

IJRAR.ORG**E-ISSN: 2348-1269, P-ISSN: 2349-5138**

**INTERNATIONAL JOURNAL OF RESEARCH AND
ANALYTICAL REVIEWS (IJRAR) | IJRAR.ORG**
An International Open Access, Peer-reviewed, Refereed Journal

JUDGEMENT ANALYSIS: HON'BLE JUSTICE BHARATI DANGRE (BOMBAY HIGH COURT) NAGPUR BENCH

SUBMITTED BY

Adv. PAYAL WALDE

LIST OF STATUES:

BHARATIYA NYAYA SANHITA, 2023

BHARATIYA NAGARIK SURAKSHA SANHITA, 2023

BHARATIYA SAKSHYA ADHINIYAM, 2023

CODE OF CRIMINAL PROCEDURE, 1973

CODE OF CIVIL PROCEDURE, 1908

DOMESTIC VIOLENCE ACT, 2005

HUMAN RIGHTS ACT, 1993

INDIAN FOREST ACT, 1927

MAHARASHTRA CONTROL OF ORGANISED CRIME ACT,

MEDICAL TERMINATION OF PREGNANCY ACT, 1971

MINEES AND MINERAL (DEVELOPMENT AND REGULATION) ACT, 1957

MINERAL CONCESSION RULES, 1960

MAHARASHTRA MINOR MINERAL EXTRACTION (DEVELOPMENT AND REGULATION) RULES
, 2013

MUMBAI MUNICIPAL CORPORATION ACT, 1888

MAHARASHTRA PRIVATE FORESTS (ACQUISITION) ACT, 1975

NARCOTIC DRUGS AND PSYCOTROPICS SUBSTANCES ACT,

PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2013

SPECIAL MARRIAGE ACT, 1954

SARFAESI ACT, 2002

THE CONSTITUTION OF INDIA, 1950

THE INDIAN PENAL CODE, 1860

THE FOREST (CONSERVATION) ACT, 1980

URBAN LAND (CEILING AND REGULATION) ACT, 1976

URBAN LAND (CEILING AND REGULATION) REPEAL ACT, 1999

LIST OF CASES:

No.	Name of the case	Year
1	XYZ v. State of Maharashtra	2026
2	Warsha @ Eleekusumchand Javeri v. Rajan Suren Goregaonkar & Ors.	2026
3	Ravi Arya & Anr. v. Reserve Bank of India & Ors.	2026
4	Rajesh Sahadeo Jangid v. Union of India & Anr.	2026
5	Kailash Balu Punjara v. State of Maharashtra	2026
6	Vikas Madhukar Navekar & Ors. v. Life Insurance Corporation of India & Ors.,	2026
7	Dogus-Soma Joint Venture v. State of Maharashtra & Ors.	2026
8	Maharashtra Wrestling Association v. Union of India	2026
9	MCGM v. G. D'Souza & Anr.,	2026
10	Mahendra Nimba Sonawane v. State of Maharashtra	2026
11	M/s Jayantilal Investments v. The Bombay Municipal Corporation of Greater Bombay & Ors.	2026
12	Express Publications (Madurai) Pvt. Ltd. v. The Indian Express (P) Ltd.	2026
13	Sandhya Sombahadur Gurung & Ors. v. State of Maharashtra & Ors.	2026

14	Hanif S/o Haji P. Kunhi Ahmed & Anr. v. Mumbai Municipal Corporation & Ors.	2026
15	Roselind Pauly & Ors. v. State of Maharashtra & Ors.	2026
16	Acme Housing India Pvt. Ltd. & Anr. v. State of Maharashtra & Ors.	2026

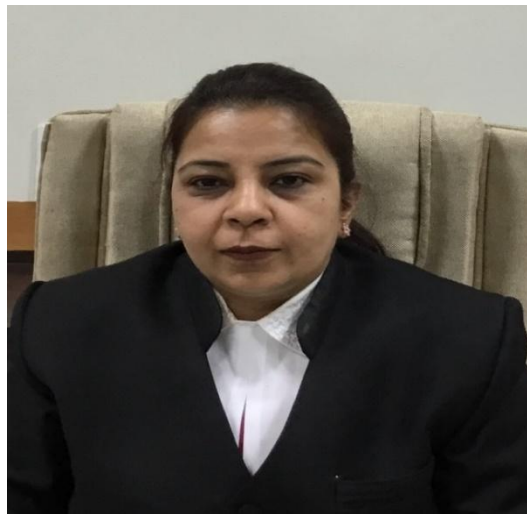
LIST OF ABBREVIATION:

Abbreviation	Full Form
v	versus
AIR	All India Reports
SCR	Supreme Court Reports
LL.B.	Bachelor of Laws
MSRDC	Maharashtra State Road Development Corporation
POCSO	Protection of Children from Sexual Offences
Ltd.	Limited
CDRs	Call Detail Record
Cr.P.C.	Code of Criminal Procedure
IPC	Indian Penal Code
NDPS	Narcotic Drugs and Psychotropic Substances
J.J.	Judges
MCOCA	Maharashtra Control of Organised Crime Act
MSEB	Maharashtra State Electricity Board
FSSAI	Food Safety and Standard Authority of India
PIL	Public Interest Litigation
CESTAT	Customs Excise and Service Tax Appellate Tribunal
DRI	Directorate of Revenue Intelligence

MPCB	Maharashtra Pollution Control Board
MSRDC	Maharashtra State Road Development Corporation Limited
GST	Goods and Service Tax
LTD	Limited
PVT	Private
ANR.	Another
ORS.	Others
MTP	Medical Termination of Pregnancy
NICU	Neonatal Intensive Care Unit
BHC	Bombay High Court
DB	Delhi Board
NO.	Number
&	And
RBI	Reserve Bank of India
IMTC	International Mineral Trading Pvt. Ltd.
CD	Compact Disc
RPF	Railway Protection Force
IPC	Indian Penal Code
NPA	Non-Performing Assets
CCTV	Closed-Circuit Television
FIR	First Information Report
MS.	Miss
MR.	Mister
LIC	Life Insurance Corporation of India
AGP	Accelerated Graphics Port/Additional Government Pleader
CGIJ	Computer-Generated Imagery

MMRCL	Mumbai Metro Rail Corporation Limited
WFI	Wrestling Federation of India
MWA	Maharashtra Wrestling Association
MSHRC	Maharashtra State Human Rights Commission
CRPC	Code of Criminal Procedure
DNA	Deoxyribonucleic Acid
SCC	Supreme Court Cases
MOS	Memorandum of Settlement
CO.	Company
TMC	Thane Municipal Corporation
ADV.	Advocate

PROFILE:



Name	Justice Bharati Harish Dangre
Date of Birth	May 10, 1968
Education	Bachelor of Laws (LL.B.) from Dr. Babasaheb Ambedkar College of Law, Nagpur (1990) Postgraduate Degree in Commercial Laws (1992)
Enrollment	Enrolled as an advocated in September 1990

Professional Experience	Practiced in the District Court, Nagpur, and the High Court, handling a variety of civil, criminal, and constitutional matters. Served as Assistant Government Pleader (2000), Additional Government Pleader (2007), and Government Pleader at the Nagpur Bench (2014) Worked on Public Interest Litigations and constitutional issues and was a standing counsel for various governmental bodies, including the High Court of Judicature and Nagpur Improvement Trust. Was a Special Counsel for the Forest Department and Contributed as a trained mediator and law lecturer.
Judicial Appointment	Elevated as an Additional Judge of the Bombay High Court on June 5, 2017. She is currently serving at the Nagpur Bench of the Bombay High Court.
Previous Assignment	Justice Dangre has delivered notable judgments in cases involving constitutional law, the POCSO Act, and public grievances.
Currently	Judge of the High Court of Bombay

Early life:

Born on 10th May, 1968. Obtained degree in LL.B. from Dr. Babasaheb Ambedkar College of Law at Nagpur in the year 1990. Obtained a Post Graduate degree in Commercial Laws in the year 1992. Enrolled in September, 1990 and practised in District Court, Nagpur, High Court and extensively handled service matters before the service Tribunals. Appointed as Assistant Government Pleader in 2000. Appointed as Additional Government Pleader in 2007. Appointed as Government Pleader at Nagpur Bench on 26th June, 2014. As a Government Counsel dealt with Civil & Criminal matters and various constitutional issues and several Public Interest Litigations. Was a standing counsel for High Court of Judicature, Nagpur Improvement Trust, MSRDC. Was a Special Counsel for Forest Department. Worked as Contributory Lecturer in Law & Management Studies. Was also a Trained Mediator.

Elevated as Additional Judge of the High Court on 5th June, 2017.

Career as a Judge:

Date of Elevation: Justice Dangre was appointed as an Additional Judge of the Bombay High Court on June 5, 2017.

Prior Roles: Before her elevation, she had an extensive legal career, serving as a Government Pleader, Additional Government Pleader, and Special Counsel for various government bodies. Her practice involved significant constitutional, civil, and criminal matters.

Justice Dangre's rulings span across constitutional law, child protection under the POCSO Act, reservation policies, and governance reforms. Her expertise in service law and constitutional matters has shaped her judicial decisions.

Maratha Reservation Case: She upheld the reservation for the Maratha community under specific caps, ensuring compliance with constitutional principles.

POCSO Act Rulings: She has made landmark interpretations of the POCSO Act, clarifying the interplay of intent and legislative purpose in child protection laws.

Justice Dangre has been vocal in cases addressing systemic inefficiencies, such as her critique of the GST framework, advocating for taxpayer-friendly mechanisms

Justice Dangre's judgments reflect a dedication to constitutional fidelity, the protection of vulnerable groups, and governance accountability. Her approach often strikes a balance between legal textualism and purposivism, aiming to ensure justice aligns with societal realities.

Notable Judgements:

Tata Capital Financial Services Ltd. Case: Justice Dangre held that guarantors remain liable under arbitration agreements, even if the principal debtor undergoes insolvency proceedings. She directed the guarantors to provide financial guarantees, highlighting the binding nature of arbitration clauses in financial disputes.

Role of Dispute Resolution Clauses: In multiple rulings, she analyzed the use of terms like "shall" and "may" in arbitration clauses, affirming the importance of mutual agreement before invoking arbitration mechanisms .

Development and Property Disputes: Justice Dangre has addressed cases involving unauthorized construction and disputes over professional fees in real estate projects. Her judgments reflect a commitment to enforcing contractual obligations and maintaining procedural fairness in construction and redevelopment disputes

Maintenance for Estranged Wives: Justice Dangre upheld the Family Court's order that a husband is liable to provide maintenance to his estranged wife, even if he attempts to reconcile or cohabit with her. She reinforced that arrears of maintenance must be cleared within a stipulated timeframe, emphasizing the husband's legal obligation under personal laws.

Analysis of Judgements:**Judgement No. 1****XYZ v. State of Maharashtra**

Name of the Court: High Court of Judicature at Bombay, Criminal Appellate Jurisdiction

Case Name: XYZ Through Mother v. State of Maharashtra & Anr.

Case Number: Writ Petition (St.) No. 5888 of 2026

Citation: 2026:BHC-AS:13556-DB

Year: 2026

Date of Judgment: 21 March 2026

Bench / Coram: Justice Bharati Dangre and Justice Manjusha Deshpand

Author of Judgment: Justice Bharati Dangre

Nature of Judgment: Oral Judgment per Bharati Dangre, J.

The judgment itself expressly records: **“ORAL JUDGMENT :- (per Bharati Dangre, J)”**.

Petitioner: XYZ, a minor girl, represented through her mother.

Respondents: State of Maharashtra through Secretary, Department of Health and Family Welfare

Medical Board, Sir J.J. Group of Hospitals

For Petitioner: Ms. Kunda Gaikwad with Mr. Suraj Kunchikorve.

For State: Mrs. M.P. Thakur, AGP.

Brief Facts:

The petitioner, a **12-year-old minor girl**, approached the Bombay High Court through her mother seeking permission to terminate an unwanted pregnancy. Pursuant to the Court’s order dated **18 March 2026**, a Medical Board at Sir J.J. Group of Hospitals examined her, and ultrasonography on **19 March 2026** revealed a **single live intrauterine pregnancy of approximately 27 weeks and 5 days**, with no gross lethal congenital anomaly. As the pregnancy had crossed the ordinarily applicable **24-week statutory limit**, judicial intervention was required to consider the request for termination.

Procedural History:

The minor, through her mother, filed a writ petition before the Bombay High Court seeking permission to terminate her pregnancy. On **18 March 2026**, the Court directed her medical examination by a multidisciplinary Medical Board comprising specialists from various medical fields. The Medical Superintendent subsequently submitted the Board’s report dated **20 March 2026** to the Court. On **21 March**

2026, the Division Bench considered the Medical Board's report and disposed of the writ petition by an **oral judgment**.

Contentions of the Petitioner:

The judgment does not separately record detailed oral submissions of the petitioner's counsel. However, the petitioner's essential case was that she **did not wish to continue the pregnancy**, and both she and her mother strongly desired its termination. Considering her **young age, biological unpreparedness, and the possible adverse impact of continuing an unwanted advanced pregnancy on her mental and psychological well-being**, judicial permission was sought as the pregnancy had crossed the **24-week statutory threshold**. The Medical Board also recorded that the minor and her mother had been counselled but nevertheless remained firm in their decision to seek termination.

Contentions of the Respondents:

The judgment does not record any separate detailed opposition by the State. Mrs. M.P. Thakur, learned AGP, placed the Medical Board's report before the Court. The Board did not itself authorise termination because the pregnancy had crossed 24 weeks and no foetal anomaly had been detected, and it therefore considered itself not empowered to permit termination under the applicable legal framework. However, the Board stated that, if directed by the High Court, termination could be considered in the interest of the minor's psychological health and to prevent grave and irreparable harm to her mental well-being.

Issues Raised:

The principal issues emerging from the judgment were:

Issue 1: Whether the High Court could permit termination of an advanced pregnancy of approximately 27 weeks and 5 days involving a **12-year-old minor**, despite the pregnancy having crossed 24 weeks.

Issue 2: Whether the minor's **psychological and mental well-being** justified permitting termination.

Issue 3: What safeguards should apply given the possibility that the foetus might be **born alive** during the termination procedure.

Medical Board's Findings:

The Medical Board's report formed the central evidentiary basis of the Court's decision. It assessed the pregnancy at approximately 27 weeks and 5 days and considered the minor's tender age and biological unpreparedness, noting that surgical intervention might become necessary. Although termination involved a small theoretical risk, the Board considered its occurrence extremely unlikely given the expertise and medical facilities available at J.J. Hospital. It concluded that, if directed by the High Court, termination could be undertaken to protect the minor's psychological health and prevent grave and irreparable harm to her mental well-being. The Board also found no psychiatric illness and considered her medically capable of undergoing MTP, subject to the stated risks.

Judgment:

The Bombay High Court allowed the writ petition and permitted termination of the minor's pregnancy. The Court relied upon her tender age, minor status, the unwanted nature of the pregnancy, the wishes of the minor and her mother, the Medical Board's assessment, the risks associated with continuing the pregnancy, and its potential impact on her psychological health. Considering these circumstances and the Medical Board's opinion, the Court found it appropriate to permit termination. As the minor was already admitted to J.J. Hospital and the pregnancy was at an advanced stage, the Court directed the Dean of Sir J.J. Hospital to commence the termination procedure forthwith.

Direction Regarding Child Being Born Alive

The Court also addressed the possibility of a live birth, as indicated by the Medical Board. It directed that if the child was born alive during the termination procedure, appropriate medical treatment and care must be provided, including admission to the NICU, if necessary. The Court further directed that, after complying with the legally prescribed procedure, the child could be given in adoption.

Ratio Decidendi

The core principle emerging from the decision is that **an advanced pregnancy involving a very young minor may be permitted to be terminated where expert medical assessment establishes that termination is medically manageable and continuation against her wishes risks serious psychological or mental harm**, even though the Medical Board itself lacks authority to approve termination because the pregnancy exceeds the statutory threshold.

The Court's intervention was thus centred on protecting the **physical and psychological welfare of the minor**.

Analysis of the Judgment

This judgment is important because it illustrates the High Court's protective jurisdiction in reproductive-health cases involving minors.

Justice Bharati Dangre's reasoning is notably **fact-sensitive rather than mechanical**. The Court did not treat the gestational period alone as determinative. Instead, it examined the age of the girl, her wishes, the Medical Board's assessment, medical risks and potential psychological consequences.

A particularly significant feature is the importance accorded to **mental and psychological health**. The absence of a diagnosed psychiatric illness did not prevent the Court from recognising the possibility of grave psychological harm from compelling a 12-year-old girl to continue an unwanted pregnancy.

At the same time, the judgment attempts to balance the interests arising from an advanced pregnancy. Because the foetus could potentially be born alive, the Court imposed a positive obligation on the hospital to provide appropriate neonatal care.

Constitutional Perspective

Although the four-page judgment does not undertake an elaborate Article 21 analysis, the decision can be understood within the broader constitutional framework of:

Article 21 Right to Life and Personal Liberty, particularly bodily integrity, dignity, privacy and reproductive choice.

The judgment is therefore useful for studying the relationship between the **Medical Termination of Pregnancy framework and constitutional protection of reproductive autonomy**, especially where the pregnant person is a minor.

Critical Analysis

The judgment strongly protects the welfare of a highly vulnerable minor and appropriately relies on specialised medical evidence in assessing the risks associated with termination. However, its brevity limits its precedential value, as the Court could have provided a more detailed analysis of the Medical Termination of Pregnancy Act, 1971, the legal framework governing pregnancies beyond 24 weeks, reproductive autonomy under Article 21, the significance of the minor's wishes, the relationship between guardian consent and the minor's autonomy, and relevant Supreme Court precedents on reproductive choice. Further, although the Medical Board referred to protecting the family's "social reputation," the constitutionally stronger justification for permitting termination lies in safeguarding the minor's dignity, bodily integrity, mental health, and reproductive interests, rather than considerations of social stigma or family reputation.

Conclusion

XYZ v. State of Maharashtra, 2026:BHC-AS:13556-DB is an important 2026 Bombay High Court decision concerning **reproductive rights, MTP and protection of a minor**.

The Division Bench of **Justices Bharati Dangre and Manjusha Deshpande**, through an oral judgment authored by Justice Dangre, permitted termination of the approximately **27-week-and-5-day pregnancy of a 12-year-old minor** after considering the Medical Board's assessment.

The decision demonstrates a welfare-oriented and medically informed exercise of judicial power, prioritising the minor's physical and psychological interests while simultaneously directing appropriate neonatal treatment should the child be born alive.

Judgment No. 2

Warsha @ Eleekusumchand Javeri v. Rajan Suren Goregaonkar & Ors.

This is an important **2026 family-law judgment of Justice Bharati Dangre** dealing with whether a divorced wife's maintenance rights survive the death of her former husband and, importantly, whether she can demand **enhancement of maintenance from his estate/legal heirs**.

Court: High Court of Judicature at Bombay, Civil Appellate Jurisdiction

Case Name: *Warsha @ Eleekusumchand Javeri v. Rajan Suren Goregaonkar & Ors.*

Case No.: Family Court Appeal No. 74 of 2023

Neutral Citation: 2026:BHC-AS:24069-DB

Reported Citation: 2026 LiveLaw (Bom) 284

Year: 2026

Date of Judgment: 6 May 2026

Bench: Justice Bharati Dangre and Justice Manjusha Deshpande

Author: Justice Bharati Dangre

Nature: Judgment (Per Bharati Dangre, J.) The final judgment is not styled “Oral Judgment.” ([Bombay High Court](#))

The appellant appeared in person. Senior Advocate **Deepa Chawan**, assisted by Advocate Ravindra R. Chile, was appointed *amicus curiae*. Dr. Pradip Chavan with Shweta Borhade represented the respondents. ([Bombay High Court](#))

Central question

The case presented an unusual situation: **what happens to a divorced woman’s permanent maintenance when her former husband dies?**

More specifically, the Court had to distinguish between two separate rights:

(a) The right to **continue receiving/enforce existing maintenance**,

and

(b) The right to ask the Court to **increase that maintenance** after the former husband’s death.

The Bombay High Court ultimately treated these two rights differently. ([Bombay High Court](#))

Brief facts:

Warsha Javeri and her former husband were involved in matrimonial proceedings under the Special Marriage Act, 1954, following which she was awarded maintenance of ₹6,000 per month. After the death of her former husband, who left behind an estate and legal heirs, a legal issue arose regarding the continuation of the maintenance obligation. The appellant sought not only to recover the maintenance already awarded but also to enhance the amount, thereby seeking an increased maintenance liability against the deceased husband’s estate.

Procedural history:

The dispute arose from matrimonial proceedings and the maintenance decree. Following the former husband’s death, the issue of enforcement and enhancement of maintenance came before the Family Court, which permitted recovery of the existing maintenance and arrears from the deceased’s estate and creation of

a charge but declined to allow enhancement of maintenance after his death. Warsha Javeri consequently filed Family Court Appeal No. 74 of 2023 before the Bombay High Court. Considering the legal significance of the issue, Senior Advocate Deepa Chawan was appointed *amicus curiae*. On 24 April 2026, the Court directed that the appeal be listed with connected Family Court Appeals on 4 May 2026, and the final judgment was delivered on 6 May 2026.

Issues raised before the High Court:

The judgment essentially addressed **two important questions of law**.

Issue 1: Does a decree for maintenance in favour of a divorced wife come to an end automatically upon the death of her former husband?

Issue 2: Can a divorced wife seek enhancement of the amount of maintenance under Section 37(2) of the Special Marriage Act, 1954 after the former husband's death?

This required the Court to determine whether the power to vary or enhance maintenance could be exercised against the deceased husband's legal heirs or estate. (Lawstreet.co)

Relevant statutory provision:

The central provision in the case was Section 37 of the Special Marriage Act, 1954, which governs permanent alimony and maintenance and empowers the Court to award a gross sum or monthly or periodical maintenance to the wife. Section 37(2) further permits the Court to vary, modify, or rescind such an order when there is a change in the circumstances of either party. The key issue was therefore whether this power of modification could be exercised after the death of one of the parties to the marriage, particularly to enhance the maintenance payable from the deceased husband's estate.

Contentions on behalf of the appellant:

The appellant contended that the death of her former husband did not extinguish the existing maintenance decree, which could continue to be enforced against the assets or estate left by him. She further sought enhancement of the maintenance amount, arguing in substance that maintenance is intended to provide continuing financial support and may require modification when circumstances change. Accordingly, she relied upon Section 37(2) of the Special Marriage Act, 1954, which permits variation of maintenance orders upon a change in circumstances. Senior Advocate Deepa Chawan, appointed as *amicus curiae*, assisted the Court in examining the statutory position concerning the survival and variation of maintenance obligations.

Contentions of the respondents:

The respondents, being the legal heirs and representatives of the deceased former husband, distinguished between enforcing an already crystallised maintenance liability and creating an enhanced liability after his death. They maintained that while the existing maintenance decree could be enforced against the deceased's estate in accordance with law, enhancement under Section 37(2) of the Special Marriage Act, 1954 depended upon a change in the circumstances of the parties to the matrimonial relationship. Since the

husband had died, his circumstances could no longer change in the manner contemplated by the provision, and his legal heirs should not be subjected to an indefinitely increasing financial liability arising from subsequent changes in the former wife's circumstances.

Court's reasoning

Justice Bharati Dangre distinguished between the survival of an existing maintenance decree and the creation of an enhanced maintenance liability. The Court held that the husband's death did not extinguish the maintenance already awarded, which could continue to be enforced against his estate. However, enhancement under Section 37(2) was treated as a personal statutory remedy based on changed circumstances of the matrimonial parties and could not be invoked after the husband's death to impose increasing liabilities on his legal heirs. The Court also observed that permitting repeated enhancement claims due to inflation, increased expenses, or other subsequent changes would create continuing uncertainty regarding the extent of liability attached to the deceased's estate and the inherited shares of his legal heirs. Accordingly, the statutory provision was not interpreted as creating a perpetual post-death mechanism for enhancement of maintenance.

