

# JUDGMENTS DURING COVID-19



**KINGS & ALLIANCE LLP**  
LAW FIRM

## INTRODUCTION

Over the weeks of the wide-spreading pandemic, the judicial system of this country has taken various steps and measures in an attempt to cope and protect the citizens of the nation from the aftermaths of the same. Below is a detailed compilation of most relevant decisions taken by the courts of India for the benefit of the people.

S. NO.	CASE NAME	BACKGROUND/PRAAYER	DECISION	STATUS
<b>RBI CIRCULAR DATED 27.03.2020</b>				
1.	Anant Raj Limited v. Yes Bank Limited (Delhi High Court)	The Writ prayed for a direction to the Respondent to refrain from taking any coercive/adverse steps (declaring the account of the petitioner as a Non-Performing Asset) as the installments for January and February, 2020 were due in view of Circular dated issued 27.03.2020 issued by Reserve Bank of India (hereinafter 'RBI Circular dated 27.03.2020').	Vide interim order dated 06.04.2020 <sup>1</sup> (hereinafter 'Anant Raj Order'), the court held that the advisory issued by RBI on Moratorium on loans and advances in the wake of COVID-19 is applicable even to loans which were on default as on 01.03.2020 and restrained Yes Bank from classifying the loan, which was on default since 01.01.2020 as Non-Performing Asset (hereinafter 'NPA') with effect from March, 1 and status quo ante of the account as on 01.03.2020 was restored. However, stipulated interest and penal charges shall continue to accrue on the outstanding payment even during the moratorium period.	N.D.O.H-29.6.2020
2.	Shakuntla Educational & Welfare society v. Punjab & Sind Bank (Delhi High Court)	The Writ prayed for the following directions to the Respondent— To not declare pending loan accounts of the Petitioner as Non-Performing Assets (NPA), and; To grant a moratorium of three months as per RBI Circular dated 27.03.2020	Relying on the 'Anant Raj order', the court held that the Respondent shall be restrained from taking any coercive action against the Petitioner till the NDOH, the Petitioner shall be liable to pay the instalments in case the Government of UP withdraws their notification prohibiting the Petitioner from demanding any fees. <sup>2</sup>	N.D.O.H-29.06.2020 (Matter tagged with above matter)

<sup>1</sup> [http://delhihighcourt.nic.in/writereaddata/OrderSA\\_PDF/URGENT/wpcurgent5202006042020.pdf](http://delhihighcourt.nic.in/writereaddata/OrderSA_PDF/URGENT/wpcurgent5202006042020.pdf)

<sup>2</sup> [http://delhihighcourt.nic.in/dhcqrydisp\\_o.asp?pn=71413&yr=2020](http://delhihighcourt.nic.in/dhcqrydisp_o.asp?pn=71413&yr=2020)

3.	JR Toll Road Private Limited v. Yes Bank Ltd. (Delhi High Court)	Petitioner sought a direction to the Respondent not to declare its pending loan accounts NPA.	The Court held that ‘Anant Raj order’ had no applicability in the present set of facts and therefore, directed the Petitioner to make payment to the Respondent, of the amounts due as on 31.12.2019, which was much before the COVID-2019 pandemic struck the country, within a period of five weeks from the opening of the Fee Plaza, i.e. from the discontinuation of the closure as imposed by the circular dated 25.03.2020 of the Account Section of the Ministry of Road Transport and Highways.	N.D.O.H-16.06.2020
4.	Kamal Kumar Kalia v. UOI & Ors. (Supreme Court)	The PIL pointing out that the interest shall continue to accrue during the moratorium period which would also have to be borne by the borrower and the same should not be charged during the moratorium period as citizens are facing “ <i>extreme hardship, whereby business and work have come to a halt and the entire market has crashed.</i> ”	The court by way of its order dated 30.04.2020 <sup>3</sup> dismissed the petition but with a direction to the RBI <i>to ensure implementation of the Circular dated 27.03.2020 in its letter and spirit.</i>	Disposed off on 30.04.2020
5.	Gajendra v. Union of India & Ors. (Supreme Court)	PIL sought issuance of an appropriate Writ praying for the following— To declare RBI Circular dated 27.03.2020 ultra vires to the extent it charges interest on the loan amount during the moratorium period, being contrary “right to life” guaranteed by Article 21 of the Constitution of India; To direct the Respondents to provide relief in repayment of loan by not charging interest during the moratorium period declared in RBI Circular dated 27.03.2020	The court directed the Solicitor General to obtain instructions from Centre, RBI on the issue of levying of interest on the loan amount during the moratorium period. <sup>4</sup>	Likely to be listed on 06.07.2020
6.	Indiabulls Commercial	This petition filed by a Non-Banking Financial Company (NBFC) inter	The court directed Respondent no.1 to not raise any further	Disposed off

