Centre for Law &
Urban Development
Monthly Newsletter

अधीतम्:
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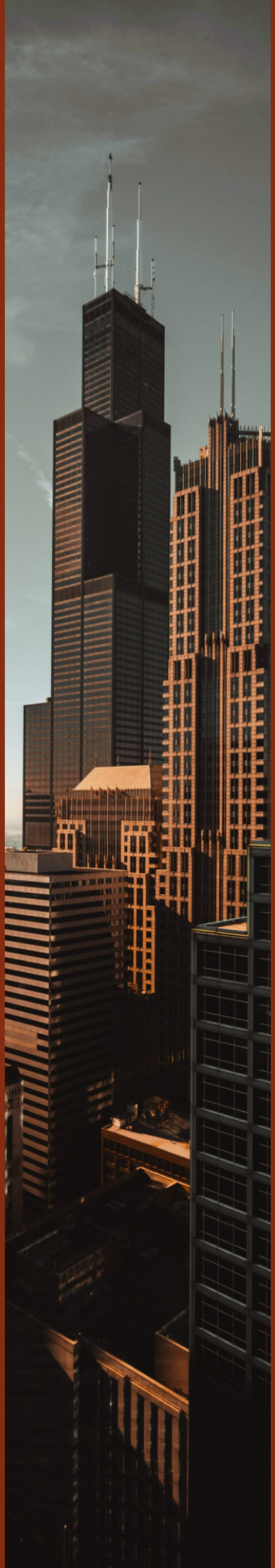

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About CLUD

The primary objective of the Centre is to evolve and impart comprehensive and interdisciplinary research involving land laws, property laws and working towards a sustainable legal education that is socially relevant. We aim to promote legal and ethical values and foster the rule of law and the objectives enshrined in the Constitution of India. Furthermore, the Centre works toward dissemination of legal knowledge and its role in national development, so that the ability to analyse and present contemporary issues of public concern and their legal implications for the benefit of public are improved. These processes strive to promote legal awareness in the community and to achieve political, social and economic justice.

Many believe that the path of liberalisation we embarked upon in the early 90s unleashed India's potential. Undoubtedly the country has undergone vast changes in all spheres and we see a more confident India asserting itself on the global stage. However, this progress has come with very significant challenges to the country. India's various social classes are yet to be assimilated; their participation in the process of governance remains fractured. Cumulative progress needs to be fair and equitable and integral to that is a legal system that empowers the marginalised.

Our sincere endeavour is to make legal education an instrument of social, political and economic change. Each individual who is part of this institution must be remembered for the promotion of social justice. Our students will not only be shaped as change agents as the country achieves its social and developmental goals, but will also be equipped to address the imperatives of the new millennium and uphold the Constitution of India.

EDITOR'S Note

-Rishika Chaudhary

The October issue of the newsletter comes at a time when the lawful governance of urban areas is being redefined by longstanding judicial involvement, increased regulatory pressure, and conflicting requirements of development, environmental preservation, and social equality. With the surge in the size, scale, and complexity of Indian urban areas, law is required not only to facilitate advancement but also to regulate and mitigate its effects and to protect those bearing its disproportionate costs. This volume compiles developments that collectively highlight the judiciary's role in rebalancing the power of urban centres. In matters of land acquisition and housing controversies, the constitutional issues of compensation, urgency, consent, and entitlement have been reinstated in court.

The judicial explanation of the bona fide requirement, estoppel, and successive eviction petitions shows that mutual interests are carefully considered in limiting the right to real property ownership and excluding opportunistic or moving litigation strategies. Meanwhile, it has been shown that courts have become increasingly responsive to long-term occupation, migrant vulnerability, and displacement, recognising that housing conflicts are not solely matters of private law but also questions of dignity, livelihood, and social stability. Another major theme in this edition is urban mobility and infrastructure governance.

