

Weekly Legal Current Affairs

12–18 October 2026

This week at a glance

- Post-trial amendment allowed after a plaintiff found a compromise decree eating into his land; limitation and Order XXIII Rule 3A left for trial.
- Civil contempt is not criminal jurisdiction, so a Special Appeal lies against merits-deciding contempt orders; Ram Kishan Fauji referred to a larger Bench
- Limitation for an IBC appeal to the Supreme Court runs from pronouncement, not from when you collect the certified copy
- A five-day delay in sending arrest material under PMLA s.19(2) is fine, but 20 months in custody with no trial in sight gets you bail

In this issue

- | | | |
|----|--|--------------------|
| 1 | Haramani Sahoo v. Lalita Nayak | Civil / CPC |
| 2 | Sanjay Prasad v. Madhusudan Dwivedi | Constitution |
| 3 | The Assistant Commissioner of Central Tax, CGST Division v. Sreenivasa Rao Ravinuthala | Limitation |
| 4 | Sanjay Sureka @ Sanjay Kumar Sureka v. Directorate of Enforcement | Criminal Procedure |
| 5 | Hemant D. Shah HUF v. Chittaranjan D. Shah HUF | Arbitration |
| 6 | State of Maharashtra v. Sudhir S/o Motiramji Hiwarkar | Civil / CPC |
| 7 | Arcis Clean Energy Pvt. Ltd. v. Parshva Innovation | Arbitration |
| 8 | Dr. B.C. Roy Engineering College v. State of West Bengal | Service / Admin |
| 9 | M/s Dhanlaxmi Merchandise Pvt. Ltd. v. State of Madhya Pradesh | Constitution |
| 10 | Hardev Construction Private Limited v. Union of India | Service / Admin |

Judgments of the week

1. Haramani Sahoo v. Lalita Nayak Civil / CPC

2026 INSC 1112 · B.V. Nagarathna, R. Mahadevan · 12 October 2026

Facts. The original plaintiff sued in 2009 for declaration of title, recovery of possession and rectification of sale deeds over two plots. After trial had commenced, he sought to amend the plaint under Order VI Rule 17 to plead a compromise decree in T.S. No.105 of 1998 (to which he was not a party) that allotted part of the suit plot to Defendant No.8, and to have it declared null and void, claiming he obtained certified copies only on 22.06.2020. The trial Court rejected the amendment and the Orissa High Court declined to interfere.

Issue. Whether a post-trial amendment introducing a challenge to a compromise decree satisfies the due-diligence proviso to Order VI Rule 17 CPC, and whether it must be refused at the threshold as time-barred or hit by Order XXIII Rule 3A.

Held. Applying *A.K. Gupta Sons Ltd. v. Damodar Valley Corporation*, *Revajeetu Builders and LIC v. Sanjeev Builders*, the Court held that the subsequent discovery of the decree, the plaintiff's absence from those proceedings and the defendants' non-disclosure of their vendors' title made out due diligence, and that an amendment which enlarges questions but has a direct nexus with the existing title dispute does not fundamentally alter the suit. Relying on *Ragu Thilak D. John v. S. Rayappan*, *Sampat Kumar v. Ayyakannu* and *Pankaja v. Yellappa*, it held that where the date of knowledge is disputed, limitation is arguable and must be left to the trial Court, as must the applicability of Order XXIII Rule 3A, unless the claim is ex facie barred. Prejudice from meeting extra issues is curable by an additional written statement and costs, and refusal would fragment the title dispute; the amendment was allowed on costs of Rs.25,000, *Basavaraj v. Indira* being distinguished on facts.

Why it matters. *Pair with Revajeetu Builders (2009) 10 SCC 84: a fresh suit being time-barred is a factor against amendment, but a disputed date of knowledge makes limitation a trial issue.*

Provisions: Code of Civil Procedure 1908, O.VI r.17; Code of Civil Procedure 1908, O.XXIII r.3A; Code of Civil Procedure 1908, s.151

2. Sanjay Prasad v. Madhusudan Dwivedi Constitution

2026 INSC 1128 · Dipankar Datta, Sheel Nagu · 14 October 2026

Facts. The Allahabad High Court's writ court quashed an Office Memorandum and directed the State to consider the respondents' candidature for Assistant Prosecution Officer posts; the Additional Chief Secretary (Home) rejected it and filed a compliance affidavit. In the contempt application, a Single Judge rejected that affidavit, held the State bound to appoint the respondents and directed the officer to appear for framing of charges. The officer appealed directly to the Supreme Court, arguing that no Special Appeal lay under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952.

Issue. When does an order of a Single Judge in contempt proceedings attract an intra-court appeal, and does the Rule 5 bar on appeals from orders 'in the exercise of criminal jurisdiction' cover civil contempt?

Held. Contempt power flows from Article 215 and is sui generis; relying on *S.A.L. Narayan Row v. Ishwarlal Bhagwandas* and *P. Mohanraj v. Shah Bros. Ispat*, the Court held that 'quasi-criminal' does not mean criminal, and High Court precedents treating civil contempt as criminal jurisdiction may no longer be good law. Building on para 11(V) of *Midnapore Peoples' Coop. Bank v. Chunilal Nanda* and on *Ajay Kumar Bhalla v. Prakash Kumar Dixit*, an intra-court appeal lies (where the Letters Patent or High Court rules allow it) against contempt orders meeting the 'judgment' test, such as orders that bind a non-party, re-examine and reject a compliance order, travel beyond the parent order, or finally decide disputed questions of fact or law. Section 19(1) of the Contempt of Courts Act, 1971 remains confined to orders punishing for contempt. Doubting *Ram Kishan Fauji v. State of Haryana* ((2017) 5 SCC 533), on the view that Article 226 jurisdiction is single and sui generis and that the Fauji approach curtails access to justice under *Anita Kushwaha v. Pushap Sudan*, the Court referred it to a larger Bench, gave the appellant a fortnight to file a Special Appeal and stayed the contempt case for two months.

Why it matters. Learn the *Chunilal Nanda* split: a punishment order goes to appeal under s.19, while a ruling on the merits goes by intra-court appeal or Article 136

Provisions: Contempt of Courts Act 1971, s.2(b); Contempt of Courts Act 1971, s.12; Contempt of Courts Act 1971, s.19(1); Constitution of India 1950, Art. 215; Constitution of India 1950, Art. 226; Constitution of India 1950, Art. 136; Allahabad High Court Rules 1952, Ch. VIII r.5

3. The Assistant Commissioner of Central Tax, CGST Division v. Sreenivasa Rao Ravinuthala Limitation

2026 INSC 1121 · S.V.N. Bhatti, N.V. Anjaria · 14 October 2026

Facts. NCLAT pronounced its order upholding a resolution plan on 02.08.2023; the Revenue applied for a certified copy on 06.09.2023 (the 35th day), received it on 11.10.2023 and filed a Section 62 IBC appeal on 21.11.2023. Respondent No. 2 raised a preliminary objection that the appeal was time-barred.