<sup>3</sup> [https://main.sci.gov.in/supremecourt/2020/10955/10955\\_2020\\_32\\_6\\_21909\\_Order\\_30-Apr-2020.pdf](https://main.sci.gov.in/supremecourt/2020/10955/10955_2020_32_6_21909_Order_30-Apr-2020.pdf)

<sup>4</sup> [https://main.sci.gov.in/supremecourt/2020/11127/11127\\_2020\\_32\\_20\\_21993\\_Order\\_08-May-2020.pdf](https://main.sci.gov.in/supremecourt/2020/11127/11127_2020_32_20_21993_Order_08-May-2020.pdf)

	Credit Ltd. v. SIDBI & Anr (Delhi High Court)	alia sought a direction to the respondent no.1 (SIDBI) to comply with the RBI Circular dated 27.03.2020 and a consequent direction restraining the Respondent no.1 from recovering any amounts during the moratorium imposed by RBI.	demand on the petitioner towards the due installments against the petitioner till a clarification is sought from RBI. <sup>5</sup>	
<b>MHA ORDER DATED 29.03.2020</b>				
7.	Kerala Vydyuthi Mazdoor Sangham & Ors. v. State of Kerala & Ors. (Kerala High Court)	Petition challenged the decision of the State Government to defer paying six days' worth salaries of all Government employees receive a gross salary of above Rs. 20,000/- for the next five months in the wake of the COVID-19 crisis	The court stayed the operation of the decision of the Government qua deferment of payment of salary inasmuch as it is not a matter of bounty but a right vested in every individual to receive the salary. Article 300A of the Constitution which confers a right to property will include within its purview "salary" also a property. <sup>6</sup>	N.D.O.H-20.05.2020  (as last updated)
8.	Align Components Pvt. Ltd and another v. Union of India and others (Bombay High Court)	<ul style="list-style-type: none"> <li>The petitioners have challenged MHA Order dated 29.03.2020 vide which powers have been invoked to ensure that the workers, including the migrants, would be paid their monthly wages by the employers in wake of COVID-19.</li> <li>Further, Petitioners pray for exemption from paying monthly wages for the period of restriction of manufacturing activities.</li> </ul>	<p>The court held the following<sup>7</sup>—</p> <ul style="list-style-type: none"> <li>workers would be expected to report for duties as per the shift schedules subject to adequate protection, from Corona Virus infections, by the employer in areas where restrictions are lifted in Maharashtra.</li> <li>In the event such workers voluntarily remain absent, the Management would be at liberty to deduct their wages for their absence subject to the procedure laid down in Law while initiating such action. This would apply even to areas where there may not have been a lock down.</li> </ul>	N.D.O.H-29.05.2020

<sup>5</sup> [http://delhihighcourt.nic.in/writereaddata/OrderSAN\\_PDF/URGENT/W.P.\(C\)-2955-2020-09042020.pdf](http://delhihighcourt.nic.in/writereaddata/OrderSAN_PDF/URGENT/W.P.(C)-2955-2020-09042020.pdf)

<sup>6</sup> [http://highcourtofkerala.nic.in/covid\\_files/WPCTMP182202028042020.pdf](http://highcourtofkerala.nic.in/covid_files/WPCTMP182202028042020.pdf)

<sup>7</sup> <https://bombayhighcourt.nic.in/generatenewauth.php?bhcpair=cGF0aD0uL3dyaXRlcmVhZGRhdGEvZGF0YS9hdXJjaXZpbC8yMDIwLyZmbmFtZTlXUDEwNTY5MjAzMjA0MjAucGRmJnNiZmxxZz10JnJqdWRkYXRIPSZlcGxvYWVYWRkdD0zMC8wNC8yMDIwJnIwYXNzcGhyYXNlPTAzMDUyMDE2MDMxNw==>

