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# Does past cohabitation entitle a widow to residence rights under the Domestic Violence Act, 2005?

**ASHISH S/O  
CHANDRAKANT  
CHAUHAN VS. SMT.  
MOHINI WD/O MUKESH  
CHAUHAN AND ANR.  
[CRIMINAL REVISION  
APPLICATION NO. 240  
OF 2022]**

**CONTEXT:** The non-applicant No. 1 (Mohini Chauhan) was the legally wedded wife of the deceased brother (Mukesh Chauhan) of the applicant (Ashish Chauhan); Non-applicant No. 2 was their minor son. Mukesh had died in 2008. The non-applicants had filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005, seeking residence in the house at Plot No. 465. The applicant had resisted the application, arguing that the non-applicant No. 1 had never shared or resided in the house and that the Act was inapplicable since the relationship had ceased and the Act had been enacted only in 2005. The Judicial Magistrate First Class (JMFC) had rejected the application, but the Appellate Court (Additional Sessions Judge) had allowed the non-applicants to reside in the shared household (ground floor). The present revision application had challenged this Appellate Court order.

The Criminal Revision Application was partly allowed. The judgment and order dated 17.8.2022 passed by the learned Additional Sessions Judge was modified. The Non-applicant No. 1, along with her son, was entitled to reside in the shared household on the first floor instead of the ground floor, as described in the application. The remainder of the Appellate Court's order was maintained.

The Court reasoned that the applicant's refusal to allow access amounted to economic abuse and domestic violence. It held that the definitions of "aggrieved person" and "domestic relationship" covered women who had been in a relationship and had lived together at any point of time, thus allowing the application to be maintained based on past cohabitation.

Furthermore, the mother of the applicant had executed a Will bequeathing the first floor to the deceased Mukesh.

## **PRECEDENT:**

***Prabha Tyagi vs. Kamlesh Devi*  
[(2023) 8 SCC 90]**

**SECTION 2(a), 2(f), 3  
(iv) OF THE  
PROTECTION OF  
WOMEN FROM  
DOMESTIC VIOLENCE  
ACT, 2005**

# Does Haryana Act No. 9 of 1992, by including bachat land within shamilat deh under the Punjab Village Common Lands (Regulation) Act, 1961, amount to compulsory acquisition of land under personal cultivation without market compensation, violating the second proviso to Article 31-A of the Constitution?

**CONTEXT:** The State of Haryana challenged a Full Bench judgment of the High Court of Punjab and Haryana that partly allowed writ petitions filed by landowners (Respondents). The dispute arose from the Haryana Act No. 9 of 1992, which inserted sub-clause (6) to Section 2(g) of the 1961 Act, significantly expanding the definition of 'shamilat deh' (common village lands). The respondent-landowners argued that including "bachat land" (unutilized surplus land contributed pro-rata) in 'shamilat deh' amounted to compulsory acquisition without compensation, infringing their constitutional rights. The matter was heard afresh by the Supreme Court after an earlier judgment in the State's favour was recalled following a Review Petition.

① The appeal filed by the State of Haryana was dismissed.

② The Supreme Court found no merit in the State's appeal and upheld the High Court's finding that lands which had not been earmarked for any specific common purpose (bachat lands) did not vest in the Gram Panchayat or the State.

③ Drawing on the doctrine of stare decisis and the precedent set in ***Bhagat Ram and Others v. State of Punjab and Others (1966 SCC Online SC 264)***, the Court confirmed that taking such land without compensation would have violated the second proviso to Article 31-A of the Constitution.