Issue. Does the 45-day period under Section 62(1) IBC, "from the date of receipt of such order", start on pronouncement or on receipt of the certified copy, and how does Section 12(2) of the Limitation Act, 1963 operate on it?

Held. Section 62 gives 45 days plus a discretionary 15 days, an absolute ceiling of 60 days, and "receipt of the order" cannot mean the date a party chooses to collect a copy, else limitation becomes indefinite and Section 12(2) of the Limitation Act (applied through Section 238-A IBC) is rendered redundant. Under Rule 91 of the NCLAT Rules, 2016 reading the operative portion in open court is pronouncement, so limitation commences that day; by the Explanation to Section 12, inaction before applying for a copy is not excluded. *Sagufa Ahmed* was distinguished as resting on the statutory right to a free certified copy under Section 420(3) of the Companies Act, 2013, whereas Order XIX Rule 3(2)(i) read with Rule 40 of the SCR, 2013 casts an affirmative duty on the appellant to obtain the copy. Following *V. Nagarajan v. SKS Ispat* and *CA Ramchandra Dallaram Choudhary*, the 35 days before applying plus 41 days after receipt gave 76 days, 16 beyond the ceiling, so the appeal was dismissed as barred.

Why it matters. Read with *V. Nagarajan v. SKS Ispat (2022)*: apply for the certified copy promptly, because only the 'time requisite' after applying is excluded under s.12(2)

Provisions: Insolvency and Bankruptcy Code 2016, s.61; Insolvency and Bankruptcy Code 2016, s.62; Insolvency and Bankruptcy Code 2016, s.238; Insolvency and Bankruptcy Code 2016, s.238-A; Limitation Act 1963, s.12(2); Limitation Act 1963, s.29(2); Companies Act 2013, s.420(3); Companies Act 2013, s.421(3); NCLAT Rules 2016, r.91; Supreme Court Rules 2013, O.XIX r.3(2)(i)

4. Sanjay Sureka @ Sanjay Kumar Sureka v. Directorate of Enforcement Criminal Procedure

2026 INSC 1124 · Aravind Kumar, Vipul M. Pancholi · 14 October 2026

Facts. The appellant was accused of inflating a company's turnover to obtain credit from an SBI-led bank consortium and diverting the money through 62 shell companies, with alleged proceeds of crime of Rs. 6210.72 crores. The ED arrested him on 18.12.2024 and forwarded the arrest order and material to the Adjudicating Authority only on 23.12.2024. He had spent about 20 months in custody, the ED had said investigation against him was complete, and the three prosecution complaints named 97 accused, 48 witnesses and about 15,000 pages of documents.

Issue. Does a five-day delay in forwarding the arrest order and material to the Adjudicating Authority under Section 19(2) PMLA vitiate the arrest? Can prolonged pre-trial custody justify bail despite the twin conditions in Section 45?

Held. PMLA prescribes no timeline for forwarding the arrest order and material to the Adjudicating Authority; "immediately" means expeditiously and simultaneously, allowing only such time as is absolutely necessary, and administrative needs in compiling voluminous records may take a few days. The arrest therefore stood. However, the twin conditions under Section 45 of the PMLA cannot override the constitutional safeguards under Article 21, as held in *Manish Sisodia v. Directorate of Enforcement* (2024 SCC OnLine SC 1920). With over 20 months served for an offence carrying a maximum of 7 years, investigation complete against him, and a trial involving thousands of pages and around 98 witnesses, the Court granted bail on conditions including surrender of his passport.

Why it matters. Read with *Union of India v. K.A. Najeer*: under special statutes, long custody with no trial in sight can override the statutory bar on bail, since process must not become punishment

Provisions: Prevention of Money Laundering Act 2002, s.19; Prevention of Money Laundering Act 2002, s.45; Code of Criminal Procedure 1973, s.439; Constitution of India, Art.21

In brief — also on the docket this week

5 Hemant D. Shah HUF v. Chittaranjan D. Shah HUF Arbitration

2026 INSC 1111 · J.B. Pardiwala, K. Vinod Chandran · 12 October 2026

Issue. Can non-signatories to a partnership deed's arbitration clause be joined as veritable parties at the s.11 referral stage when the disputed asset's title runs through them?

Held. Relying on *Cox Kings Limited v. SAP India Private Limited* (2024) 4 SCC 1, the Court reiterated that s.7 does not exclude binding non-signatories and that courts cannot rigidly exclude those whose conduct and relationship tie them to the underlying contract. Following *Hindustan Petroleum Corporation Limited v. BCL Secure Premises Private Limited* (2026) 3 SCC 711, the s.11 referral court may record prima facie satisfaction that a non-signatory is a veritable party, while the Tribunal's jurisdiction to decide it on evidence is preserved. Since invalidating the 1995 retirement deed would revert the parties to the 1985 partnership and substantially affect respondents 3-4's title, they are veritable parties to the dispute. The finding is prima facie and does not govern the Tribunal's adjudication of that issue, limitation, or the estoppel plea over their omission from the earlier arbitration, whose award was set aside under s.34.

6 State of Maharashtra v. Sudhir S/o Motiramji Hiwarkar Civil / CPC

2026 INSC 1118 · Dipankar Datta, Sheel Nagu · 13 October 2026

Issue. Can a High Court direct absorption that casts financial liability on the State when only one of its officers, and not the State, was impleaded? Can an unaided-college lecturer claim absorption by parity with another lecturer who was absorbed?

Held. Relying on *Ranjeet Mal v. General Manager, Northern Railway* (1977) 1 SCC 484, *Jagtu v. Suraj Mal* (2010) 13 SCC 769 (reading Section 79 and Order 27 Rule 1 with Order 1 Rule 9 CPC) and *Chaman Lal v. State of Punjab* (2014) 15 SCC 715, the Court held that a petition seeking substantive relief against the exchequer is fundamentally defective unless the State is arrayed as a juristic entity under Article 300. An officer or department cannot be equated with the State for fastening sovereign or financial liability, so paragraph 26(iv) of the High Court judgment was set aside. On merits, the unchallenged corrigendum of 21 March 1997 confines the surplus-absorption policy to grant-in-aid colleges, and parity with the absorbed lecturer failed because Article 14 does not envisage negative equality. Invoking Article 142, the Court still directed the State to pay Rs. 10,00,000 in full and final settlement, expressly not to be treated as a precedent.

7 Arcis Clean Energy Pvt. Ltd. v. Parshva Innovation Arbitration

2026 INSC 1109 · Manoj Misra, Vijay Bishnoi · 12 October 2026

Issue. Where an arbitration clause names two places and a separate clause confers exclusive jurisdiction on courts at one of them, which is the juridical seat, and did the Delhi High Court have jurisdiction under Section 11(6)?