Judgment

The Bombay High Court held that the existing maintenance decree of ₹6,000 per month did not extinguish upon the former husband's death and could continue to be enforced against his estate, including recovery of arrears and payments due under the decree. However, the Court held that the divorced wife could not seek enhancement of maintenance under Section 37(2) of the Special Marriage Act, 1954 against the deceased husband's estate or legal heirs after his death. Accordingly, the Family Court's refusal to enhance the maintenance was upheld, and Family Court Appeal No. 74 of 2023 was dismissed.

Ratio decidendi

The ratio can be stated as:

An existing decree of permanent maintenance in favour of a divorced wife does not automatically abate upon the former husband's death and may remain enforceable against his estate. However, the statutory right to seek variation or enhancement under Section 37(2) of the Special Marriage Act is personal to the matrimonial parties and cannot be exercised against the deceased husband's legal heirs after his death.

This distinction between **enforcement of an existing obligation** and **creation of an enhanced future obligation** is the central legal principle of the judgment.

Critical analysis

The judgment seeks to balance the financial protection of a divorced woman with the succession and property interests of the deceased husband's legal heirs. By holding that an existing maintenance decree survives the husband's death, the Court preserved a financial right already judicially determined, while refusing post-death enhancement to prevent the inherited estate from being exposed to indefinite future liabilities. The distinction is significant because enforcement concerns an existing crystallised obligation,

whereas enhancement would impose a new or enlarged financial burden based on subsequent circumstances. Although this approach provides certainty in estate administration, it may disadvantage a divorced woman over time because inflation can substantially reduce the real value of fixed maintenance. Nevertheless, the Court prioritised the statutory language of Section 37(2) and certainty in succession, indicating that broader protection against such declining value would require a clearer legislative framework rather than judicial extension of the provision.

Significance for Women & Law

This is particularly relevant to **women's matrimonial and economic rights** because it establishes both a protection and a limitation:

Protection: Divorce followed by the former husband's death does not necessarily wipe out a maintenance entitlement already secured by decree.

Limitation: The woman cannot treat the deceased husband's estate as though the husband remained alive for purposes of seeking repeated enhancement of maintenance.

Thus, the judgment defines the boundary between **maintenance rights and succession rights**.

Conclusion

Warsha @ Eleekusumchand Javeri v. Rajan Suren Goregaonkar & Ors., 2026:BHC-AS:24069-DB is a significant 2026 Bombay High Court ruling on the consequences of the death of a divorced woman's former husband.

The Division Bench of **Justice Bharati Dangre and Justice Manjusha Deshpande** held that an **existing maintenance decree survives the husband's death and can be enforced against his estate**, but a divorced wife **cannot seek enhancement of that maintenance under Section 37(2) of the Special Marriage Act after his death.** ([Bombay High Court](#))

The judgment therefore carefully separates an **existing, crystallised maintenance liability** from a **personal statutory right to seek future enhancement**, while balancing the financial rights of the divorced woman with certainty for the deceased husband's legal heirs.

Judgment No. 3

Ravi Arya & Anr. v. Reserve Bank of India & Ors.

This is an important **2026 Bombay High Court judgment authored by Justice Bharati Dangre** concerning RBI's wilful-defaulter framework, compromise settlements, and whether a borrower should remain subject to a **five-year credit embargo even after settling the outstanding debt**.

Court: High Court of Judicature at Bombay, Ordinary Original Civil Jurisdiction

Case: *Ravi Arya & Anr. v. Reserve Bank of India & Ors.*

Case No.: Writ Petition No. 2545 of 2021

Neutral Citation: 2026:BHC-OS:7663-DB**Year: 2026****Reserved on: 7 January 2026****Pronounced on: 25 March 2026****Bench:** Justice Bharati Dangre and Justice R.N. Laddha**Author:** Justice Bharati Dangre**Nature:** Judgment (Per Bharati Dangre, J.) therefore, **not an oral judgment**; it was reserved and subsequently pronounced. ([Casemine](#))

The petitioners were **Ravi Arya and Nakul Arya**, directors of International Mineral Trading Private Limited (IMTC). The principal respondents included the **Reserve Bank of India, Bank of Baroda and Union Bank of India**. ([Casemine](#))

Brief facts

Ravi Arya and Nakul Arya, directors of International Mineral Trading Private Limited (IMTC), had obtained substantial credit facilities, including approximately ₹115 crore from Bank of Baroda and ₹90 crore from Union Bank of India, which subsequently became Non-Performing Assets (NPAs). Proceedings were initiated under the SARFAESI Act, 2002, and the petitioners were classified as wilful defaulters under the RBI regulatory framework. Subsequently, the outstanding liabilities were resolved through compromise settlements, and the agreed amounts were paid, resulting in withdrawal/removal of the wilful-defaulter classification. Despite this, the petitioners remained subject to a five-year restriction relating to institutional finance for new ventures under the RBI framework. The continuation of this restriction even after settlement of the liabilities formed the central issue in the writ petition.

Procedural history

The dispute arose from the banks' classification of the petitioners as wilful defaulters, including decisions of the Committee of Executives dated 16 May 2017 and the Review Committee dated 19 July 2017. Challenging these decisions and the continuing consequences of the classification, the petitioners approached the Bombay High Court under Article 226 of the Constitution by filing Writ Petition No. 2545 of 2021. The matter was ultimately heard by the Division Bench comprising Justices Bharati Dangre and R.N. Laddha. The judgment was reserved on 7 January 2026 and subsequently pronounced on 25 March 2026.

Relief sought by the petitioners

The petitioners sought a declaration that the continuing penal restriction under paragraph 2.5(a) of the RBI Master Circular on Wilful Defaulters dated 1 July 2015 should not apply where a compromise settlement had been successfully concluded, the settlement amount had been paid, the wilful-defaulter declaration had subsequently been withdrawn or recalled, and the borrowers' names had been removed from the wilful-defaulter list. They also sought quashing of the relevant decisions declaring them wilful defaulters and

consequential relief allowing banks and financial institutions to independently consider financing their future ventures.

Issues raised

The case essentially raised the following questions:

Issue 1: Whether the five-year embargo under paragraph 2.5(a) of RBI's 2015 Master Circular could automatically continue even after a successful compromise settlement and removal of the petitioners from the wilful-defaulter list.

Issue 2: Whether all categories of wilful default could legally be treated alike for imposing the additional five-year restriction.

Issue 3: Whether a distinction should be drawn between an ordinary/deliberate repayment default and more serious misconduct involving **diversion or siphoning of funds, falsification of accounts, misrepresentation or fraud**.

Issue 4: Whether banks could consider fresh financial assistance to the petitioners after settlement of their liabilities.

Relevant legal framework

The principal regulatory framework considered by the Court was the RBI Master Circular on Wilful Defaulters dated 1 July 2015, particularly Clause 2.1.3, dealing with the concept and identification of wilful default, and Clause 2.5(a), prescribing penal measures and restrictions on further institutional finance. The Court also considered the broader purpose of the wilful-defaulter regime, namely, dissemination of information regarding wilful defaulters among lending institutions to prevent indiscriminate extension of further finance to borrowers responsible for intentional default. The petitioners invoked the Bombay High Court's writ jurisdiction under Article 226 of the Constitution of India to challenge the continuing application of these regulatory restrictions.

Contentions of the petitioners

The petitioners, represented by Senior Advocate Vikram Nankani, contended that once the outstanding debt had been successfully settled and paid and the wilful-defaulter classification had itself been withdrawn, there was no rational basis for mechanically continuing the five-year embargo on institutional finance. They argued that the regulatory consequences of wilful default should not persist after the circumstances forming the basis of the classification had materially changed. The petitioners further emphasised that not every wilful default necessarily involves fraud, as wilful default may arise from different circumstances, including failure to repay despite financial capacity, diversion or siphoning of funds, fraudulent transactions, or falsification and misrepresentation of accounts. Since these situations vary in seriousness, they contended that all categories should not be treated identically following a successful compromise settlement.

Contentions of RBI and respondent banks

The RBI and the respondent banks defended the wilful-defaulter framework as necessary to protect the banking and financial system from borrowers whose past conduct demonstrated intentional default or serious misuse of institutional credit. They maintained that the framework serves not merely as a debt-recovery mechanism but also as an instrument of credit discipline and risk protection, and therefore repayment or a compromise settlement would not necessarily erase all regulatory consequences arising from the borrower's previous conduct. The restrictions were thus justified as part of RBI's broader objective of preventing institutional finance from being readily extended to persons responsible for serious wilful defaults. However, the Court ultimately declined to accept a mechanical application of the five-year restriction in every case involving a settled debt.

Court's reasoning

Justice Bharati Dangre's reasoning emphasised that wilful defaults may differ significantly in their nature and degree of seriousness. A wilful default may involve a borrower who has the financial capacity to repay but deliberately fails to honour the obligation, while more serious cases may involve diversion or siphoning of funds, misrepresentation, falsification of accounts, or fraudulent transactions. The Court therefore considered it unreasonable to treat all categories of wilful default identically, particularly where a compromise settlement had been fully paid and the borrower's name had subsequently been removed from the wilful-defaulter list.

Intentional nature of wilful default

The Bench further emphasised that, under the RBI framework, identification of a wilful default must be based on the borrower's overall track record rather than on isolated transactions or incidents. The conduct constituting wilful default must also contain an element of being intentional, deliberate, and calculated. These considerations supported the Court's view that the consequences of wilful default should not be applied through a uniform or one-size-fits-all approach, without considering the nature and circumstances of the borrower's conduct.

Effect of compromise settlement

The Court considered the successful compromise settlement, payment of the agreed amount, and removal of the petitioners' names from the wilful-defaulter list to be highly material circumstances. It held that the additional five-year restriction could not continue automatically without an independent justification based on the nature of the misconduct. Accordingly, rather than invalidating the RBI framework, the Bombay High Court read down the application of Clause 2.5(a) and held that the five-year embargo should not be mechanically imposed after settlement and removal from the wilful-defaulter list unless the case involved established aggravated misconduct, such as diversion or siphoning of funds, misrepresentation, falsification of accounts, or fraudulent transactions.

Judgment

The Bombay High Court granted relief to the petitioners by holding that the five-year restriction under Clause 2.5(a) could not automatically continue merely because they had previously been classified as wilful defaulters. The Court read down the provision, holding that the embargo should not operate mechanically against borrowers who had successfully settled their accounts and whose cases did not involve the aggravated forms of misconduct identified by the Court. Consequently, the petitioners could seek fresh institutional finance, subject to banks and financial institutions independently assessing their proposals in accordance with applicable banking norms.

Ratio decidendi

The central ratio can be formulated as follows:

The five-year financing embargo under Clause 2.5(a) of RBI's Master Circular on Wilful Defaulters cannot be mechanically imposed after a successful compromise settlement and removal of the borrower's name from the wilful-defaulter list. Continuing such an additional restriction requires justification based on aggravated misconduct such as diversion or siphoning of funds, misrepresentation, falsification of accounts or fraudulent transactions.

The key principle is therefore **proportionality between the nature of the default and the regulatory consequence imposed upon the borrower.**

Analysis of the judgment

The decision is significant because it does not undermine the RBI's authority to regulate wilful defaulters, but instead ensures that such regulatory power is exercised rationally and according to the nature of the misconduct involved. The Court balanced the need to protect banks and public funds from dishonest or fraudulent borrowers against the risk of converting a regulatory restriction into an automatic punishment even after the underlying financial dispute had been settled. From an Article 14 perspective, the judgment reflects the principle that borrowers involved in materially different forms and degrees of misconduct should not necessarily receive identical post-settlement treatment. It also has relevance to Article 19(1)(g) because a five-year restriction on institutional finance may substantially affect the ability to conduct business or establish new ventures, requiring such restrictions to have a legitimate and proportionate basis. Further, the case illustrates the importance of Article 226 judicial review in scrutinising financial and regulatory decisions where the application of a regulatory measure becomes arbitrary or legally unjustified. Thus, although primarily a banking and regulatory law decision, the judgment also carries broader constitutional and administrative-law significance.

Critical analysis

The judgment takes a **balanced approach between banking discipline and economic rehabilitation.**

A strong feature of the reasoning is the refusal to equate repayment with complete exoneration while simultaneously refusing to treat every historical default as permanently disqualifying.

A compromise settlement does not necessarily prove that the original default was innocent. At the same time, settlement followed by removal from the wilful-defaulter list materially changes the circumstances.

The Court therefore focused on the **character of the underlying misconduct**.

One possible concern is that the distinction may require banks to make difficult factual determinations about whether a particular case genuinely involved diversion, siphoning, falsification or fraud. Consistency in applying these standards will therefore remain important.

Nevertheless, the decision promotes the principle that regulatory sanctions should be **individualised and proportionate**, rather than automatic.

Conclusion

Ravi Arya & Anr. v. Reserve Bank of India & Ors., 2026:BHC-OS:7663-DB is a significant judgment of the Bombay High Court on **wilful default, banking regulation and proportionality of financial restrictions**.

The Division Bench of **Justice Bharati Dangre and Justice R.N. Laddha**, in a judgment authored by Justice Dangre and **reserved on 7 January and pronounced on 25 March 2026**, held that RBI's five-year embargo could not mechanically continue after successful compromise settlement and removal from the wilful-defaulter list where aggravated misconduct such as fraud, diversion or siphoning of funds was not established. ([Casemine](#))

The decision is important because it preserves RBI's ability to act strongly against genuinely fraudulent borrowers while recognising that **different forms of default cannot automatically attract identical post-settlement consequences**.

Judgment No. 4

Rajesh Sahadeo Jangid v. Union of India & Anr.

This 2026 judgment authored by Justice Bharati Dangre is significant on **service law, disciplinary proceedings, misconduct by members of a disciplined force, evidentiary value of video/CCTV material, absence of a victim's formal complaint, and proportionality of punishment**. I verified the details against the Bombay High Court judgment itself.

Court: High Court of Judicature at Bombay, Civil Appellate Jurisdiction

Case: *Rajesh Sahadeo Jangid v. Union of India & Anr.*

Case No.: Writ Petition No. 7616 of 2021

Neutral Citation: 2026:BHC-AS:16291-DB

Year: 2026

Date of Judgment: 26 March 2026

Bench/Coram: Justice Bharati Dangre and Justice Manjusha Deshpande**Author: Justice Bharati Dangre****Nature: Judgment (Per Bharati Dangre, J.)****Oral judgment?: No.** The official judgment is headed “JUDGMENT (PER BHARATI DANGRE, J)” rather than “Oral Judgment.”**Petitioner:** Rajesh Sahadeo Jangid, RPF Constable**Respondents:** Union of India through Ministry of Railways and Principal Chief Security Commissioner, Railway Protection Force.**Counsel for Petitioner:** Mr. Samir A. Vaidya**Counsel for Respondents:** Mr. Abhijeet Joshi, instructed by Induprakash Tripathi.**Brief facts**

Rajesh Sahadeo Jangid was appointed as a Constable in the Railway Protection Force (RPF) and had served as a Commando at Mulund before being transferred to Kalyan Railway Station. On 18 June 2018, after completing his duty, he sat on a bench at Platform No. 4 and claimed that, due to illness, tiredness, family-related tension, and the cold breeze, he fell asleep without being aware of the persons sitting beside him. Subsequently, a video clip circulated on social media showing Jangid, while in RPF uniform, seated near a woman and being slapped by another person following his conduct towards her. The Railways treated his behaviour as serious indecent misconduct, particularly considering that he was an RPF personnel in uniform and the incident occurred on railway premises.

Procedural history

The incident occurred at Kalyan Railway Station on 18 June 2018, and on 20 June 2018, RPF Inspector Ajit Mane considered the video circulated on social media and identified Jangid as the uniformed person shown in it. A charge-sheet was served on 22 June 2018, and Jangid was placed under suspension, followed by a departmental inquiry conducted between 29 June and 21 July 2018. After the charges were found proved, he received a show-cause notice on 21 July 2018 proposing a major penalty, to which he submitted a detailed reply on 1 August 2018. The Disciplinary Authority subsequently ordered his removal from service on 13–14 August 2018, which was upheld at the next departmental stage on 4 September 2018. His representation/revision was finally rejected by the Principal Chief Security Commissioner, RPF, Mumbai, on 14 January 2019. Jangid thereafter approached the Bombay High Court, where his writ petition was admitted on 18 January 2021 and subsequently came up for final hearing before the Dangre–Deshpande Division Bench.

Contentions of the petitioner

Jangid denied that he had deliberately behaved indecently with the woman and contended that he had fallen asleep due to extreme tiredness and mental stress arising from family problems, remaining unaware of the persons sitting beside him until he was slapped. He argued that the alleged conduct was unintentional and

that intention and motive were necessary before it could be treated as culpable misconduct. He further emphasised that the woman concerned had not lodged any complaint, nor had any formal complaint allegedly been made to the competent RPF authorities, thereby questioning the basis for initiating such severe disciplinary proceedings. Alternatively, Jangid contended that even if some misconduct were established, the penalty of removal from service was grossly disproportionate, warranting interference by the High Court.

Contentions of the respondents/Railways

The Railways defended the departmental inquiry and the penalty of removal from service, emphasising that the RPF is a disciplined force whose personnel are expected to maintain a high standard of conduct. They contended that an RPF employee entrusted with protecting passengers could not engage in indecent conduct towards a passenger while wearing official uniform, remaining on railway premises, and visibly representing the Railway Protection Force. The respondents relied upon the video material and evidence recorded during the departmental inquiry and maintained that the prescribed disciplinary procedure had been duly followed, Jangid had been given adequate opportunity to defend himself, and the finding of guilt had been affirmed by superior departmental authorities. Accordingly, they argued that there was no ground for interference by the High Court under Article 226 of the Constitution.

Issues raised

The judgment essentially involved the following issues:

Issue 1: Whether disciplinary proceedings could validly be initiated against an RPF constable despite the absence of a formal complaint from the woman concerned.

Issue 2: Whether the video/CD and other evidence were sufficient to sustain the departmental finding of misconduct.

Issue 3: Whether the petitioner's explanation that he was tired/asleep and lacked intention was sufficient to undermine the disciplinary finding.

Issue 4: Whether the penalty of **removal from service** was disproportionate to the misconduct.

Issue 5: To what extent could the High Court, exercising judicial review, interfere with factual findings and punishment imposed by disciplinary authorities?

Court's reasoning

The proceedings were governed by the Railway Protection Force Rules, 1987, which permit serious penalties, including removal and dismissal, for misconduct by members of the disciplined force. The High Court personally viewed the video footage and considered the evidence of RPF Inspector Ajit Mane, who identified Jangid as the uniformed RPF personnel shown in the recording. The Court rejected Jangid's explanation that his conduct was merely an accidental movement while asleep, considering the footage, the reaction of another passenger, and Jangid's subsequent apology. It further held that the absence of a formal complaint from the woman did not prevent departmental action, since misconduct could be independently

established through available evidence and disciplinary proceedings are distinct from criminal prosecution. Particular emphasis was placed on Jangid's position as a member of the RPF, a disciplined force, and the fact that the incident occurred on railway premises while he was in uniform and entrusted with protecting passengers. Relying on principles concerning limited judicial interference in disciplinary matters, including *State of Uttarakhand v. Prem Ram* and *Union of India v. Anil Kumar Upadhyay*, the Court rejected the argument that the punishment was disproportionate. Considering the seriousness of the misconduct, which it described as "truly deplorable," and noting that removal was a lesser penalty than dismissal, the Court found no basis to interfere with the punishment.

Judgment

The Bombay High Court dismissed the writ petition and upheld the departmental finding of misconduct, the Disciplinary Authority's order dated 13–14 August 2018, the subsequent departmental decisions confirming it, and the penalty of removal from service. The Court found no sufficient ground to interfere with the disciplinary action or to show leniency merely on the basis that the petitioner considered the punishment excessive. Accordingly, Writ Petition No. 7616 of 2021 was dismissed and the Rule was discharged.

Ratio decidendi

The central ratio can be formulated as:

The absence of a formal complaint from the victim does not invalidate departmental proceedings against a member of a disciplined force where misconduct is independently established by reliable evidence, including video material. Where serious misconduct by an RPF employee in uniform and on railway premises is proved through a procedurally valid disciplinary inquiry and confirmed by departmental authorities, the High Court will not ordinarily interfere with the punishment of removal unless it is legally unsustainable or shockingly disproportionate.

Analysis of the judgment

The judgment is significant for distinguishing disciplinary liability from criminal liability, as departmental proceedings primarily examine whether an employee's conduct is compatible with the standards legitimately expected from their position rather than determining criminal culpability. For an RPF constable, those standards are particularly high because institutional discipline and public trust require personnel entrusted with passenger safety to maintain appropriate conduct, especially while in uniform and on railway premises. The case is also noteworthy for recognising the evidentiary relevance of video and social-media material in disciplinary proceedings, demonstrating that an employer need not necessarily wait for a formal complaint where misconduct can be independently established through reliable evidence and a proper inquiry. From a women's safety perspective, the decision is significant because institutional accountability does not necessarily depend upon the woman concerned personally initiating proceedings. Where a public security organisation possesses credible independent evidence of misconduct towards a woman, it may take

disciplinary action to preserve public safety, institutional discipline, and confidence in officials entrusted with protecting the public.

Critical analysis

The outcome is persuasive considering the petitioner's position as an RPF constable and the Court's own assessment of the video evidence. The judgment appropriately recognises the limited scope of judicial review under Article 226 in disciplinary proceedings, where the High Court ordinarily does not conduct a fresh departmental trial merely because another interpretation of the evidence may be possible. At the same time, disciplinary action based on video material must satisfy procedural fairness, including proper identification of the person shown, reliability of the material, an opportunity for the employee to challenge it, and compliance with the applicable disciplinary procedure. In Jangid's case, the Court was satisfied that these safeguards had been followed and that sufficient material supported the findings. Therefore, the decision should not be understood as establishing that every viral social-media video automatically proves misconduct; rather, its significance lies in the video being incorporated into a formal inquiry, supported by other evidence, subjected to the employee's response, and examined through multiple departmental stages before judicial review.

Conclusion

***Rajesh Sahadeo Jangid v. Union of India & Anr.*, 2026:BHC-AS:16291-DB**, decided on **26 March 2026**, is an important Justice Bharati Dangre judgment concerning **disciplinary law and standards of conduct applicable to members of the Railway Protection Force**.

The Division Bench of **Justices Bharati Dangre and Manjusha Deshpande** upheld the RPF constable's removal after finding no reason to interfere with the departmental conclusion regarding his indecent conduct towards a woman on a railway platform.

The judgment establishes three particularly useful propositions: **absence of a formal complaint does not necessarily prevent departmental action; reliable video evidence can support disciplinary proceedings when properly proved and considered; and courts exercise considerable restraint in interfering with punishment imposed upon members of disciplined forces where serious misconduct has been established.**

Judgment No. 5

Kailash Balu Punjara v. State of Maharashtra

This is an important **criminal appeal decided by the Bombay High Court in 2026**, authored by Justice Bharati Dangre. It deals with **murder, injured eyewitness testimony, delay in lodging the FIR, recovery of weapons, medical corroboration, "last seen" evidence, and a request to convert a murder conviction under Section 302 IPC to culpable homicide under Section 304 Part II IPC.**

Court: High Court of Judicature at Bombay, Criminal Appellate Jurisdiction

Case: *Kailash Balu Punjara v. State of Maharashtra*

Case No.: Criminal Appeal No. 131 of 2019

Neutral Citation: 2026:BHC-AS:20371-DB

Year: 2026

Date of Judgment: 27 April 2026

Bench/Coram: Justice Bharati Dangre and Justice Manjusha Deshpande

Author: Justice Bharati Dangre

Nature: Judgment (Per Bharati Dangre, J.)