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The adoption of the principles of the public trust and the insistence on the scientific evaluation and approval of environmental conditions indicate the development of a jurisprudence that is much more sensitive to cumulative ecological damage in the city. The comparative experience of Europe and Australia further contextualises the Indian experience in a global contest over how to trade off the densification, affordability, and environmental sustainability. There is also a renewed focus on health and social resilience. The Supreme Court's move on ICU standards, the insurance of health workers during the pandemic, and international efforts by multilateral organisations are evidence of a growing appreciation that public health is integral to city-level governance. Such interventions demonstrate that the courts are narrowing the policy-reality gap, especially among frontline workers and marginalised groups. Through these stories, the October issue of The Urban Archives continues to live up to its promise to record law as it adapts to the city's changing needs. With cities as the main intersection of constitutional values, economic ambition, and national environmental boundaries, this question begs the fundamental question: how can law improve urban development in a way that is efficient and resilient, yet just, sustainable, and humane?

REAL ESTATE

Supreme Court Restores ₹175 Crore Worth of Attached Assets to Homebuyers in Major Relief under PMLA–IBC Framework

In a major order to safeguard homebuyers trapped in long-pending real estate litigations, the Supreme Court cleared the restoration of assets worth about ₹175 crore that were attached earlier by the Enforcement Directorate (ED). The order was passed pursuant to appeals arising from insolvency proceedings of a Rajasthan-based real estate company whose projects stalled following complaints of financial irregularities.

The case involved a 2019 Provisional Attachment Order issued under the Prevention of Money Laundering Act (PMLA) against properties of the corporate debtor. During the pendency of insolvency proceedings before the NCLT, a Successful Resolution Applicant (SRA) took over the project and began steps to complete pending units and hand them over to buyers. However, ED's attachment prevented the registration and transfer of these units.

The parties, in compliance with the direction of the Supreme Court, arrived at a settlement that accorded primacy to the protection of the interests of the bona fide homebuyers. The Court partly set aside the attachment made in 2019 pursuant to an affidavit filed by the ED. Further, it ordered that the attached properties be restored to the SRA solely for the benefit of genuine homebuyers.

The Court clarified that the order was being passed under the second proviso to Section 8(8) of the PMLA, which permits restitution of attached property to victims. Eleven units suspected to be linked to proceeds of crime will remain under attachment, and the ED has been permitted to continue prosecuting the former directors and persons involved in the alleged fraud. Importantly, the Supreme Court directed that the corporate debtor's name be removed from criminal proceedings in view of Section 32A of the Insolvency and Bankruptcy Code, which grants clean slate protection to companies taken over by bona fide resolution applicants.

While emphasising that the order should not be treated as a precedent, the Court noted the exceptional circumstances and recorded its appreciation for the coordinated efforts of the ED, the Resolution Applicant, and counsel. With the attachment lifted, the approved Resolution Plan can now move forward, allowing long-delayed homebuyers to finally receive their properties.

Allahabad High Court Orders YEIDA to Pay Compensation for Delayed Plot Allotment

In a significant ruling for land-buyers, the Allahabad High Court dismissed around 150 appeals filed by Yamuna Expressway Industrial Development Authority (YEIDA) challenging awards made to allottees of its residential plot scheme near Greater Noida, covering almost 21,000 plots. The allottees had booked plots under the scheme and also paid premiums or instalments. However, the development of the land was delayed mainly due to litigation, farmer protests and a 2014 government directive that increased land compensation by 64.7%. YEIDA argued that the delays were due to external factors beyond its control and offered an interest refund of 6 % for buyers who chose to withdraw.

Earlier, the Appellate Tribunal under Uttar Pradesh Real Estate Regulatory Authority (UP RERA) had directed YEIDA to pay interest calculated at the Marginal Cost of Funds based Lending Rate (MCLR) plus 1 % annually after four years from allotment or after 75 % payment of premium, whichever was later, until possession or completion certificate.

The High Court upheld these directions, rejecting YEIDA's argument for refund of the pre-deposit made under Section 43(5) of the RERA Act. The Court held that the pre-deposit counted as part of the allottees' dues and that this amount could be used to compensate the liability owed to the allotees, rather than being refunded to the development authority. The Court further observed that developers cannot escape delay liability simply on account of external delays. Once a scheme is launched, the developers are statutorily obliged to pay interest for delayed possession under Section 18 of the RERA Act.

The Court's ruling ensures that land allotment authorities and developers cannot indefinitely postpone possession of property without adequately compensating the allottees. The decision strengthens homebuyer protection mechanisms under RERA in high-growth corridors and raises expectations of meaningful enforcement.

