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(Learning Judgements For A Living)

- 1 i. Whether the High Court can interfere, under Article 226/227 of the Constitution, with an Order passed by the National Company Law Tribunal (NCLT) in a proceeding under the Insolvency and Bankruptcy Code, 2016 (IBC), ignoring the availability of a statutory remedy of appeal to the National Company Law Appellate Tribunal (NCLAT), and if so, under what circumstances?

ii. Whether questions of fraud can be inquired into by the NCLT/NCLAT in the proceedings initiated under the Insolvency and Bankruptcy Code, 2016?
- 2 Whether the petitioner, Buta Singh, was entitled to regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS]?
- 3 Should a candidate be disqualified from MBBS admission under the Persons with Disability (PwD) Category merely because their speech and language disability is quantified at 44%/45%?
- 4 Can the State criminalize begging within India's constitutional framework that promises every person the right to live with dignity?



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JUDGEMENTOPEDIA

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M/s Embassy Property Developments Pvt. Ltd.
Vs.

1

State of Karnataka & Ors.
[Civil Appeal No. 9170 of 2019]

2

Buta Singh Vs. State Of Haryana
[CRM-M-58522-2024]

3

Omkar Ramchandra Gond Vs.
The Union of India & Ors.
[2024 INSC 775]

4

Harsh Mander & Anr. and Karnika
Sawhney Vs. Union of India & Ors.
[W.P.(C)Nos.10498/2009]



i. Whether the High Court can interfere, under Article 226/227 of the Constitution, with an Order passed by the National Company Law Tribunal (NCLT) in a proceeding under the Insolvency and Bankruptcy Code, 2016 (IBC), ignoring the availability of a statutory remedy of appeal to the National Company Law Appellate Tribunal (NCLAT), and if so, under what circumstances?

ii. Whether questions of fraud can be inquired into by the NCLT/NCLAT in the proceedings initiated under the Insolvency and Bankruptcy Code, 2016?

CONTEXT: The Corporate Debtor, M/s. Tiffins Barytes Asbestos & Paints Ltd., held a mining lease from the Government of Karnataka that was expiring. After the commencement of the Corporate Insolvency Resolution Process (CIRP), the Resolution Professional sought a deemed extension of the lease under the Mines & Minerals (Development and Regulation) Act, 1957 (MMDR Act, 1957). The Government of Karnataka rejected this extension. The Resolution Professional then moved the NCLT, Chennai, which set aside the government's rejection order and directed the execution of supplemental lease deeds. The Government of Karnataka challenged this NCLT order before the High Court of Karnataka, primarily arguing that NCLT lacked jurisdiction over disputes arising from mining leases under the MMDR Act, 1957, and that the CIRP was initiated fraudulently. The High Court granted an interim stay of the NCLT's direction.

1 The appeals were dismissed. The Supreme Court concluded that the NCLT did not have jurisdiction to entertain an application against the Government of Karnataka for a direction to execute supplemental lease deeds for the extension of the mining lease.

2 The decision of the Government of Karnataka to refuse the benefit of deemed extension falls within the public law domain, and NCLT, being a creature of a special statute with specific functions, cannot act as a superior court with judicial review powers over administrative action. The High Court was therefore justified in entertaining the writ petition on the basis that NCLT was acting outside its jurisdiction ("coram non judice").

3 Regarding the second question, the NCLT is competent to inquire into allegations of fraud, especially concerning the fraudulent or malicious initiation of CIRP under Section 65 of IBC, 2016. Therefore, fraudulent initiation of CIRP cannot be a ground to bypass the alternative remedy of appeal provided in Section 61 of the IBC, 2016.

**M/S EMBASSY
PROPERTY
DEVELOPMENTS PVT.
LTD. VS. STATE OF
KARNATAKA & ORS.
[CIVIL APPEAL NO. 9170
OF 2019]**

**SECTIONS 14(1)(d), 60(5)
(c), 61, AND 65 OF THE
INSOLVENCY AND
BANKRUPTCY CODE,
2016**

**SECTION 8A(6) AND
SECTION 30 OF THE
MINES & MINERALS
(DEVELOPMENT AND
REGULATION) ACT, 1957**

Can an extended pretrial detention justify Bail despite the Narcotic Drugs and Psychotropic Substances (NDPS) Act's stringent conditions?

CONTEXT: The petitioner, Buta Singh, was incarcerated in connection with FIR No. 398, dated 13.09.2023, registered at Police Station Ellanabad, District Sirsa, under Sections 15C/27-A/29/61/85 of the Narcotic Drugs and Psychotropic Substances, (NDPS) Act 1985 and 201 of IPC. The core allegation was the seizure of 170 kg of doda post (poppy straw) from his possession on September 13, 2023. The petitioner was noted to have no criminal antecedents. His counsel sought bail primarily due to prolonged pretrial custody, which, as of July 4, 2025, amounted to 1 year, 9 months, and 17 days. The State opposed bail, emphasizing that the 170 kg quantity was commercial (exceeding the 50 kg commercial quantity threshold for poppy straw) and thus attracted the stringent twin conditions of Section 37 of the NDPS Act.