Held. Applying the three-condition test of *BGS SGS SOMA JV v. NHPC Ltd.*, affirmed in *Arif Azim Co. Ltd. v. Micromax Informatics FZE*, the Court held that a venue becomes the seat only if the clause designates one place alone, so the Delhi location did not automatically become the seat. Reading Clauses 32.4 and 32.5 harmoniously with Clause 38, and relying on *Mankastu Impex (P) Ltd. v. Airvisual Ltd.* that the seat is gathered from the other clauses and conduct, the Court found Goa to be the juridical seat. *Sasan Power Ltd. v. North American Coal Corp.* on the separability of the arbitration agreement did not bar recourse to the governing-law clause, because the arbitration clause itself named two places. The Delhi High Court lacked jurisdiction under Section 11(6); its order was set aside with liberty to approach the jurisdictional High Court.

8 Dr. B.C. Roy Engineering College v. State of West Bengal Service / Admin

2026 INSC 1120 · Pamidighantam Sri Narasimha, Alok Aradhe · 14 October 2026

Issue. Can the fee for a professional course at a self-financing HEI be revised midstream for students already admitted, and what role do fee fixation committees and High Courts play in securing fee certainty?

Held. Reading Regulations 7(1), 7(4) and 7(5) of the AICTE Regulations 1994 together, the Court held that fees can be revised only on the Committee's recommendation, at a minimum gap of three years, based on estimated expenditure and the last two years' audited figures; along with TMA Pai Foundation, P.A. Inamdar, Islamic Academy and para 18.14 of NEP-2020, this regime embodies a principle of certainty about fee liability. Fee fixation committees have a statutory foundation and serve a public purpose, and relying on Lifecare Innovations Pvt. Ltd. v. Union of India, the Court directed High Courts to exercise judicial review so that these committees perform with institutional efficiency, expertise and integrity. It affirmed the High Court's final directions (non-application to pre-16.10.2023 admissions and refund) but rejected its reasoning that applying the revision would give the Notification retrospective effect, and held that invoking equity and estoppel against the college on the basis of its admission brochure was not sustainable in law.

9 M/s Dhanlaxmi Merchandise Pvt. Ltd. v. State of Madhya Pradesh Constitution

2026 INSC 1125 · Aravind Kumar, Vipul M. Pancholi · 14 October 2026

Issue. Can a State instrumentality reject an above-reserve H1 bid and cancel a completed auction only because the bidder had earlier quoted more for the same surrendered group? If not, should the matter be remanded or the process restored?

Held. H1 confers no indefeasible right and a reserve price is a threshold, not a promise of allotment, but Clauses 6.6.3 and 26 of the tender do not place rejection beyond judicial review; the reason must bear a rational nexus to the auction actually held (Golden Food Products India v. State of Uttar Pradesh, Ramana Dayaram Shetty, Tata Cellular). The Board had no contemporaneous valuation, comparable auctions or finding of collusion; it showed the bids were lower than earlier bids, not lower than what the market could reasonably yield in October 2025. The amended Rule 16 of 30.01.2026, barring surrendering MDOs for three years, is prospective and cannot disqualify bidders retrospectively. Remand was refused because the sole reason had failed scrutiny, and the 2025 process was restored at the appellants' final bids, with the later 10.02.2026 tender halted for these two groups.

10 Hardev Construction Private Limited v. Union of India Service / Admin

2026 INSC 1110 · J.B. Pardiwala, K. Vinod Chandran · 12 October 2026

Issue. Can a tenderer who pays the Bid Security by e-payment and uploads the digital receipt be disqualified for not producing an 'original', and does deference to the awardee's reading of tender terms protect such a rejection?

Held. The Court read Clause 2.20.6(ii) as meant for instruments like Bank Guarantees, Demand Drafts, FDRs and Banker's Cheques, on which no lien can be exercised unless the original is physically handed over; with e-payment the money is already in the respondents' account and under their full control. Distinguishing Prakash Asphaltings and Toll Highways (India) Ltd. v. Mandeepa Enterprises, (2026) 4 SCC 310, the Court noted that the deference rule there carves out an exception for mala fide or perverse understanding or application of tender terms, and held that rigid adherence to the letter of a document cannot be countenanced when compliance is impossible. The impugned order was set aside; the appellant was allowed to re-furnish the refunded Bid Security, after which its financial bid is to be opened and considered with the other bids.

Statutes, appointments & policy

NEW LAWS, AMENDMENTS & KEY BILLS

- **MSMED (Amendment) Act, 2026 brought into force in phases.** By S.O. 5575(E) dated 12 October 2026, issued under section 1(2) of the Micro, Small and Medium Enterprises Development (Amendment) Act, 2026 (Act No. 16 of 2026), the Ministry of MSME brought sections 2 to 7, 11 and 13 to 17 into force from 15 October 2026. Section 12, which recasts the composition of the Micro and Small Enterprises Facilitation Councils, commences on 15 December 2026, while sections 8 to 10 (dispute-resolution and enforcement changes touching sections 18, 18A and 19) have no date yet. The commenced provisions base enterprise classification on both investment and turnover, provide for voluntary registration on a national digital platform, insert section 15A routing CPSE settlement of MSME invoices through TReDS, and let States set up additional Facilitation Councils. — [12 October 2026 · taxguru.in](#)
- **EPS 2026 amended: pensionable wage ceiling fixed at ₹15,000 a month.** On 15 October 2026 the Ministry of Labour and Employment notified an amendment to the Employees' Pension Scheme, 2026 under section 15(1)(b) of the Code on Social Security, 2020. It amends paragraph 4(2) to prescribe a pensionable wage ceiling of ₹15,000 per month, the limit up to which the Central Government will contribute, and omits the words "and the Central Government" from the first proviso to paragraph 4(2). The amendment is deemed to have come into force on 17 September 2026, a retrospective commencement relevant to delegated legislation under the labour codes. — [15 October 2026 · seconline.com](#)

APPOINTMENTS & INSTITUTIONS

- **Additional Judges, Madras High Court (Article 224(1)):** Dharmalingam Lingeswaran and Balathandayutham Karthikeyan — By a Department of Justice notification dated 13 October 2026, the President appointed the two as Additional Judges of the Madras High Court under Article 224(1). The term is two years from the dates on which they assume charge. The appointments follow the Supreme Court Collegium's recommendation of 18 May 2026, which had approved nine judicial officers and 10 advocates for the Madras High Court. — [13 October 2026 · seconline.com](#)

POLICY & JUSTICE ADMINISTRATION

- **CJI inaugurates Ladakh bench of J&K and Ladakh High Court at Leh.** Chief Justice of India Surya Kant inaugurated the newly constituted Ladakh bench of the High Court of Jammu & Kashmir and Ladakh in Leh on 18 October 2026, in the presence of Supreme Court judges, Attorney General R Venkataramani and the Ladakh Lieutenant Governor. The Union government had approved the bench in August, and the High Court chose Leh as its seat on 5 October; hearings begin on 21 October with 75 cases identified for listing. Until now the common High Court sat only at Srinagar and Jammu. — 18 October 2026 · [barandbench.com](#)

Clear Concepts — textbook revision of two core concepts**Bail under PMLA: Section 45 Twin Conditions and Article 21**

Criminal Procedure / Special Statutes

PMLA 2002, ss.19, 45; UAPA 1967, s.43D(5); NDPS 1985, s.37; CrPC s.436A / BNSS s.479

Special statutes invert the bail rule: PMLA s.45 demands reasonable grounds to believe the accused is not guilty and will not offend on bail. This week, *Sanjay Sureka v. Directorate of Enforcement* (2026 INSC 1124) upheld an arrest despite a five-day s.19(2) delay, yet granted bail after 20 months' custody under Article 21.