9.	Ficus Pax Private limited v. Union of India & Ors. (Supreme Court) (Several other petitions tagged along)	Various petitions have been filed challenging MHA Order dated 29.03.2020 directing employers to pay full wages to workers without deduction during the lockdown being unreasonable and arbitrary and as violative of the fundamental right to trade and business of the employers.	Notice issued returnable next week. <sup>8</sup>  <b>NOTE: Vide MHA Order dated 17.05.2020<sup>9</sup>, previous all notifications, including MHA Order dated 29.03.2020 has ceased to operate.</b>	Likely to be listed on 06.07.2020
10.	The Kerala State Small Industries Association v. Union of India & Ors. (Supreme Court)	Besides challenging the MHA Order dated 29.03.2020, the Petitioner has also prayed for the issuance of a direction to the Centre and State Governments to subsidize the wages of employees/workers for the lockdown period by utilizing the funds collected by the Employees' State Insurance Corporation under the Employees' State Insurance Act, 1948 or through any other Government Fund / Scheme including Rajiv Gandhi Shramik Kalyan Yojana and Atal Beemit Vyakti Kalyan Yojana.	Notice issued returnable next week <sup>10</sup>	Matter tagged with above matter
11.	Hand Tools Manufacturers Association v. Union of India & Ors. (Supreme Court)	Petitioner has prayed for the following directions before the court—  <ul style="list-style-type: none"> <li>• Declare Section 10(2)(I), Disaster Management Act, 2005, in the event that the same are interpreted as conferring power on the Central Government, to direct private establishments to make full payments of wages to the employees during the lockdown period as illegal, arbitrary and violative of Articles 14, 19(1)(g), and 300A of the Constitution;</li> </ul>	The Court issued notice and directed that no coercive action shall be taken in the meanwhile. <sup>11</sup>	Likely to be listed on 06.07.2020

<sup>8</sup> [https://main.sci.gov.in/supremecourt/2020/10983/10983\\_2020\\_31\\_25\\_22066\\_Order\\_15-May-2020.pdf](https://main.sci.gov.in/supremecourt/2020/10983/10983_2020_31_25_22066_Order_15-May-2020.pdf)

<sup>9</sup> [https://www.mha.gov.in/sites/default/files/MHAOrderextension\\_1752020\\_0.pdf](https://www.mha.gov.in/sites/default/files/MHAOrderextension_1752020_0.pdf)

<sup>10</sup> [https://main.sci.gov.in/supremecourt/2020/11282/11282\\_2020\\_31\\_31\\_22066\\_Order\\_15-May-2020.pdf](https://main.sci.gov.in/supremecourt/2020/11282/11282_2020_31_31_22066_Order_15-May-2020.pdf)

<sup>11</sup> [https://main.sci.gov.in/supremecourt/2020/11193/11193\\_2020\\_31\\_9\\_22066\\_Order\\_15-May-2020.pdf](https://main.sci.gov.in/supremecourt/2020/11193/11193_2020_31_9_22066_Order_15-May-2020.pdf)

		<ul style="list-style-type: none"> <li>Alternative Prayer: Direct Section 10(2)(I) of the Disaster Management Act, 2005 be read down so as not to include the ground of any power or authority to the Central Government to direct the payment of full wages during the period of lock-down.</li> <li>Quash and set aside clause iii of Government Order dated 29.03.2020 issued by Ministry of Home Affairs, Government of India for being unconstitutional and to hold that it violates Article 14 and 19 of Constitution of India.</li> <li>Stay the operations of the MHA Order dated 29.03.2020 till final disposal of the petition.</li> </ul>		
LIQUOR SHOPS				
12.	Guruswamy Natraj V. Union of India (Supreme Court)	PIL was filed seeking direction(s) to prohibit sale of alcoholic liquors for human consumption at liquor vends/shops through direct contact sales, during the lockdown period to prevent and control the spread of Covid-19 in India, until National Disaster Management Authority or Centre declares India Covid-19 free.	The court was not inclined to entertain the petition but the order stated that, it shall be open for the concerned State Government to consider non-direct sale including on-line sale/home delivery of liquor to facilitate social distancing. <sup>12</sup>	Dismissed on 08.05.2020
13.	Tamil Nadu State Marketing Corp. Ltd. (TASMAC) & Ors. v. B. Ramkumar Adityan (Supreme Court)	This appeal arose out of the orders/final judgment dated 06.05.2020 & 08.05.2020 passed by the Hon'ble High Court of Madras wherein the High Court had permitted online sales and home delivery of alcohol. However, blatant violation of the judgment made TASMAC approach the higher court.	The court has granted an ad interim stay on orders passed by the Madras High Court. <sup>13</sup>	Likely to be listed on 06.07.2020