1 The Punjab and Haryana High Court granted regular bail to the petitioner, Buta Singh, noting that his prolonged incarceration of 1 year, 9 months, and 17 days violated his fundamental right under Article 21 of the Constitution.

2 This justified overriding the statutory bar under Section 37(1)(b)(ii) of the NDPS Act. The decision relied on ***Shambhul Gurjar v. State of Rajasthan(SLP(Crl) 16671-2024)***, where the Supreme Court granted bail in a similar poppy straw case due to extended custody.

3 Bail was granted with strict conditions, including furnishing bonds, non-tampering of evidence or witnesses, surrendering firearms, and the key clause that bail would be cancelled if the petitioner committed certain NDPS Act offenses again.

BUTA SINGH VS. STATE OF HARYANA [CRM-M-58522-2024]

**SECTION 483 OF THE
BHARATIYA NAGARIK
SURAKSHA SANHITA,
2023 (BNSS)**

**SECTIONS 15C, 27-A,
29, 61, 85, 37,19, 24, OF
THE NARCOTIC DRUGS
AND PSYCHOTROPIC
SUBSTANCES (NDPS)
ACT,1985**

**SECTION 201 OF THE
INDIAN PENAL CODE 1860
(IPC)**

Should a candidate be disqualified from MBBS admission under the Persons with Disability (PwD) Category merely because their speech and language disability is quantified at 44%/45%?

CONTEXT: Omkar Ramchandra Gond, the petitioner with 44-45% permanent speech and language disability (Hypernasality with Misarticulation due to a repaired bilateral cleft palate), qualified for MBBS via NEET (UG) 2024 under the PwD category. He was deemed ineligible by the Disability Certification Centre as per National Medical Commission (NMC) norms (Appendix H-1 of the 2019 Regulations) which disqualify persons with 40% or more speech disability from medical courses. The Supreme Court directed a Medical Board, which found his disability would not impede his MBBS studies.

① The Supreme Court allowed the appeal, setting aside the High Court's order. It held that quantified disability alone cannot disqualify a candidate.

The Court affirmed Omkar Gond's MBBS admission and mandated that Disability Assessment Boards must record specific reasons if they find a candidate unfit, and their decisions are subject to judicial review.

②

The NMC was directed to revise its guidelines to align with the Rights of Persons with Disabilities Act, 2016.

③

**OMKAR RAMCHANDRA
GOND VS. THE UNION
OF INDIA & ORS.
[2024 INSC 775]**

**SECTIONS 2(m), 2(r),
2(y), 3 AND 32 OF THE
RIGHTS OF PERSONS
WITH DISABILITIES ACT,
2016 (RPWD ACT)**

**ARTICLE 14 AND 41 OF
THE CONSTITUTION OF
INDIA**

**NMC GRADUATE
MEDICAL EDUCATION
REGULATIONS, 1997**

Can the State criminalize begging within India's constitutional framework that promises every person the right to live with dignity?

CONTEXT: These writ petitions challenged the constitutionality and validity of most sections, except Section 11, of the Bombay Prevention of Begging Act, 1959, as extended to Delhi. The petitioners argued the Act violates Fundamental Rights under Articles 14, 19, 20, 21, and 22 of the Constitution of India, particularly challenging the criminalization of begging.

1 The High Court declared Sections 4, 5, 6, and other related provisions (7-10, 12-29) of the Bombay Prevention of Begging Act, 1959, as extended to Delhi, unconstitutional and struck them down. The court found criminalizing begging manifest arbitrariness and violate fundamental rights.

2 Begging is often a last resort due to poverty and the State's failure to provide social security and basic necessities. The Court noted soliciting alms falls under freedom of speech and expression (Article 19(1)(a)) and that detaining individuals to ascertain poverty's cause is impermissible under Article 21 (Right to Life and Personal Liberty).

3 Prosecutions under these provisions are liable to be struck down. The State may bring alternative legislation for forced begging after empirical examination.

HARSH MANDER & ANR.
AND KARNIKA
SAWHNEY. VS. UNION
OF INDIA & ORS.
[W.P.
(C)NOS.10498/2009]

**SECTIONS 2(1)(i), 4(1),
5, AND 6 OF THE
BOMBAY PREVENTION
OF BEGGING ACT, 1959**

**ARTICLES 14, 19(1)(a),
AND 21 OF THE
CONSTITUTION OF INDIA**