Oral Judgment?: No. The judgment is headed “JUDGMENT (PER BHARATI DANGRE, J)” and is not described as an oral judgment.

Appellant: Kailash Balu Punjara, original accused

Respondent: State of Maharashtra

For Appellant: Ms. Payoshi Roy with Ulkesh Gangurde and Chetna Garg

For State: Mr. Tanveer Khan, APP.

Brief facts

The incident occurred on 17 October 2014 at Village Vilshet, District Palghar, where the prosecution alleged that Kailash assaulted Vishram Gopal Punjara with a wooden rod and a sharp weapon, causing his death and resulting in a charge of murder under Section 302 IPC. The prosecution further alleged that when Datta Sadu Punjara (PW-4) witnessed the assault and attempted to flee, Kailash chased him and attacked his neck with a sharp weapon, leading to an additional charge under Section 307 IPC. According to the prosecution, Kailash had earlier telephoned asking about Vishram, who subsequently left his house after speaking with him, and PW-6 Vinod later saw the two together. At approximately 8:30–8:45 p.m., Datta went near the *nala* and, using a torch, allegedly witnessed Kailash assaulting Vishram before Kailash noticed and attacked him.

Procedural history

Kailash was tried in Sessions Case No. 22 of 2015 before the Additional Sessions Judge, Palghar, where he pleaded not guilty and, in his statement under Section 313 CrPC, denied the prosecution case and alleged false implication. On 20 July 2018, the Sessions Court convicted him under Section 302 IPC for Vishram’s death and sentenced him to life imprisonment with a fine of ₹1,000. Regarding the assault on Datta, the Court found that an intention to commit murder was not established and, considering the injury to be simple, convicted Kailash under Section 324 IPC, sentencing him to two years’ rigorous imprisonment with a fine of ₹500, with two months’ rigorous imprisonment in default. Both substantive sentences were directed to run

concurrently, with set-off under Section 428 CrPC. Kailash challenged his conviction before the Bombay High Court in Criminal Appeal No. 131 of 2019; an *amicus curiae* was appointed in September 2025, while at the final hearing he was represented by Ms. Payoshi Roy.

Issues before the Bombay High Court

The principal issues were:

Issue 1: Whether the prosecution had proved beyond reasonable doubt that Kailash caused Vishram's death.

Issue 2: Whether PW-4 Datta was a reliable injured eyewitness despite alleged inconsistencies concerning his conduct and medical evidence.

Issue 3: Whether the approximately six-hour delay in lodging the FIR undermined the prosecution case.

Issue 4: Whether recovery of the knife and other physical evidence sufficiently corroborated the prosecution.

Issue 5: Whether the conviction under **Section 302 IPC** should instead be converted to **Section 304 Part II IPC** on the theory that the incident arose from a sudden quarrel and lacked an intention to cause death.

Contentions of the appellant

The appellant challenged the reliability of Datta (PW-4), arguing that his conduct was unnatural because, despite allegedly witnessing the attack on his cousin Vishram, he fled instead of attempting to intervene. The defence also questioned Datta's presence at the scene, relying on the Medical Officer's evidence concerning the possible timing of his neck injury. It further argued that the approximately six-hour delay in lodging the FIR, from the incident at around 8:30–9:00 p.m. until approximately 4:00 a.m., remained inadequately explained. The appellant also highlighted weaknesses in the forensic evidence, particularly that although Kailash's blood group was identified as O, the deceased's blood group could not be determined, thereby limiting its corroborative value. The alleged recovery of the knife from an open place was also challenged as unreliable discovery evidence. Alternatively, the appellant sought conversion of the conviction from Section 302 IPC to Section 304 Part II IPC, contending that the incident arose from a sudden quarrel while the parties were intoxicated and that there was no intention to cause Vishram's death.

Contentions of the State

APP Tanveer Khan, appearing for the State, supported the Sessions Court's judgment and contended that the prosecution had established Kailash's guilt beyond reasonable doubt through consistent and interconnected evidence. The State principally relied upon the testimony of PW-4 Datta, the injured eyewitness; PW-5 Vikas; PW-1 Nitesh, the deceased's brother and FIR informant; PW-6 Vinod, who provided "last seen" evidence; PW-8, the Medical Officer who conducted the post-mortem; and PW-9, the Investigating Officer. It was argued that the Sessions Judge had properly appreciated the evidence and imposed a sentence proportionate to the offences proved. Accordingly, the State maintained that there was no ground for appellate interference with the conviction or sentence.

Evidence of injured eyewitness PW-4

The High Court treated Datta's (PW-4) testimony as particularly significant, as he stated that after going near the *nala* and directing his torch towards the area, he saw Vishram lying on the ground while Kailash assaulted him. When Kailash noticed Datta, he allegedly chased and attacked him on the neck with a sharp weapon. Datta's presence was corroborated by the injury certificate, which recorded a cut wound of approximately 3 cm × 1 cm × less than 0.5 cm on his neck, while his statement under Section 164 CrPC substantially supported his account. The Court also relied upon the last-seen evidence of PW-6 Vinod Punjara, who testified that Vishram and Kailash were together at approximately 7:30 p.m. and remained behind after he left. Read together with Kailash's earlier phone call, Vishram leaving his house, the two being seen together, Datta subsequently witnessing the assault, and Vishram being found fatally injured, the Court considered this sequence of circumstances to provide substantial support to the prosecution case.

Medical evidence

The post-mortem examination revealed multiple injuries, including a significant cut wound on the occipital region with corresponding internal injury to the brain, and the Medical Officer concluded that injury to the brain, a vital organ, resulted in cardio-respiratory failure and death. The injuries were also found to be possible from the knife and wooden rod/rafter shown to the Medical Officer, thereby providing medical corroboration to the ocular evidence. A wooden rod was recovered from the scene, while a knife and clothes were subsequently recovered near a tree pursuant to Kailash's disclosure, with the relevant memorandum and seizure evidence proved by the Investigating Officer. The High Court considered these recoveries together with the eyewitness and medical evidence rather than as the sole basis of conviction. Although there was an approximately six-hour delay in lodging the FIR, the Court held that it was not fatal because the intervening period was reasonably explained by the villagers verifying the information, police involvement, removal of Vishram to the hospital, and confirmation of his death before the FIR was lodged at around 4:00 a.m. Accordingly, the delay did not undermine an otherwise established prosecution case.

Court's reasoning

Justice Bharati Dangre held that the prosecution evidence, when considered cumulatively, formed a coherent and reliable chain connecting Kailash with the offence. The Court relied particularly on Kailash's prior contact with Vishram, PW-6's last-seen evidence, the direct testimony of injured eyewitness Datta (PW-4), Kailash's subsequent assault on Datta, the medical evidence establishing fatal brain injury, recovery of the wooden rod and knife, and the consistency of the principal prosecution witnesses on material particulars. The Court found that cross-examination had not materially undermined Datta's credibility. It also rejected the appellant's request to convert the conviction from Section 302 IPC to Section 304 Part II IPC, noting that the theory of a sudden quarrel and intoxication had not been raised during the trial or meaningfully suggested to the prosecution witnesses. The Court therefore declined to reconstruct the incident at the appellate stage as a sudden quarrel and maintained that the evidence established Kailash's assault on Vishram followed by his pursuit and attack on eyewitness Datta.

Final judgment

The Bombay High Court dismissed the criminal appeal and upheld the judgment dated 20 July 2018 passed by the Additional Sessions Judge, Palghar, in Sessions Case No. 22 of 2015. Consequently, Kailash's conviction under Section 302 IPC with life imprisonment for the murder of Vishram and his conviction under Section 324 IPC with two years' rigorous imprisonment for causing injury to Datta remained intact.

Ratio decidendi

The principal ratio can be stated as:

Where an injured eyewitness gives a substantially consistent account that is corroborated by medical evidence, surrounding witnesses, last-seen circumstances and recoveries, minor discrepancies or a reasonably explained delay in lodging the FIR do not undermine a murder conviction. Further, an accused cannot ordinarily obtain conversion of a Section 302 conviction to Section 304 Part II on a theory of sudden quarrel that was unsupported by the trial record.

Analysis

The strongest feature of the judgment is its cumulative assessment of the evidence, as the Court did not base the conviction solely on last-seen evidence, weapon recovery, forensic evidence, or motive, but examined how these different evidentiary circumstances supported one another. The presence of Datta as an injured eyewitness was particularly significant because his neck injury independently corroborated his claim that he was present at the scene and was attacked after witnessing the assault. The Court's treatment of the delay in lodging the FIR is also legally significant, recognising that delay does not automatically create reasonable doubt merely because a particular number of hours has elapsed. The relevant consideration is whether the delay has been reasonably explained and whether it creates a genuine possibility of fabrication. In this case, the intervening circumstances, including verification of the incident, movement of the deceased, and police involvement, provided an explanation that the Court considered credible.

Critical analysis

One point requiring careful treatment is the judgment's references to dates in the medical evidence. The text reproduced online contains apparent references to **18/10/2024** in places even though the offence unquestionably occurred in **October 2014** and the case was Sessions Case No. 22/2015. This appears to be a typographical error in the judgment/document reproduction and should **not be repeated as the actual date of the incident**.

The decision also demonstrates why an appellate court is reluctant to accept an entirely new factual theory such as "**sudden quarrel**" when that theory was not developed during trial. Had such a defence actually existed, the prosecution witnesses could have been cross-examined about it and the trial court could have evaluated the evidence accordingly.

The High Court therefore appropriately distinguished between drawing a permissible legal inference from established evidence and constructing a **new factual defence at the appellate stage**.

Conclusion

Kailash Balu Punjara v. State of Maharashtra, 2026:BHC-AS:20371-DB, decided on **27 April 2026**, is an important criminal-law judgment authored by **Justice Bharati Dangre** for the Division Bench comprising Justice Dangre and Justice Manjusha Deshpande.

The Court upheld Kailash's murder conviction because the prosecution case was supported by a credible **injured eyewitness, last-seen evidence, medical findings, surrounding witness testimony and weapon recoveries**. It held that the approximately six-hour delay in lodging the FIR was satisfactorily explained and did not destroy the prosecution case. It also rejected the attempt to convert the conviction from **Section 302 IPC to Section 304 Part II IPC**, since the proposed theory of a sudden quarrel had not been supported by the defence taken at trial.

Judgment No. 6**Vikas Madhukar Narvekar & Ors. v. Life Insurance Corporation of India & Ors.**

This is an important 2026 judgment authored by **Justice Bharati Dangre** dealing with **regularisation/absorption of temporary, badli and part-time LIC employees, industrial awards, Articles 14 and 16, and the binding effect of subsequent Supreme Court decisions**.

Court: High Court of Judicature at Bombay, Civil Appellate Jurisdiction

Case: *Vikas Madhukar Narvekar & Ors. v. Life Insurance Corporation of India & Ors.*

Case No.: Writ Petition No. 723 of 2021

Neutral Citation: 2026:BHC-AS:16341-DB

Year: 2026

Reserved on: 5 March 2026

Pronounced on: 6 April 2026

Bench/Coram: Justice Bharati Dangre and Justice Manjusha Deshpande

Author: Justice Bharati Dangre

Nature: Judgment (Per Bharati Dangre, J.)

Oral judgment?: No. It was specifically reserved on 5 March and pronounced on 6 April 2026.

Petitioners: Vikas Madhukar Narvekar and 20 others.

Principal respondent: Life Insurance Corporation of India (LIC).

For Petitioners: Adv. Ramesh Ramamurthy with Adv. Saikumar Ramamurthy and Adv. Aalim N. Pinjari.

For LIC: Senior Advocate B.M. Chatterji with Adv. Shreyash Shah, Adv. Anjali Sahu and Adv. Aditya Singh.

Brief facts

The case involved 21 petitioners who claimed that they had been directly employed by LIC from 1992 onwards on different dates in various Class IV posts, including Watchman, Liftman, Peon, and Sweeper. According to the petitioners, they were registered with the Employment Exchange, possessed the necessary qualifications, and had worked for LIC on a casual, daily-rated, badli, or temporary basis. Their principal grievance was that despite having worked for LIC and allegedly satisfying the qualifying conditions applicable to temporary employees, they had not been regularised or absorbed as permanent LIC employees.

Historical background of the dispute

The case arose from a long history of litigation concerning LIC's temporary employees, beginning with an industrial dispute raised by the Western Zonal Insurance Employees Association in 1982, alleging that LIC engaged temporary, badli, and part-time workers for short periods to deprive them of permanent employment benefits. The dispute resulted in several awards, including those associated with Justice R.D. Tulpule and subsequently Justice M.S. Jamdar, which formulated schemes for absorption of eligible temporary, badli, and part-time employees. Under the relevant qualifying criteria, Class IV employees were generally required to complete at least 70 days of work over a period of three years, while Class III employees were required to complete at least 85 days over two years. The present petitioners claimed to belong to Class IV and asserted that they satisfied the prescribed qualifying service requirements for absorption.

A significant issue arose concerning employees engaged after 20 May 1985, as the earlier awards primarily dealt with workers appointed up to that date. Consequently, demands were raised for similar absorption benefits, leading the Central Government to make a fresh industrial reference in 1991 regarding LIC's refusal to absorb temporary, badli, and part-time workers employed after 20 May 1985. This culminated in the CGIT, New Delhi Award dated 18 June 2001, which held that LIC was not justified in denying absorption to qualifying temporary, badli, and part-time employees appointed after the specified date and contemplated their absorption broadly in accordance with the conditions prescribed under the earlier awards.

Procedural history

The dispute passed through several stages of litigation. Certain LIC employees working as sweepers, watchmen, and peons in Pune had earlier filed Writ Petition (L) No. 65 of 1999, in which the Bombay High Court, on 1 February 2000, directed the Union to approach the CGIT and protected the workmen from discontinuation during the relevant period. The CGIT delivered its award on 18 June 2001, which LIC challenged successfully before a Single Judge in Writ Petition No. 4346 of 2001, and the Division Bench subsequently upheld that decision on 21 March 2007. The matter ultimately reached the Supreme Court, which on 18 March 2015 held that the earlier Tribunal awards continued to operate unless validly substituted, replaced, or terminated under the Industrial Disputes Act, 1947, and consequently restored the CGIT award. Relying heavily on this decision, the present 21 petitioners approached the Bombay High Court seeking a writ

of mandamus directing LIC to regularise or absorb them, grant consequential service benefits, take them on duty, provide work, and pay regular monthly emoluments on the basis of the CGIT Award dated 18 June 2001.

Contentions of the petitioners

The petitioners contended that, as Class IV employees, they had completed the requisite 70 days of work within three years and possessed certificates evidencing their periods of employment with LIC, thereby satisfying the prescribed criteria for absorption. Petitioner Nos. 1–20 further claimed that they were similarly situated to workers covered by the earlier industrial proceedings and therefore should not be denied comparable benefits. They emphasised that the 2001 CGIT Award specifically concerned employees engaged after 20 May 1985 and that the Supreme Court had subsequently restored the Award, thereby entitling eligible workers to its benefits. The petitioners also stated that, following the Supreme Court's decision, they issued a legal notice to LIC seeking implementation of the Award but allegedly received no response.

LIC opposed the petitioners' claim for regularisation and absorption, relying principally on the Supreme Court's subsequent decision in *Ranbir Singh*, which revisited the long-standing controversy concerning LIC's temporary employees and confined the available relief to workers falling within a specified period. Consequently, LIC maintained that the petitioners' entitlement could not be determined solely on the basis of the 2001 CGIT Award or the 2015 Supreme Court decision, but had to be examined in light of the later and authoritative Supreme Court ruling governing the scope of absorption.

Issues before the High Court

The principal issues were:

Issue 1: Whether the petitioners, who were employed by LIC **from 1992 onwards**, were entitled to regularisation/absorption under the CGIT Award dated 18 June 2001.

Issue 2: Whether the Supreme Court's 2015 decision entitled them to regularisation.

Issue 3: What was the effect of the subsequent Supreme Court judgment in *Ranbir Singh* on their claims?

Issue 4: Whether directing their absorption would be consistent with the constitutional requirements of **Articles 14 and 16**, particularly the principle of equal opportunity in public employment.

Subsequent Supreme Court decision -**Ranbir Singh**

The decisive factor in Justice Bharati Dange's judgment was the Supreme Court's subsequent ruling in *Ranbir Singh*, which sought to bring finality to the decades-long LIC temporary-employees dispute. Instead of directing mass absorption, the Supreme Court ordered a fresh verification exercise for workers who had completed at least 70 days in Class IV posts over three years or 85 days in Class III posts over two years, but expressly restricted eligibility to persons employed between 20 May 1985 and 4 March 1991. Eligible workers were to receive monetary compensation of ₹50,000 for every year of service or part thereof, in lieu of reinstatement or absorption and as full and final settlement. The High Court was bound by this later Supreme Court ruling and also considered the constitutional requirements of Articles 14 and 16, which require equality

and equal opportunity in public employment and discourage mass regularisation through backdoor entry without a lawful recruitment process. Relying also on *Secretary, State of Karnataka v. Umadevi*, the Court reiterated that temporary or long service by itself does not create an automatic right to permanent absorption, as public appointments must ordinarily follow a transparent and constitutionally compliant recruitment process.

Court's reasoning

The High Court acknowledged the extensive and complex history of litigation concerning LIC's temporary employees but held that the controversy had effectively been settled by the Supreme Court in *Ranbir Singh*. Justice Bharati Dangre observed that the decisive question was whether the petitioners fell within the period prescribed by the Supreme Court, namely 20 May 1985 to 4 March 1991. Since the petitioners themselves claimed that they had been engaged by LIC only from 1992 onwards, they clearly fell outside the specified period. Although they relied heavily on the CGIT Award dated 18 June 2001, the High Court held that their entitlement could not be determined solely on the basis of that Award because the subsequent Supreme Court decision had conclusively defined and restricted the class of workers entitled to relief. Accordingly, the High Court could not, in exercise of its jurisdiction under Article 226, enlarge the class fixed by the Supreme Court. As the petitioners were engaged after the prescribed cut-off period, they were not entitled to regularisation or absorption on the basis of the earlier Award.

Judgment

The Bombay High Court dismissed Writ Petition No. 723 of 2021, holding that the petitioners, having been employed by LIC from 1992 onwards, did not fall within the eligibility period of 20 May 1985 to 4 March 1991 prescribed by the Supreme Court. Consequently, they were not entitled to the regularisation or absorption benefits claimed by them. Accordingly, the Rule was discharged, and the Court made no order as to costs.

Ratio decidendi

The ratio can be formulated as follows:

Temporary/badli/part-time LIC employees seeking absorption cannot claim regularisation merely on the basis of earlier industrial awards where a subsequent binding Supreme Court judgment has finally restricted relief to employees falling within a specifically defined period. Employees engaged after that period cannot obtain regularisation through Article 226 contrary to the Supreme Court's directions and the constitutional requirements of Articles 14 and 16 governing public employment.

Analysis of the judgment

The most significant feature of the judgment is its emphasis on judicial finality and binding precedent. Justice Bharati Dangre declined to reopen a labour dispute that had already passed through the CGIT, Bombay High Court, Supreme Court, contempt proceedings, and subsequent Supreme Court adjudication, and instead applied the latest binding determination of the Supreme Court. This approach is consistent with Article 141

of the Constitution, under which the law declared by the Supreme Court is binding on all courts in India; therefore, the petitioners could not rely on an earlier favourable award to overcome a later Supreme Court ruling that specifically defined the category of workers entitled to relief. The judgment also reflects the broader tension between labour protection and equality of opportunity in public employment. While temporary, casual, badli, and part-time workers may have equitable claims arising from prolonged service, particularly where temporary labour is continuously used for regular work, automatic absorption may bypass the constitutional recruitment process and deny other eligible candidates an equal opportunity to compete. The approach ultimately adopted therefore preserves the requirements of fair and transparent public recruitment under Articles 14 and 16, while recognising the interests of a defined historical category of workers through monetary compensation rather than unrestricted regularisation.

Critical analysis

The judgment is legally persuasive because the Bombay High Court had limited scope to depart from the express temporal restriction imposed by the Supreme Court. Even if the petitioners could establish that they had completed the prescribed qualifying service of 70 days over three years, that requirement alone was insufficient, as eligibility effectively depended upon two cumulative conditions: fulfilment of the qualifying work requirement and employment within the specified period of 20 May 1985 to 4 March 1991. Since the petitioners claimed employment only from 1992 onwards, they failed to satisfy the second condition. From a labour-rights perspective, however, the case highlights the difficult position of temporary workers who may serve a public-sector organisation for substantial periods without acquiring permanent status. Ultimately, the judgment demonstrates that equitable hardship cannot, by itself, override a binding Supreme Court determination or the constitutional requirements governing recruitment to public employment.

Conclusion

***Vikas Madhukar Narvekar & Ors. v. Life Insurance Corporation of India & Ors.*, 2026:BHC-AS:16341-DB**, is an important 2026 Bombay High Court decision concerning **regularisation, temporary employment and constitutional equality in public employment**.

The Division Bench of **Justices Bharati Dangre and Manjusha Deshpande**, through a judgment authored by Justice Dangre, held that the petitioners employed by LIC **from 1992 onwards could not obtain regularisation or absorption**, because the Supreme Court's subsequent ruling had confined the relevant relief to workers employed between **20 May 1985 and 4 March 1991**.

The case reinforces an important constitutional principle: **regularisation in public employment cannot be ordered in disregard of Articles 14 and 16, established recruitment procedures, and binding directions of the Supreme Court**.

Judgment No. 7**Dogus–Soma Joint Venture v. State of Maharashtra & Ors.**

This is an important **2026 Bombay High Court taxation/mining and infrastructure judgment** authored by Justice Bharati Dangre. It addresses whether earth/muck excavated merely as an incidental consequence of constructing underground Mumbai Metro tunnels and stations attracts **mining royalty**, and whether the State can retain royalty voluntarily paid under a mistaken understanding of law.

Court: High Court of Judicature at Bombay, Ordinary Original Civil Jurisdiction

Case: *Dogus–Soma Joint Venture v. State of Maharashtra & Ors.*

Case No.: Writ Petition No. 4583 of 2022

Neutral Citation: 2026:BHC-OS:6882-DB

Other citation: 2026 Latest Caselaw 2558 Bom

Year: 2026

Date of Judgment: 12 March 2026

Bench/Coram: Justice Bharati Dangre and Justice Manjusha Deshpande

Author: Justice Bharati Dangre

Nature: Judgment (Per Bharati Dangre, J.)

Oral judgment?: No. The reported judgment is headed “JUDGMENT (Per Bharati Dangre, J.)”; it is not described as an “Oral Judgment.”

Petitioner: Dogus–Soma Joint Venture, comprising Dogus Insaat Ve Ticaret A.S. and Soma Enterprise Ltd.

Respondents: State of Maharashtra, Revenue and Forest Department through Collector of Bombay, and Additional Collector (R/B).

For Petitioner: Mr. Sriram Sridharan with Mr. Shanmuga Dev and Ms. Aditi Jain.

For State: Ms. Jyoti Chavan, AGP.