HOMEBUYERS GET RELIEF AS NCLAT ORDERS INCLUSION OF DELAYED CLAIMS IN CIRP

In the present case, National Company Law Appellate Tribunal (NCLAT) had set aside the order of the National Company Law Tribunal (NCLT), which had refused to consider the delayed claims filed by the allottees of a Noida-based project undergoing Corporate Insolvency Resolution Process (CIRP). The case involved more than a dozen homebuyers whose claims were denied since they were filed beyond 90 days from the commencement of CIRP.

The Appellants had booked residential units between the years 2011-2014 and made substantial payments for the same which were reflected in the books of the Corporate Debtor. However, many of them were located outside the NCR region, abroad, or were affected by the COVID-19 pandemic. They contended before the NCLAT that they had no knowledge of the CIRP and became aware of it only in 2023–24, following which they immediately filed their claims. These claims were rejected by the Resolution Professional (RP) as the Committee of Creditors (CoC) had already approved the resolution plan in 2020.

The NCLAT observed that the Adjudicating Authority did not examine the claims on merits despite earlier orders by the Appellate Tribunal whereby the NCLT was directed to consider the applications filed by homebuyers before the re-submission of the plan before the CoC. It further observed that a direction was given to SRA (Successful Resolution Applicant) to await the outcome of these applications, which further indicated that late claims were never intended to be excluded from consideration.

Furthermore, the Tribunal emphasised that the amounts paid by the appellants were reflected in the Corporate Debtor's accounts, confirming that they were genuine allottees. Relying on its earlier ruling in *Puneet Kaur v. K.V. Developers*, the NCLAT held that the RP and CoC must take into account all acknowledged homebuyer payments when revising the Resolution Plan. The Appellate Tribunal clarified that merely because a claim is filed late cannot be a ground to deny substantive rights of genuine allottees, particularly when their contributions form part of the company's liabilities.

Accordingly, the NCLAT allowed the appeals and directed the NCLT as well as the Resolution Applicant to reconsider the homebuyers' claims during the plan revision process.

RBI EXEMPTS SWAMIH FUND FROM REGULATORY CONSTRAINTS TO SUPPORT STALLED HOUSING PROJECTS

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In a significant development, the government-backed Special Window for Affordable and Mid-Income Housing (SWAMIH) Investment Fund I has been exempted from the scope of the new Alternate Investment Fund (AIF) regulations issued by the Reserve Bank of India earlier this year. The announcement on 24 October 2025 ensures that financing for delayed and financially stressed housing projects will not be hit by the restrictions that now apply to private AIFs.

The new AIF framework had introduced tighter rules on how funds may invest, participate in downstream entities, and deal with distressed assets. These rules were intended to improve transparency and reduce the risks associated with complex financing structures. However, real estate experts warned that applying them to SWAMIH would disrupt ongoing revival efforts in hundreds of stuck housing projects. The fund often needs flexibility to acquire debt, reorganise project finance, and directly support special purpose vehicles, all of which could have been constrained under the revised norms.

Since its establishment in 2019 by the central government, SWAMIH has become one of the most significant tools for rescuing stalled real estate projects. It has assisted more than 130 projects in major cities and ensured the completion of thousands of long-pending homes. Most of these projects had been abandoned for reasons including shortages in liquidity, unviable financing structures, or developer insolvency.

The RBI's exemption ensures that this work will continue without interruption. It also signals that policy makers intend to preserve the momentum in affordable and mid-income housing, which remains central to India's urban development strategy.

Homebuyers who await possession are likely to gain most, since easier financing channels can help speed up construction and handovers. Even developers struggling to complete projects may find access to structured assistance more feasible.

The decision is widely expected to stabilise recovery efforts in the real estate sector and could encourage similar targeted funding models in other states. For now, the exemption provides much needed certainty at a time when several urban housing markets are still grappling with the long shadow of stalled construction.

LAND CONFLICT

Supreme Court rejects the extension of relief granted in Kedar Nath Yadav case to an industrial hub for inaction

A division bench of the Hon'ble Supreme Court of India, comprising Justice Surya Kant and Justice Joymalya Bagchi, in the case of *State of West Bengal v. M/s Santi Ceramics Pvt. Ltd.,* 2025 INSC 1222, refused to extend the relief that was granted to the farmers in the case of *Kedar Nath Yadav v. State of West Bengal*, AIR 2016 SC 4156 to the industrialist respondent.