<sup>12</sup> [https://main.sci.gov.in/supremecourt/2020/11141/11141\\_2020\\_32\\_21\\_21993\\_Order\\_08-May-2020.pdf](https://main.sci.gov.in/supremecourt/2020/11141/11141_2020_32_21_21993_Order_08-May-2020.pdf)

<sup>13</sup> [https://main.sci.gov.in/supremecourt/2020/11184/11184\\_2020\\_31\\_36\\_22066\\_Order\\_15-May-2020.pdf](https://main.sci.gov.in/supremecourt/2020/11184/11184_2020_31_36_22066_Order_15-May-2020.pdf)

14.	Praveen Gulati & Ors. v. Govt. of NCT of Delhi & anr. (Delhi High Court)	The Government of NCT of Delhi had announced a 'special corona fee' on liquor, i.e., 70% additional charge on MRP. The petition was filed challenging the said move on grounds of being arbitrary and unreasonable, and violative of Article 265 of the Constitution of India.	The court issued notice to respondents. <sup>14</sup>	N.D.O.H-29.05.2020
<b>MOVEMENT OF MIGRANTS</b>				
15.	Jagdeep S. Chhokar & Anr. v. Union of India (Supreme Court)	Respondents prayed to allow migrant workers across the country to return to their hometowns and villages after conducting necessary testing for COVID-19 and to arrange for their safe travel by providing necessary transportation to this effect.	The court observed that the relief prayed for in the petition stands satisfied by the virtue of MHA order dated 29.03.2020. Further, as per order dated 01.05.2020 issued by the Ministry of Railways, the Railways has also decided to run “Shramik Special” trains to move migrant workers, tourists, students and other persons stranded at different places due to lock down. <sup>15</sup>	Disposed off
16.	Sarva Hara Jan Andolan & Anr. v. State of Maharashtra (Bombay High Court)	The petition raised concerns pertaining to transportation and cost of commute payable by the migrant workers in the State during the current lockdown due to the Covid-19 pandemic.	<p>The State brought into the notice of the court that—</p> <ul style="list-style-type: none"> <li>• the State shall not insist on any fitness certificate by a Registered Medical Practitioner for transportation of migrant workers; instead, Medical Officers of MCGM and</li> <li>• concerned local authorities will examine the workers proposing to travel to their respective States at the embarkation points and assess them for symptoms of Covid19, if any, and thereupon issue individual clearances;</li> <li>• the fare for such transportation is concerned, Union of India shall bear 85%</li> </ul>	<p>To come up on due course</p> <p>*Orders not uploaded on website:</p>

<sup>14</sup> [http://delhihighcourt.nic.in/dhcqrydisp\\_o.asp?pn=74732&yr=2020](http://delhihighcourt.nic.in/dhcqrydisp_o.asp?pn=74732&yr=2020)

<sup>15</sup> [https://main.sci.gov.in/supremecourt/2020/10947/10947\\_2020\\_32\\_8\\_21916\\_Order\\_05-May-2020.pdf](https://main.sci.gov.in/supremecourt/2020/10947/10947_2020_32_8_21916_Order_05-May-2020.pdf)