Brief facts

Mumbai Metro Rail Corporation Limited (MMRCL) invited bids for the design and construction of underground sections of the Mumbai Metro project, including five underground stations at Mumbai Central, Mahalaxmi, Science Museum, Acharya Atre Chowk, and Worli, along with associated underground tunnels. The bid submitted by Dogus–Soma was accepted on 1 July 2016, and the contract was accordingly awarded to it. Execution of the project necessarily involved excavation of large quantities of earth, rock, and muck, for which the petitioner engaged subcontractors to excavate and transport the material to designated disposal sites. The petitioner maintained that the excavated material was neither commercially exploited nor sold for revenue and was merely an unavoidable consequence of the Metro construction work. Although it believed that such

excavation did not attract royalty under the Mines and Minerals (Development and Regulation) Act, 1957, Mineral Concession Rules, 1960, or Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013, it paid royalty to prevent transportation delays arising from the absence of royalty passes or documents. In total, the petitioner paid ₹8,20,02,000 as royalty and approximately ₹1,45,000 as application fees up to September 2019. After obtaining legal advice, Dogus–Soma claimed that the excavation was not a royalty-bearing mining activity and, on 5 August 2017, sought a refund from the Additional Collector. When its claim was not granted despite subsequent representations, it approached the Bombay High Court by filing Writ Petition No. 4583 of 2022.

Issues raised

The principal questions before the High Court were:

Issue 1: Whether earth/ordinary material excavated incidentally while constructing underground Metro stations and tunnels constituted a **minor mineral** attracting royalty.

Issue 2: Whether the petitioner was carrying out a **mining operation**, or merely undertaking construction requiring incidental excavation.

Issue 3: Whether the purpose for which the excavated earth was used or disposed of was relevant in determining whether royalty was payable.

Issue 4: Whether the State could retain **₹8.20 crore** paid by the petitioner when there was no lawful basis for the levy.

Issue 5: Whether the petitioner was entitled to **interest** on the amount refunded.

Petitioner's contentions

The petitioner contended that its principal activity was the construction of underground Metro stations and tunnels, rather than reconnaissance, prospecting, or mining undertaken for the purpose of extracting minerals. According to Dogus–Soma, the earth, rock, and muck were excavated only as an inevitable consequence of underground construction and were not extracted for commercial exploitation or sale. Relying substantially on the Supreme Court's decision in *Promoters and Builders Association of Pune v. State of Maharashtra*, the petitioner argued that ordinary earth does not automatically become a minor mineral merely because it is excavated, and that the purpose of excavation and subsequent use of the material are material considerations. It further submitted that its subcontractors merely transported and disposed of the excavated material in accordance with project requirements and that royalty had been paid only to prevent disruption of the project, including the stoppage of vehicles carrying the material. Such payment, according to the petitioner, could not entitle the State to retain an amount that was not legally payable. Accordingly, Dogus–Soma sought a refund of ₹8,20,02,000 along with interest.

Contentions of the State of Maharashtra

The State, represented by AGP Jyoti Chavan, opposed the petition and contended that Dogus–Soma had itself approached the Collector seeking permission for excavation and issuance of royalty passes, including a communication stating that it proposed to excavate the station box and initially sought royalty permission for 10,000 brass. The State therefore argued that the petitioner could not subsequently contend that royalty was entirely inapplicable. It further submitted that no formal demand for royalty had been raised by the authorities and that the amount had been voluntarily deposited by the petitioner, thereby undermining its subsequent claim for refund. The respondents also disputed the contention that the payments had consistently been made under protest, asserting that the original applications contained no such qualification and that the plea was an afterthought. In support of its position, the State relied upon *IKEA India Pvt. Ltd. v. State of Maharashtra* concerning excavation during land development and the application of Section 48(7) of the Maharashtra Land Revenue Code, 1966. The Court accordingly considered the relevant provisions of the Mines and Minerals (Development and Regulation) Act, 1957, the Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013, and Section 48(7) of the Maharashtra Land Revenue Code, 1966, particularly in relation to minerals, minor minerals, mining operations, royalty, and liability arising from unauthorised extraction or removal of minerals.

Promoters and Builders Association of Pune

The Supreme Court precedent relied upon by the petitioner played a central role in the High Court's reasoning, particularly the principle that ordinary earth excavated during construction or development does not automatically acquire the character of a minor mineral merely because it has been excavated. The Court emphasised that the purpose of excavation and the subsequent use of the excavated material are important considerations and distinguished excavation incidental to construction from excavation undertaken with the objective of winning or commercially exploiting minerals. Justice Bharati Dangre therefore examined the petitioner's Metro contract and related work orders, which contemplated excavation through different types of soil, excavation up to weathered rock, drilling and blasting of hard rock where necessary, lifting and transportation of excavated muck, and its disposal. These activities were undertaken by subcontractors as an integral part of constructing the underground Metro stations and tunnels. The contractual material thus demonstrated that the dominant object of the operation was construction of Metro infrastructure rather than mining or commercial extraction of minerals.

Court's reasoning

The Court accepted the petitioner's principal contention that the mere physical removal of earth or rock from land does not automatically convert the activity into a royalty-bearing mining operation. Justice Bharati Dangre focused on the purpose of the excavation and found that it was indispensable to the construction of underground Metro stations and tunnels, with no independent intention to extract or commercially exploit minerals. Consequently, the Court found no lawful basis for the State to retain royalty collected in respect of such excavation. The State's reliance on *IKEA India Pvt. Ltd.* was also rejected, as the Court observed that the decision itself applied the principle recognised in *Promoters and Builders Association*

of Pune and did not establish that every excavation undertaken during a development project necessarily attracts royalty. The Court further rejected the State's argument that the amount could be retained merely because Dogus-Soma had paid it voluntarily without a formal demand from the authorities. Since the State was not legally entitled to collect the royalty, voluntary or mistaken payment could not provide a lawful basis for retaining the money, reflecting the broader public-law principle that the State should not unjustly enrich itself by retaining amounts not legally due to it.

Final judgment

The Bombay High Court allowed the writ petition and made the Rule absolute, directing the State of Maharashtra to refund ₹8,20,02,000 to Dogus-Soma Joint Venture within 12 weeks from the date of the judgment. Although the petitioner had sought refund along with interest, the Court declined to award interest for the initial 12-week period, noting that the State had not raised any formal demand for royalty and that the petitioner had deposited the amount on its own initiative, thereby bearing responsibility for the initial payment. However, the Court provided that if the State failed to refund the amount within the stipulated 12 weeks, the entire sum would carry interest at the rate of 12% per annum. Thus, timely compliance would attract no interest, whereas delay beyond the prescribed period would result in the State becoming liable to pay interest at 12% per annum.

Ratio decidendi

The ratio can be formulated as follows:

Excavation of ordinary earth, rock or muck undertaken merely as an incidental and necessary part of construction of underground infrastructure does not automatically constitute a mining operation attracting royalty. The nature and purpose of the excavation and the use of the excavated material must be examined. Where royalty was paid despite there being no lawful liability, the State cannot retain the amount merely because the payment was voluntarily made.

The second principle is equally important:

The State cannot enrich itself by retaining money to which it has no legal entitlement.

Analysis of the judgment

The decision is significant for major infrastructure and construction projects, such as Metro systems, tunnels, underground roads, railway projects, basements, and foundations, where substantial excavation is an inevitable part of construction. Treating every quantity of earth or rock removed during such works as a commercially extracted mineral could impose considerable royalty liabilities even where no genuine mining activity is undertaken. Justice Bharati Dangre's approach appropriately focuses on the dominant purpose of the activity; in the present case, the dominant purpose was construction of the Mumbai Metro, while excavation was merely incidental and consequential to that objective. The judgment therefore prevents mining legislation from being mechanically extended to ordinary construction activities. Its significance also extends to public law, as the Court refused to permit the State to retain money merely because it had been voluntarily

paid when there was no lawful entitlement to receive it. This reflects the principle that governmental collection and retention of money must be supported by authority of law and cannot be justified solely by a mistaken or voluntary payment. At the same time, the Court balanced the equities by declining to award immediate interest because the petitioner itself had deposited the royalty without any formal demand from the State.

Critical analysis

The judgment adopts a balanced approach by distinguishing between the State's legal entitlement to retain the principal amount and responsibility for the petitioner's loss of use of that money. Dogus–Soma was entitled to recover the principal sum because the State lacked a lawful basis to retain the royalty, but it was not awarded interest for the initial period because the payment had not been compelled by any formal demand from the authorities. The direction imposing 12% interest per annum in case of failure to refund within 12 weeks appropriately incentivises prompt governmental compliance once the Court has conclusively determined that the amount must be returned. At the same time, the judgment should not be interpreted as establishing that all earth or material excavated during construction is automatically exempt from royalty. The purpose of excavation, nature and character of the material, applicable statutory definitions, manner of its use or disposal, and surrounding factual circumstances remain relevant, making the Court's approach essentially fact-specific rather than an absolute exemption for construction-related excavation.

Conclusion

Dogus–Soma Joint Venture v. State of Maharashtra & Ors., 2026:BHC-OS:6882-DB, decided on **12 March 2026**, is an important judgment authored by **Justice Bharati Dangre** for the Division Bench comprising Justice Dangre and Justice Manjusha Deshpande.

The Bombay High Court held that excavation undertaken as an integral part of constructing underground Mumbai Metro stations and tunnels did not, in the circumstances of the case, justify the royalty retained by the State. It consequently ordered Maharashtra to **refund ₹8.20 crore within 12 weeks**. Although the Court refused interest for the ordinary refund period because the petitioner had paid without a State demand, it directed that failure to refund within 12 weeks would attract **12% annual interest**.

The judgment is significant for three areas: **mining and mineral law, infrastructure/construction law, and the public-law principle that the State cannot retain money without lawful entitlement**.

Judgment No. 8

Maharashtra Wrestling Association v. Union of India & Ors.

This is a substantial **61-page 2026 judgment** authored by **Justice Bharati Dangre** concerning sports administration, disaffiliation of a state wrestling association, powers of the Wrestling Federation of India (WFI), natural justice, writ jurisdiction over sports bodies, and rival claims to represent Maharashtra in wrestling administration.

Court: High Court of Judicature at Bombay, Civil Appellate Jurisdiction

Case: *Maharashtra Wrestling Association through its Executive Member v. Union of India through Ministry of Sports & Youth Affairs & Ors.*

Case No.: Writ Petition No. **9607 of 2023**, with Interim Application No. 2909 of 2026

Neutral Citation: 2026:BHC-AS:24160

Year: 2026

Reserved on: 29 April 2026

Pronounced on: 15 June 2026

Bench/Coram: Justice Bharati Dangre and Justice Manjusha Deshpande

Author: Justice Bharati Dangre

Nature: Judgment (Per Bharati Dangre, J.)

Oral judgment?: No. It was expressly reserved on 29 April and pronounced on 15 June 2026.

Petitioner: Maharashtra Wrestling Association (MWA).

The important respondents included the **Union of India, Wrestling Federation of India (WFI)** and **Maharashtra Rajya Kustigir Sangh**, the rival Maharashtra wrestling body.

Brief facts

The Maharashtra Wrestling Association (MWA), a registered trust established to promote wrestling in Maharashtra, claimed that it had been affiliated with the Wrestling Federation of India (WFI) since 1960 and was also affiliated with the Maharashtra Olympic Association. The dispute arose when WFI sought to disaffiliate MWA and recognise a rival body, Maharashtra Rajya Kustigir Sangh, led by Ramdas Tadas. This was not WFI's first attempt to remove MWA: on 30 June 2022, its Executive Committee resolved to dissolve the Association, and the decision was communicated on 4 July 2022 under the signature of then WFI President Brij Bhushan Sharan Singh. MWA successfully challenged that action before the Bombay High Court, which on 9 November 2022 declared the dissolution/supersession unreasonable, illegal, and unenforceable, set aside the election conducted by an Ad Hoc Committee on 31 July 2022, and permitted MWA's elected body to continue functioning until expiry of its tenure. Subsequently, WFI initiated fresh disciplinary proceedings against MWA on allegations including failure to conduct proper elections, non-submission of audited accounts and annual reports, and excessive involvement in professional or commercial wrestling activities. WFI's Disciplinary Committee concluded that MWA had focused excessively on commercial wrestling rather than fulfilling the purposes underlying its affiliation and recommended withdrawal of its affiliation. The recommendation was accepted unanimously by WFI's General Council on 16 April 2023, which decided to disaffiliate MWA and recognise Maharashtra Rajya Kustigir Sangh, resulting in a formal disaffiliation order dated 18 April 2023. A further dispute arose during WFI's election process when both rival Maharashtra bodies sought to nominate representatives to the Electoral College. On 21 July 2023, the Returning Officer

determined that neither faction should be permitted to nominate representatives, a decision that the Bombay High Court subsequently characterised as a balanced approach.

Procedural history before the 2026 judgment

The Maharashtra Wrestling Association (MWA) filed Writ Petition No. 9607 of 2023 challenging the Returning Officer's decision dated 21 July 2023 and, through subsequent amendment, also questioned the Disciplinary Committee Report dated 3 April 2023, the General Council Resolution dated 16 April 2023, and the disaffiliation order dated 18 April 2023. The dispute also reached the Supreme Court, which on 10 November 2023, instead of entertaining MWA's Special Leave Petition seeking interim relief, directed that the writ petition be placed for rehearing before the appropriate Division Bench of the Bombay High Court according to the roster. Subsequently, on 24 March 2025, the Supreme Court again requested the Bombay High Court to take up the main matter for expeditious final adjudication. The petition was eventually heard finally by the Division Bench comprising Justices Bharati Dangre and Manjusha Deshpande. MWA sought quashing of the Disciplinary Committee Report, General Council Resolution, WFI's disaffiliation order, and the Returning Officer's decision, together with consequential relief concerning its recognition and affiliation and the status of the rival Maharashtra wrestling association.

Contentions of the petitioner

Senior Advocate Darius Khambata, assisted by Senior Advocate Sharan Jagtiani and other counsel, appeared for MWA and challenged WFI's authority and competence to take the impugned disciplinary and disaffiliation action, particularly in light of developments concerning WFI and intervention by the Union Government. MWA relied heavily on the Bombay High Court's 9 November 2022 judgment, arguing that WFI had previously attempted unsuccessfully to remove it and that the fresh proceedings represented another effort to achieve substantially the same result, thereby giving rise to allegations of mala fides. It further contended that the disaffiliation process violated the principles of natural justice, amounted to an abuse of WFI's regulatory authority, and improperly interfered with the democratic mandate of MWA's elected body, which had been chosen by its constituent district associations. On the question of maintainability, MWA submitted that although WFI might not necessarily qualify as "State" under Article 12 of the Constitution, it performs significant public functions in regulating wrestling at the national level and is therefore amenable to judicial review under Article 226. In examining this issue, the Court considered sports-law precedents including *Zee Telefilms Ltd. v. Union of India* and *BCCI v. Cricket Association of Bihar*, which recognise that a sports federation's actions may be subject to writ jurisdiction where it performs public functions even if it is not "State" within Article 12. The Court also considered the Delhi High Court's decision in *Haryana Wrestling Association v. Wrestling Federation of India* concerning WFI's electoral processes.

Contentions of WFI/respondents

The respondents opposed the writ petition, with Mr. Yash Momaya appearing for WFI, Senior Advocate Abhay Khandeparkar for the Union of India, and Senior Advocate Mihir Desai for respondent No. 5, and maintained that the 2023 disciplinary proceedings were not merely a repetition of WFI's earlier attempt

to dissolve MWA in 2022. According to them, the subsequent action followed the procedure contemplated under WFI's Constitution, including issuance of a show-cause notice, disciplinary proceedings, consideration by the Disciplinary Committee, submission of its report and recommendations, consideration by the General Council, and a formal decision concerning affiliation. The High Court also rejected MWA's contention that governmental action against WFI had deprived its General Council of competence, finding no legal provision establishing that such action had suspended or extinguished the General Council in the manner alleged. Although the Court considered MWA's allegation that the 2023 proceedings constituted a second attempt to achieve the result previously set aside in 2022, it distinguished the two actions because the later disaffiliation followed a fresh disciplinary process under WFI's Constitution and therefore declined to infer mala fides merely from the similarity of the ultimate result. Significantly, after examining the material before the Disciplinary Committee, the Court described MWA's conduct as "highly objectionable," particularly in relation to its alleged emphasis on commercial interests while inadequately discharging responsibilities connected with national and amateur wrestling, and held that sufficient material existed to support the Committee's conclusions. The Court further declined to grant relief against the rival Maharashtra Rajya Kustigir Sangh, noting subsequent developments concerning its WFI affiliation and membership or affiliation connected with the Indian Olympic Association. Finally, the Court upheld the Returning Officer's 21 July 2023 decision to exclude both rival Maharashtra factions from nominating representatives to the WFI Electoral College, regarding it as a balanced approach, particularly in view of the competing claims, passage of time, and subsequent electoral developments within WFI.

Final judgment

The Bombay High Court dismissed the writ petition filed by the Maharashtra Wrestling Association (MWA) and upheld WFI's order dated 18 April 2023 disaffiliating MWA. The Court also declined to interfere with the Returning Officer's order dated 21 July 2023 and refused MWA's prayer seeking disaffiliation of respondent No. 5, Maharashtra Rajya Kustigir Sangh. Accordingly, the Rule was discharged, the pending Interim Application was disposed of, and the Court made no order as to costs.

Ratio decidendi

The central principles emerging from the judgment can be stated as follows:

A national sports federation performing public functions may be amenable to judicial review under Article 226 even though it may not necessarily qualify as "State" under Article 12. However, the High Court will not substitute its own decision for that of a sports federation where disciplinary/disaffiliation action is taken by a competent body under its constitutional framework, after an appropriate process, and is supported by relevant material.

A second important principle is:

The fact that an earlier disciplinary/dissolution action was judicially invalidated does not automatically render a subsequent action mala fide where the later decision is founded upon a fresh and legally distinct disciplinary process.

Analysis

The judgment is significant for Indian sports law because it clearly distinguishes between the maintainability of a writ petition and the merits of judicial interference. Although WFI performs important public functions and its actions may therefore be scrutinised by constitutional courts under Article 226, such amenability does not mean that every decision of a sports federation will automatically be overturned. Judicial review remains focused on established considerations such as whether the decision-making authority was competent, whether the affected party was afforded an adequate opportunity of hearing, whether relevant material was properly considered, and whether the decision was arbitrary, mala fide, or otherwise legally impermissible. Where these requirements are satisfied, the Court ordinarily refrains from substituting its own judgment for that of the sports administration or functioning as an appellate authority over federation decisions. The approach adopted in the present case therefore seeks to maintain an appropriate balance between accountability of sports federations performing public functions and institutional autonomy in sports governance.

Critical analysis

An important feature of the judgment is its treatment of the earlier 2022 Bombay High Court decision. Rather than treating WFI's subsequent action as automatically invalid, Justice Bharati Dangre examined whether the legal and procedural defects that had vitiated the earlier decision continued to affect the fresh proceedings. This reflects a sound principle of administrative law: when an authority's decision is quashed, the authority is not necessarily permanently prevented from acting again and may take a fresh decision after curing the identified procedural and legal defects, provided the subsequent process is genuine and lawful. At the same time, repeated proceedings against the same association require careful judicial scrutiny to ensure that a fresh procedure is not merely a façade for achieving a predetermined result; accordingly, the Court examined the material considered by the Disciplinary Committee rather than simply accepting WFI's conclusions. The judgment is also constitutionally significant for understanding the distinction between Articles 12 and 226. An autonomous or private body may not satisfy the strict requirements for being regarded as "State" under Article 12, yet its actions may still be subject to judicial review under Article 226 when it performs functions of a sufficiently public character. This principle assumes particular importance in sports governance, where federations exercise substantial authority over player participation, selection, recognition of State associations, tournaments, and representation in national and international competitions. The judgment therefore lies at an important intersection of constitutional law, administrative law, and sports governance.

Conclusion

Maharashtra Wrestling Association v. Union of India & Ors., 2026:BHC-AS:24160, pronounced on **15 June 2026**, is one of Justice Bharati Dangre's more substantial 2026 judgments.

The Division Bench of **Justices Bharati Dangre and Manjusha Deshpande**, in a **reserved judgment authored by Justice Dangre**, upheld WFI's 18 April 2023 decision disaffiliating the Maharashtra Wrestling

Association. It found no sufficient legal flaw in the General Council's decision, declined to interfere with the Returning Officer's balanced treatment of rival Maharashtra factions, and dismissed the writ petition.

The case is particularly valuable for three propositions: **sports federations performing public functions can be amenable to Article 226; judicial review does not convert the High Court into an appellate sports administrator; and a fresh disciplinary decision is not automatically invalid merely because an earlier action against the same body was struck down.**

Judgment No. 9

Municipal Corporation of Greater Mumbai v. G. D'Souza & Anr.

One correction to my previous description: this case is **not about demolition or right to shelter**. The actual judgment concerns a **serious road accident allegedly caused by a pothole/poor road condition, human-rights liability of MCGM, and the Maharashtra State Human Rights Commission's power to award compensation.**

Court: High Court of Judicature at Bombay, Ordinary Original Civil Jurisdiction

Case: *Municipal Corporation of Greater Mumbai v. G. D'Souza & Anr.*

Case No.: Writ Petition No. 1047 of 2021

Neutral Citation: 2026:BHC-OS:5370-DB

Year: 2026

Date of Judgment: 23 February 2026

Bench/Coram: Justice Bharati Dangre and Justice Manjusha Deshpande

Author: Justice Bharati Dangre

Nature: Judgment (Per Bharati Dangre, J.)

Oral Judgment?: No. The judgment is headed "JUDGMENT (PER BHARATI DANGRE, J)" and is not described as an oral judgment.

Petitioner: Municipal Corporation of Greater Mumbai (MCGM), through the Municipal Commissioner.

Respondent No. 1: G. D'Souza, the complainant before the Maharashtra State Human Rights Commission.

Respondent No. 2: Deputy Commissioner of Police, Zone V, Mumbai.

For MCGM: Mr. Yashodeep Deshmukh with Ms. Jyoti Mhatre.

For Respondent No. 1: Mr. Manish Tomar.

For State/Respondent No. 2: Ms. P.H. Kantharia, Government Pleader, with Ms. Jyoti Chavan, Additional Government Pleader.

Brief facts

The incident occurred at approximately 5:30 a.m. on 6 April 2015, when G. D'Souza was travelling with his 40-year-old wife Marilyn on a two-wheeler from Bandra towards Dadar. Near Mahim Junction, the scooter skidded and both occupants fell; while D'Souza sustained minor injuries, Marilyn suffered a serious head injury and was initially taken to Bhabha Hospital before being referred to Lilavati Hospital, with medical material subsequently indicating severe neurological injury. D'Souza alleged that the accident resulted from MCGM's negligent maintenance of the public road, including potholes or ditches, uneven surfaces, ongoing resurfacing work, inadequate barricading, and failure to provide safe passage, and claimed that such negligence violated his wife's human rights and right to live with dignity. He accordingly approached the Maharashtra State Human Rights Commission (MSHRC) in MAS/Case No. 995 of 2016, seeking reimbursement of medical expenses and appropriate action against the responsible authorities. The Commission called for reports from MCGM and the Police Department and considered the complainant's rejoinder and medical records. Police material recorded that D'Souza had initially stated that, because of darkness, he could not notice a ditch or pit and the scooter toppled, but also noted that no contemporaneous grievance or complaint alleging negligence against MCGM had been lodged. MCGM denied liability, asserting that its road-improvement work was carried out between approximately 12 midnight and 5:30 a.m. with appropriate personnel, third-party auditors, barricading, and safety precautions, and further contended that the accident location reported near Mahim Causeway was approximately 500 metres away from its actual road-work site at Mahim Junction, where no potholes existed at the relevant time. Nevertheless, relying substantially on an earlier Bombay High Court suo motu PIL concerning potholes and poor road conditions, the MSHRC concluded that deficient road maintenance had contributed to the accident and violated the victim's human rights. Accordingly, on 19 January 2018, it recommended payment of ₹10 lakh as compensation by the Municipal Commissioner, MCGM, within six weeks, failing which the amount would carry interest at 12.5% until actual realisation.