The dispute arose out of the controversial acquisition of the Singur land, which was intended for the development of the Tata Nano Project. In 2006, the Land Acquisition Collector passed an award after rejecting the objections filed by the Respondent under Section 5A of the Land Acquisition Act, 1894. Following this, the possession was taken by the State and handed over to Tata Motors.

The farmers in the case of Kedar Nath Yadav had filed a PIL before the High Court, which was rejected by the Court. However, on appeal, the apex court invalidated the acquisition on the grounds of procedural lapse, non-application of mind, and disproportionate impact on the vulnerable communities. The Hon'ble Supreme Court ordered restoration of the land to the original cultivators.

Basing its plea on this decision of the Court, the respondent approached the High Court in 2016 with the same prayer. The prayer was accepted by the Court, against which the State approached the apex court, leading to this dispute. The primary issue before the Supreme Court was to adjudge whether the relief granted to the cultivators extended to business entities such as the first respondent.

The Supreme Court allowed the appeal by the State and held that the restoration of the land granted to the farmers did not extend to the first respondent. The Court based its decision primarily on three fundamental arguments. The first argument was the **foundational intent** of the remedy granted in the previous case. The remedy was based on the principle that the acquisition disproportionately affected vulnerable communities, and the same cannot be extended to commercial enterprises with financial capacity.

The second argument of the Court was based on the **justiciability of the right**, i.e., whether the right was held to be an *in personam* right or a right *in rem.*

The Court held that the grounds which were personal to the relief seekers acted *in personam* and the benefit could be granted only to those people who actively contested the matter. Benefits do not accrue to non-parties unless the entire acquisition is struck down on fundamental grounds applicable to all, thereby operating in rem.

The third argument of the Court was based on the **waiver and estoppel** of the right to claim the remedy. The Court held that Land acquisition cannot be challenged after accepting compensation, as the claimant is bound by the principle of estoppel. The voluntary acceptance and retention of the full compensation amount without demur constituted clear acquiescence to the acquisition process. This conduct, combined with the principle of estoppel, precluded any claim for restoration.

Delhi High Court Enhances Compensation For Acquisition Of Lands Adjoining Yamuna River After 32 Years

In a judgment given by a single judge bench of the Delhi High Court, given by Justice Tara Vitasta Ganju, the Court enhanced the compensation for land acquisition payable with respect to flood-prone Kilokari, Nangli Razapur, Khizrabad, and Garhi Mendu areas. The case comprised of 144 connected appeals arising out of the same factual scenario.

The dispute arose when land was acquired for the planned development of Delhi and the channelisation of the Yamuna River. The Land Acquisition Collector (LAC) passed four awards against which the claimants approached the Reference Court under Section 18 of the Land Acquisition Act, 1894, which subsequently enhanced the compensation uniformly for three areas and a slightly higher rate for the fourth one. However, the claimants were still dissatisfied as they relied on the parity with adjoining villages to argue for a higher compensation.

The core issue before the Court was whether the claimants should be granted a higher amount for the land acquired.

The Court held that the market value for the acquisition of land must be determined on the basis of comparable sales which took place near in place and in time. The calculation should not be confined merely to the actual use of the land but must include the value attributable to its foreseeable potential for development.

The Court held that when multiple exemplars exist for similar land, the highest exemplar of a bona fide transaction should be considered. Where land is compulsorily acquired for the same public purpose and the lands are identical and similar, it is unfair to discriminate between landowners by awarding different rates of compensation.

The High Court allowed the Appeals, concluding that the land acquired possessed significant potentiality and warranted a substantially enhanced compensation rate based on the proved exemplar.

Allahabad High Court holds that the urgency provision invoked on ground of likelihood of unauthorised construction or encroachment is invalid

A division bench of the Allahabad High Court, comprising of Justice Manoj Kumar Gupta and Justice Anish Kumar Gupta, in the case of *Hatam Singh v. State of U.P. Through Secretary Housing and Urban Planning,* 2025 SCC OnLine All 6838, held that the urgency provision under Section 17 of the Land Acquisition Act, 1894 can only be invoked in cases of justified emergencies and the likelihood of unauthorised construction or encroachment does not amount to such urgency.