			of the fare amount for passage by Railway and the balance burden of 15% fare is concerned, under orders passed by the Supreme Court, the respective States have to pass appropriate orders. <sup>16</sup>	
17.	Mohammed Arif Jameel and Anr. V. Union of India (Karnataka High Court)	A plea was filed by All India Central Council of Trade Unions (AICCTU) in light of the fact that migrants were being compelled to walk up to their respective home States as the State Government decided not to allow the migrant workers to travel back to their respective States.	The Court directed the State Government to make migrants aware of State Policy so they do not "undertake the adventure of walking" to their hometowns and ensure that migrant workers do not breach social distancing rules while being transported. <sup>17</sup>	NDOH-26.05.2020
18.	Hari Singh Rajpurohit V. State of Rajasthan & Ors. (Rajasthan High Court)	Petitioner has urged that a phased and expedited mechanism must be provided by the government for the return of the state's migrant workers, who are stuck at the border while road or rail transportation be arranged for those stranded outside Rajasthan and abrogation of the need for the state's (Rajasthan) approval to let migrant workers in if they have got the consent from the state of origin	The court inquired from the state government about the provisions for the return of over 19 lakh migrant workers presently stranded in Gujarat and some south-Indian states <sup>18</sup>	LDOH: 20.05.2020 (as last updated)
19.	Suo Motu v. State of Gujarat & 2 other(s) (Gujarat High Court)	The court took notice of the news item published in the Indian Express dated 11th May 2020 titled as "Stop migrant workers walking home, take them to shelters: DGP". It appears from the news item that the Director General of Police State of Gujarat has asked the police to stop any worker seen walking and take them to the nearest shelter home.	The court directed the State to provide furnish of migrant workers and facilities set up for them. The court after receiving reply from the state government observed that according to the state government, all steps necessary to ease the problems, hardships and difficulties faced as on today by the migrant workers are being taken care of. <sup>19</sup>	NDOH-22.05.2020

<sup>16</sup> Source: [https://www.livelaw.in/pdf\\_upload/pdf\\_upload-374569.pdf](https://www.livelaw.in/pdf_upload/pdf_upload-374569.pdf)

<sup>17</sup> <https://karnatakajudiciary.kar.nic.in/noticeBoard/WP-6435-2020-08052020.pdf>

<sup>18</sup> Source: [https://www.livelaw.in/pdf\\_upload/pdf\\_upload-374721.pdf](https://www.livelaw.in/pdf_upload/pdf_upload-374721.pdf)

<sup>19</sup> <http://gujarathc-casestatus.nic.in/gujarathc/>



20.	National Campaign Committee for Eradication of Bonded labour. V. Govt. of NCT of Delhi & Ors. (Delhi High Court)	The grievances required directions to be issued for proper functioning of the official website of the respondents meant for registration of migrant workers for transit to their respective native place and the helpline numbers along with the need to appoint Nodal Officers in each district of Delhi for the same.	The court directed as follows <sup>20</sup> — <ul style="list-style-type: none"> <li>• Migrant workers can approach the concerned Nodal Officer, all care will be taken by respondent No.1 (GNCT) for their migration in accordance with law and with the Standard Operating Procedure issued by Union of India.</li> <li>• Nodal Officers shall remain easily available to the migrant workers so that after the online registration the follow up action in accordance with the SOP for their movement to native places be taken.</li> </ul>	Disposed off on 15.05.2020
21.	K. Ramakrishna Vs. Union of India and Ors. (Andhra Pradesh High Court)	Petitioner sought following directions by way of the petition— <ul style="list-style-type: none"> <li>• Declare the action of the Respondents in not allowing the Migrant Workers settled in Vijayawada and Guntur Districts in particular and in the other parts to return to their hometowns and Villages after conducting necessary testing for COVID19 and not providing food and accommodation facilities to them as illegal arbitrary and violative of their fundamental rights guaranteed under Article 14 19 and 21 of the Constitution of India and</li> <li>• Direct Respondents to provide necessary food material, give some immediate financial assistance to the Migrant Workers and also permit them to return to their hometowns and Villages after conducting necessary testing for COVID19 and to arrange for their safe</li> </ul>	The court gave the following directions <sup>21</sup> — <ul style="list-style-type: none"> <li>• Adequate arrangements for food should be made and the same should be distributed to the migrant labour, who are walking on the National Highway</li> <li>• Outpost centres that have been established by the State should be stocked with good drinking water, oral dehydration salts and glucose packets which should be supplied to migrant workers.</li> <li>• Since a large number of women are walking in the heat, temporary toilets in a hygienic condition should be provided, assuring the privacy of the women.</li> <li>• Those who are facing difficulty while walking should be transported in patrol vehicles of NHAI and</li> </ul>	NDOH-22.05.2020

<sup>20</sup> [http://delhihighcourt.nic.in/dhcqrydisp\\_o.asp?pn=76190&yr=2020](http://delhihighcourt.nic.in/dhcqrydisp_o.asp?pn=76190&yr=2020)