Procedural history before the High Court

MCGM challenged the order of the Maharashtra State Human Rights Commission (MSHRC) by invoking the writ jurisdiction of the Bombay High Court, principally questioning paragraph 6(b) of the Commission's order directing payment of ₹10 lakh as compensation. When notice was issued on 22 March 2018, the High Court stayed the operation of the impugned portion of the MSHRC order, and the interim protection continued during the pendency of the writ proceedings. The matter was ultimately heard by the Division Bench comprising Justices Bharati Dangre and Manjusha Deshpande, which delivered its decision on 23 February 2026.

Issues raised

The judgment raised several important questions.

Issue 1: What is the nature and extent of the Maharashtra State Human Rights Commission's power under Section 18 of the Protection of Human Rights Act, 1993?

Issue 2: Could the Commission direct MCGM to pay ₹10 lakh compensation without a sufficiently established finding of negligence?

Issue 3: Did the material before the Commission establish a causal connection between MCGM's road maintenance and the accident?

Issue 4: Can compensation for violation of human rights be awarded merely because the victim suffered serious injury, or must the authority's **fault/negligence and causal link** first be established?

Contentions of MCGM

MCGM did not dispute the unfortunate nature of the accident or the serious head injury suffered by Marilyn, but challenged the legal basis of the liability imposed upon it. The Corporation contended that the Maharashtra State Human Rights Commission had exceeded its jurisdiction under the Protection of Human Rights Act, 1993, as its role was to make appropriate recommendations rather than determine and impose damages in the manner of a civil or constitutional court adjudicating tortious liability. Its principal contention was that negligence had never been established, since neither the police report nor the Deputy Chief Engineer's report demonstrated any negligent act or omission attributable to MCGM. The Corporation further emphasised that the road-improvement work was being undertaken approximately 500 metres away from the alleged accident site, and therefore argued that the Commission had failed to establish the necessary causal connection between MCGM's road works and Marilyn's injuries. Accordingly, MCGM maintained that the direction to pay ₹10 lakh as compensation lacked an adequate factual and legal foundation.

Contentions of G. D'Souza

Counsel for D'Souza defended the MSHRC's order by relying upon newspaper reports, photographs depicting potholes and poor road conditions, photographs showing Marilyn's condition, and her medical treatment records, while emphasising the severe physical suffering and continuing medical consequences she had experienced for nearly a decade. It was contended that MCGM had failed in its public duty to maintain safe roads and that the Commission was therefore justified in recommending compensation. Justice Bharati Dangre examined the Protection of Human Rights Act, 1993, particularly Section 12, which empowers the Commission to inquire into complaints concerning violations of human rights, abetment thereof, or negligence by a public servant in preventing such violations, and Section 18, which permits appropriate recommendations, including recommendations concerning compensation or damages, where such violation or negligence is established. The High Court clarified that recommendations of a Human Rights Commission are not merely casual or non-binding opinions that public authorities may simply disregard; an aggrieved authority is ordinarily expected to comply unless it successfully challenges the recommendation through judicial review, particularly since the Act does not provide an ordinary statutory appellate mechanism. At the same time, the Court emphasised that the Commission is a creature of statute and must function within the powers conferred upon it, principally as a fact-finding body investigating alleged human-rights violations. Referring to Supreme Court jurisprudence including *M.C. Mehta v. Union of India*, the Bench distinguished the exceptional power of constitutional courts to award public-law compensation for gross, patent, and incontrovertible violations of

fundamental rights from the statutorily defined powers of a Human Rights Commission, which cannot award compensation without an adequate factual foundation establishing the alleged violation or negligence.

The High Court identified a significant weakness in the MSHRC's reasoning, observing that although the Commission had called for factual reports, those reports did not establish negligence on the part of MCGM. The Corporation's report stated that there were no potholes at the relevant work site, appropriate barricading and safety measures had been provided, the alleged accident location was approximately 500 metres away from the road-work site, and no contemporaneous complaint regarding an accident at that location had been received. Similarly, the police material did not conclusively establish municipal negligence. Justice Bharati Dangre found that the Commission had been substantially influenced by the Bombay High Court's broader observations in an earlier PIL concerning potholes and poor road conditions, but held that such general observations regarding municipal duties could not substitute for proof that this particular accident was caused by MCGM's negligence. The existence of a human-rights violation had to emerge from the factual inquiry into the specific incident. Although the Court acknowledged the gravity of Marilyn's injuries and the sympathy her condition deserved, it emphasised that sympathy alone cannot establish legal liability. Before compensation or damages can be imposed, there must be an established causal connection between the alleged wrongful or negligent conduct, the resulting injury, and the liability sought to be imposed. Compensation cannot be granted merely as a grace or bounty without first establishing fault and the necessary causal nexus.

Final judgment

The Bombay High Court allowed MCGM's writ petition and held that the Maharashtra State Human Rights Commission's order dated 19 January 2018 could not be sustained. Accordingly, the MSHRC order directing compensation was quashed and set aside, and the writ petition was made absolute in terms of the relevant prayer. Importantly, however, the Court clarified that the victim was not deprived of all remedies and expressly left it open to D'Souza or Marilyn to approach a competent civil court seeking compensation or damages. In such proceedings, the claimant would be entitled to lead evidence establishing MCGM's alleged wrongful act or negligence, the necessary causal connection between such conduct and the accident, and the resulting damage, following which the civil court could independently determine liability and appropriate compensation. Justice Bharati Dangre further clarified that the findings recorded in the writ proceedings would not prejudice or prevent the victim from pursuing such civil remedies.

Ratio decidendi

The principal ratio may be stated as:

A State Human Rights Commission cannot impose or recommend compensatory liability merely by relying upon general observations concerning poor civic infrastructure. Where compensation is founded upon alleged negligence by a public authority, the Commission's statutory inquiry must disclose material establishing the negligence and its causal connection with the particular human-rights violation. Serious injury and sympathy for the victim cannot substitute for proof of liability.

A second important principle is:

Human Rights Commission recommendations have legal significance and cannot simply be ignored by the State; however, they remain subject to judicial review by constitutional courts.

Analysis

The judgment is significant because it does not absolve municipal corporations of their duty to maintain safe public roads. Justice Bharati Dangre recognised the importance of the Bombay High Court's earlier directions requiring municipal authorities to maintain roads, repair potholes, and ensure public safety; however, the decisive weakness in the present case was evidentiary. General deficiencies in Mumbai's road infrastructure could not establish that MCGM's negligence caused this particular accident. The judgment therefore reinforces the basic elements of negligence duty, breach, causation, and damage and demonstrates that the existence of a public duty and proof of serious injury are insufficient unless breach of that duty and a causal connection with the resulting harm are also established. From a human-rights perspective, the decision is particularly relevant to the relationship between Article 21 and civic infrastructure, since unsafe and poorly maintained roads may affect life and personal safety and municipal authorities undoubtedly bear statutory and public responsibilities toward road users. Nevertheless, the judgment makes clear that characterising an incident as a human-rights violation does not eliminate the need for reliable evidence, statutory jurisdiction, and proper causal reasoning.

Critical analysis

The judgment appropriately guards against imposing compensation upon public authorities merely because an accident has occurred, without sufficient evidence establishing their legal responsibility. At the same time, it raises an important access-to-justice concern, since requiring a seriously injured person to pursue a full civil suit may involve prolonged litigation, evidentiary and expert expenses, court costs, and considerable delay before compensation is ultimately obtained. As Human Rights Commissions are intended to provide a more accessible mechanism for addressing failures by public authorities, the preferable institutional approach may be to strengthen the quality of their fact-finding inquiries rather than diminish their compensatory role. In cases involving road accidents, evidence such as the precise accident location, contemporaneous photographs, CCTV footage, municipal maintenance records, work logs, contractor records, and expert assessments could provide a stronger basis for determining responsibility. Thus, the judgment should not be understood as holding that a pothole-related accident can never amount to a human-rights violation; rather, the decisive deficiency in the present case was the absence of adequate evidence establishing a causal connection between this particular accident and negligence attributable to MCGM.

Conclusion

Municipal Corporation of Greater Mumbai v. G. D'Souza & Anr., 2026:BHC-OS:5370-DB, decided on **23 February 2026**, is an important judgment authored by **Justice Bharati Dangre**, sitting with Justice Manjusha Deshpande.

The Bombay High Court set aside the Maharashtra State Human Rights Commission's direction requiring MCGM to pay **₹10 lakh compensation plus potential 12.5% interest** to a woman seriously injured

in a road accident. The Court did so **not because road safety falls outside human-rights protection**, but because the material collected during the Commission's inquiry did not adequately establish MCGM's negligence or the necessary causal connection between its conduct and the particular accident.

At the same time, the Court preserved the victim's right to approach a **civil court for damages**, where negligence and liability could be established through appropriate evidence.

This judgment is particularly valuable for studying **Article 21, human-rights commissions, public-law compensation, municipal liability, negligence, causation and the limits of statutory adjudicatory power**.

Judgment No. 10

Mahendra Nimba Sonawane v. State of Maharashtra

This is an important 2026 criminal judgment authored by **Justice Bharati Dangre** concerning **murder based entirely on circumstantial evidence, last-seen theory, CCTV/electronic evidence, DNA identification, unexplained injuries on the accused, recovery of the deceased's property, Section 313 CrPC, and concurrent versus consecutive sentences**.

Name of Court:

High Court of Judicature at Bombay, Criminal Appellate Jurisdiction

Name of Case: Mahendra Nimba Sonawane v. State of Maharashtra

Case Number: Criminal Appeal No. 81 of 2025

Citation: 2026:BHC-AS:24622-DB

Year of Case: 2026

Date of Judgment: 18 June 2026

Bench / Coram: Justice Bharati Dangre and Justice Manjusha Deshpande

Author of Judgment: Justice Bharati Dangre

Oral Judgment?

No.

This was a **reserved judgment**:

Reserved on: 9 June 2026

Pronounced on: 18 June 2026

The judgment is expressly headed **“JUDGMENT (Per Bharati Dangre, J.)”**.

Appellant/Accused:

Mahendra Nimba Sonawane, aged 26 years, resident of Vadner Khakrudi, Taluka Malegaon, District Nashik.

Respondent:

State of Maharashtra, through Manmad Police Station, Nashik.

Counsel:

For Appellant: Mr. Ganesh Gole with Mr. Ateet Shirodkar, Kunhan Makwana and Bhavin Jain.

For State: Smt. Sangeeta Shinde, APP.

Brief Facts:

The case concerned the murder of Bhausahab Dashrath Chavan during the intervening night of 12–13 January 2017. On the morning of 13 January, Rajendra Deore (PW-3) noticed a person lying in a ditch with his face covered by a black jacket and observed nearby a blood-stained stone, cutter, plastic gunny bag, and blood at the spot. He informed Ashok Pawar (PW-1), the Sarpanch of Nagpur, following which the police arrived and discovered that the victim's face had been severely mutilated, his nose and eyes smashed, and his throat slit. As the body was initially unidentified, an FIR was registered at Manmad Police Station on 13 January 2017 under Sections 302 and 201 IPC against an unknown person. The deceased was subsequently identified as Bhausahab Chavan, with DNA analysis comparing his samples with those of his children, Vaishali and Samadhan Bhausahab Chavan, confirming his identity. The post-mortem conducted by Dr. Anand Pawar (PW-15) revealed multiple serious injuries, including a cut-throat injury measuring approximately 12 cm × 3 cm × 5 cm and several lacerations to the head and face, establishing that death resulted from the cut-throat injury together with multiple blunt-force injuries and was unquestionably homicidal. As there was no direct eyewitness to the murder, the prosecution relied primarily upon circumstantial evidence, including CCTV footage from a nearby shop showing the accused, Mahendra Sonawane, consuming liquor with the deceased; PW-13 Hemant Adhav assisted in transferring the footage and issued the necessary Section 65B certificate. The prosecution also relied on last-seen evidence from Subhash Ghuge (PW-5), who saw Mahendra and Bhausahab together in an intoxicated condition near a bonfire on 12 January 2017 and directed them towards Manmad. Additionally, Vicky Francis (PW-14) testified that at approximately 10:15–10:30 p.m., he saw Mahendra rushing from the direction of Bhalur Road with an injury to his left hand and a blood-stained handkerchief tied around it. Although Mahendra claimed that the injury resulted from falling against a tractor trolley, subsequent medical evidence indicated that it could have been caused by a sharp weapon.

Procedural History

Following the investigation, Mahendra Sonawane was prosecuted before the Additional Sessions Judge, Malegaon, in Sessions Case No. 50 of 2017 and was convicted for offences punishable under Sections 302, 201, and 404 of the IPC. For the offence of murder under Section 302, he was sentenced to rigorous imprisonment for life and a fine of ₹50,000, with one year's rigorous imprisonment in default of payment.

Under Section 201 IPC, he was sentenced to five years' rigorous imprisonment and a fine of ₹10,000, with three months' rigorous imprisonment in default, while under Section 404 IPC, he was sentenced to one year's imprisonment along with a fine and default sentence. Significantly, the Sessions Court directed that the sentences imposed under Sections 302 and 201 IPC would run consecutively, whereas the sentence under Section 404 would run concurrently. Aggrieved by his conviction and sentence, Mahendra preferred an appeal before the Bombay High Court.

Contentions of the Appellant/Accused

The appellant challenged his conviction primarily on the ground that the prosecution case was based entirely upon circumstantial evidence, with no eyewitness who had actually seen him murder Bhausaheb. The defence therefore contended that the prosecution was required to establish a complete and unbroken chain of circumstances leading exclusively to the conclusion of the appellant's guilt. It argued that the last-seen evidence, showing Mahendra and the deceased together shortly before the incident, was by itself insufficient to establish the offence of murder unless supported by other reliable incriminating circumstances. The appellant further questioned whether the circumstances relied upon by the prosecution collectively excluded every reasonable hypothesis consistent with his innocence. In addition to challenging the conviction, the defence disputed the Sessions Court's direction requiring the life sentence under Section 302 IPC and the five-year sentence under Section 201 IPC to run consecutively, an aspect that ultimately found favour with the High Court.

Contentions of the State / Respondent

The State supported the Sessions Court's finding of guilt and contended that, despite the absence of a direct eyewitness, the prosecution had established a complete and consistent chain of circumstantial evidence pointing towards Mahendra's guilt. It relied upon the fact that the accused and the deceased had been seen together shortly before the murder, which was further corroborated by CCTV footage; that the deceased was subsequently found murdered near the relevant location; and that Mahendra was later seen alone, running in the opposite direction with an injury to his hand, for which his explanation was allegedly inconsistent with the medical evidence. The prosecution also relied upon the recovery of articles belonging to the deceased from Mahendra, his failure to satisfactorily explain the incriminating circumstances, and DNA evidence confirming the identity of the deceased. According to the State, these circumstances, when considered cumulatively, formed an unbroken chain that excluded every reasonable hypothesis consistent with Mahendra's innocence.

Issues Raised Before the High Court

The principal issues were:

Issue 1: Whether Mahendra's conviction for murder could be sustained **solely on circumstantial evidence**.

Issue 2: Whether the prosecution established a **complete and unbroken chain of circumstances** pointing only towards the appellant's guilt.

Issue 3: What evidentiary value should be given to the **last-seen circumstance**.

Issue 4: What was the significance of Mahendra's failure to explain the injury sustained by him around the time of the murder.

Issue 5: Whether recovery of the deceased's money/mobile and other circumstances established motive and participation.

Issue 6: Whether the Sessions Court was correct in directing the Section 302 and Section 201 sentences to run **consecutively**.

Law on Circumstantial Evidence

Justice Bharati Dange relied significantly upon the Supreme Court's landmark decision in *Sharad Birdhichand Sarda v. State of Maharashtra*, (1984) 4 SCC 116, while examining the principles governing conviction based on circumstantial evidence. The Court reiterated that the circumstances relied upon by the prosecution must be fully and cogently established, consistent only with the hypothesis of the accused's guilt, possess a definite tendency pointing towards guilt, be incapable of explanation on any reasonable hypothesis consistent with innocence, and, when considered cumulatively, form a complete and conclusive chain of evidence leaving no reasonable ground for a conclusion consistent with the innocence of the accused. Applying these principles to the evidence on record, the Division Bench concluded that the prosecution had satisfied the requirements necessary for sustaining a conviction based upon circumstantial evidence.

Court's Reasoning -Last-Seen Theory

Justice Bharati Dange considered the last-seen circumstance particularly significant when read together with the remaining prosecution evidence. The accused and deceased had been seen together in an intoxicated condition shortly before the incident, and within a relatively short period Mahendra was seen alone and injured, while Bhausahab was subsequently found murdered. Once this close temporal proximity was established, the circumstances concerning when and how the two separated were especially within Mahendra's knowledge, yet he offered no satisfactory explanation. The Court also attached importance to the injury on Mahendra's hand: although he told PW-14 that it resulted from falling or striking against a tractor trolley, medical evidence indicated that the injury was compatible with a sharp object, while a cutter had been recovered near the deceased. His failure to satisfactorily explain this circumstance in his Section 313 CrPC statement was treated as an additional link strengthening an otherwise established prosecution case, rather than as a substitute for the prosecution's burden of proof. The recovery of money and the deceased's mobile phone from Mahendra was also regarded as incriminating and supportive of a possible motive to rob the deceased. Considering all the circumstances cumulatively, the Division Bench held that the prosecution had established a complete chain proving Mahendra's guilt beyond reasonable doubt and accordingly upheld his convictions under Sections 302, 201, and 404 IPC. However, the Court found the Sessions Court's direction that the life sentence under Section 302 and the five-year sentence under Section 201 should run consecutively to be legally unsustainable. Referring to Section 31 CrPC and the Supreme Court's decision in *Muthuramalingam & Ors. v. State represented by Inspector of Police*, (2016) 8 SCC 313, the Court observed that a fixed-term sentence cannot logically commence after completion of a sentence of imprisonment for life.

It therefore modified only the sentencing direction and ordered that the substantive sentences under Sections 302, 201, and 404 IPC run concurrently, while leaving the convictions undisturbed.

Final Judgment

The Bombay High Court partly allowed the criminal appeal, while upholding Mahendra's convictions under Section 302 IPC for murder, Section 201 IPC for causing disappearance or concealment of evidence, and Section 404 IPC for dishonest misappropriation of property belonging to the deceased. However, the Court modified the sentencing direction by setting aside the Sessions Court's order requiring the sentences under Sections 302 and 201 IPC to run consecutively. Instead, the High Court directed that all substantive sentences imposed under Sections 302, 201, and 404 IPC would run concurrently. The appeal was accordingly disposed of with this limited modification to the sentence, while the findings of guilt remained undisturbed.

Ratio Decidendi

The judgment contains two significant legal principles concerning circumstantial evidence and sentencing. First, a conviction for murder may be sustained entirely on circumstantial evidence where the prosecution establishes a complete, cogent, and unbroken chain of circumstances that is consistent only with the guilt of the accused and excludes every reasonable hypothesis of innocence. In this context, last-seen evidence acquires greater evidentiary value when corroborated by independent circumstances such as CCTV footage, unexplained injuries on the accused, recovery of the deceased's property, medical evidence, and the accused's failure to satisfactorily explain facts particularly within his knowledge. Second, on sentencing, the Court reaffirmed that a fixed-term sentence cannot be directed to commence after the completion of a sentence of life imprisonment in a manner inconsistent with the principle laid down in *Muthuramalingam*. Accordingly, in the circumstances of the present case, the substantive sentences were required to run concurrently rather than consecutively.

Analysis of the Judgment

Justice Bharati Dangre's judgment provides a useful illustration of the distinction between last-seen evidence operating as the sole basis of conviction and last-seen evidence functioning as one component of a broader circumstantial chain. The Court did not treat the mere fact that Mahendra was last seen with the deceased as sufficient to establish guilt; rather, that circumstance was considered cumulatively with the accused's subsequent conduct, his unexplained injury, recovery of the deceased's property, medical evidence, CCTV footage, and other incriminating circumstances, thereby satisfying the standard laid down in *Sharad Birdhichand Sarda*. The judgment is also significant from an evidentiary perspective because it demonstrates the integration of traditional and technological evidence in modern criminal trials. While testimonial evidence, medical and post-mortem findings, recoveries, and the accused's conduct constituted the traditional evidentiary foundation, CCTV footage supported by Section 65B certification and DNA analysis provided electronic and scientific corroboration. The case therefore illustrates how contemporary criminal prosecutions increasingly depend upon a cumulative combination of testimonial, circumstantial, electronic, medical, and forensic evidence, rather than upon any single source of proof.

Critical Analysis

The judgment appropriately treats the accused's silence or inadequate explanation with caution, recognising that an accused's failure to explain an incriminating circumstance cannot cure deficiencies in the prosecution's case or substitute for its obligation to establish guilt beyond reasonable doubt. Only after the prosecution has independently proved the relevant incriminating circumstances can the accused's failure to explain facts particularly within his knowledge operate as an additional link in the evidentiary chain. This distinction is important for preserving the presumption of innocence and the prosecution's burden of proof. The sentencing modification is equally significant, as the High Court did not disturb an otherwise well-supported murder conviction merely because the Sessions Court had erred in directing how the multiple sentences should operate. Instead, it confined its intervention to the sentencing component, directing the substantive sentences to run concurrently while preserving the findings of guilt, thereby adopting a legally precise and proportionate appellate approach.

Conclusion

***Mahendra Nimba Sonawane v. State of Maharashtra*, 2026:BHC-AS:24622-DB**, pronounced on **18 June 2026**, is an important criminal-law judgment authored by **Justice Bharati Dangre**, sitting with Justice Manjusha Deshpande.

The Bombay High Court upheld the appellant's convictions under **Sections 302, 201 and 404 IPC**, finding that the prosecution had established a complete chain of circumstantial evidence satisfying the principles laid down in ***Sharad Birdhichand Sarda v. State of Maharashtra***.

However, relying upon ***Muthuramalingam v. State*** and the principles governing multiple sentences, the Court corrected the Sessions Court's direction requiring the Section 302 and Section 201 sentences to operate consecutively and directed that **all substantive sentences run concurrently**.

Thus, the appeal was **partly allowed only to the extent of modification of sentence; the convictions remained intact**.

Judgment No.11**M/s Jayantilal Investments v. The Bombay Municipal Corporation of Greater Bombay & Ors.**

This is a **2026 Bombay High Court** judgment authored by **Justice Bharati Dangre** dealing with **municipal property tax, liability of individual occupiers, recovery of arrears, Sections 209 and 209-A of the Mumbai Municipal Corporation Act, 1888, and whether one compliant occupier can be compelled to bear tax arrears attributable to defaulting units in the same building/society**.

Name of Court:

High Court of Judicature at Bombay, Ordinary Original Civil Jurisdiction

Name of Case:

M/s Jayantilal Investments v. The Bombay Municipal Corporation of Greater Bombay & Ors.

Case Number: Writ Petition No. 527 of 2017

With: Interim Application (St.) No. 34252 of 2024

Citation: 2026:BHC-OS:13128-DB

Year: 2026

Date of Judgment: 15 June 2026

Bench / Coram: Justice Bharati Dangre and Justice Manjusha Deshpande

Author of Judgment: Justice Bharati Dangre

The judgment is expressly reported as:

“JUDGMENT (PER BHARATI DANGRE, J.)”

Oral or Reserved Judgment?

The judgment does **not record separate reserved and pronouncement dates**. It is dated **15 June 2026**, and begins with “Rule. Rule is made returnable forthwith. Heard by consent.” Therefore, unlike the reserved judgments we discussed earlier, it was disposed of upon hearing and is **not recorded as a reserved judgment**.