The dispute arose as the land was acquired in Ghaziabad for the public purpose of the construction of a residential colony as a part of a planned development scheme. By invoking Section 17 of the Act, the State dispensed with the mandatory inquiry under Section 5A of the Act. The acquisition was initially challenged in 2016, when the High Court held the dispensation as illegal and arbitrary, against which the Supreme Court remitted the matter back to the High Court for fresh consideration.

The primary issue for determination was whether the dispensation of the statutory inquiry under Section 5-A of the LA Act was valid, given that the land was acquired for a planned residential development scheme and the urgency provisions under Section 17(1) and (4) were invoked.

The Court held that the right to object under Section 5A is a substantial and valuable right which cannot be dispensed with except in the case of special circumstances. Invocation of the urgency clause under Section 17 is an exception and cannot be exercised merely upon the existence of a public purpose. There must be an application of mind to form an opinion whether the situation necessitates the dispensation of inquiry or not.

New Toll Rules: Higher Toll for Non-FASTag Users

Starting from 15 November 2025, vehicles that do not have a valid FASTag to pay the requisite toll on national highways will be governed by new rules issued by India's Ministry of Road Transport and Highways. According to the revised National Highways Fee Rules, 2008, payments made in cash shall now be twice the rate prescribed, while those made using Unified Payments Interface shall pay 1.25 times the regular rate. For instance, if a car's toll is ₹100 using FASTag, it will be ₹125 when paid through UPI and ₹200 if paid in cash. The amendment aims to reduce cash handling at toll plazas and encourage a shift to digital payments so as to improve both transparency and transaction speed.

The move also reflects the broader transition toward digital infrastructure under Digital India and Gati Shakti, reinforcing India's goal of fully automated, cash-free national highway tolling.

Gadkari Launches ₹2,000 Crore National Highway Projects in Puducherry

Union Minister for Road Transport and Highways Nitin Gadkari inaugurated and laid the foundation stone for three major National Highway projects worth over ₹2,000 crore in Puducherry on 13 October 2025. The projects involve a 4 km elevated corridor between Indira Gandhi Square and Rajiv Gandhi Square on NH-32, improvement of a 14 km stretch on the East Coast Road (NH-332A), besides the inauguration of a 38 km four-lane section of the Puducherry-Poondiyankuppam highway.

The projects are designed to facilitate smooth and congestion-free urban traffic in Puducherry and reduce travel time. Further, all the features will provide enhanced safety and fuel efficiency. The widened corridor will enable people coming from Villupuram to bypass Puducherry entirely. This new network will also enhance connectivity with major pilgrimage and tourist centres such as Sri Aurobindo Ashram, Manakula Vinayagar Temple, and Auroville.

The Minister announced a pipeline of an additional ₹25,000 crore for the development of highways in the Union Territory at the event and explained that 85 km of it are already completed while 200 km is still ongoing. He also mentioned that the government is working on utilizing municipal waste in road construction, bringing down logistics cost and improving the sustainable infrastructure practices of the country. These projects have been initiated as part of the bigger vision of PM Gati Shakti, in line with India's commitment to integrated, multimodal connectivity and environmentally responsible development.

Supreme Court: No Motor Accident Claim Should Be Dismissed as Time-Barred

In a significant relief for road accident victims, the Supreme Court on 4 November 2025 directed that no Motor Accident Claim Petition can be dismissed as time-barred until the constitutional validity of Section 166(3) of the Motor Vehicles Act, 1988 is finally decided.

The Bench of Justice Aravind Kumar and Justice N.V. Anjaria passed this interim order while hearing a batch of petitions challenging the 2019 amendment that reintroduced a six-month limitation period for filing accident compensation claims. The Court noted that since multiple petitions are pending across High Courts, any decision will have wide implications.

This order was delivered alongside a related proceeding, Rohan Vijay Nagar v. Union of India, which raised similar concerns focused on Delhi's urban traffic management and pedestrian infrastructure. The Court noted that issues raised in both petitions overlap and therefore directed that Rohan Vijay Nagar would be monitored jointly with the Rajaseekaran case to ensure consistency of implementation across the country. While Rohan Vijay Nagar began as a city-specific writ, its integration now ensures that Delhi's compliance will form a benchmark for other states.

The Court also ordered strict enforcement of helmet use, penalties for wrong-lane driving, and regulation of dazzling LED headlights. These directions, taken together, mark a decisive step toward transforming road safety from a policy goal into an enforceable legal duty under the Motor Vehicles Act.