Arrest under s.19 PMLA.

- Arrest needs a written "reason to believe", based on material in possession, that the person is guilty of laundering.
- Grounds must be communicated "as soon as may be"; Pankaj Bansal requires them in writing.
- Section 19(2) sends the order and material to the Adjudicating Authority; s.19(3) requires production within 24 hours.
- *Sanjay Sureka*: "immediately" in s.19(2) sets no fixed time limit, so a five-day delay did not vitiate arrest.

The s.45 twin conditions and parallel bars.

- If the Public Prosecutor opposes, the court needs reasonable grounds to believe the accused is not guilty and will not offend.
- The proviso spares those under sixteen, women, the sick or infirm, and those accused of laundering under Rs 1 crore.
- Section 45 operates alongside s.439 CrPC (s.483 BNSS), not in its place, restricting general bail power.
- UAPA s.43D(5) bars bail where accusations appear prima facie true; NDPS s.37 imposes twin conditions for commercial quantity.

Where Article 21 overrides.

- *Najeeb*: statutory bars cannot stop constitutional courts granting bail when trial cannot finish within reasonable time.
- *Sisodia*: bail is the rule even under PMLA; prolonged incarceration with a distant trial overrides s.45.
- Section 436A CrPC (s.479 BNSS) frees undertrials held for half the maximum sentence; *Vijay Madanlal* applied it to PMLA.
- Relief is not automatic: courts weigh custody against the seven-year cap, trial scale, and flight risk.

Leading cases.

- *Nikesh Tarachand Shah v. Union of India* (2018) 11 SCC 1 — struck down the original s.45 twin conditions.
- *Vijay Madanlal Choudhary v. Union of India* (2022) SCC OnLine SC 929 — upheld amended s.45 and ED arrest powers; ECIR is no FIR.
- *Pankaj Bansal v. Union of India* (2023) — s.19 arrest grounds must be in writing.
- *Union of India v. K.A. Najeeb* (2021) 3 SCC 713 — statutory bail bars yield to Art 21 amid trial delay.
- *Manish Sisodia v. Directorate of Enforcement* (2024) — prolonged incarceration lets Art 21 override s.45.

Exam tip. *Vijay Madanlal* upheld s.45 but never made it absolute; trial delay still unlocks Article 21 bail.

Seat versus Venue in Arbitration: Sections 2(1)(e), 20 and 42

Arbitration

Arbitration and Conciliation Act 1996, ss.2(1)(e), 2(2), 11, 20, 31(4), 42

The seat is the arbitration's legal home: it fixes the curial law and the supervising court. A venue is where hearings happen. This week in *Arcis Clean Energy v. Parshva Innovation*, the Supreme Court held Goa the seat and Delhi a venue, setting aside Delhi High Court's s.11(6) appointment.

Why the seat matters.

- Under s.2(2), Part I applies where the place of arbitration is in India, importing Indian curial law and supervision.
- Section 2(1)(e) defines "Court" as if the dispute were a suit, yet BALCO gives seat courts supervisory jurisdiction.
- *Indus Mobile*: naming a seat works like an exclusive jurisdiction clause, ousting courts where the cause of action arose.
- Section 42: once a Part I application reaches a competent court, that court alone hears all later applications.

Identifying the seat.

- Parties agree the "place" under s.20(1); failing that, the tribunal fixes it under s.20(2), and the award states it.
- Section 20(3) lets the tribunal meet anywhere for hearings or inspection; that meeting place is merely a venue.
- *BGS SGS SOMA*: a venue is the seat where one place alone is named, proceedings are "held" there, nothing contrary.
- *Arcis* (2026): a clause naming both Delhi and Goa fails that test; read with Goa's exclusive jurisdiction clause, Goa is the seat.

Parties: signatories and beyond.

- *Cox and Kings*: the s.7 writing requirement does not bar binding non-signatories whose conduct shows mutual intention.
- Courts weigh the parties' relationship, common subject-matter, composite transactions and the non-signatory's role in performance.
- At the s.11 stage the referral court records only prima facie satisfaction; the tribunal decides finally on evidence.
- *Hemant D. Shah HUF* (2026): non-signatories whose title hinges on a disputed retirement deed are prima facie veritable parties.

Leading cases.

- *Bharat Aluminium Co. v. Kaiser Aluminium Technical Services* (2012) 9 SCC 552 — Part I is territorial; the seat is the centre of gravity.
- *Indus Mobile Distribution v. Datawind Innovations* (2017) 7 SCC 678 — designating a seat confers exclusive jurisdiction on its courts.
- *BGS SGS SOMA JV v. NHPC Ltd.* (2020) 4 SCC 234 — a sole named venue, absent contrary indicia, is the seat.
- *Mankastu Impex v. Airvisual Ltd.* (2020) 5 SCC 399 — mere mention of a venue does not make it the seat.
- *Cox and Kings Ltd. v. SAP India Pvt. Ltd.* (2024) 4 SCC 1 — non-signatories may be bound by mutual intention.

Exam tip. Examiners name a "venue" and ask which court hears the s.34 challenge; it is the seat only absent contrary indicia.

