BLOGS

Important Supreme Court Cases & Decisions: September 2021 (Part 1/2)

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As a law school aspirant preparing for CLAT or any other law exam, you are required to stay on top all legal developments that take place in the country. At CLATalogue, we have compiled a list of all important Supreme Court cases and decisions delivered in September 2021. These are important from, both, an examination point of view and for your general knowledge.

Here we go:

1. Sadique v. State of Madhya Pradesh [i]

Bench: Uday Umesh Lalit, S. Ravindra Bhat and Belam M Trivedi, JJ.

The Supreme Court in this case, while examining a judgment of the High Court, reiterated that the Magistrate has no power extend the time for completion of investigation in cases regarding the Unlawful Activities (Prevention) Act, 1967.

The Court also made the following observation:

*"Consequently, in so far as "Extension of time to complete investigation" is concerned, the Magistrate would not be competent to consider the request and the only competent authority to consider such request would be "the Court" as specified in the proviso in Section 43-D (2)(b) of the UAPA."****[ii]***

The Court specified that the "competent authority to consider such request would be "the Court" as specified in the proviso in Section 43-D (2)(b) of the UAPA".

1. Northern Western Railway and Another Sanjay Shukla [iii]

Bench*:* MR Shah and Aniruddha Bose, JJ.

This case pertains to the delay in running of trains of the Indian Railway, and associated responsibility thereof. While the Additional Solicitor General (arguing for the railways) claimed that late running of train could *not* be held to be deficiency in service, the Court did not set aside or even interfere with the compensation granted to the complainant—who was aggrieved with

such delay.

The Court observed, *"unless and until the evidence is laid explaining the delay and it is established and proved that delay occurred which was beyond their control and/or even there was some justification for delay,* ***the railway is liable to pay the compensation for delay and late arrival of trains****."*

1. A Khaliq v. Ashok Kumar [iv]

Bench: UU Lalit, S. Ravindra Bhat and Bela M. Trivedi, JJ.

In this case, the Court held that the principles laid down by the Court in *Arnesh Kumar* v. *State of Bihar* ***[v]*** and *D.K. Basu* v. *State of West Bengal*[vi] operate even in cases where no crime was registered. In fact, the Court said, *"summoning the person without there being any crime registered against him and detaining him would itself be violative of basic principles*". The importance of these two cases was reiterated once again by the apex Court, which is of immense value in criminal law and practice.

1. Union of India VKC Footsteps India Pvt. Ltd. [vii]

Bench: DY Chandrachud and MR Shah, JJ.

In this judgment authored by *Chandrachud, J.*, the Court examined the distinction between goods and services, interpreted Section 54(3) of the Central Goods and Services Tax Act 2017, discussed the Constitutional Scheme of GST and examined the validity of CGST provisions and Rules framed thereunder. However, the following observations of the Court stood out:

"… it becomes necessary to advert to the constitutional amendment and the resulting legislation. The One Hundred and First Amendment to the Constitution is a watershed moment in the evolution of cooperative federalism. Since its origin, the Constitution contained a three-fold distribution of legislative power…(it) brought about a significant merger by contemplating a fiscal umbrella comprehending GST."

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[i] Criminal Appeal No. 963 of 2021, decided on 7 September, 2021

[ii] *Id.*, at p.4

[iii] Special Leave Petition (C) No. 13288 of 2021, decided on 6 September, 2021

[iv] Criminal Appeal No. 1003 of 2021, decided on 15 September, 2021

[v] (2014) 8 SCC 273

[vi] (1997) 1 SCC 416

[vii] Civil Appeal No. 4810 of 2021, decided on 13 September, 2021