



TODAY'S PAPER

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## SUPREME COURT

# Supreme Court Bars Unilateral Recovery of Disputed Contract Damages

BY EDITORIAL TEAM

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The Supreme Court has set aside Chhattisgarh authorities' recovery of ₹84,17,003 from a contractor's bills under three separate road projects, holding that an alleged overpayment under earlier contracts could not be treated as an established debt.

In *M/s Awadhesh Singh Gautam v. State of Chhattisgarh & Ors.* (2026 INSC 1072), decided on September 30, 2026, Justices Pamidighantam Sri Narasimha and Alok Aradhe found that the contractual clauses relied on did not authorise the deductions in the circumstances.

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## ALLAHABAD HIGH COURT

## Allahabad High Court Rejects Belated Challenge To Arrest Grounds

BY EDITORIAL TEAM

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The Allahabad High Court's Lucknow Bench has dismissed a challenge to an initial arrest and remand for alleged failure to communicate arrest grounds, finding that the prosecution had already advanced to trial.

Justice Manish Mathur delivered the October 1 judgment in *Moti Ram Jaat's* application under Section 528 BNSS. The petitioner challenged his August 2025 arrest and subsequent remand on Article 22(1) grounds.

The court distinguished investigation-stage detention under Section 167 CrPC from later judicial custody. It reasoned that the initial arrest-ground challenge could not be raised after that stage had ended,

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## ORISSA HIGH COURT

## Orissa High Court Acquits Juvenile After Missing Adult-Trial Assessment

BY EDITORIAL TEAM

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The Orissa High Court has set aside a POCSO conviction because the Children's Court began an adult criminal trial without independently deciding whether that course was necessary under Section 19 of the Juvenile Justice Act.

In its September 30 judgment in *CRLA 286/2020*, Justice Sibbo Sankar Mishra found that the Juvenile Justice Board's transfer order had been followed by framing of charges, with no intervening determination by the Children's Court.

The court explained that the Board's preliminary assessment and the Children's Court's decision are separate safeguards. The latter must consider whether to try the

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## DELHI HIGH COURT

## Delhi High Court Upholds Entry Refusal Despite Valid Business Visa

BY EDITORIAL TEAM

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The Delhi High Court has dismissed a Turkmenistan national's challenge to refusal of entry into India, holding that possession of a valid business visa does not guarantee admission.

Justice Amit Mahajan ruled on September 30 in a petition concerning the woman's return from Delhi airport on March 25. She sought written reasons and permission to enter, arguing that her husband had been admitted after travelling with her.

The authorities relied on adverse inputs, concerns about her travel pattern and unsatisfactory explanations of her business activities. After examining confidential material, the court found a factual basis for the immigration assessment.

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# Kerala High Court Orders Sabarimala Tender Safeguards For Prasadam

The Kerala High Court has directed the Travancore Devaswom Board to strengthen tender conditions for ingredients used in Sabarimala offerings, addressing both food quality and the temple's religious requirements.

Justices Raja Vijayaraghavan V and K. V. Jayakumar disposed of WP(C) 25645/2021 on September 29. The petition challenged procurement of jaggery carrying Halal certification labels for Aravana and other prasadam.

The bench found that the analysis reports before it showed satisfactory quality. Testing had not revealed a substance rendering the jaggery unsuitable for prasadam.

It nevertheless said the Board should have taken greater care over symbols or declarations that could cause apprehension of conflict with temple customs. The supplier's certification had been explained as connected with exports to Middle Eastern countries.

Recording the Board's undertaking to exercise greater care, the court ordered appropriate future tender conditions to ensure conformity with prescribed quality standards and applicable religious customs.

The judgment does not record a finding that the tested jaggery was unsafe merely because its packaging carried that certification.



## DELHI HIGH COURT

## Accused Must Be Heard Before Cognizance Under BNSS, Delhi High Court Rules

BY EDITORIAL TEAM

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The Delhi High Court has clarified when magistrates must hear an accused before taking cognizance of a private complaint under Section 223(1) of the Bharatiya Nagarik Suraksha Sanhita.

In a September 29 reference judgment, Justices Navin Chawla and Ravinder Dudeja held that the complainant and witnesses present must ordinarily be examined on oath first. Statutory exemptions continue to apply.

Notice to the accused follows that examination and a preliminary assessment that the complaint should not be dismissed under Section 226. A formal decision to take cognizance can be made only after the accused has received an opportunity to be heard.

The ruling distinguishes preliminary scrutiny from cognizance itself. It protects the accused's statutory hearing while avoiding notice in complaints that fail at the initial examination stage.

The reference arose in *Dr Rita Bakshi v Seema Bajaj* and a connected petition. The court answered the procedural questions and directed that the matters return to the roster bench, subject to the Chief Justice's orders.

## SUPREME COURT

## Supreme Court Bars Unilateral Recovery of Disputed Contract Damages

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The technical-audit clause required an opportunity for the contractor to respond and approval from the agency's chief executive. Those safeguards had not been followed. The Court held that a disputed, unadjudicated damages claim cannot be appropriated as though it were a debt presently payable.

Allowing the appeals, it directed release of the withheld amount with 6% annual interest from September 27, 2025 until payment. It left lawful recovery proceedings open and expressly preserved the independence of pending criminal proceedings and the alleged overpayment dispute.