Revision capsule — one-line recap of every ruling

- **Haramani Sahoo:** A post-trial amendment pleading a later-discovered compromise decree affecting the very suit property satisfies the due-diligence proviso and does not change the nature of the suit; arguable limitation and Order XXIII Rule 3A objections go to trial, not to the amendment stage.
- **Sanjay Prasad:** Civil contempt is not decided in exercise of criminal jurisdiction, so a Single Judge's contempt order that rejects a compliance order on merits or goes beyond the parent order is open to a Special Appeal under Rule 5.
- **The Assistant Commissioner of Central Tax, CGST Division:** Limitation under Section 62 IBC starts on pronouncement of the NCLAT order; only the time between applying for and receiving the certified copy is excluded under Section 12(2) of the Limitation Act, and the 60-day outer limit cannot be crossed.
- **Sanjay Sureka @ Sanjay Kumar Sureka:** The word "immediately" in s.19(2) PMLA sets no fixed time limit, so a five-day delay did not vitiate the arrest; but 20 months of custody with the trial nowhere near completion entitled the accused to bail under Article 21 despite the s.45 twin conditions.
- **Hemant D. Shah HUF:** Respondents 3-4 are prima facie veritable parties because their rights over the subject asset survive only if the appellants' retirement deed is valid; limitation & estoppel remain open before the Arbitral Tribunal.
- **State of Maharashtra:** The State is a necessary party when relief is sought against the public exchequer; impleading an officer or department, even one represented by a Government Pleader, does not cure its non-joinder.
- **Arcis Clean Energy Pvt. Ltd.:** When the arbitration clause names two places, the BGS SGS SOMA test for treating a venue as the seat is not met and the seat must be found by reading the whole agreement; Goa was the seat and Delhi only a venue.
- **Dr. B.C. Roy Engineering College:** The fee for the entire professional course must be notified before a student takes admission; midstream variation is permissible only in exceptional instances such as an unforeseen increase in expenditure.

- **M/s Dhanlaxmi Merchandise Pvt. Ltd.:** A reserved power to reject the highest bid is still public power under Article 14; a bidder's own earlier bid alone cannot prove its fresh above-reserve offer inadequate without material on the value reasonably obtainable in the market.
- **Hardev Construction Private Limited:** Insisting on a physical original of an e-payment already credited to the authority's account is an impossibility, and rejecting a bid on that ground is perverse.

Prelims Q&A — real past questions, with old→new code mapping

Q1. Which of the following statements about the Contempt of Courts Act, 1971 is correct?

- A. Section 12 permits rigorous imprisonment of up to one year for civil contempt
- B. Section 20 bars initiation of contempt proceedings six months after the contempt
- C. Section 19(1) gives an appeal as of right only against an order punishing for contempt
- D. Section 19(1) gives an appeal as of right against an order refusing to initiate contempt

Ans: C. Section 19(1) provides an appeal as of right from an order or decision of the High Court in exercise of its jurisdiction to punish for contempt, and *Midnapore Peoples' Coop. Bank v. Chunilal Nanda* (2006) confines it to orders imposing punishment; orders dropping or refusing to initiate proceedings are not appealable under it. Section 12 caps punishment at simple imprisonment up to six months and/or fine up to Rs 2,000, and s.20 bars initiation after one year from the alleged contempt. This week the Supreme Court reaffirmed that s.19(1) remains confined to orders punishing for contempt. **[This week's ruling: Sanjay Prasad v. Madhusudan Dwivedi (2026 INSC 1128)]**

Q2. In a civil contempt petition, a High Court Single Judge does not punish the officer but rejects the State's compliance affidavit on merits and issues a direction going beyond the original writ order. Which remedy is available against this order?

- A. An intra-court appeal, where the Letters Patent or High Court rules provide one, as the order meets the 'judgment' test
- B. Only a statutory appeal under Section 19(1) of the Contempt of Courts Act, 1971, since every contempt order is appealable
- C. No appeal at all, because contempt orders are always passed in the exercise of criminal jurisdiction of the High Court
- D. Only a review petition before the same Single Judge, as contempt orders not imposing punishment are interlocutory

Ans: A. Contempt power of a High Court flows from Article 215 and is sui generis; civil contempt (wilful disobedience under s.2(b)) is quasi-criminal but is not an exercise of criminal jurisdiction. Under the *Chunilal Nanda* split, a punishment order goes to appeal under s.19, while an order deciding the merits, travelling beyond the parent order or binding a non-party can be challenged by intra-court appeal (where available) or under Article 136. This week the Court held that the Allahabad High Court Rules' bar on appeals from orders in criminal jurisdiction does not cover civil contempt. **[This week's ruling: Sanjay Prasad v. Madhusudan Dwivedi (2026 INSC 1128)]**

Q3. Under the proviso to Order VI Rule 17 of the Code of Civil Procedure, 1908, an application to amend pleadings after commencement of trial may be allowed only if:

- A. the opposite party gives written consent to the proposed amendment
- B. the proposed amendment raises no question of limitation whatsoever
- C. the court records that the amendment is a mere clarification of facts
- D. the court finds that despite due diligence the matter could not be raised earlier

Ans: D. The proviso, inserted by the CPC (Amendment) Act, 2002, bars amendment after commencement of trial unless the court concludes that, in spite of due diligence, the party could not have raised the matter before trial began. Amendments that do not change the fundamental nature of the suit and are necessary to decide the real controversy are otherwise liberally allowed (*Revajeetu Builders*). This week the Supreme Court found due diligence where the plaintiff discovered a compromise decree affecting the suit land only after trial began. **[This week's ruling: Haramani Sahoo v. Lalita Nayak (2026 INSC 1112)]**

Q4. In a title suit, after trial has commenced, the plaintiff seeks to amend the plaint to challenge a compromise decree affecting the suit land, of which he claims he learnt only recently. The defendant objects that the new claim is time-barred, but the date of knowledge is disputed. The court should ordinarily:

- A. reject the amendment, since a claim barred by limitation can never be added by amendment
- B. allow the amendment if otherwise proper, leaving the arguable plea of limitation to trial
- C. allow the amendment only if the plaintiff also files a separate suit against the decree
- D. return the plaint for presentation before the court that passed the compromise decree

Ans: B. That a fresh suit on the new claim would be time-barred is a factor against amendment, but where limitation turns on a disputed date of knowledge it is a mixed question of fact and law to be decided at trial, unless the claim is *ex facie* barred (*Ragu Thilak D. John v. S. Rayappan*). An amendment with a direct nexus to the existing title dispute does not change the nature of the suit, and prejudice to the defendant is curable by costs and an additional written statement. This week the Court applied these principles to allow the amendment on costs, leaving limitation and Order XXIII Rule 3A to the trial court. **[This week's ruling: Haramani Sahoo v. Lalita Nayak (2026 INSC 1112)]**

Q5. Which of the following correctly states the obligation under Section 19(2) of the Prevention of Money Laundering Act, 2002 after an arrest is made?

- A. Forward the arrest material to the Special Court within 24 hours, failing which the arrest is void
- B. Forward the arrest material to the Adjudicating Authority within a fixed statutory period of seven days
- C. Forward the arrest order and material to the Adjudicating Authority 'immediately', with no fixed time limit
- D. Forward the arrest order to the Director of Enforcement only after the prosecution complaint is filed

Ans: C. Section 19(2) requires the arresting officer, immediately after arrest, to forward a copy of the arrest order with the material in his possession to the Adjudicating Authority in a sealed envelope; the Act fixes no number of days. Production before the Special Court or Magistrate within 24 hours is a separate requirement under s.19(3). This week the Court read 'immediately' as expeditiously, allowing only such time as is absolutely necessary, and held a five-day delay in compiling voluminous records did not vitiate the arrest. **[This week's ruling: Sanjay Sureka v. Directorate of Enforcement (2026 INSC 1124)]**

Q6. An accused under the PMLA (maximum punishment seven years) has been in custody for 20 months; investigation against him is complete, but the trial involves nearly a hundred witnesses and thousands of pages of documents. On his bail plea before the Supreme Court, which proposition is correct?