Petitioner

M/s Jayantilal Investments

The petitioner was a **builder and developer**.

Respondents

The Bombay Municipal Corporation of Greater Bombay & Ors.

Advocates

For Petitioner: Mr. Yatin Shah.

For MCGM: Ms. Jyoti Mhatre with Mr. Prakash Chavan, instructed by Komal Punjabi.

Ms. Prajkta Salkar, Deputy Superintendent (Assessment), was also present.

Brief Facts

The dispute concerned property-tax liability for different commercial units or galas situated in the same building developed by Jayantilal Investments. The petitioner continued to occupy Unit/Gala Nos. 101, 101A, 102, and 103 on the first floor, while other units on the ground floor, particularly Gala Nos. 6, 7, 8, 9, 13, 14, and 15, had been purchased by another party and subsequently leased to Bharat Co-operative Bank Ltd. Jayantilal Investments maintained that it regularly paid the municipal property taxes attributable to the units occupied by it, but difficulties arose when other owners or occupiers allegedly defaulted in payment of their respective dues and MCGM sought recovery in a manner that adversely affected the petitioner. This was the

second round of litigation between the parties, as Jayantilal Investments had earlier filed Writ Petition No. 300 of 2012 after MCGM issued a warrant of attachment and treated it as a defaulter for tax arrears relating to the building, resulting in directions requiring the Corporation to determine liability in accordance with the statutory framework. Despite those proceedings, MCGM subsequently issued a fresh Demand Notice dated 13 January 2017, which the petitioner challenged in Writ Petition No. 527 of 2017, principally contending that it could not be treated as a defaulter or made responsible for arrears attributable to independently owned or occupied units when it had paid the taxes relating to its own premises. The controversy therefore required interpretation of Sections 209 and 209-A of the Mumbai Municipal Corporation Act, 1888. In particular, Section 209 provides a mechanism for recovery of property tax where premises have two or more occupiers, permitting the Municipal Commissioner to serve bills upon individual occupiers for their respective apportioned shares and thereby recognising that separately occupied portions of the same building may carry appropriately apportioned tax liabilities.

Petitioner's Contentions

Jayantilal Investments contended that MCGM had failed to follow the statutory mechanism prescribed under Sections 209 and 209-A of the Mumbai Municipal Corporation Act, 1888. The petitioner asserted that it had regularly paid the property tax attributable to the units in its possession and therefore could not legitimately be characterised as a tax defaulter. According to it, the outstanding arrears primarily arose from the failure of owners or occupiers of other independently occupied flats to discharge their respective tax liabilities, and such dues could not simply be transferred to the petitioner. Relying particularly on Section 209, Jayantilal Investments argued that where different portions of the same premises are separately occupied, MCGM is required to identify, apportion, and recover the respective tax liabilities from the concerned occupiers rather than recover the entire outstanding amount from a single compliant occupier merely for administrative convenience. The petitioner also relied upon the directions issued in the earlier round of litigation, contending that MCGM was already required to proceed in accordance with Sections 209 and 209-A and that the fresh demand effectively continued the same grievance that had previously required intervention by the High Court.

Contentions of MCGM

MCGM defended its statutory authority to recover outstanding property taxes in respect of the building and maintained that lawfully assessed municipal taxes remained recoverable under the applicable statutory framework. The decisive issue before the High Court, however, was not whether the outstanding property tax could be recovered at all, but from whom the respective arrears could legally be recovered. The Court was therefore required to determine whether MCGM could impose liability upon Jayantilal Investments for arrears attributable to separately owned or occupied units. The Corporation's general power to recover property tax could not permit it to disregard the statutory allocation and apportionment of liability merely because recovery from one particular occupier might be administratively more convenient.

Issues Raised Before the High Court

The principal issues can be formulated as follows:

Issue 1: Whether MCGM could recover the entire outstanding property-tax liability from Jayantilal Investments despite the existence of **multiple independent occupiers**.

Issue 2: Whether the petitioner could be treated as a defaulter when it had paid the property tax attributable to the units occupied by it.

Issue 3: How should **Sections 209 and 209-A of the Mumbai Municipal Corporation Act, 1888** operate where different portions of the premises have different occupiers?

Issue 4: Whether the Corporation must identify the defaulting occupiers and recover their respective outstanding amounts instead of shifting their burden to the petitioner.

Court's Reasoning

Justice Bharati Dangre emphasised the statutory scheme governing property-tax recovery and held that where a building contains multiple occupiers, MCGM cannot disregard the mechanism prescribed by the Municipal Corporation Act. The Court distinguished between the Corporation's unquestioned authority to recover lawfully assessed municipal taxes and the separate question of the person from whom particular arrears may legally be recovered, making clear that MCGM's general recovery powers do not automatically render one occupier liable for the defaults of others. Importantly, the Court did not exempt Jayantilal Investments from its own property-tax liability and expressly clarified that it would continue to bear the taxes due in respect of Unit Nos. 101, 101A, 102, and 103. However, arrears attributable to other independently occupied units had to be recovered from the persons legally responsible for those premises through the statutory machinery available to MCGM. The Corporation could identify the actual defaulting occupiers and, where necessary, seek assistance from the concerned society in recovering the outstanding amounts, but it could not transfer those liabilities to Jayantilal Investments. The central proposition emerging from the judgment was therefore that while the petitioner remained fully responsible for the taxes attributable to its own units, the liability of other defaulting occupiers could in no manner be imposed upon or shared by the petitioner.

Final Judgment

The Bombay High Court disposed of the writ petition with directions protecting Jayantilal Investments from recovery of property-tax arrears attributable to other independently occupied units. At the same time, the Court expressly preserved the petitioner's own liability to pay property tax in respect of Unit Nos. 101, 101A, 102, and 103. MCGM was permitted to proceed in accordance with law against the actual defaulting owners or occupiers for recovery of their respective outstanding dues and, where necessary, to seek assistance from the concerned society for such recovery. The Court thus ensured that the petitioner remained responsible for its own lawful tax obligations without being burdened with the defaults of others. The pending Interim Application was also disposed of.

Ratio Decidendi

The ratio may be formulated as:

Where premises contain multiple independent occupiers, municipal authorities must exercise their property-tax recovery powers consistently with Sections 209 and 209-A of the Mumbai Municipal Corporation Act, 1888. An occupier who has discharged the property-tax liability attributable to its own premises cannot be compelled to share or bear arrears attributable to independently occupied defaulting units merely because they form part of the same building or society.

Analysis of the Judgment

The judgment strikes an appropriate balance between effective municipal revenue collection and individual fairness. It does not restrict MCGM's legitimate authority to recover property taxes but reinforces the principle that taxes lawfully due to the Corporation must be recovered from the person upon whom the statutory liability properly falls. Although efficient tax collection is essential for financing municipal services, administrative convenience cannot override the statutory allocation of liability. Imposing another occupier's arrears upon a person who has consistently discharged its own tax obligations would effectively penalise compliance while indirectly benefiting the actual defaulter, a result avoided by Justice Bharati Dangre's interpretation. The decision is also significant for understanding Sections 209 and 209-A of the Mumbai Municipal Corporation Act, 1888, particularly in the context of modern multi-occupancy commercial buildings containing separate offices, shops, galas, banks, and other independently occupied establishments. By recognising that different units within the same property may involve distinct legal and financial responsibilities, the judgment requires municipal recovery proceedings to correspond with the statutory framework governing the respective occupiers and their individual liabilities.

Critical Analysis

The decision is persuasive because it avoids two competing extremes. It does not suggest that the division of a building into multiple independently occupied units can defeat the legitimate recovery of municipal property taxes, nor does it permit MCGM to treat a solvent and compliant occupier as a convenient source for recovering the arrears of other defaulters. Instead, the judgment adopts a proportionate approach under which the petitioner remains responsible for its own property-tax liability, the defaulting occupiers continue to bear their respective arrears, and MCGM retains its statutory powers to recover those dues from the persons legally liable. Where necessary, the concerned society may also assist the Corporation in identifying the defaulters and facilitating recovery. This approach effectively protects municipal revenue interests while ensuring that an unrelated financial burden is not imposed upon an occupier who has regularly complied with its own statutory tax obligations.

Conclusion

M/s Jayantilal Investments v. The Bombay Municipal Corporation of Greater Bombay & Ors., 2026:BHC-OS:13128-DB, decided on **15 June 2026**, is an important municipal-law judgment authored by **Justice Bharati Dangre**, sitting with Justice Manjusha Deshpande.

The Bombay High Court held that MCGM could pursue **defaulting occupiers for their unpaid property taxes**, and could seek assistance from the concerned society for such recovery, but **Jayantilal Investments could not be made to share their liability** merely because its units formed part of the same property.

At the same time, the petitioner remained fully responsible for property tax relating to **Unit Nos. 101, 101A, 102 and 103**.

The judgment is therefore significant for **municipal taxation, statutory interpretation, property law, multi-occupancy premises, and fairness in governmental recovery proceedings**.

Judgment No. 12**Express Publications (Madurai) Pvt. Ltd. v. The Indian Express (P) Ltd.**

This is an important **2026 commercial and trademark judgment** authored by **Justice Bharati Dangre**. The dispute concerns the competing rights of **The Indian Express** and **The New Indian Express**, interpretation of a 1995 family/corporate settlement, territorial restrictions on the use of the mark “New Indian Express,” trademark registration, promotional events outside the permitted territory, and appellate interference with an interim injunction.

Court: High Court of Judicature at Bombay, Ordinary Original Civil Jurisdiction

Case: *Express Publications (Madurai) Pvt. Ltd. v. The Indian Express (P) Ltd.*

Case No.: Commercial Appeal (L) No. **41053 of 2025**

With: Interim Application (L) No. **41851 of 2025**

Neutral Citation: 2026:BHC-OS:13694-DB

Year: 2026

Reserved on: 17 April 2026

Pronounced on: 15 June 2026

Bench/Coram: Justice Bharati Dangre and Justice Manjusha Deshpande

Author: Justice Bharati Dangre

Oral judgment?

No. This was a **reserved judgment**, reserved on 17 April 2026 and pronounced on 15 June 2026.

Appellant / Original Defendant**Express Publications (Madurai) Pvt. Ltd.**

This is associated with publication of “**The New Indian Express.**”

Respondent / Original Plaintiff**The Indian Express (P) Ltd.**

This is associated with “**The Indian Express.**”

Counsel

For Appellant: Senior Advocate Zal Andhyarujina, with Revati Desai, Pratyush Gupta and Deepak Y. Chitnis.

For Respondent: Senior Advocate Darius Khambata, with Arun Mohan, Dr. Abhinav Chandrachud, Pranit Kulkarni, Nishita Gupta and Tejasvi Ghag. ([Asset Type Images](#))

Brief facts:

The dispute traces its origins to the history of the Indian Express Group and the arrangements entered into following disputes within the group. The concerned parties executed a Memorandum of Settlement (MOS) dated 5 February 1995, which was subsequently incorporated into a consent decree dated 16 April 1997 passed by the Madras High Court in Civil Suit Nos. 1246 and 1247 of 1992. Thereafter, the parties entered into a Supplemental Agreement dated 12 August 2005, which also received the approval of the Madras High Court. Consequently, the respective rights of the two newspaper groups came to be substantially governed by the MOS, the consent decree, and the Supplemental Agreement. Under these arrangements, the rights of the Indian Express group were recognised, while the Madurai group was permitted to use the name “New Indian Express” subject to specified restrictions. The appellant’s use of the name was principally connected with the States of Tamil Nadu, Kerala, Karnataka, Andhra Pradesh, and Odisha, along with specified Union Territories, including Puducherry, Andaman and Nicobar Islands, and Lakshadweep. This territorial limitation ultimately became the central issue before the Division Bench. The immediate controversy arose when Express Publications organised an event in Mumbai on 20 September 2024 titled “The New Indian Express – Mumbai Dialogue,” involving dignitaries and sponsors. The Indian Express objected on the ground that Mumbai fell outside the geographical territory within which the appellant had been permitted to use the name “New Indian Express” under the settlement arrangements. It alleged that the Mumbai event amounted to a direct breach of the 1995 MOS and the Supplemental Agreement and further contended that the promotional material displayed the title “New Indian Express” in a manner capable of creating confusion, particularly because the word “New” was allegedly not displayed prominently enough, thereby potentially giving viewers the impression that the branding was essentially that of “Indian Express.” Indian Express consequently instituted a commercial suit alleging, inter alia, trademark infringement, passing off, and breach of the binding settlement arrangements, and sought an interim injunction before the Bombay High Court. The matter came before Justice R.I. Chagla, who, by an order dated 13 November 2025, allowed

the interim application and granted an injunction against Express Publications. The learned Single Judge accepted the respondent's interpretation that Express Publications' right to use "New Indian Express" constituted a restricted or permitted use arising from the MOS, rather than an unrestricted proprietary right capable of being exercised throughout India. Aggrieved by the interim order, Express Publications preferred a commercial appeal before the Division Bench of the Bombay High Court comprising Justices Bharati Dangre and Manjusha Deshpande, giving rise to the present proceedings.

Procedural history

The procedural history of the dispute commenced with civil suits instituted before the Madras High Court in 1992, following which the parties entered into a Memorandum of Settlement dated 5 February 1995. The settlement was subsequently incorporated into a consent decree dated 16 April 1997, and the parties thereafter executed a Supplemental Agreement dated 12 August 2005. The immediate cause of the present dispute arose on 20 September 2024, when Express Publications organised the "New Indian Express – Mumbai Dialogue" in Mumbai. Indian Express thereafter instituted a commercial suit alleging, inter alia, trademark infringement, passing off, and breach of the binding settlement arrangements. On 13 November 2025, Justice R.I. Chagla granted an interim injunction against Express Publications. Aggrieved by the said order, Express Publications preferred Commercial Appeal (L) No. 41053 of 2025 before the Division Bench of the Bombay High Court. After hearing the parties, the Division Bench reserved the judgment on 17 April 2026, and Justice Bharati Dangre pronounced the judgment on 15 June 2026.

Main issues before the Division Bench

Issue 1: Whether Express Publications possessed an **independent proprietary right** over the trademark/title "New Indian Express."

Issue 2: Whether its right arose merely as a **permitted/restricted use** under the MOS.

Issue 3: Whether the territorial restriction applied only to actual **publication and circulation of newspapers**, or also extended to **advertising, promotion and commercial events**.

Issue 4: Whether conducting "The New Indian Express – Mumbai Dialogue" in Mumbai violated the MOS.

Issue 5: What was the effect of the appellant's **trademark registration**?

Issue 6: Whether the Division Bench should interfere with the discretionary interim injunction granted by the Single Judge.

Contentions of the appellant -Express Publications

Senior Advocate Zal Andhyarujina, appearing for the appellant, advanced several arguments challenging the interim injunction. First, the appellant contended that "New Indian Express" could not simply be regarded as a derivative of "Indian Express", as Express Publications claimed independent proprietary rights in its own mark and relied upon its trademark registration in support of that position. Secondly, the appellant characterised the Memorandum of Settlement (MOS) as a corporate-cum-family settlement intended

to divide the newspaper businesses between the respective groups, rather than as a conventional trademark-licensing arrangement under which Express Publications merely received permission to use the respondent's mark. The appellant further argued that the territorial restrictions contained in the settlement principally concerned the publication and circulation of the newspaper and did not necessarily prohibit advertising or promotional activities outside the specified territories. On this basis, it sought to distinguish between publishing or circulating the newspaper outside the permitted States and promoting the publication through an event held elsewhere. Accordingly, the "New Indian Express – Mumbai Dialogue" was characterised as a legitimate promotional activity connected with the appellant's publication rather than a prohibited territorial expansion of its newspaper business. The appellant maintained that nothing in the settlement expressly prohibited advertisement or promotion outside the five States and specified Union Territories, and it also relied upon the subsequent conduct of the parties as supporting its interpretation of the settlement arrangements.

Appellant's reliance on trademark registration

Another significant argument advanced by the appellant concerned its registered trademark rights. Express Publications contended that the learned Single Judge had failed to accord sufficient importance to the rights arising from its registration of the mark "New Indian Express" and had consequently imposed an interim injunction that improperly curtailed the exercise of those rights. In support of this contention, the appellant relied upon *S. Syed Mohideen v. P. Sulochana Bai* concerning the relationship between trademark registration and pre-existing or common-law rights. The appellant also relied upon *Godhra Electricity Co. Ltd. v. State of Gujarat* to contend that where the language of a contractual arrangement is doubtful or capable of more than one interpretation, the subsequent conduct of the parties may be considered as an aid in determining how the parties themselves understood and acted upon the agreement. Applying this principle, Express Publications argued that the historical conduct of the parties supported its interpretation that, although its publication rights were territorially restricted under the settlement arrangements, it nevertheless retained the right to advertise and promote its publication outside the specified geographical territory.

Contentions of the respondent -Indian Express

Senior Advocate Darius Khambata, appearing for Indian Express, defended the interim injunction on the ground that the Memorandum of Settlement (MOS) clearly recognised Indian Express's ownership rights while conferring upon Express Publications only a limited and specifically defined right of permitted use. Relying particularly upon Clauses 17, 18, and 19 of the MOS, read with the Supplemental Agreement, the respondent emphasised that the title "Indian Express" belonged absolutely to Indian Express Newspapers (Bombay) Ltd., with rights extending not merely to publication of an English-language newspaper but also to its use across print media, electronic media, and other media, without limitation as to territory or time. In contrast, Express Publications was permitted to use "New Indian Express" for publication of an English-language daily only within the specified States and Union Territories, and the settlement further restricted its use for any other purpose or in any other area or territory for any use whatsoever. Indian Express therefore rejected the appellant's attempted distinction between publication and promotion, contending that the restriction applied to the use and exploitation of the mark itself. According to the respondent, conducting a

sponsored commercial event in Mumbai under the title “The New Indian Express – Mumbai Dialogue” constituted use of the mark outside the contractually permitted territory. It further questioned what independent legal right entitled Express Publications to conduct a branded “New Indian Express” commercial event in Mumbai when its right to use the mark itself arose from the settlement arrangements.

Court’s reasoning

The Division Bench, comprising Justices Bharati Dangre and Manjusha Deshpande, carefully examined the MOS and Supplemental Agreement and identified a clear distinction between the respective rights of the parties. Justice Dangre observed that the rights of the Indian Express group were absolute and unlimited territorially and temporally, whereas the rights conferred upon Express Publications were permissive, purpose-specific, and geographically restricted. Particular significance was attached to the expression “any use whatsoever,” which the Court interpreted broadly as encompassing different forms of exploitation of the mark rather than being confined merely to the physical publication or circulation of newspapers. Consequently, the event titled “The New Indian Express – Mumbai Dialogue” constituted a use of the mark, and since Mumbai fell outside the territory contemplated by the settlement, such use was *prima facie* inconsistent with the agreed restrictions. The Court also rejected the appellant’s attempt to characterise the Mumbai Dialogue merely as permissible advertising or promotional activity, observing that the event involved independent sponsors and commercial or revenue-related activity and therefore could not be detached from exploitation of the “New Indian Express” brand. A central aspect of the Court’s reasoning was that the appellants right flowed from the MOS and Supplemental Agreement and could not travel beyond its source; Express Publications could not rely upon those arrangements to establish its right to use “New Indian Express” while simultaneously disregarding the restrictions forming part of the same settlement. The Division Bench further held that the appellant’s trademark registration did not permit it to escape the contractual restrictions, as the registration had to be considered in the context of the parties’ pre-existing rights, settlement arrangements, consent decree, territorial allocation, and expressly accepted limitations. The Court also attached importance to the fact that the MOS had been accepted by the Madras High Court and incorporated into a consent decree, emphasising that courts should not rewrite an unambiguous settlement voluntarily entered into by sophisticated parties. Finally, applying the principles associated with *Wander Ltd. v. Antox India (P) Ltd.*, the Division Bench observed that an appellate court should not ordinarily substitute its discretion for that of the court granting an interlocutory injunction merely because another view may be possible; interference is warranted only where the exercise of discretion is arbitrary, capricious, perverse, or contrary to settled principles. Finding no such infirmity in Justice R.I. Chagla’s order, the Division Bench declined to interfere with the interim injunction.

Judgment

The Bombay High Court dismissed the commercial appeal, thereby leaving the interim injunction granted by the learned Single Judge operative. The Division Bench upheld the interpretation that Express Publications’ right to use “New Indian Express” remained subject to the geographical and purpose-based restrictions contained in the Memorandum of Settlement and Supplemental Agreement. The practical

consequence of the decision is that Express Publications cannot rely upon its permitted use of the “New Indian Express” title within the specified territories as a basis for undertaking unrestricted branded commercial activities elsewhere in India. In particular, the Court found sufficient justification for restraining the use of the title in connection with “The New Indian Express – Mumbai Dialogue” event held in Mumbai, since such use occurred outside the territory contemplated by the binding settlement arrangements.

Ratio decidendi

The principal ratio can be stated as follows:

Where trademark usage rights arise from a binding settlement and consent decree that expressly restrict the purpose and geographical territory of such use, the permitted user cannot rely upon subsequent trademark registration to enlarge those rights beyond the source from which they arise. Broad contractual language prohibiting “any use whatsoever” outside the permitted territory can extend to commercial promotion and branded events, and not merely to physical publication or circulation of the newspaper.

A second important principle is:

An appellate court should not interfere with a discretionary interim injunction merely because another view is possible; interference requires arbitrariness, perversity or a legally erroneous exercise of discretion.

Analysis of Justice Dangre’s reasoning

The judgment is particularly significant because the dispute was not merely a conventional trademark infringement case, but involved the interaction between trademark law, contract law, and consent decrees. Although Express Publications possessed trademark-related rights in “New Indian Express,” the Court addressed the more fundamental question of the source of those rights and the limitations accompanying them. Once the Memorandum of Settlement and Supplemental Agreement were treated as the foundation of the appellant’s entitlement, the geographical and purpose-based restrictions contained in those arrangements could not be separated from the benefits conferred under the same settlement. This aspect of the judgment is particularly relevant to intellectual property law because it demonstrates that possession of a registered trademark does not necessarily override contractual restrictions previously accepted by the proprietor or permitted user. Parties may contractually determine geographical divisions, permitted fields of use, media restrictions, coexistence arrangements, licensing conditions, or limitations upon commercial exploitation of a brand, and such obligations must be considered alongside the statutory rights arising from trademark registration. Justice Bharati Dangre’s reasoning therefore reinforces the principle that statutory trademark registration and contractual obligations must be read together, and that registration cannot be used as a means of escaping a binding contractual allocation or limitation of trademark rights.

Critical analysis

The judgment gives substantial importance to the principle of commercial certainty, particularly in the context of a settlement designed to resolve a longstanding corporate and family dispute involving valuable newspaper and trademark rights. The 1995 Memorandum of Settlement represented a carefully negotiated allocation of rights between the parties, and permitting either side to subsequently enlarge its entitlement merely by characterising an activity as “promotion” rather than “publication” could undermine the effectiveness of the agreed territorial arrangement. The Court therefore attached considerable significance to the deliberately expansive language employed in the settlement, particularly the expression “any use whatsoever,” in determining the scope of the restrictions accepted by the parties. At the same time, the decision must be understood in its proper procedural context, as it was rendered at the interim stage while the Division Bench was reviewing an interlocutory injunction rather than finally adjudicating every issue in the underlying commercial suit after a full trial. Consequently, when the judgment is relied upon for academic or precedential purposes, its interim procedural posture should be expressly acknowledged, particularly when assessing the broader implications of its observations concerning trademark rights, contractual restrictions, and territorial limitations.