**THE STATE OF  
HARYANA VS. JAI  
SINGH AND OTHERS  
[2025 INSC 1122]**

**ARTICLE 31-A OF THE  
CONSTITUTION OF  
INDIA**

**SECTION 2(g)(6) OF  
THE PUNJAB VILLAGE  
COMMON  
LANDS(REGULATIONS)  
ACT, 1961**



**Whether the requirement under the proviso to Section 31(4) of the Insolvency and Bankruptcy Code, 2016 for a resolution applicant to obtain approval from the Competition Commission of India (CCI) prior to the approval of the resolution plan by the Committee of Creditors (CoC) is mandatory or directory?**

**CONTEXT:** During the insolvency resolution process for Hindustan National Glass and Industries Ltd. (HNGIL), the Committee of Creditors (CoC) approved a resolution plan submitted by AGI Greenpac Ltd. At the time of the CoC's approval, AGI Greenpac had not secured the necessary approval from the Competition Commission of India (CCI) for the proposed business combination, a condition precedent outlined in the process. The unsuccessful applicant, Independent Sugar Corporation Ltd. (INSCO), challenged this approval. The National Company Law Appellate Tribunal (NCLAT) upheld the decision, ruling that the requirement for prior CCI approval was directory, not mandatory. INSCO appealed this ruling to the Supreme Court.

1 The Supreme Court allowed the appeal and set aside the NCLAT's judgment. The Court ruled that the language in the proviso to Section 31(4) of the IBC is clear, unambiguous, and mandatory.

2 Therefore, AGI Greenpac's resolution plan was deemed unsustainable as it lacked the requisite prior approval from the CCI when the CoC approved it. The Court's reasoning relied on the principle of plain meaning, stating that the legislative intent was to ensure CCI scrutiny before the CoC exercises its commercial wisdom.

3 The approval granted by the CoC to AGI's plan was quashed, and the CoC was directed to reconsider compliant resolution plans.

**INDEPENDENT SUGAR  
CORPORATION LTD.  
VS. GIRISH SRIRAM  
JUNEJA & ORS.  
[2025 INSC 124]**

**SECTION 31(4) OF THE  
INSOLVENCY AND  
BANKRUPTCY CODE,  
2016**

**SECTION 5 (19) OF THE  
COMPETITION ACT,  
2002**

## Whether the dual pricing policy for coal, which charges non-core/unlinked sectors 20% more than core/linked sectors, is discriminatory and violates Article 14 of the Constitution?

**CONTEXT:** The appellants, proprietors of coal-based small-scale industries drawing 'C' and 'D' grade coal, challenged Clause 10 of Price Notification No. 3/96-97 (dated 14.3.1997) issued by the respondent, M/s. Singareni Collieries Co. Ltd. (SCCL). After the Government of India deregulated the price and distribution of certain grades of non-coking coal pursuant to the Colliery Control Order, 1945, Clause 10 required non-core/unlinked sector industries to pay 20% additional price. The appellants filed writ petitions arguing that the classification for pricing was irrational and constituted hostile discrimination violative of Article 14. The High Court upheld Clause 10, leading to these appeals.

1 The appeals were dismissed. The common order passed by the High Court, which upheld Clause 10, was affirmed. The Court held that the dual price policy did not violate Article 14 of the Constitution of India. The classification between core sector/linked industries and non-core/unlinked industries rested on a rational basis.

2 Core sector industries (e.g., Power, Steel) were of intrinsic importance to the nation's economy and consumed nearly 90–95% of the coal produced. Charging them a lesser price prevented a substantial cascading effect on the cost of essential services and products. Furthermore, SCCL, facing accumulated losses exceeding Rs. 1,000 crores, was permitted wide latitude in price fixation for commercial expediency, especially since prices were deregulated.

3 Relying on precedents - *Union of India v. Cynamide India Ltd.* [AIR 1987 SC 1802] and *M/s. Shri SitaRam Sugar Co. Ltd. v. Union of India* [AIR 1990 SC 1277], the Court reaffirmed that price fixation was generally a legislative activity, and the judicial function was exhausted once it was found that the conclusion was reached on a rational basis.

PALLAVI  
REFRATORIES & ORS  
ETC. VS. M/S.  
SINGARENI COLLIERIES  
CO. LTD. ETC.  
[INSC 7 (4 JANUARY  
2005)]

ARTICLE 14 OF THE  
CONSTITUTION OF INDIA

CLAUSES 3 AND 4 OF  
THE COLLIERY  
CONTROL ORDER, 1945  
(CONTINUED BY  
SECTION 16 OF THE  
ESSENTIAL  
COMMODITIES ACT,  
1955)