- A. Bail may be granted, as the Section 45 twin conditions cannot override Article 21 where custody is prolonged
- B. Bail must be refused unless the court records that he is not guilty and is unlikely to commit any offence
- C. He must be released as of right under s.479 BNSS (s.436A CrPC) for having served half the maximum term
- D. Bail can be considered only by the Special Court, as the twin conditions exclude constitutional courts

Ans: A. The twin conditions in s.45 PMLA restrict bail but yield to the right to a speedy trial under Article 21 where custody is long and trial is unlikely to conclude soon (Union of India v. K.A. Najeer; Manish Sisodia v. ED). Option C is wrong on facts: 20 months is far short of half of seven years, the threshold under s.436A CrPC, now s.479 BNSS; regular bail by the High Court or Sessions Court lies under s.439 CrPC, now s.483 BNSS. This week the Court granted bail on conditions, including surrender of passport, on precisely this reasoning. **[This week's ruling: Sanjay Sureka v. Directorate of Enforcement (2026 INSC 1124)]**

Q7. Under Section 62 of the Insolvency and Bankruptcy Code, 2016, an appeal to the Supreme Court against an order of the NCLAT must be filed within:

- A. 30 days, extendable by a further 30 days for sufficient cause
- B. 90 days from the order, with no power to condone any delay
- C. 45 days, extendable by a further 30 days for sufficient cause
- D. 45 days, extendable by a further period not exceeding 15 days

Ans: D. Section 62(1) allows an appeal on a question of law within 45 days, and s.62(2) lets the Supreme Court allow a further period not exceeding 15 days on sufficient cause, giving an absolute ceiling of 60 days; delay beyond it cannot be condoned. By contrast, s.61 provides 30 days plus 15 days for appeals to the NCLAT. This week the Court held that the 45 days run from pronouncement of the NCLAT order, not from when a party chooses to collect a copy. **[This week's ruling: Assistant Commissioner of Central Tax v. Sreenivasa Rao Ravinuthala (2026 INSC 1121)]**

Q8. An appellate order is pronounced in open court. The aggrieved party applies for a certified copy on the 35th day and receives it on the 70th day. In computing limitation for appeal, which period is excluded under Section 12(2) of the Limitation Act, 1963 read with its Explanation?

- A. The entire period from pronouncement of the order till receipt of the certified copy
- B. No period at all, because time requisite for a copy is never excluded under special laws
- C. Only the time between the application for the certified copy and its receipt
- D. The time taken by the court to prepare the order, even before the copy is applied for

Ans: C. Section 12(2) excludes the time requisite for obtaining a copy of the order appealed from, and its Explanation provides that time taken by the court to prepare the decree or order before an application for a copy is made is not excluded. The provision applies to special laws through s.29(2), and to the IBC through s.238A. This week the Court counted the 35 days before applying plus 41 days after receipt (76 days in all), found the appeal beyond the 60-day ceiling of s.62 IBC, and dismissed it. **[This week's ruling: Assistant Commissioner of Central Tax v. Sreenivasa Rao Ravinuthala (2026 INSC 1121)]**

Q9. An arbitration clause states the 'location of arbitration' to be Delhi and that the proceedings will be held in Goa, while a separate clause confers exclusive jurisdiction on courts in Goa. Which High Court can appoint an arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996?

- A. The High Court for Goa, as the seat is gathered from the whole agreement
- B. The Delhi High Court, as the first place named in the clause is the seat
- C. Either High Court, at the option of the party first invoking arbitration
- D. Any High Court within whose territory a part of the cause of action arose

Ans: A. Under BGS SGS SOMA JV v. NHPC (affirmed in Arif Azim v. Micromax), a stated venue is treated as the juridical seat only where one place alone is designated, no other place is named as seat, and there are no significant contrary indicia. When the clause names two places, the seat must be found by reading the agreement as a whole, and the seat then works like an exclusive jurisdiction clause (Indus Mobile v. Datawind). This week the Court held Goa to be the seat and set aside the Delhi High Court's s.11(6) appointment for want of jurisdiction. **[This week's ruling: Arcis Clean Energy Pvt. Ltd. v. Parshva Innovation (2026 INSC 1109)]**

Q10. Consider the following statements: 1. The rule in Order I Rule 9 CPC that no suit shall be defeated by non-joinder does not extend to non-joinder of a necessary party. 2. Where relief would fasten financial liability on the State exchequer, impleading only the departmental officer is sufficient. 3. Article 14 cannot be invoked to claim parity with a benefit wrongly extended to another person. Which of the statements given above is/are correct?

- A. 1 and 2 only
- B. 1 and 3 only
- C. 2 and 3 only
- D. 2 only

Ans: B. The proviso to Order I Rule 9 saves non-joinder of a necessary party from the general rule, and s.79 read with Order XXVII Rule 1 CPC and Article 300 require the Government to be sued in the name of the Union or the State, so an officer or department cannot stand in for the State (*Ranjeet Mal; Jagtu v. Suraj Mal*). Article 14 does not envisage negative equality, so a wrong benefit to one person cannot ground a claim by another. This week the Court set aside an absorption direction issued without impleading the State and rejected the parity claim on both grounds. **[This week's ruling: *State of Maharashtra v. Sudhir S/o Motiramji Hiwarkar* (2026 INSC 1118)]**

Mains Q&A — real state mains questions, with model answers

Mains Q1. — Rajasthan Judicial Service Mains, 1986 · Constitution / Contempt of Courts — Civil and criminal contempt, defences and appeals (Arts 129, 215; CoC Act 1971)

During arguments, an advocate intentionally caused insult of a Magistrate. Under which Act, the case will proceed against the advocate, whether under the Contempt of Court Act or Indian Penal Code?

The question tests whether a courtroom insult is a crime, a contempt or both, and which forum may act. Articles 129 and 215 make the Supreme Court and every High Court a court of record with power to punish for contempt of itself, and Article 142(2) preserves that power for the Supreme Court subject to parliamentary law. The Contempt of Courts Act, 1971 regulates its exercise. Section 2(b) defines civil contempt as wilful disobedience of a judgment, decree, direction, order, writ or other process, or wilful breach of an undertaking given to a court. Section 2(c) defines criminal contempt as any act that scandalises or lowers the authority of a court, interferes with judicial proceedings, or obstructs the administration of justice. An advocate who deliberately insults a Magistrate mid-argument falls within s.2(c).