Significance of the judgment

The decision is particularly useful for legal research across several interconnected areas of law. In trademark law, it examines the relationship between registered rights and contractually permitted use; in contract law, it illustrates the interpretation and enforcement of negotiated commercial settlements; and in the field of intellectual property licensing and coexistence arrangements, it highlights the legal significance of territorial and purpose-based restrictions on the use of a mark. The judgment is also relevant to civil procedure, particularly because the settlement arrangements were incorporated into a consent decree, and to commercial appellate jurisdiction, as the Division Bench considered the limited circumstances in which an appellate court may interfere with a discretionary order granting an interim injunction. Additionally, the dispute has significance for media law, especially concerning the ownership, use, and geographical exploitation of established newspaper brands. The decision therefore represents a notable commercial and intellectual property judgment involving Justice Bharati Dangre in 2026, demonstrating the intersection of trademark rights, contractual obligations, consent decrees, and principles governing interlocutory relief.

Conclusion

Express Publications (Madurai) Pvt. Ltd. v. The Indian Express (P) Ltd., 2026:BHC-OS:13694-DB, was **reserved on 17 April 2026 and pronounced on 15 June 2026** by the Division Bench of **Justices Bharati Dangre and Manjusha Deshpande**, with the judgment authored by Justice Dangre.

The Bombay High Court upheld the interim injunction against Express Publications. It concluded that the appellant’s entitlement to use “**New Indian Express**” flowed from the 1995 MOS and Supplemental Agreement and was subject to their territorial and purpose-based restrictions. The Court rejected the argument that a branded commercial event in Mumbai could escape those restrictions merely by being characterised as

promotion or advertising. It also found no basis under the *Wander v. Antox* standard to interfere with the Single Judge's discretionary interim order.

The key principle is straightforward: **a party that derives its right to use a mark from a negotiated settlement cannot claim the benefit of that settlement while discarding the limitations attached to the very same right.**

Judgment No.14

Hanif S/o Haji P. Kunhi Ahmed & Anr. v. Mumbai Municipal Corporation & Ors.

This is a short but useful **2026 Bombay High Court municipal-law judgment** authored by Justice **Bharati Dangre**, concerning **unauthorised advertising hoardings, Sections 328 and 328A of the Mumbai Municipal Corporation Act, municipal permission, responsibility of occupants and advertisers, and MCGM's duty to act against unauthorised displays.**

Name of Court:

High Court of Judicature at Bombay, Ordinary Original Civil Jurisdiction

Case Name:

Hanif S/o Haji P. Kunhi Ahmed & Anr. v. The Mumbai Municipal Corporation of Greater Mumbai & Ors.

Case Number: Writ Petition No. 260 of 2019

Neutral Citation: 2026:BHC-OS:13204-DB

Year: 2026

Date of Judgment: 9 June 2026

Bench / Coram: Justice Bharati Dangre and Justice Manjusha Deshpande

Author: Justice Bharati Dangre

The judgment is expressly headed:

“Judgment [Per Bharati Dangre, J.]”.

Oral or Reserved Judgment?

This was **not a reserved judgment**. The Court made Rule returnable forthwith and heard the matter. The judgment does not record a separate reservation date.

Therefore, for your compilation, it is safest to record:

Nature: Judgment [Per Bharati Dangre, J.] - not separately designated “Oral Judgment”; no reservation date recorded.

Petitioners

Hanif S/o Haji P. Kunhi Ahmed

Age: 50 years; occupation: business.

Mohammed Kunhi S/o Haji P.K. Ahmed

Age: 62 years; occupation: business.

Both carried on business under the name “**Junction Restaurant**” at Mahim Junction, Mumbai.

Respondents

1. Mumbai Municipal Corporation of Greater Mumbai (MCGM)

2. Senior Inspector (Licence), G/North Ward

3. M/s Tahami Outdoor Advertising, through proprietor Mohammed Burhaani Achwa.

Counsel for Petitioners: S.P. Srivastava.

For MCGM: Prakash Chavan with Shruti K.

Brief Facts

The petitioners were in occupation and possession of tenanted premises known as Junction Restaurant, situated at 479/E, opposite St. Michael’s Church, Veer Savarkar Marg, Mahim Junction, Mumbai, comprising the ground floor, upper floor, and terrace. The restaurant business was conducted from the ground floor, the upper floor was used for residential purposes, and the terrace was utilised for displaying advertising hoardings. According to the petitioners, they regularly paid the municipal assessments relating to their premises and the hoarding sites. An agreement had been executed permitting an advertiser to erect advertising hoardings measuring 40 × 15 feet and 20 × 20 feet, facing traffic travelling from Shivaji Park towards Bandra. Under the terms of the agreement, the advertiser was specifically required to obtain the necessary permission from the Municipal Corporation and directly pay all applicable municipal taxes, licence fees, and charges to the municipal authorities. The agreed consideration for the arrangement was ₹40,000 per month, payable in advance. The dispute arose when, according to the petitioners, Respondent No. 3 failed to pay the requisite licence fee, while the municipal authorities allegedly failed to remove the hoardings despite complaints made by the petitioners. Consequently, the petitioners invoked the writ jurisdiction of the Bombay High Court under Article 226 of the Constitution, seeking directions to MCGM and its officers to remove the hoardings displayed by Respondent No. 3 at Junction Restaurant, take immediate municipal action in respect of those hoardings, and proceed against Respondent No. 3 for allegedly displaying them wrongfully. Thus, the unusual feature of the dispute was that the occupants who had originally permitted the advertising activity were themselves seeking municipal action against the advertiser.

Procedural History

The dispute had a longer factual and procedural background. MCGM disclosed that earlier permissions had been granted to M/s Golden India under Permit No. 72021 and M/s Deepak Arts under Permit No. 72020 for displaying hoardings above Junction Restaurant. Both entities had paid the requisite advertisement fees, and their permissions were renewed up to December 2000. However, after December 2000, the prescribed advertisement fees were not paid and, according to MCGM, the permissions consequently stood automatically cancelled and were not renewed from January 2001 onwards. The petitioners had also previously instituted Suit No. 66 of 2001 before the Bombay City Civil Court, substantially seeking a declaration challenging the Municipal Corporation's authority to grant licences to M/s Deepak Arts and M/s Golden India for advertisements at the concerned hoarding site without the petitioners' permission. The City Civil Court dismissed the suit on 20 December 2008, following which the petitioners preferred a First Appeal before the Bombay High Court, which was admitted on 3 March 2009. Justice Bharati Dangre, however, highlighted an important distinction between those earlier proceedings and the present writ petition: the previous litigation concerned M/s Golden India and M/s Deepak Arts, whereas the advertiser involved in the present proceedings was a different entity. Accordingly, the earlier litigation did not directly determine the controversy concerning the advertiser against whom relief was sought in the present writ petition.

Petitioners' Contentions

The petitioners contended that they were the lawful occupants of the premises, including the terrace of Junction Restaurant, and that Respondent No. 3 was displaying advertising hoardings without complying with its obligations concerning the requisite municipal permission and licence fees. According to the petitioners, despite repeated complaints, MCGM failed to remove the allegedly unauthorised hoardings or take appropriate action against the advertiser. They therefore invoked the writ jurisdiction of the Bombay High Court seeking directions compelling MCGM to exercise its statutory powers. In substance, their case was that if Respondent No. 3 did not possess valid municipal authorisation for displaying the hoardings, MCGM was legally required to remove them and initiate appropriate action against the advertiser.

MCGM's Preliminary Objection

MCGM opposed the writ petition and raised an objection regarding its maintainability, contending that the controversy involved disputed questions of fact that could not appropriately be resolved in proceedings under Article 226 of the Constitution. Significantly, however, MCGM's affidavit contained factual assertions that materially affected the controversy. The Corporation categorically stated that no individual permission had been granted to the petitioners for displaying advertisements at the Junction Restaurant site and further asserted that the petitioners themselves had permitted Respondent No. 3 to display advertisements without obtaining the requisite municipal permission. This substantially altered the complexion of the dispute because, while the petitioners had approached the Court seeking municipal action against Respondent No. 3 for allegedly unauthorised hoardings, MCGM's own material indicated that the petitioners themselves may have facilitated or permitted the unauthorised advertising activity.

The relevant statutory framework governing the dispute is contained in Sections 328 and 328A of the Mumbai Municipal Corporation Act. Section 328 regulates advertisements and signs and requires municipal permission in circumstances falling within the scope of the provision. Section 328A specifically regulates sky-signs and advertisements and empowers the Municipal Corporation to exercise control over their erection, exhibition, and retention. Read together, these provisions establish that advertisements or hoardings covered by the statutory scheme cannot lawfully be erected or displayed without obtaining the requisite municipal authorisation. Accordingly, compliance with Sections 328 and 328A constituted an important legal requirement for determining the legality of the hoardings displayed at the Junction Restaurant premises.

Main Issues Raised

The case effectively raised these questions:

Issue 1: Whether the hoardings displayed at Junction Restaurant had valid municipal permission.

Issue 2: Whether MCGM was required to take action against an advertiser displaying hoardings without the permissions contemplated by Sections 328 and 328A.

Issue 3: Whether action should be confined to the advertiser or could also extend to the petitioners who had permitted the hoarding to be displayed.

Issue 4: What was the effect of the Bombay High Court's existing guidelines governing outdoor hoardings.

Important Precedent

Justice Bharati Dangre relied upon the Bombay High Court's decision in *Dr. Anahita Pandole & Anr. v. State of Maharashtra & Ors., Writ Petition No. 1132 of 2002*, in which the Court had issued various guidelines governing the display of advertising hoardings. Justice Dangre emphasised that these guidelines are binding not only upon the Municipal Corporation, which is responsible for regulating and supervising such advertisements, but also upon persons seeking to erect or display advertising hoardings. Accordingly, both the municipal authorities and private parties engaged in outdoor advertising are required to comply with the regulatory framework and the directions laid down by the Court.

Justice Dangre's Reasoning

The Court attached decisive significance to MCGM's categorical statement that no individual permission had been granted to the petitioners for the advertisement site and observed that, if this position was correct, there was no justification for the Corporation to remain inactive. At the same time, Justice Bharati Dangre did not accept the petitioners' attempt to place responsibility exclusively upon Respondent No. 3. The Court reasoned that municipal action could legitimately extend both to the petitioners, for permitting the hoarding to be displayed on the premises, and to Respondent No. 3, for actually displaying the hoarding. This was an important aspect of the decision because the petitioners had approached the Court essentially seeking action against the advertiser, whereas the material before the Court indicated that they themselves had permitted the use of the terrace for the advertising activity. The Court therefore made it clear that writ jurisdiction could not be invoked to shift the entire regulatory responsibility onto a third-party advertiser where

the petitioners themselves were involved in facilitating the allegedly unauthorised display. Accordingly, if the hoarding was being displayed without satisfying the applicable legal requirements, MCGM was expected to take appropriate action against both the petitioners and Respondent No. 3. The Court further emphasised that any hoarding displayed at the site must strictly conform to the parameters and guidelines laid down by the Bombay High Court and consequently directed the Corporation to take appropriate action in accordance with law.

Final Judgment

The Bombay High Court disposed of the writ petition without simply granting the relief sought by the petitioners exclusively against Respondent No. 3. Instead, the Court directed MCGM to take appropriate regulatory action in respect of the concerned hoarding in accordance with law. The Court clarified that such action could extend both to the petitioners, for permitting the display of the hoarding, and to Respondent No. 3, for actually displaying it, unless the hoarding strictly complied with the applicable statutory requirements, legal parameters, and the guidelines laid down by the Bombay High Court governing the display of advertising hoardings.

Ratio Decidendi

The principle emerging from the judgment can be formulated as:

Advertising hoardings governed by Sections 328 and 328A of the Mumbai Municipal Corporation Act cannot lawfully be displayed without the requisite municipal permission and compliance with binding judicial guidelines. Where an unauthorised hoarding is displayed, municipal enforcement need not be confined to the advertising agency; action may also be taken against the person who permitted the unauthorised display on the premises.

A property holder or occupier therefore cannot avoid regulatory responsibility merely by contracting with an outdoor advertising agency.

Analysis

The judgment is significant because it clearly distinguishes between private contractual permission and public-law regulatory permission. In the present context, two distinct forms of authorisation were involved: first, the private permission granted by the owner or occupier allowing an advertiser to use the terrace for displaying a hoarding, and secondly, the statutory permission required from MCGM for the lawful display of such advertisement under municipal law. The Court's approach demonstrates that the former cannot substitute for the latter. Even where a private agreement expressly places the responsibility for obtaining the necessary municipal licences and paying applicable charges upon the advertiser, such contractual allocation of responsibility cannot legalise a hoarding that lacks the mandatory approval of the competent municipal authority. The decision therefore reinforces an important principle of administrative law that private contractual arrangements cannot override, dispense with, or replace mandatory statutory requirements imposed in the public interest.

Critical Analysis

The Court's approach prevents property owners and occupiers from circumventing municipal advertising regulations through private contractual arrangements. If regulatory action could be taken only against the advertising agency, an owner or occupier could potentially derive commercial benefit from an unauthorised hoarding while avoiding responsibility on the ground that obtaining the necessary municipal permission was contractually assigned to the advertiser. Justice Bharati Dangre's approach avoids such a result by recognising that regulatory responsibility may extend to both the person who permits the unauthorised display and the person who actually displays the hoarding. At the same time, the judgment is relatively brief, extending to only five pages, and does not undertake an elaborate interpretation of Sections 328 and 328A of the Mumbai Municipal Corporation Act. Its principal significance therefore lies in reinforcing municipal regulatory enforcement, shared responsibility for compliance, and the application of existing High Court guidelines governing advertising hoardings, rather than in developing an extensive new legal doctrine.

Conclusion

Hanif S/o Haji P. Kunhi Ahmed & Anr. v. Mumbai Municipal Corporation & Ors., 2026:BHC-OS:13204-DB, decided on **9 June 2026**, was authored by **Justice Bharati Dangre** for the Division Bench comprising Justice Dangre and Justice Manjusha Deshpande.

The Court found it significant that MCGM itself stated that no valid individual permission had been granted for the advertising display. It therefore directed the Corporation to take appropriate action not merely against the outdoor advertising agency but, where warranted, **against the petitioners themselves for permitting the hoarding to be displayed.**

The judgment reinforces three principles: **private permission does not replace statutory municipal permission; outdoor advertisements must comply with Sections 328/328A and binding High Court guidelines; and both advertisers and persons permitting unauthorised displays may face municipal action.**

Judgment No.15**Roselind Pauly & Ors. v. State of Maharashtra & Ors.**

This is a useful **2026 land and forest-law judgment authored by Justice Bharati Dangre**, dealing with the Maharashtra Private Forests (Acquisition) Act, 1975, Section 35 of the Indian Forest Act, 1927, service of statutory notice, vesting of private forests in the State, mutation entries, and restoration of landowners' names in revenue records. The decision disposed of **five connected writ petitions.**

Court: High Court of Judicature at Bombay, Civil Appellate Jurisdiction

Lead case: *Roselind Pauly & Ors. v. State of Maharashtra through Principal Secretary, Revenue and Forest Department & Ors.*

Connected cases:

Writ Petition No. 4247 of 2026 — *Roselind Pauly & Ors.*

Writ Petition No. 4248 of 2026 — *Vidya Vinayak Donde*

Writ Petition No. 4249 of 2026 — *Vishal Sudhakar Turkar*

Writ Petition No. 4251 of 2026 — *Mukesh Popatlal Dedhia*

Writ Petition No. 4254 of 2026 — *Shantilal Dayaram Thakkar*

Neutral Citation: 2026:BHC-AS:21538-DB

Date of Judgment: 28 April 2026

Bench: Justice Bharati Dangre and Justice Manjusha Deshpande

Author: Justice Bharati Dangre.

Oral or reserved?

The judgment records only “**DATED: 28th April, 2026**” and is headed “**JUDGMENT (Per Bharati Dangre, J.)**”. It does not record separate reserved and pronouncement dates and does not expressly call itself an “Oral Judgment.”

For your compilation, record it as:

Judgment (Per Bharati Dangre, J.); not expressly designated oral; no separate reservation date recorded.

Brief facts:

All five writ petitions concerned different parcels of land situated at Village Yeoor, Taluka and District Thane, with the common controversy arising from Mutation Entry No. 616. By virtue of this mutation entry, the name of the State Government had been entered in the revenue records on the basis that the concerned lands constituted “Maharashtra Government Reserved Forest.” The petitioners challenged the validity of this entry, contending that their respective lands had never lawfully acquired the status of private forests or vested in the State because the mandatory statutory procedure necessary for such vesting had not been completed. The petitions related to different portions of Gat No. 18: Writ Petition No. 4247 of 2026 concerned Gat No. 18, Hissa No. 2P, admeasuring approximately 4,000 sq. metres; Writ Petition No. 4248 of 2026 concerned Hissa No. 2B, admeasuring approximately 10,395 sq. metres; Writ Petition No. 4249 of 2026 concerned Hissa No. 2E, admeasuring approximately 6,396 sq. metres; Writ Petition No. 4251 of 2026 concerned Hissa No. 2A, admeasuring approximately 10,396 sq. metres; and Writ Petition No. 4254 of 2026 concerned Hissa No. 2M, admeasuring approximately 10,400 sq. metres. Despite differences in the specific parcels and their areas, all five petitions raised the same fundamental issue concerning the legality of Mutation Entry No. 616 and the State’s claim that the lands had vested as reserved forest land.

Procedural background

The controversy surrounding the forest-related mutation entries at Village Yeoor was not entirely new. The Bombay High Court had previously considered Mutation Entry No. 616 in *Dr. Arjun Sitaram Nitnwar v. State of Maharashtra*, decided on 3 February 2015 and reported at 2015 (6) Mh.L.J. 634, which concerned other Gat numbers situated in Village Yeoor. In that case, the Division Bench held that, in the absence of proof establishing service of the statutory notice under Section 35(3) and issuance of a final notification under Section 35(1), the concerned lands could not lawfully be treated as private forests vesting in the State Government. The petitioners in the present proceedings also relied upon another decision of the Bombay High Court dated 8 August 2024 in Writ Petition No. 7430 of 2023, which concerned Mutation Entry No. 615. In that proceeding, relying upon the principles laid down in *Dr. Arjun Sitaram Nitnwar*, the Court similarly declared the mutation entry illegal insofar as it related to the petitioners' lands and directed the deletion of the private-forest entry from the relevant revenue records.

Petitioners' contentions

The petitioners principally contended that their cases were squarely governed by the Bombay High Court's decision in *Dr. Arjun Sitaram Nitnwar v. State of Maharashtra*. Their argument rested upon two essential statutory deficiencies. First, they submitted that even assuming notices under Section 35(3) of the Indian Forest Act, 1927 had been prepared or issued in respect of the concerned lands, there was no material demonstrating that such notices had actually been validly served upon the respective landowners. According to the petitioners, mere issuance of a notice, without proof of its service upon the affected landholder, was insufficient to satisfy the statutory requirement. Secondly, the petitioners contended that no final notification under Section 35(1) had been issued in respect of their lands and, consequently, the statutory process necessary for treating the properties as private forests had never been completed. On this basis, they argued that Mutation Entry No. 616 lacked any lawful foundation. If the lands had never legally acquired the status of "private forests," they could not automatically vest in the State under the Maharashtra Private Forests (Acquisition) Act, 1975. The petitioners therefore sought deletion of the State Government's name from the relevant revenue records and restoration of the entries that existed prior to Mutation Entry No. 616.

Respondent-State's position

The State's response ultimately assumed decisive significance in the proceedings. On instructions, the learned Government Advocate made a categorical statement before the Division Bench that although notices under Section 35(3) of the Indian Forest Act, 1927 had been issued to the respective landowners, there was no proof demonstrating their actual receipt or service. More significantly, the State expressly conceded that no final notification under Section 35(1) of the Indian Forest Act, 1927 had been issued in respect of the concerned lands. These admissions substantially undermined the legal foundation for treating the petitioners' lands as private forests and consequently for asserting that they had vested in the State Government under the applicable statutory framework.

Issues raised

The principal issues were:

Issue 1: Whether merely issuing a Section 35(3) notice, without proof of service upon the landowner, was sufficient to make the land a “private forest.”

Issue 2: Whether land could vest in the State under the Maharashtra Private Forests (Acquisition) Act, 1975 when no final notification under Section 35(1) of the Indian Forest Act had been issued.

Issue 3: Whether Mutation Entry No. 616 recording the State Government as holder could survive in these circumstances.

Issue 4: Whether the petitioners were entitled to the same relief already granted in *Dr. Arjun Sitaram Nitnwar*.

Relevant statutory provisions

The Court examined the interaction between the Indian Forest Act, 1927 and the Maharashtra Private Forests (Acquisition) Act, 1975. Under the Indian Forest Act, particular significance was attached to Section 35(1), which concerns governmental action for the protection of forests for specified purposes, and Section 35(3), which requires notice to be given to the concerned owner and provides an opportunity to show cause before a notification under Section 35(1) is issued. The statutory scheme thus contemplates that an affected landowner must receive an opportunity to raise objections and produce relevant evidence before the prescribed action is taken. The Court also considered the Maharashtra Private Forests (Acquisition) Act, 1975, particularly Section 2(f)(iii), which forms part of the statutory definition of a “private forest,” and Section 3(1), which provides for the vesting of private forests in the State Government. The interaction between these provisions was central to determining whether the petitioners’ lands had lawfully acquired the status of private forests and consequently vested in the State.

Supreme Court precedent

An important authority considered in this context was the Supreme Court’s decision in *Godrej & Boyce Manufacturing Co. Ltd. v. State of Maharashtra*, (2014) 3 SCC 430, which had also been applied by the Bombay High Court in *Dr. Arjun Sitaram Nitnwar v. State of Maharashtra*. The significant principle emerging from these authorities was that service of the notice contemplated under Section 35(3) of the Indian Forest Act, 1927 upon the concerned landowner is a material statutory requirement. Merely demonstrating that such a notice had been prepared, generated, or issued does not by itself establish compliance with the statutory procedure. The requirement of service assumes importance because the statutory scheme is intended to provide the affected owner with an opportunity to raise objections and place relevant material before the authorities prior to further action concerning the land.

Justice Dangre's reasoning

Justice Bharati Dangre compared the factual circumstances of the five petitions with those considered in *Dr. Arjun Sitaram Nitnwar v. State of Maharashtra* and found the position to be materially identical: notices under Section 35(3) were stated to have been issued, there was no proof of their service upon the concerned landowners, and no final notification under Section 35(1) had been issued. The Division Bench therefore found no principled basis for treating the present petitioners differently and held that they were entitled to the same relief granted in the earlier case. The Court emphasised that the requirement under Section 35(3) of the Indian Forest Act, 1927 is not a mere administrative formality; its purpose is to provide the affected landowner with notice, a reasonable opportunity to show cause, an opportunity to raise objections, and an opportunity to produce relevant evidence. Where the notice is not proved to have been served, these procedural safeguards are effectively denied, and the statutory requirement cannot be regarded as satisfied merely because official records indicate that a notice was “issued.” The absence of a final notification under Section 35(1) constituted an additional and equally significant defect, since the alleged Section 35(3) notices had never culminated in the further statutory action contemplated by the Act. Applying the reasoning adopted in the earlier precedent, the Court held that such unserved notices, which had not resulted in a Section 35(1) notification, could not sustain the State’s claim of vesting. Consequently, the respective lands involved in the five petitions were held not to constitute “private forests” within the meaning of Section 2(f)(iii) of the Maharashtra Private Forests (Acquisition) Act, 1975 on the basis asserted by the State, and therefore had not vested in the State Government under Section 3(1) on that basis. Since the statutory foundation for the State’s claim was absent, the Court directed that Mutation Entry No. 616 be cancelled insofar as it related to each of the five parcels involved in the petitions. Importantly, the Court did not invalidate Mutation Entry No. 616 universally in respect of every property to which it might relate; the relief was expressly confined qua the specific lands forming the subject matter of the five writ petitions.

