHOSPHATES LIMITED v. STATE OF ORISSA & ORS [SC]	Industrial Disputes Act, 1947– Section 9A – <u>Certified standing orders provided retirement age as 58 years – Management enhanced the same to 60 and later reduced to 58 – Whether violates change of working conditions provision</u> – Held, Yes.		
38	DTC SECURITY STAFF UNION (REGD.) v. DTC & ANR [SC]	Industrial Disputes Act, 1947– <u>Public transport corporation – Pay scale of security staff – Should be at par with Delhi police force</u> – Held, No.		

39	CHENNAI PORT TRUST v. The Chennai Port Trust Industrial EMPLOYEES CANTEEN WORKERS WELFARE ASSOCIATION & ORS. [SC]	Industrial Disputes Act, 1947 – <u>Demand for regularisation of canteen employees- whether allowable</u> – Held, Yes.		
40	ANSAL PROPERTIES & INDUSTRIES LTD v. NEELAM BHUTANI [DEL]	<u>Industrial Disputes Act, 1947 – Section 33(2)-</u>		
41	M/S. G4S FACILITY SERVICES INDIA PVT LTD v. REGIONAL PROVIDENT FUND COMMISSIONER- I [DEL]	<u>Employees Provident Fund and Miscellaneous Provisions Act,1952 – Section 7A & 7O – Determination of contributions – Appeal against – Tribunal directed pre-deposit of 50% of the demand – Whether untenable</u> – Held, No.		
42	MAHENDRA SINGH v. DELHI POWER SUPPLY CO. LTD. [DEL]	Prevention of Corruption Act – <u>Dismissal of employee on the charges of accepting bribe – Whether the punishment of dismissal is proportionate to the offence</u> – Held, Yes.		
43	EXECUTIVE ENGINEER, PWD & ORS v. COMMISSIONER WORKMEN'S COMPENSATION [J&K]	Workmen's Compensation Act, 1923 – <u>Injury to contract labour – Permanent disablement – Whether principal employer is liable to pay compensation</u> – Held, Yes.		
44	FEDERATION OF OKHLA INDUSTRIAL ASSOCIATION (REGD) & ORS v. Lt. GOVERNOR OF DELHI & ANR [DEL]	Minimum Wages Act, – Section 5 – Power to fix minimum wages – <u>Delhi Government revised minimum wages by notification in 2016 – On appeal revision of minimum wages quashed.</u>		
45	UNION BANK OF INDIA v. C.G. AJAY BABU [SC]	Payment of Gratuity Act, 1972 – <u>Dismissal from services for misconduct – Forfeiture of gratuity– Whether automatic on dismissal</u> – Held, No.		
46	COAL INDIA LTD v. NAVIN KUMAR SINGH [SC]	Inter – Company transfer on request – <u>Whether employee loses his service benefit of his transferor company</u> – Held, No.		