The Court has now instructed all Motor Accident Tribunals and High Courts to keep such cases pending rather than rejecting them for delay, until further orders. The matter will next be heard on 25 November 2025.

Supreme Court Expands Road Safety Mandate Through Linked Judgments

The Supreme Court of India passed a consolidated order on 7 October 2025 in S. Rajaseekaran v. Union of India, while reiterating and further developing the constitutional scheme for ensuring road and pedestrian safety in the country. A Bench comprising of Justice J.B. Pardiwala and Justice K.V. Viswanathan issued elaborate directions to all States and Union Territories to frame rules under the Motor Vehicles Act, 1988, to ensure pedestrian safety, proper design of footpaths, and accessible road crossings.

The Court observed that the right to walk safely forms part of the right to life under Article 21 and emphasized that urban infrastructure cannot ignore pedestrian needs. It had directed NHAI and MoRTH to conduct a nationwide survey to identify roads without crossings, starting with the area around the Delhi High Court and National Zoological Park, where thousands of pedestrians cross daily without adequate facilities.

The court further ordered enforcement related to regulations governing the use of helmets, penalties for driving in the wrong lanes and other traffic rules. These directions are a step toward transforming road safety from a policy goal into an enforceable legal duty under the Motor Vehicles Act.

PM Gati Shakti Portal Opens to Private Sector: A New Phase in Integrated Infrastructure Planning

Commerce and Industry Minister Piyush Goyal in October 2025 opened the PM Gati Shakti portal to the private sector. This is a step towards a collective infrastructure ecosystem. This can lead to better efficiency, last mile connectivity, and evidence based infrastructure planning.

The Bhaskaracharya National Institute for Space Applications and Geo-Informatics created the portal. Through a single geospatial interface, it gives researchers, consultants, and private organizations access to authorized data sets. It is powered by the National Geospatial Data Registry. Roads, railroads, ports, airports, pipelines, medical facilities, and telecommunications networks are among these vital industries. This helps users conduct site suitability analyses, connectivity mapping, and alignment planning.

The PMGS Dashboard was also unveiled to monitor projects in real-time. It is a Knowledge Management System for inter-ministerial learning, and a District Master Plan module for 112 aspirational districts to strengthen local-level planning.

European Court of Human Rights (ECtHR) Finds No Violation in Norway's Review of Climate Impacts for Oil Exploration

The European Court of Human Rights delivered its judgment in Greenpeace Nordic and Others v. Norway, where it considered whether Norway had fulfilled its procedural obligations when opening parts of the Barents Sea for petroleum exploration. The challenge arose from the 23rd licensing round in 2016, during which the Norwegian government authorised exploration in new Arctic areas. The applicants, which included two environmental organisations and several individuals, argued that the State had not properly assessed the climate impacts associated with future extraction and the burning of exported oil and gas.

The Court began by considering who had the right to bring the case. It held that the individual applicants did not qualify as victims because they could not show a direct and serious impact on their health or private life linked specifically to the licensing decision. The environmental organisations, however, were allowed to proceed because they represented affected interests and had a clear history of working on climate issues.

On the central question of procedure, the Court reiterated that Article 8 of the Convention requires States to carry out an adequate and science-based environmental impact assessment before allowing potentially harmful activities. The applicants argued that Norway had failed to do so at the licensing stage. The Court acknowledged that the initial assessment did not include a detailed evaluation of global combustion emissions and other climate impacts. However, it accepted Norway's explanation that such an assessment would take place at the later stage known as the Plan for Development and Operation, which must be completed before any extraction can begin.

The Court held that Norway's regulatory regime permitted the two-step approach, and that it was still possible to consider environmental and climate impacts at the later stage of assessment. It ruled that, looking at the process as a whole, there had been no violation of Article 8. Although the ruling went against the applicants, it emphasised the point that States are obliged to incorporate climate science into decision making at a time when that science could actually make a difference.

Australia's Unique Housing Crisis – Lack of Medium-Density Housing

Australian cities are faced with a unique housing crisis – the critical lack of medium-density housing. The country needs more medium-rise, European-style housing in established suburbs but achieving this is a complex task. The core issue is an offshoot of more than just political and policy considerations and also goes beyond the "NIMBY"(not in my backyard) resistance against real estate development. The causes are underlying in the country's economic, structural and infrastructural landscape.