## ALLAHABAD HIGH COURT

## Allahabad High Court Rejects Belated Challenge To Arrest Grounds

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particularly after compliance with Section 207 and framing of charges.

On the record, charges had been framed and the trial was underway. The court therefore rejected the petition as belated.

The ruling addresses the procedural stage at which this particular detention challenge was brought. It does not declare that police may dispense with communicating arrest grounds when making an arrest.

## ORISSA HIGH COURT

## Orissa High Court Acquits Juvenile After Missing Adult-Trial Assessment

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child as an adult or conduct an inquiry under the juvenile framework.

The appellant was about 17 at the relevant time. The court treated the omitted assessment as a fundamental jurisdictional defect and set aside the conviction and sentence, acquitting him.

The decision rested on non-compliance with juvenile protections, rather than an assessment that the allegations were insignificant.

## DELHI HIGH COURT

## Delhi High Court Upholds Entry Refusal Despite Valid Business Visa

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The judgment distinguishes the issue of a visa from the immigration officer's decision at the border. It also rejected the equality challenge because the woman had not shown that the same adverse assessment applied to her husband.

The court declined to substitute its assessment for that of the competent authority in the circumstances and dismissed the writ petition.



## DELHI HIGH COURT

## Article 226 Cannot Resolve Private Personal Grievances

BY EDITORIAL TEAM

COURT PDF

The Delhi High Court has dismissed a writ petition seeking official action on representations arising from a former employee's dispute with a private company.

Pushpendra Singh Parmar alleged that his former employer had improperly obtained confidential emails and used them against him. He asked the court to direct office-bearers of the Institute of Company Secretaries of India to act on his representations.

Justice Amit Mahajan found that the controversy substantially concerned the petitioner's longstanding grievances against the private company. The relief sought would effectively require the writ court to adjudicate an individual dispute involving a private party.

The court said jurisdiction under Article 226 is extraordinary and cannot be invoked simply because a representation has not produced the action a litigant wants. It is not designed to provide a forum for personal disputes or collateral objectives against an adversary.

The petition was dismissed, while leaving Parmar free to pursue appropriate remedies against the company in accordance with law.

## DELHI HIGH COURT

## School De-Recognition Does Not Authorise Closure

BY EDITORIAL TEAM

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The Delhi High Court has partly allowed an appeal by teachers of Ring Midways Senior Secondary Public School, ruling that withdrawal of recognition does not itself amount to lawful closure.

The school had been de-recognised after years of financial and management disputes. A single judge later directed its management to return the school land to the lessor. The Division Bench found that direction incompatible with the Delhi School Education Act and Rules.

Chief Justice Devendra Kumar Upadhyaya and Justice Tejas Karia said Rule 46 requires the managing committee to justify closure and obtain the Director of Education's prior approval after consultation with the Advisory Board. Those requirements cannot be bypassed merely because recognition has been withdrawn.

The court also noted that management remained vested in the Lieutenant Governor when the challenged handover direction was issued. It therefore set aside that direction and clarified that any closure proposal must follow the statutory process.

Directions concerning distribution of available funds and sale of movable assets toward staff salary arrears remain operative.

## GUJARAT HIGH COURT

## Gujarat lawyers to stay away from courts for two days over Rent Bill dispute

BY SHEIKH RAYEES

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The Gujarat High Court Advocates' Association (GHCAA) has decided to abstain from court proceedings for two days in protest against provisions of the Gujarat Rent Bill, 2026. The association resolved to stay away from court work on October 5 and 6 after an Extraordinary General Body meeting held at the Gujarat High Court on Monday. The meeting was chaired by GHCAA President and Senior Advocate Yatin Oza. The move comes in support of advocates practising before the City Civil Court and Small Causes Court, who have been opposing the proposed changes under the Bill. The decision also follows a resolution adopted by the Bar Council of Gujarat (BCG) backing the lawyers' protest. At the centre of the dispute is the Bill's proposal to move the adjudication of rent-related disputes away from courts and place it in the hands of revenue authorities. The legislation, which has cleared the Gujarat Legislative Assembly, is awaiting the Governor's approval. Under the proposed framework, officials including Deputy Collectors and Additional Collectors would be empowered to hear and decide rent disputes. Lawyers in Ahmedabad had already begun demonstrations against the proposal. Advocates at the City Civil and Small Causes Courts had earlier abstained from work and restricted access to the Bhadra court complex as part of their protest. The Bar Council of Gujarat subsequently held an extraordinary general body meeting on October 3 and extended its support to the agitation. It called for lawyers across the State to abstain from proceedings before courts, tribunals, judicial and quasi-judicial bodies and revenue authorities from October 5 until the dispute is resolved. The Council has raised concerns over the proposed transfer of adjudicatory powers from judicial forums to administrative officials. It has argued that the move could affect lawyers and litigants while also placing an additional burden on an already stretched administrative machinery. Questions have also been raised about how evidence would be recorded and assessed in rent disputes once the matters are



## GUJARAT HIGH COURT

## Gujarat lawyers to stay away from courts for two days over Rent Bill dispute

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shifted to revenue authorities. The Bar Council has sought a meeting with Chief Minister Bhupendra Patel and the State Law Minister, seeking amendments to the legislation and

restoration of rent-dispute adjudication to judicial authorities. The GHCAA's two-day abstention is intended to reinforce the demand and demonstrate solidarity with advocates appearing before the City Civil and Small Causes Courts.