



LAWBY 26

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JUDGEMENTOPEDIA

(Learning Judgements For A Living)

- 1 Is it legal to display the names and photographs of defaulting borrowers?
- 2 Whether the Competition Commission of India (CCI), with only two members, is legally constituted to perform its adjudicatory functions
- 3 Can individuals engaged in long-term, essential services for a government institution, despite their initial designation as "part-time" or "contractual," claim regularization of their services?
- 4 Can an authorised signatory of a cheque be held liable under Section 138 of the NI Act, 1881 if the cheque was issued in an official capacity and not the individual?
- 5 Supreme Court invokes Article 142 to dissolve marriage, awards Rs. 12 crore alimony



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- 1 The Managing Committee of Chempazhanthi Agricultural Improvement Co-operative Society Ltd. No.T.1750 & Anr. Vs. The Assistant Registrar of Co-operative Societies (General)
- 2 Alliance of Digital India Foundation Vs. Competition Commission of India & Ors.
- 3 Jaggo Vs. Union of India & Ors.
- 4 K. Sundari Vs. C.A.R.P. Mari & R. Ashokan Vs. C.A.R.P. Mari
- 5 Rinku Baheti Vs. Sandesh Sharda



Is it legal to display the names and photographs of defaulting borrowers?

CONTEXT: The Chempazhanthi Agricultural Improvement Co-operative Society Ltd., facing significant loan defaults, erected a flex board at their head office displaying the names, photographs, and loan details of 1,750 defaulting borrowers. This action aimed to recover outstanding loans. The Assistant Registrar of Co-operative Societies issued a communication (Ext. P2) directing the Society to remove the board, deeming it illegal to display personal information without consent. The Society argued that this action was necessary for loan recovery and did not violate any laws or rules.

The Kerala High Court upheld the Assistant Registrar's directive, dismissing the Society's writ petition.

The Court ruled that displaying borrower information, including photographs, on a public board violated the borrowers' fundamental right to life, dignity, and reputation as enshrined in Article 21 of the Constitution of India.

THE MANAGING
COMMITTEE OF
CHEMPAZHANTHI
AGRICULTURAL
IMPROVEMENT CO-
OPERATIVE SOCIETY
LTD. NO.T.1750 &
ANR. V. THE
ASSISTANT
REGISTRAR OF CO-
OPERATIVE
SOCIETIES (GENERAL)
[2024:KER:97047]

ARTICLE 21 OF THE
CONSTITUTION OF
INDIA

KERALA CO-
OPERATIVE
SOCIETIES ACT AND
RULES, 1969

Whether the Competition Commission of India (CCI), with only two members, is legally constituted to perform its adjudicatory functions

CONTEXT: The petitioner, Alliance of Digital India Foundation, filed a writ petition before the Delhi High Court seeking directions to the CCI to adjudicate upon applications filed under Section 42 of the Competition Act, 2002. These applications, concerning alleged non-compliance with the CCI's final order, remained pending, potentially becoming infructuous due to the imminent launch of a new system by the respondents. The primary concern was whether the CCI, currently functioning with two members and awaiting the appointment of a Chairperson, was validly constituted to hear and decide the applications.

1 The Delhi High Court ruled that the CCI, even with two members, is legally constituted to perform its adjudicatory functions, including hearing applications under Section 42 of the Act.

2 The court held that Section 15 of the Act acts as a saving clause, preventing the invalidation of CCI proceedings due to vacancies or defects in its constitution.

ALLIANCE OF
DIGITAL INDIA
FOUNDATION VS.
COMPETITION
COMMISSION OF
INDIA & ORS.
[2023:DHC:2720]

**SECTION 8(1), 15,
22(3) COMPETITION
ACT, 2002**

Can individuals engaged in long-term, essential services for a government institution, despite their initial designation as "part-time" or "contractual," claim regularization of their services?

JAGGO V. UNION OF INDIA & ORS.
[2024 INSC 1034]

CONTEXT: This case concerns appeals arising from the dismissal of writ petitions filed by individuals seeking regularization of their services with the Central Water Commission (CWC). The appellants, originally engaged on part-time, ad-hoc terms, had been performing essential housekeeping and maintenance functions for periods exceeding ten years. Their services were abruptly terminated following the dismissal of their initial application for regularization by the Central Administrative Tribunal and the subsequent upholding of the Tribunal's decision by the Delhi High Court.

1 The Supreme Court of India allowed the appeals, setting aside the orders of the High Court and the Tribunal.

2 The Court directed the immediate reinstatement of the appellants with regularization of their services.

3 While back wages were not awarded, continuity of service was granted, ensuring the inclusion of the period of non-employment for post-retirement benefits.

**ARTICLES 14 AND 16
OF THE
CONSTITUTION OF
INDIA**

Can an authorised signatory of a cheque be held liable under Section 138 of the Negotiable Instruments Act, 1881 if the cheque was issued in an official capacity and not the individual?

CONTEXT: The respondent, C.A.R.P. Mari, filed a private complaint against K. Sundari (A2) and R. Ashokan (A1) under Section 138 of the Negotiable Instruments Act, 1881. The complaint alleged that A1, as the Principal of a college and authorised signatory, issued a cheque for outstanding construction work on the college. The cheque was dishonoured due to insufficient funds. A2, the Managing Trustee of the college, was alleged to be responsible for the debt as the individual running the institution.

1 The court quashed the proceedings against A1, the Principal, holding that an authorised signatory cannot be held liable under Section 138 when acting in an official capacity for an institution.

2 The court ruled that the proceedings against A2, the Managing Trustee, should continue, as the managing trustee is responsible for the institution's debts and liabilities.

K. SUNDARI V.
C.A.R.P. MARI &
R. ASHOKAN V.
C.A.R.P. MARI
[CRL.O.P.(MD) NOS.
1293 AND 2281 OF
2021]

**SECTION 138, 141 OF
THE NEGOTIABLE
INSTRUMENTS ACT,
1881**

Supreme Court invokes Article 142 to dissolve marriage, awards Rs. 12 crore alimony

CONTEXT: The husband and wife in this case had a short-lived marriage marred by numerous legal disputes. The husband sought a divorce on the grounds of cruelty under Section 13(1) of the Hindu Marriage Act, 1955, while the wife filed criminal complaints against the husband and his family. The husband filed an interlocutory application under Article 142(1) of the Constitution seeking dissolution of the marriage, citing an irretrievable breakdown. The wife contested the application and demanded alimony commensurate with the husband's assets.

The Supreme Court, exercising its powers under Article 142(1) of the Constitution of India, **1** dissolved the marriage between the parties on the grounds of irretrievable breakdown.

The court also ordered the husband to pay **2** permanent alimony of Rs. 12 Crores to the wife along with litigation fees of Rs. 3 Lakhs.

RINKU BAHETI VS.
SANDESH SHARDA
[TRANSFER PETITION
(CIVIL) NO. 278 OF
2023]

**ARTICLE 142(1) OF
THE CONSTITUTION
OF INDIA**

**SECTION 13(1) OF THE
HINDU MARRIAGE
ACT, 1955**