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LATEST NEWS

(LEGAL NEWS)

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Hon'ble Supreme Court held that the period of limitation for filing an application under Section 11 of the Arbitration and Conciliation Act would be governed by Article 137 of the First Schedule of the Limitation Act, and will begin to run from the date when there is failure to appoint the arbitrator. **Bharat Sanchar Nigam V. Nortel Networks India Pvt Ltd., CA. 843-844 of 2021.**

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Hon'ble Supreme Court thane assessment, an officer who did the assessment could only undertake assessment under Section 28(4) of the Customs Act. Section 28(4) empowers the recovery of duty not paid; part paid or erroneously refunded by reason of collusion or any wilful mis-statement or suppression of facts and confers the power of recovery on "the proper officer". **Canon India Private Limited V. Commissioner of Customs, 2021 SCC Online SC 200.**

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Hon'ble Supreme Court held that the statement recorded under Section 313 of the Code of Criminal Procedure is not a substantive evidence of defence to rebut the presumption under Section 139 of the Negotiable Instrument Acct that the Cheque was issued for consideration. **Viji V. Paramount Tech Fab Industries, 2021 SCC Online SC 201.**

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Hon'ble Supreme Court held that a sole proprietorship will fall under international commercial arbitration if the proprietor is a habitual resident of a foreign country, notwithstanding the fact that the proprietary concern is carrying out business in India. **Amway India V. Ravindranath Rao and another, 2021 SCC Online SC 171.**

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Hon'ble Supreme Court held that lack of a legislative voice on the issue of validity/invalidity of lack of ipso facto clauses relating to insolvency will lead to confusion and reduced commercial clarity and also says that the National Company Law Tribunal which stayed the termination by the Gujarat Urja Vikas Nigam Limited of its Power Purchase Agreement with Astonified Solar Private Limited. **Gujarat Urja Vikas Nigam Limited V. Amit Gupta, 2021 SCC Online SC 194.**

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Hon'ble Supreme Court says that the amendment to Section 11(7) and 37 of the Arbitration and Conciliation Act, 1996 might be necessary so that the orders passed under Section 8 and 11 are brought on par as far as appealability is concerned. Section 8, which deals with the power of a court to refer parties to arbitration, was amended in 2015 state that such reference should not be made unless the court finds that prima facie a valid arbitration agreement exist. **Pravin Electricals Pvt. Ltd. V. Galaxy Infra and Engineering Pvt. Ltd., 2021 SCC Online SC 190.**

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Hon'ble Supreme Court says that multiple complaints by the same party against the same accused in respect of the same incidence is impermissible. Permitting multiple complaints by the same party in respect of the same incident, whether it involves a cognizable or private complaint offence, will lead to the accused being entangled in numerous criminal proceedings. **Krishna Lal Chawla V. State of U.P., 2021 SCC Online SC 191.**

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Hon'ble Supreme Court says that the anticipatory bail once granted does not automatically end on the filing of the charge sheet. The anticipatory bail granted to the accused by the Trial court came to an end with the filing of a Charge sheet, and directed him to surrender and apply for regular bail. **Dr. Rajesh Pratap Giri V. State of U.P., SLP (Cri) 693-694/2020.**



Hon'ble Supreme Court held that the Special Leave petitioner filed only against the order of the High Court in Review Petition is not maintainable and also says that the Special Leave Petition against the substantive order were dismissed in 2010 without any liberty to file a review applications or approached the Apex Court again in case of an advert verdict in the review application. **Sundarshan Budek V. State of Odisha, SLP Diary No. 43363/2019.**

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Megalaya High Court held that petitioner under Section 482 of the Code of Criminal Procedure before it challenging Domestic Violence Act proceedings is maintainable. It was contented that the proceedings under the DV Act, 2005 are purely civil in nature and the relief contemplated under Sections 18 to 22 are civil reliefs with no criminal liabilities and as such, the enquiry is not a trial of criminal case, which will attract the provision of Section 482 CrPc. **Masood Khan v. smt Millie Hazaraika, 2021 SCC Online Megh 58.**

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This write up has been sent to you for information purposes only and is intended merely to highlight recent case laws. The information and/or observations contained in this issue do not constitute legal advice and should not be acted upon in any specific situation without appropriate legal advice. The views expressed in this issue do not necessarily constitute the final opinion of M/s.Wallcliffs Law Firm and should you have any queries in relation to any of the issues set out herein or on other areas of law, please feel free to contact us on mail@wallcliffs.com.

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