There has been a general slowdown in housing construction in the country but this is not caused by red tape. About 5 years ago, Australia had reached record construction levels and this momentum was derailed by market shocks including supply-chain disruptions post-Covid, skyrocketing material costs, shortages of skilled labour, and higher interest rates that made pre-sales and financing more difficult. This also indicates that planning reform cannot solely solve the problem of supply shortages unless overall business conditions are also improved and become more conducive to development.

There is also a structural challenge which appears nearly insurmountable which is that the Australian suburbs were never designed for medium density living. There is fragmented land ownership characterised by single detached homes on individual lots which makes any kind of coordinated redevelopment extremely complicated. Mid-rise housing with shared courtyards, green spaces, and community infrastructure requires large, amalgamated parcels of land. However, market forces alone cannot produce such collective pooling of land.

Consequently, redevelopment in the suburbs is piecemeal. This piecemeal redevelopment also lacks big picture planning which could lead to erosion of suburban amenities, declining tree cover, increased runoff and disappearance of vast green spaces. On the other hand, high rise clusters grow in urban centres. The solution therefore lies in activist government intervention including incentives for voluntary land consolidation, precinct-level redevelopment planning, and coordinated infrastructure upgrades. In this regard, land pooling schemes being implemented in several states in India can provide a model which Australia can evaluate and adopt. Government led land pooling schemes have had limited success in India but if implemented correctly with proper incentivisation, similar policies could help solve Australia's current problems. Medium-density housing can only flourish when designed at a neighbourhood scale, preserving greenery and public spaces while accommodating significantly higher populations.

Germany's New Housing Acceleration Act

Germany has established a new Housing Acceleration Act 2025 which aims to address the acute shortage of affordable housing in the country. The Act appears to introduce flexible planning instruments with a view to speeding up development, however, its success depends heavily on municipal willingness. The legislation shifts power to local authorities and the outcome therefore hinges on the efficacy of local authorities in implementing the provisions of the Act.

The Act constitutes the first stage of a two-part reform of the Federal Building Code (BauGB) which replaces Germany's earlier reliance on numerical construction targets with structural reform. The provision of this reform is Section 246e BauGB which is also known as the Bauturbo. This provision essentially allows developers to deviate from planning laws in order to enable new housing projects as long as they are in public interest. Additionally they also need to obtain independent municipal consent under the new Section 36a. This consent then cannot be superseded by higher authorities. However, developers cannot claim any enforceable right to receive such consent. It is up to the discretion of the municipal authority entirely.

The second major reform is with regards to noise protection standards. Noise-related nuisance is a growing concern in the country in densely populated urban localities. Under Section 9(1) No. 23a BauGB, municipalities now have the ability to deviate from the national noise regulation in "justified cases". There is a lot of ambiguity with regards to what can be deemed to be a "justified case" and this creates risks of misuse of the provision. For instance, if the noise provisions of a zoning plan are deemed invalid by a municipal authority at a later stage, the entire project could collapse.

The third key reform expands exemptions under Section 31(3) BauGB which allows for exemptions across multiple similar projects. These may include coordinated upward extensions or precinct-wide density increases.

Overall the Act represents more flexibility to allow developers to circumvent restrictions imposed by national law and instead solve development related concerns locally. However, this decentralised initiative is unlikely to shift outcomes in municipalities that are cautious, resource-strained, or politically resistant to densification.

HEATHCARE

WHO-UNICEF issues first ever guidelines on community hand hygiene.

On October 15th, the world celebrates Global Handwashing Day, first observed in 2008. This year, the World Health Organization (WHO) and UNICEF have published the first global Guidelines on Hand Hygiene in Community Settings. This new framework offers evidence-based suggestions that aim at ensuring governments curtail the proliferation of infectious diseases in non-healthcare facilities, such as homes, institutions and open areas.

The guidelines cover a significant gap in public health. By 2024, 1.7 billion individuals still do not have access to basic hand hygiene services at home. This shortcoming facilitates many of the preventable diseases; hand hygiene has been found to decrease diarrhoeal disease by 30 percent and acute respiratory diseases by 17 percent.