Final judgment

The Bombay High Court allowed all five writ petitions and granted relief in respect of each of the concerned parcels of land. The Court declared that the respective lands could not be treated as “private forests” within the meaning of Section 2(f)(iii) of the Maharashtra Private Forests (Acquisition) Act, 1975 on the basis asserted by the State, and consequently had not vested in the State Government under Section 3(1) of the Act. Accordingly, Mutation Entry No. 616 was cancelled insofar as it related to the lands forming the subject matter of the five petitions. The Court further directed that the previous entries in the Record of Rights be restored and that the names of the respective petitioners be reinstated in the corresponding 7/12 extracts, thereby restoring the revenue-record position that existed prior to the impugned mutation entry.

Ratio decidendi

The ratio can be stated as follows:

For land to acquire the relevant character of a “private forest” based upon proceedings under Section 35 of the Indian Forest Act, mere issuance of a Section 35(3) notice is insufficient. Service upon

the owner is a substantive statutory requirement. Where there is no proof of service and no final notification under Section 35(1), the resulting claim that the land vested in the State under the Maharashtra Private Forests (Acquisition) Act cannot be sustained on that basis.

Consequently, a revenue mutation entry founded solely upon such defective proceedings is liable to be cancelled.

Analysis

The judgment provides a strong illustration of how procedural safeguards can produce significant substantive consequences for property rights. At first glance, the distinction between whether a notice under Section 35(3) of the Indian Forest Act, 1927 was merely “issued” or was actually “served” may appear technical, but the distinction is fundamental. Issuance concerns the Government’s internal act of preparing or dispatching the notice, whereas service determines whether the affected landowner was actually brought within the statutory decision-making process and afforded an opportunity to challenge the proposed action, raise objections, and produce relevant evidence. Without valid service, these statutory protections become ineffective. Justice Bharati Dangre’s reasoning therefore treats service not as a minor procedural irregularity but as a requirement affecting the legal foundation of the State’s claim over the land. The decision is also significant from a property-rights perspective because a revenue mutation recording land as Government or private forest can have substantial consequences for ownership records, development rights, transferability, financing, land valuation, and future land use. Given these consequences, the State must be able to establish the statutory basis upon which such an entry has been made. A mere administrative entry in a 7/12 extract or other revenue record cannot independently cure the absence of the statutory conditions necessary for lawful vesting of the land in the State.

Critical analysis

The judgment is persuasive because it promotes consistency and equality in judicial treatment. The same Mutation Entry No. 616, together with materially similar statutory deficiencies, had already been considered by the Bombay High Court in *Dr. Arjun Sitaram Nitnwar v. State of Maharashtra*. Once the State itself acknowledged that there was no proof of service of the Section 35(3) notices and that no final notification under Section 35(1) of the Indian Forest Act, 1927 had been issued, reaching a different conclusion in respect of the present landowners would have resulted in inconsistent treatment despite materially identical circumstances. Justice Bharati Dangre therefore appropriately applied the existing precedent uniformly to the lands involved in the five petitions. However, the judgment should not be understood or cited as establishing the broader proposition that these lands can never be governed by any forest legislation. The conclusion was confined to the particular statutory basis upon which the State had claimed that the lands constituted private forests and had vested in it. Importantly, the precedent considered by the Court left open the possibility that other provisions of the Indian Forest Act, 1927 or the Forest (Conservation) Act, 1980 might independently apply where their respective statutory requirements are satisfied.

Conclusion

***Roselind Pauly & Ors. v. State of Maharashtra & Ors.*, 2026:BHC-AS:21538-DB**, decided on **28 April 2026**, was authored by **Justice Bharati Dangre** for the Division Bench comprising Justice Dangre and Justice Manjusha Deshpande.

The High Court held that the State could not sustain its claim of private-forest vesting where **there was no proof that Section 35(3) notices were served upon the landowners and admittedly no final Section 35(1) notification had been issued**. Applying *Godrej & Boyce* and the earlier *Dr. Arjun Sitaram Nitnwar* decision, it cancelled Mutation Entry No. 616 in relation to the five parcels and directed restoration of the petitioners' names in the revenue records.

This judgment is particularly useful for **forest law, property law, administrative law, natural justice, revenue records and statutory vesting of private property**.

Judgment No.16**Acme Housing India Pvt. Ltd. & Anr. v. State of Maharashtra & Ors.**

This is a significant **2026 Bombay High Court land-development and Urban Land Ceiling judgment authored by Justice Bharati Dangre**. It concerns the effect of a **revised surplus-land determination under the Urban Land (Ceiling and Regulation) Act, 1976 (ULC Act)** on an earlier Section 20 exemption, the effect of repeal of the ULC Act, revenue mutation entries, and restrictions placed on a real-estate development.

Court: High Court of Judicature at Bombay, Civil Appellate Jurisdiction

Case: *Acme Housing India Pvt. Ltd. & Anr. v. State of Maharashtra & Ors.*

Case No.: Writ Petition No. 2612 of 2021

Neutral Citation: 2026:BHC-AS:8418-DB

Year: 2026

Reserved on: 4 February 2026

Pronounced on: 12 February 2026

Bench/Coram: Justice Bharati Dangre and Justice Manjusha Deshpande

Author: Justice Bharati Dangre

Oral judgment?

No. This was expressly a **reserved judgment**, reserved on 4 February and pronounced on 12 February 2026.

Petitioners

Petitioner No. 1: Acme Housing India Pvt. Ltd., a company engaged in real-estate development.

Petitioner No. 2: Its Director.

Respondents

State of Maharashtra;

Thane Municipal Corporation (TMC);

concerned Town Planning authorities;

Collector/Competent Authority; and

concerned revenue authorities.

For Petitioners: Senior Advocate Dr. Birendra Saraf with Bhushan Deshmukh, Jasmine Kachalia, Viren Mandhle and Sahil Singh.

For State: Special Counsel Ashutosh Kulkarni with Karan Thorat, V.G. Badgajar, AGP, and Sarthak Diwan.

For TMC: Vedant Bende holding for Mandar Limaye.

Property involved

The dispute concerned land situated at:

Village Chitalsar, Manpada, Thane, comprising:

Gut No. 61/1 — 46,400 sq. metres

Gut No. 61/2 — 8,100 sq. metres

Total: 54,500 sq. metres.

Acme Housing claimed ownership of this land and was undertaking development on it.

Brief facts:

The controversy had its origins several decades earlier when the previous owner, M/s Shah Malleable Castings Ltd., filed a return under Section 6(1) of the Urban Land (Ceiling and Regulation) Act, 1976 (ULC Act). Following an inquiry, the Competent Authority passed an order under Section 8(4) on 25 July 1985, initially declaring 20,622.80 sq. metres as surplus vacant land, comprising 12,522.80 sq. metres from Gut No. 61/1 and 8,100 sq. metres from Gut No. 61/2. The company thereafter sought exemption under Section 20 of the ULC Act, and on 21 January 1986, the Department of Industries granted an exemption in respect of 35,156.18 sq. metres, subject to several conditions relating to the use of the land, restrictions upon transfer of the exempted property, and requirements concerning portions of the property to be kept vacant. This 1986 exemption order subsequently became the principal source of controversy. A significant change occurred on 20 November 1997, when a revised order under Section 8(4) was passed and the extent of surplus vacant land was drastically reduced from the originally determined 20,622.80 sq. metres to only 114.72 sq. metres. Acme Housing contended that once this revised determination was made, the earlier 1985 surplus-land order and the consequential 1986 Section 20 exemption ceased to have independent legal efficacy, as the statutory process

thereafter proceeded on the basis that only 114.72 sq. metres constituted surplus land. Justice Bharati Dangre ultimately accepted the substance of this contention. Following the revised determination, the authorities initiated acquisition proceedings concerning the 114.72 sq. metres, including a notification under Section 10(1) in 2005 and a subsequent notification under Section 10(3) dated 25 November 2005, thereby demonstrating that the post-1997 ULC proceedings themselves treated only 114.72 sq. metres as surplus land. The legal position was further affected when Maharashtra adopted the Urban Land (Ceiling and Regulation) Repeal Act, 1999 with effect from 29 November 2007. Acme Housing subsequently pursued development of the property, including under the applicable Rental Housing Scheme, and obtained various development and layout permissions. However, in August 2017, Mutation Entry No. 1052 was recorded in relation to various Gut numbers, including portions of Gut Nos. 61/1 and 61/2, and the revenue record continued to reflect restrictions arising from the earlier ULC exemption. Acme objected to the entry on the ground that such restrictions could not legally survive the 1997 revised determination and repeatedly sought their deletion. The controversy intensified when, on 25 February 2021, the authorities directed that the revenue record should reflect the ULC industrial-purpose exemption together with a prohibition on transfer without prior Government permission, resulting in Mutation Entry No. 1125 being recorded in the 7/12 extract relating to Gut No. 61/1. Acme challenged this action, particularly after the municipal and town-planning authorities issued communications dated 25 May 2021 and 10 June 2021 restricting the continuation of construction on the property. These developments ultimately led Acme Housing to invoke the writ jurisdiction of the Bombay High Court under Article 226 of the Constitution.

Procedural history before the High Court

Acme Housing instituted Writ Petition No. 2612 of 2021 before the Bombay High Court challenging the actions affecting its development rights over the concerned property. During the pendency of the proceedings, the Court permitted the developer to place additional submissions before the competent authorities, and an earlier stop-work order was set aside with a direction that the matter be reconsidered after granting Acme a fresh hearing. Following such reconsideration, the authorities passed further decisions adverse to the developer, as a result of which Acme amended the writ petition to challenge those subsequent communications as well. At the stage of final hearing, Senior Advocate Dr. Birendra Saraf, appearing for Acme, clarified that the petitioner was not pressing its broader prayer for a declaration that the ULC proceedings had abated under Section 3(1)(a) of the Urban Land (Ceiling and Regulation) Repeal Act, 1999. The principal challenge was therefore confined to the legality of Mutation Entry No. 1125, the restrictions recorded against the concerned land, the municipal and town-planning communications that had resulted in stoppage of development activity, and the authorities' continued reliance upon the 1986 exemption granted under Section 20 of the ULC Act.

Petitioners' contentions

Acme Housing principally contended that the revised order dated 20 November 1997 passed under Section 8(4) of the Urban Land (Ceiling and Regulation) Act, 1976 had superseded and replaced the earlier determination dated 25 July 1985, under which 20,622.80 sq. metres had originally been declared surplus

vacant land. Consequently, the earlier determination could no longer govern the legal status of the property. Acme further argued that the 1986 exemption granted under Section 20 had been founded upon the earlier surplus-land position and, once the Competent Authority recomputed the surplus land at only 114.72 sq. metres, the exemption could not continue indefinitely to impose restrictions over the substantially larger area of 35,156.18 sq. metres. On this basis, the petitioner contended that Mutation Entry No. 1125, which sought to revive or continue restrictions arising from the 1986 exemption, lacked a valid legal foundation. It was further submitted that once those ULC-related restrictions ceased to have legal efficacy, the Thane Municipal Corporation (TMC) could not prevent or suspend development merely because the State authorities had restored the old exemption-related entry in the revenue records. In support of these submissions, Acme principally relied upon *Essen Realtors, Pune v. State of Maharashtra & Ors.*, *Bombay Fibre Industries Pvt. Ltd. & Anr. v. State of Maharashtra & Anr.*, and the Supreme Court's decision in *State of Uttar Pradesh v. Hari Ram*, invoking these authorities on questions relating to the consequences of ULC proceedings, possession and vesting of surplus land, and the legal effect of repeal.

State's contentions

The State opposed Acme Housing's case and contended that, notwithstanding the subsequent recomputation of the surplus vacant land, the earlier exemption granted under Section 20 of the Urban Land (Ceiling and Regulation) Act, 1976 continued to operate in respect of the exempted property. According to the State, the land covered by the industrial-use exemption did not automatically acquire freehold status merely because the Competent Authority subsequently passed the revised order under Section 8(4) reducing the extent of surplus vacant land. The State therefore maintained that the conditions and restrictions attached to the 1986 Section 20 exemption continued to bind the concerned land and, on that basis, defended both the continued applicability of those restrictions and the consequential entry made in the revenue records.

TMC's contention

The Thane Municipal Corporation (TMC) adopted a comparatively limited defence, contending that its decision to stop or restrict construction activity on the concerned property was based upon directions and communications received from the Competent Authority under the ULC framework. TMC maintained that it had not independently adjudicated the underlying dispute concerning the continued applicability of the ULC restrictions or the 1986 Section 20 exemption. Rather, its action was consequential upon the position communicated by the State authorities and the Competent Authority, and the restrictions imposed upon the development were therefore implemented in accordance with those directions.

Issues raised

The principal questions before Justice Dangre's Bench were:

Issue 1: What was the legal effect of the revised Section 8(4) order dated 20 November 1997?

Issue 2: Did the earlier Section 20 exemption dated 21 January 1986 survive after the surplus vacant land was freshly recomputed?

Issue 3: Could the Government continue imposing ULC restrictions over the larger area when the revised determination identified only **114.72 sq. metres** as surplus?

Issue 4: Was Mutation Entry No. 1125 legally sustainable?

Issue 5: Could TMC stop Acme's development on the basis of those ULC restrictions?

Justice Dangre's reasoning

The Division Bench closely examined the sequence of the 1985 original surplus-land determination, the 1986 exemption under Section 20, and the revised determination under Section 8(4) dated 20 November 1997. Justice Bharati Dangre concluded that the respondents had failed to appreciate the decisive legal effect of the 1997 revised Section 8(4) order, observing that the earlier determination could not continue to govern the property unaffected after the Competent Authority formally reassessed the holding and arrived at a substantially different surplus figure. The Court noted that the original Section 20 exemption had been granted in the context of the earlier surplus-land determination, whereas the subsequent proceedings reduced the surplus vacant land to only 114.72 sq. metres, and even the later ULC proceedings proceeded with reference to this considerably smaller area. The Court therefore rejected the State's attempt to continue imposing restrictions arising from the 1986 exemption over the substantially larger parcel of land. Justice Dangre also took note of the inconsistency in the authorities' own position, observing that at one stage they had acknowledged that the earlier exemption was no longer valid or operative in the manner subsequently asserted, but later took what was described in substance as a "U-turn" by once again relying upon the 1986 exemption to introduce restrictions into the revenue records. This inconsistent approach further strengthened Acme Housing's challenge. Consequently, the Division Bench held that Mutation Entry No. 1125 could not survive and directed its deletion from the revenue records relating to Gut Nos. 61/1 and 61/2, along with restoration of the petitioner's name in the relevant records. The Court also quashed the impugned communications issued by the municipal and town-planning authorities that had restricted construction activity, holding that Acme could not be prevented from proceeding with its project merely on the basis of a ULC restriction that had been found legally unsustainable. Accordingly, TMC was directed to permit Acme to proceed with the development in accordance with the permissions and approvals already granted and, wherever necessary, on the basis of revised approvals obtained in accordance with law.

Final judgment

The Bombay High Court allowed the writ petition and granted consequential relief to Acme Housing. The Court directed the deletion of Mutation Entry No. 1125 from the relevant revenue records and ordered the restoration of Acme's name therein. It further quashed and set aside the impugned letters and notices issued by the municipal and town-planning authorities that had restricted or prevented continuation of construction on the subject property. Acme was permitted to proceed with the development of the land in accordance with the permissions and approvals already granted and subject to obtaining any further or revised approvals required by law. The Court accordingly disposed of the proceedings with no order as to costs.

Ratio decidendi

The principal ratio can be stated as follows:

Where the competent authority under the ULC Act passes a revised Section 8(4) order recomputing the extent of surplus vacant land, an earlier Section 20 exemption founded upon the superseded surplus determination cannot continue to impose restrictions over the original larger area as though the revised determination had never occurred. Revenue entries and development restrictions based solely upon such superseded proceedings are liable to be set aside.

Analysis

The most significant feature of Justice Bharati Dangre's reasoning is that the revised statutory determination of 1997 was treated as legally consequential rather than as a mere administrative correction. The chronological sequence was crucial: in 1985, 20,622.80 sq. metres had been declared surplus; in 1986, the Section 20 exemption was granted in the context of that determination; in 1997, the Competent Authority formally recomputed the surplus at only 114.72 sq. metres; in 2005, the subsequent acquisition proceedings themselves proceeded with reference to this reduced area; and in 2007, the repeal of the ULC Act became operative in Maharashtra. Against this statutory history, the State could not, in 2021, simply revive restrictions derived from the old 1986 position while disregarding the intervening statutory determinations and subsequent proceedings. The judgment also carries broader administrative-law significance, as it reinforces the principle that governmental authorities must act consistently with their own subsisting statutory orders. A revenue authority cannot effectively resurrect an earlier legal position that has already been displaced by a subsequent determination of the competent statutory authority without demonstrating an independent and valid legal basis for doing so. Moreover, mutation entries are essentially revenue records and cannot, by themselves, create or revive a substantive ULC restriction where the underlying statutory foundation no longer supports such a restriction.

Critical analysis

The decision provides important protection against obsolete statutory restrictions remaining indefinitely embedded in land and revenue records, a problem that can have particularly serious consequences in property development. Even where the underlying statutory proceedings have subsequently changed, been superseded, or ceased to operate in their earlier form, an outdated remark in a 7/12 extract may continue to obstruct development permissions, financing, title clearance, sale transactions, and redevelopment activities. Justice Bharati Dangre's approach requires public authorities to examine the current and subsisting legal foundation of a revenue entry rather than mechanically carrying forward restrictions originating from decades-old statutory proceedings. At the same time, the judgment must be cited with appropriate qualification because, at the final hearing, Acme expressly did not press its broader prayer seeking a declaration of abatement under Section 3(1)(a) of the Urban Land (Ceiling and Regulation) Repeal Act, 1999. The decision therefore principally turns upon the legal effect of the revised Section 8(4) determination of 1997 and the consequent

invalidity of the impugned mutation and development restrictions, rather than laying down a universal proposition concerning the effect of repeal upon all proceedings under the ULC regime.

Conclusion

Acme Housing India Pvt. Ltd. & Anr. v. State of Maharashtra & Ors., 2026:BHC-AS:8418-DB, is an important 43-page judgment **reserved on 4 February and pronounced on 12 February 2026**, authored by **Justice Bharati Dangre** for the Division Bench comprising Justice Dangre and Justice Manjusha Deshpande.

The Court held that the authorities could not continue relying upon the old **1986 Section 20 ULC exemption** while disregarding the subsequent **1997 revised determination**, which recomputed the surplus vacant land at only **114.72 sq. metres**. Consequently, it ordered deletion of **Mutation Entry No. 1125**, restored Acme's name in the revenue records, quashed the impugned stop-work/development communications and permitted the project to proceed subject to applicable approvals.

This judgment is particularly useful for **Urban Land Ceiling law, the ULC Repeal Act, land development, mutation entries, property law, administrative consistency and Article 226 judicial review**.

BIBLIOGRAPHY

Acme Housing India Pvt. Ltd. & Anr. v. State of Maharashtra & Ors., 2026:BHC-AS:8418-DB, Writ Petition No. 2612 of 2021, Bombay High Court, decided on 12 February 2026 (Bharati Dangre & Manjusha Deshpande, JJ.; judgment by Bharati Dangre, J.). The official judgment confirms that it was reserved on 4 February 2026 and pronounced on 12 February 2026.

Municipal Corporation of Greater Mumbai v. G. D'Souza & Anr., 2026:BHC-OS:5370-DB, Writ Petition No. 1047 of 2021, Bombay High Court, decided on 23 February 2026.

Dogus-Soma Joint Venture v. State of Maharashtra & Ors., 2026:BHC-OS:6882-DB, Writ Petition No. 4583 of 2022, Bombay High Court, decided on 12 March 2026.

Roselind Pauly & Ors. v. State of Maharashtra & Ors., 2026:BHC-AS:21538-DB, Writ Petition No. 4247 of 2026 & connected petitions, Bombay High Court, decided on 28 April 2026.

Sandhya Sombahadur Gurung & Ors. v. State of Maharashtra & Ors., 2026:BHC-AS:22157-DB, Writ Petition No. 16682 of 2025, Bombay High Court, decided on 5 May 2026.

Hanif S/o Haji P. Kunhi Ahmed & Anr. v. Mumbai Municipal Corporation & Ors., 2026:BHC-OS:13204-DB, Writ Petition No. 260 of 2019, Bombay High Court, decided on 9 June 2026.

Maharashtra Wrestling Association v. Union of India & Ors., 2026:BHC-AS:24160, Writ Petition No. 9607 of 2023, Bombay High Court, decided on 15 June 2026 (Bharati Dangre & Manjusha Deshpande, JJ.; judgment by Bharati Dangre, J.). The official judgment records that it was reserved on 29 April 2026 and pronounced on 15 June 2026.

M/s Jayantilal Investments v. Bombay Municipal Corporation of Greater Bombay & Ors., 2026:BHC-OS:13128-DB, Writ Petition No. 527 of 2017, Bombay High Court, decided on 15 June 2026.

Appeal (L) No. 41053 of 2025, Bombay High Court, decided on 15 June 2026.

Mahendra Nimba Sonawane v. State of Maharashtra, 2026:BHC-AS:24622-DB, Criminal Appeal No. 81 of 2025, Bombay High Court, decided on 18 June 2026.

Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116.

Muthuramalingam & Ors. v. State represented by Inspector of Police, (2016) 8 SCC 313.

Godrej & Boyce Manufacturing Co. Ltd. v. State of Maharashtra, (2014) 3 SCC 430.

Promoters and Builders Association of Pune v. State of Maharashtra, Supreme Court of India.

Zee Telefilms Ltd. v. Union of India, (2005) 4 SCC 649.

Board of Control for Cricket in India v. Cricket Association of Bihar, (2015) 3 SCC 251.

Wander Ltd. v. Antox India (P) Ltd., 1990 Supp SCC 727.

S. Syed Mohideen v. P. Sulochana Bai, (2016) 2 SCC 683.

Godhra Electricity Co. Ltd. v. State of Gujarat, (1975) 1 SCC 199.

State of Uttar Pradesh v. Hari Ram, (2013) 4 SCC 280.

M.C. Mehta v. Union of India, Supreme Court of India.

Dr. Arjun Sitaram Nitnwar v. State of Maharashtra, 2015 (6) Mh.L.J. 634.

Constitution of India, 1950 — particularly Articles 12, 21 and 226.

Indian Penal Code, 1860 — Sections 201, 302 and 404.

Code of Criminal Procedure, 1973 — Sections 31 and 313.

Indian Evidence Act, 1872 — particularly Section 65B.

Protection of Human Rights Act, 1993 — Sections 12 and 18.

Mines and Minerals (Development and Regulation) Act, 1957.

Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013.

Maharashtra Land Revenue Code, 1966.

Mumbai Municipal Corporation Act, 1888 — including Sections 209, 209-A, 328 and 328A.

Indian Forest Act, 1927 — Section 35.

Maharashtra Private Forests (Acquisition) Act, 1975 — Sections 2(f) and 3.

Urban Land (Ceiling and Regulation) Act, 1976 — Sections 6, 8, 10 and 20.

Urban Land (Ceiling and Regulation) Repeal Act, 1999.

Trade Marks Act, 1999.

High Court of Judicature at Bombay. *Judgments and Orders Database.* The official Bombay High Court database should be treated as our primary online source for the judgments. [Bombay High Court official website](#)

Supreme Court of India. *Judgments and Orders.* [Supreme Court of India](#)

Indian Kanoon. Indian legal judgments and statutory database. [Indian Kanoon](#)

SCC Online. Legal research database. [SCC Online](#)

Manupatra. Indian legal research database. [Manupatra](#)