The Magistrate cannot punish that contempt himself. Under s.10 the High Court punishes contempt of subordinate courts, acting under s.15(2) on a reference from that court or a motion by the Advocate-General. The proviso to s.10 bars the High Court where the contempt of a subordinate court is an offence punishable under the Indian Penal Code. Intentional insult to a public servant sitting in a judicial proceeding is exactly such an offence under s.228 IPC, now s.267 BNS, punishable with simple imprisonment up to six months, fine, or both. Where the insult occurs in the view or presence of the court, the Magistrate may take cognizance and deal with it summarily under s.345 CrPC (now s.384 BNSS). *Bathina Ramakrishna Reddy v. State of Madras* (1952) read the proviso as ousting the High Court where the act is punishable under the Code as this species of contempt, and a courtroom insult is the clearest instance.

The advocate's robe offers no shield. In *In re: Vinay Chandra Mishra* (1995) 2 SCC 584 a senior advocate who insulted a High Court judge in open court was convicted of criminal contempt, but *Supreme Court Bar Association v. Union of India* (1998) 4 SCC 409 held that contempt power cannot be used to suspend an advocate's licence, which belongs to the Bar Council. The statutory defences rarely help a face-to-face insult: innocent publication (s.3), fair and accurate reporting (s.4), fair criticism of a decided case (s.5) and a bona fide complaint against a subordinate presiding officer (s.6). Section 13 forbids punishment unless the contempt substantially interferes with justice, and since 2006 admits truth if pleaded bona fide in the public interest. *E.M.S. Namboodiripad v. T. Narayanan Nambiar* (1970) 2 SCC 325 and *In re: Prashant Bhushan* (2021) 1 SCC 745 draw the line between fair criticism and scandalising.

Section 12 prescribes simple imprisonment up to six months, fine up to Rs 2,000, or both, and a bona fide apology may earn discharge. Section 19 gives an appeal as of right from a High Court's order punishing for contempt, and s.20 bars proceedings begun after one year. *Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda* (2006) 5 SCC 399 confined s.19 to punishment orders, leaving others to intra-court appeal or Article 136. *Sanjay Prasad v. Madhusudan Dwivedi* (2026 INSC 1128) now holds that civil contempt is not criminal jurisdiction, so an intra-court appeal lies against contempt orders meeting the 'judgment' test while s.19(1) stays confined to punishment, and refers *Ram Kishan Fauji v. State of Haryana* (2017) 5 SCC 533 to a larger Bench.

The answer is clear. The advocate is proceeded against under the Penal Code through the Magistrate's summary power, because the s.10 proviso shuts out the High Court's statutory contempt jurisdiction, while his professional misconduct goes to the Bar Council.

Mains Q2. — Karnataka Civil Judge Mains, 2022 · Civil Procedure — Amendment of pleadings (Order VI Rule 17 CPC) and the due-diligence proviso

What are the factors to be considered by the Courts for allowing or refusing the request for amendment of pleadings? What are the guiding principles to be considered by the Courts under following circumstances? i) When the proposed amendment is to seek a new relief in the plaint, which is objected as barred by limitation. ii) When the proposed amendment to the plaint, if allowed, would oust the jurisdiction of the Court to try the said suit. iii) When the application seeking amendment is filed after commencement of trial.

Order VI Rule 17 CPC lets the court, at any stage, allow either party to alter or amend its pleadings in such manner and on such terms as may be just, and commands that all amendments necessary for determining the real questions in controversy shall be made. *Revajeetu Builders & Developers v. Narayanaswamy & Sons* (2009) 10 SCC 84 lists the factors: necessity for effective adjudication, bona fides, prejudice that costs

cannot cure, the risk of injustice or multiple litigation on refusal, any fundamental change in the nature of the case, and whether a fresh suit on the amended claim would be time-barred on the date of application. *Pirgonda Hongonda Patil v. Kalgonda Shidgonda Patil* AIR 1957 SC 363 allows whatever is needed to decide the real controversy unless it works injustice not compensable by costs. A written statement is treated more indulgently: *Usha Balashaheb Swami v. Kiran Appaso Swami* (2007) 5 SCC 602 permits a defendant inconsistent or alternative pleas, though a clear admission cannot be withdrawn by amendment. Once leave is granted, Order VI Rule 18 bars amendment after the time fixed, or fourteen days where none is fixed, unless the court extends it.

Where the amendment seeks a new relief objected to as time-barred, the ordinary rule is refusal, since lapse of time vests a right in the opponent. In *L.J. Leach & Co. v. Jardine Skinner & Co.* AIR 1957 SC 357 the Court allowed a claim for damages for conversion to be added after limitation had run, since the material facts were already pleaded and only the relief was being recast. Where the bar turns on disputed facts such as the date of knowledge, *Ragu Thilak D. John v. S. Rayappan* (2001) 2 SCC 472 holds that the court may allow the amendment and frame limitation as an issue.

An amendment that would take the suit beyond the court's pecuniary or subject-matter jurisdiction should not be refused on that ground alone. The prevailing view is that the court tests the amendment on the ordinary Rule 17 principles; if, once allowed, the suit lies beyond its competence, the proper course is to return the plaint under Order VII Rule 10 for presentation to the competent court. A contrived amendment aimed only at changing the forum fails the bona fides test anyway.

The third situation is governed by the proviso inserted by the Code of Civil Procedure (Amendment) Act, 2002, effective 1 July 2002: no application shall be allowed after the trial has commenced unless the court concludes that, in spite of due diligence, the party could not have raised the matter before the commencement of trial. *Salem Advocate Bar Association v. Union of India* (2005) 6 SCC 344 explains that the proviso targets dilatory applications. *Vidyabai v. Padmalatha* (2009) 2 SCC 409 holds the proviso mandatory and treats the trial as commenced once issues are framed and the case is set down for evidence, and certainly once affidavits in lieu of examination-in-chief are filed. Without a finding of due diligence the application must fail, however useful the amendment.

Haramani Sahoo v. Lalita Nayak, 2026 INSC 1112, applies the limitation and post-trial principles together: a post-trial amendment pleading a later-discovered compromise decree affecting the suit land satisfied the due-diligence proviso and left the nature of the suit unchanged, while the arguable limitation and Order XXIII Rule 3A objections were left to the trial, on costs of Rs 25,000. Rule 17 exists to decide the real dispute once, and the proviso and the limitation bar are filters against abuse, not shortcuts for refusing a genuine claim.