<sup>21</sup> [http://tshcstatus.nic.in/csis\\_ap/#](http://tshcstatus.nic.in/csis_ap/#)

		travel by providing necessary transportation to this effect forthwith	<p>Police Department, to the nearest shelter. Efforts should also be made to convince the migrant labour to stop walking and to take the transportation being provided by the State Government;</p> <ul style="list-style-type: none"> <li>• All the Police and Revenue authorities should be made aware of all the centres/food counters and they should guide the migrant workers, who are walking, towards the nearest of such centres.</li> <li>• Pamphlets should be printed in Hindi and Telugu informing the migrant labour, who are walking on the Highways of the location of these shelters and giving them a list of the phone numbers, which they can contact in case of emergencies</li> <li>• A compliance report of the above directions has to be filed before the court by, with clear details of the shelters and services provided, by May 22,2020</li> </ul>	
22.	A.P. Suryaprakasam v. Superintendent - of Police & Anr.	Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, directing the 2nd respondent to produce the bodies of Mr.Ilayaraja @ Ganesan, S/o.Mariappan and 400 others who have been illegally detained by the first respondent at Kupwad, Sangli District, Maharashtra.	<p>The court made the following observations<sup>22</sup>—</p> <ul style="list-style-type: none"> <li>• It is a pity to see the migrant labourers walking for days together to reach their native places and in the process, some of them had lost their lives due to accidents.</li> <li>• Even after the sorrow and sufferings of the migrant workers were reported in the media, nothing happened for the past one month as there</li> </ul>	NDOH-22.05.2020 *Order not uploaded on website.

<sup>22</sup> Source: [https://www.livelaw.in/pdf\\_upload/pdf\\_upload-374880.pdf](https://www.livelaw.in/pdf_upload/pdf_upload-374880.pdf)

			<p>was no coordinated effort between the states.</p> <ul style="list-style-type: none"> <li>• The court suo moto impleaded central government and government of Tamil Nadu and sought information “Action taken” by them. The court also directed that report has to be submitted on 22.05.2020.</li> </ul>	
23.	Rajiv Ranjan v. State of Bihar & Ors. (Bihar High Court)	Petition focussed on the news reports dated 7th May, 2020 published in various newspapers including Dainik Bhaskar, Danik Jagaran, Hindustan that, there was no check on the movement of the persons housed at the quarantine centres and that quality of food distributed to the occupants was not of the desired level. Further, concern was raised qua proper management at the ground level for setting up of quarantine centres.	<p>The court took cognizance of proper management of quarantine centers in the state and sought following information<sup>23</sup>—</p> <ul style="list-style-type: none"> <li>• the number of quarantine centres established in the State of Bihar;</li> <li>• number of persons (migrants) housed therein;</li> <li>• number of persons who have been allowed to return to their respective places of destination after expiry of the mandatory period of quarantine;</li> <li>• total number of persons (migrants), who are further expected to enter the State of Bihar;</li> <li>• the capacity of centres to house such persons;</li> <li>• Whether provision for security, sanitation and food exists at each one of such centre or not;</li> <li>• whether such facility stands outsourced or is being provided or sought to be provided directly by the employees of the State;</li> <li>• whether there is a provision for providing medical aid/facilities; and</li> </ul>	NDOH-22.05.2020

<sup>23</sup> <http://pamahighcourt.gov.in/OrderByCaseNo.aspx>

			<ul style="list-style-type: none"> <li>• Mechanism for lodging complaints and its redressal.</li> <li>• Response was filed through an affidavit of the Secretary, Disaster Management, Government of Bihar before 18th May, 2020 qua which the court has observed that the Government needs to revisit the issue of engagement of civil society for help when they are ready to work without any credit for it.<sup>24</sup></li> </ul>	
MISCELLANEOUS				
24.	IN cognizance for extension of limitation (Supreme Court)	RE: Court took Suo Motu cognizance of the situation arising out of the challenge faced by the country on account of COVID-19 and resultant difficulties that may be faced by litigants across the country in filing their petitions/applications/suits/appeals/all other proceedings within the period of limitation	<p>The court, vide two important orders dated 23.03.2020<sup>25</sup> and 06.05.2020<sup>26</sup>, held as follows—</p> <ul style="list-style-type: none"> <li>• a period of limitation in filing their petitions/applications/suits/appeals/all other proceedings irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March 2020 till further order/s to be passed by this Court in present proceedings.</li> <li>• All periods of limitation prescribed under the Arbitration and Conciliation Act, 1996 and under section 138 of the Negotiable Instruments Act 1881 extended with effect from 15.03.2020</li> </ul>	Pending (Likely to be listed on 06.07.2020)
25.	Thiru N.Ram v. Union of India & Ors.	The Petition challenged the constitutional validity of the State granting sanction to Public Prosecutor to file complaints under	While allowing the petitions, the court held that the core ingredients to make out the case of defamation were missing. Further,	Disposed off in 21.05.2020