Mains Q3. — Odisha Judicial Service (Civil Judge) Mains, 2021 · Limitation — Exclusion of time and condonation of delay (ss.5, 12, 14, 29(2) Limitation Act 1963)

(a) Explain the provisions under the Limitation Act, 1963 relating to exclusion of time in legal proceedings in computing the period of limitation. [15 marks] (b) Discuss the provision under the Limitation Act, 1963 relating to exclusion to time of proceeding bona fide in Court without jurisdiction. [10 marks]

Section 3 of the Limitation Act, 1963 is peremptory: a suit, appeal or application filed out of time must be dismissed even if limitation is not pleaded. Two reliefs soften it, and they must not be blurred. Section 5 extends time for appeals and applications (not suits, and not Order XXI CPC applications) on "sufficient cause", a discretion Collector, *Land Acquisition*, *Anantnag v. Mst. Katiji* (1987) 2 SCC 107 directed courts to exercise liberally. Exclusion under Part III is different: once its conditions are met, the time is simply not counted. Section 4 adds that where the period expires on a day the court is closed, filing on reopening is in time.

Section 12 governs the arithmetic. Sub-section (1) excludes the day from which the period is reckoned. Sub-section (2) excludes, for an appeal, leave to appeal, revision or review, the day the judgment was pronounced and the time requisite for obtaining a copy of the decree, sentence or order challenged; sub-section (3) adds a copy of the judgment, and sub-section (4) a copy of an award sought to be set aside. The Explanation is the trap: time taken by the court to prepare the decree before an application for a copy is made is not excluded. Section 13 excludes time spent in good faith on a rejected application to sue or appeal as an indigent person, and section 15 excludes periods of stay or injunction and of statutory notice such as section 80 CPC.

This week's ruling in *Assistant Commissioner of Central Tax v. Sreenivasa Rao Ravinuthala*, 2026 INSC 1121, following *V. Nagarajan v. SKS Ispat & Power Ltd.* (2022) 2 SCC 244, held that a section 62 IBC appeal runs from pronouncement of the NCLAT order and that section 12(2) excludes only the time between applying for and receiving the certified copy, so the 35 days lost before applying carried the appeal past the 60-day ceiling. Section 12 reached the IBC consistently with section 29(2), under which sections 4 to 24 apply to special laws unless expressly excluded.

Section 14, the subject of the second limb, excludes the time during which the plaintiff or applicant prosecuted with due diligence another civil proceeding, at first instance or in appeal or revision, against the same party, relating to the same matter in issue, in good faith, in a court which from defect of jurisdiction or other cause of a like nature could not entertain it. The Explanation counts both the first and last day of the earlier proceeding, treats a party resisting an appeal as prosecuting one, and deems misjoinder of parties or causes of action a cause of like nature. Section 14(3) extends the benefit to a fresh suit filed with leave under Order XXIII Rule 1 CPC granted on such a defect. Because section 2(h) denies good faith to anything done without due care and attention, a litigant who ignores an obvious jurisdictional bar may fail.

Section 14 is read liberally because it serves adjudication on merits. *State of Goa v. Western Builders* (2006) 6 SCC 239 and *Consolidated Engineering Enterprises v. Principal Secretary, Irrigation Department* (2008) 7 SCC 169 applied it to section 34 petitions under the Arbitration and Conciliation Act, 1996, which nowhere excludes it. Yet *Union of India v. Popular Construction Co.* (2001) 8 SCC 470 held that

"but not thereafter" in the proviso to section 34(3) shuts out section 5. That contrast is the answer in miniature: an outer statutory limit impliedly excludes discretionary extension, but exclusion of time bona fide spent in the wrong forum survives unless barred in terms.

Mains Q4. — Madhya Pradesh Civil Judge (Entry Level) Mains, 2016 · Constitution — Article 14, State contracts and judicial review of tenders

Discuss the terms "Equality before Law" and "Equal Protection of Laws" as provided in the constitution of India. State the exception also?

Article 14 forbids the State to deny to any person equality before the law or the equal protection of the laws. The phrases are not tautologous. "Equality before law" comes from Dicey's rule of law: no one is above the law, and every person is subject to the ordinary law administered by the ordinary courts. It is negative, an absence of special privilege. "Equal protection of the laws" is drawn from the Fourteenth Amendment to the US Constitution and is positive: equals must be treated alike in like circumstances. Article 14 therefore forbids class legislation but permits reasonable classification. Since *State of West Bengal v. Anwar Ali Sarkar*, a classification survives only if it rests on an intelligible differentia bearing a rational nexus to the object of the law. The guarantee covers every person, citizen or not.

Classification is not the whole of Article 14. *E.P. Royappa v. State of Tamil Nadu* (1974) 4 SCC 3 held equality antithetic to arbitrariness, and since Article 12 includes instrumentalities of government within "State", the doctrine binds public corporations too. Its sharpest use is in contracts. Article 298 empowers the Union and States to trade and contract, and Article 299 prescribes the form: contracts expressed to be made by the President or Governor and executed by an authorised person. Yet the State's freedom of contract is not a private individual's. In *Ramana Dayaram Shetty v. International Airport Authority of India* (1979) 3 SCC 489 the authority was held bound by the eligibility standard it had set in its own tender, because State largesse must be dispensed fairly, reasonably, without discrimination and in public interest.

Review here examines the decision-making process, not the decision. *Tata Cellular v. Union of India* (1994) 6 SCC 651 held that courts do not sit in appeal over commercial choices and intervene only for illegality, Wednesbury irrationality, procedural impropriety, bias or mala fides. *Jagdish Mandal v. State of Orissa* (2007) 14 SCC 517 asks whether the process is mala fide or so irrational that no responsible authority could have reached it, and whether public interest is affected. *Michigan Rubber (India) Ltd. v. State of Karnataka* (2012) 8 SCC 216 leaves tender conditions to the employer, and *Afcons Infrastructure Ltd. v. Nagpur Metro Rail Corp.* (2016) 16 SCC 818 makes the author of the tender document the best judge of its meaning, barring mala fides or perversity.

This week the Supreme Court policed that line twice. In *Dhanlaxmi Merchandise v. State of M.P.*, 2026 INSC 1125, it held that a reserved power to reject the highest bid is still public power under Article 14, and a bidder's own earlier, higher bid cannot alone prove its fresh above-reserve offer inadequate; an amended rule barring such bidders applied only to future tenders. In *Hardev Construction v. Union of India*, 2026 INSC 1110, it reaffirmed deference to the tendering authority's reading but held that demanding the physical original of an e-payment already credited was an impossibility, and rejection on that ground perverse.

Now the exceptions. Reasonable classification is the built-in qualification. Beyond it, Article 361 shields the President and Governors from answering to any court for the exercise of their powers; Articles 105(2) and 194(2) protect legislators for speeches and votes in the House; Articles 31A, 31B and 31C save specified laws from Article 14 challenge; Article 359 allows its enforcement to be suspended during an Emergency; and foreign diplomats enjoy immunity under international law. Outside these express carve-outs, Article 14 binds every arm of the State, including the State as contractor.

Prelims answer key: 1-C 2-A 3-D 4-B 5-C 6-A 7-D 8-C 9-A 10-B

Briefed from primary judgments on Indian Kanoon (indiankanoon.org). Court judgments are public domain. Briefs are original summaries written for exam preparation, not reproductions of any third-party editorial.