<sup>24</sup> <http://patnahighcourt.gov.in/PandemicOrder.aspx>

<sup>25</sup> [https://main.sci.gov.in/supremecourt/2020/10787/10787\\_2020\\_1\\_12\\_21570\\_Order\\_23-Mar-2020.pdf](https://main.sci.gov.in/supremecourt/2020/10787/10787_2020_1_12_21570_Order_23-Mar-2020.pdf)

<sup>26</sup> [https://main.sci.gov.in/supremecourt/2020/10787/10787\\_2020\\_31\\_6\\_21961\\_Order\\_06-May-2020.pdf](https://main.sci.gov.in/supremecourt/2020/10787/10787_2020_31_6_21961_Order_06-May-2020.pdf)

	(Madras High Court)	Section 199(2), the Code of Civil Procedure, 1973 in respect of reports published by The Hindu which were alleged to be defamatory.	the court also held that State must not act like an individual but should have higher tolerance for criticism, and it cannot be impulsive and launch prosecution. <sup>27</sup>	
26.	Karan Seth v. Union of India & Ors.	<p>PIL was filed in view of two grievances which requires appropriate direction of the court. Grievances are as follows—</p> <ul style="list-style-type: none"> <li>• The first grievance related to the poor outstation patients who were being treated at AIIMS, Delhi, stands converted into an exclusive facility to treat Covid-19 patients, to be provided treatment free-of-charge at AIIMS, or, alternatively, at other Government hospitals in the NCT of Delhi.</li> <li>• The second grievance related to lack of housing facilities for such patients.</li> </ul>	<p>The court has passed the following directions<sup>28</sup>—</p> <ul style="list-style-type: none"> <li>• For the authorities to look into the aspect of housing the patients and their attendants at one or the other facility, keeping in view the situation as it emerges, and also taking note of the fact that some patients may require treatment at AIIMS on a regular/ daily basis, while others may not.</li> <li>• For DUSIB to ensure that till so long as shelter/ accommodation is required for the patients and their attendants – whether at the night shelter opposite AIIMS, or at Gargi School, or Pratibha School, the DUSIB shall ensure that all facilities are coordinated and provided.</li> </ul>	N.D.O.H-22.05.2020
27.	M/s Halliburton Offshore Services Inc. v. Vedanta Limited & Anr. (Delhi High Court)	A petition under Section 9 of the Arbitration and Conciliation Act, 1996 was filed, seeking interim protection, by way of a restraint, against Respondent No. 1 from invoking or encashing eight bank guarantees, five of which are due to expire on 30.06.2020, and the remaining on 24.11.2020, issued by the ICICI Bank (Respondent No 2), in favour of Respondent No. 1.	The court in its order dated 20.04.2020 <sup>29</sup> has recognised the countrywide lockdown prima facie in the nature of force majeure. Such a lockdown is unprecedented, and was incapable of having been predicted either by the respondent or by the petitioner. In view thereof, interim relief was granted in favour of the Petitioner, restraining invocation of Bank Guarantee while holding that where “special equities” exists, the court is empowered in facts and circumstances, to injunct	Judgment reserved on 15.05.2020 and delivered on 20.05.2020

<sup>27</sup> <http://164.100.79.153/judis/chennai/index.php/casestatus/viewpdf/529897>

<sup>28</sup> [https://www.livelaw.in/pdf\\_upload/pdf\\_upload-374810.pdf](https://www.livelaw.in/pdf_upload/pdf_upload-374810.pdf)

<sup>29</sup> [http://delhihighcourt.nic.in/dhcqrydisp\\_o.asp?pn=71471&yr=2020](http://delhihighcourt.nic.in/dhcqrydisp_o.asp?pn=71471&yr=2020)

			invocation, or encashment, of Bank Guarantee.	
28.	Uttar Pradesh Worker Front v. Union of India	The PIL challenged a notification dated 08.05.2020 <sup>30</sup> issued by the Government of Uttar Pradesh for relaxation of certain labour regulations concerning working hours, rest periods and overtime laws in the state, as infructuous	The writ was dismissed as being infructuous as the impugned notification was withdrawn by the Government of Uttar Pradesh. <sup>31</sup>	Dismissed on 19.05.2020
29.	M/s. BT India Private Ltd v. Income Tax officer (Delhi High Court)	Petitioner sought the following reliefs— <ul style="list-style-type: none"> <li>• for quashing of the order dated 26.3.2020, passed by the Income Tax Officer for the AY 2012-2013 under Section 201, Income Tax Act, 1961</li> <li>• for quashing of demand notice dated 26.3.2020, issued by the Income Tax Officer Ward issued under Section 156 of the Act for the AY 2012-13 raised pursuant to the impugned order dated 26.3.2020 and</li> <li>• for quashing the penalty proceedings initiated by Income Tax Department under against the Petitioner under Section 271C, Income Tax Act, 1961.</li> </ul>	The Respondent undertook to withdraw the notices dated 26.03.2020 and the court afforded an opportunity to the Petitioner to respond to the Show Cause Notice dated 17.03.2020 which was not provided to the Petitioner by the Respondent. The court directed the Petitioner to reply to the Show Cause Notice within two weeks once the lockdown is withdrawn by the Government, after which the respondent shall be at liberty to take further steps in both the matters, in accordance with law. <sup>32</sup>	Disposed off on 22.04.2020
30.	Shashank Deo Sudhi v. Union of India and Ors. (Supreme Court)	PIL was filed seeking three reliefs, viz.— <ul style="list-style-type: none"> <li>• Provide free of cost testing facility for Covid-19 at all testing labs irrespective of private or government.</li> <li>• Declare Advisory dated 17.03.2020 issued by ICMR (fixing price of Covid-19 tests at Rs. 4,500) as arbitrary and unconstitutional violating</li> </ul>	The court passed an order <sup>33</sup> with the following reliefs/ directions— <ul style="list-style-type: none"> <li>• Free testing for COVID-19 shall be available to persons eligible under Ayushman Bharat Pradhan Mantri Jan Aarogya Yojana, and any other category of economically weaker sections of the society as notified by the Government</li> </ul>	Disposed off on 13.04.2020

<sup>30</sup> [https://www.livelaw.in/pdf\\_upload/pdf\\_upload-374785.pdf](https://www.livelaw.in/pdf_upload/pdf_upload-374785.pdf)

<sup>31</sup> <http://elegalix.allahabadhighcourt.in/elegalix/WebDownloadJudgmentDocument.do>

<sup>32</sup> <http://164.100.69.66/jsearch/>

<sup>33</sup> [https://main.sci.gov.in/supremecourt/2020/10816/10816\\_2020\\_33\\_1\\_21598\\_Order\\_13-Apr-2020.pdf](https://main.sci.gov.in/supremecourt/2020/10816/10816_2020_33_1_21598_Order_13-Apr-2020.pdf)

		<p>Article 14 &amp; 21 of the Constitution of India.</p> <ul style="list-style-type: none"> <li>• Direct the Respondents that all tests relating to Covid-19 must be conducted under NABL accredited pathological laboratories</li> </ul>	<p>for free testing for COVID-19, hereinafter.</p> <ul style="list-style-type: none"> <li>• The private Labs can continue to charge the payment for testing of COVID-19 from persons who are able to make payment of testing fee as fixed by ICMR.</li> <li>• The Government of India, Ministry of Health and Family Welfare may issue necessary guidelines for reimbursement of cost of free testing of COVID-19 undertaken by private Labs and necessary mechanism to defray expenses and reimbursement to the private Labs.</li> </ul>	
--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--





**KINGS & ALLIANCE LLP**  
LAW FIRM

***DELHI OFFICE***

***13, 1st Floor, Ring Road,  
Lajpat Nagar-IV, New  
Delhi-110024***

***011-26441313,  
26441414, 41038038***

***MUMBAI OFFICE***

***5th & 6th Floor, Mafatial  
House, HT Parekh Marg,  
Backbay Reclamation,  
Churchgate, Mumbai,  
Maharashtra-400020***

**WEBSITE: [knallp.com](http://knallp.com)**

**INQUIRY: [info@knallp.com](mailto:info@knallp.com)**