The new initiative implies a major strategic change, which makes hand hygiene a social good and a duty of the government. The guidelines are to go beyond the short-term project-based solutions that tend to wane out following emergencies. Rather, WHO and UNICEF promote the fortification of national and local systems by governments.

This involves the development of effective policies, sustainable funds as well as sound monitoring to make hygiene services sustainable. The guidelines are focused on disrupting the usual cycle of panic and neglect typical of the time between outbreaks through the implementation of hand hygiene in the regular routine of community health. The recommendations made are critical to call governments to facilitate continuous behavior transformation by fulfilling basic needs. This involves the provision of quality access to water and soap or hand alcohol-based rubs, clear information on why, when (before eating or after toilet visits), and how to clean hands, and a supportive physical and social environment where facilities are accessible, convenient, and their use is normalized.

World Bank, WHO, and Japan Initiate Health Works Leaders Coalition

The World Bank Group, the Government of Japan and the World Health Organization formally opened the Health Works Leaders Coalition on October 16, 2025. Health and finance ministers, philanthropic organizations, business leaders, and representatives of the civil society are united in this new global alliance. The initial objective of the Coalition is to facilitate investments in health systems, which are presented as a key measure to support economic development, the creation of new jobs, and the increase of national resilience.

This body is one of the focal points of the larger Health Works initiative orchestrated by the world bank that wants to reach 1.5 billion people with quality affordable health care by 2030. It should be noted that the Coalition is not a source of funds, on its own. Rather, it is an organized initiative to unlock local and foreign investments, activate the requisite reforms, and align allies to transformable government-led priorities.

It was declared that a first large step is developing National Health Compacts by an initial group of 21 countries. These agreements spearheaded by the government will outline the radical reforms, set the priorities of the investment and hold all the accounts to make sure that more people can have access to healthcare. These priorities have specific country priorities such as the expansion of health insurance in Indonesia to the development of a pharmaceutical strategy in Mexico. These initial accords will officially take place at the UHC High-Level Forum, Tokyo in December 2025.

Supreme Court gives Contempt Notices to 28 States/UTs due to non-compliance on ICU Healthcare Standards.

On Monday, October 13, 2025, the Supreme Court of India gave out contempt notices and summoned top health officials of 28 States and Union Territories. This is noteworthy in dealing with the casual non-conformance of these areas to the directives of the Court to develop nationwide standards pertaining to Intensive Care Unit (ICU) and the Critical Care Unit (CCU).

The Court has directed the respective Additional Chief Secretary or the senior-most official of the Department of Health of all non-compliant States/UTs to appear in person before the Court on November 20, 2025. This is a new development that involves the officers also providing personally affirmed show-cause affidavits, as to why contempt action should not be imposed upon them. The Court stressed that the summons was severe and no justification of previous engagements and meetings of the officer should be considered.

The bench also cautioned that in case of further non-compliance, the Court would adopt a very tough stance against the officers involved and the States/UTs in general. The Court expressed great exasperation noting such a situation.

The case, ASIT BARAN MONDAL & ANR. VERSUS DR. RITA SINHA MBBS MS (OBST. GYNAE) & ORS., has its roots in a medical negligence case of 2016. Although that particular case was dismissed on merits, there were systemic failures in India being identified in the healthcare system by the Supreme Court. It turned it into a Public Interest Litigation (PIL) in order to set uniform, feasible, and practicable standards of critical care operations in the country.

The frustration on the part of the Court is due to missed deadlines on a number of occasions. The Court had ordered a multi-stakeholder exercise, requiring all States and UTs to hold regional conferences with public and private healthcare experts to develop minimum standardized procedures, on August 19, 2025. This exercise was to be completed by the end of September 30, 2025, with the final report submitted by October 5, 2025.

In a hearing on September 18, 2025, the Court observed that although the central government had done so, no reports of the state had been submitted. The Court had then given the deadline an extension with a warning and included Dr. Nitish Naik, a professor of cardiology at AIIMS Delhi incidentally, in a three-member expert panel to facilitate the process. The hearing of October 13 was also convened to deal with this ongoing defiance, and the contempt notices were the product of it.

"Society Will Not Forgive", Supreme Court Addresses Insurance Denial for Private COVID Warriors. (Pradeep Arora v Director, Health Department, SLP(C) No.-016860 - 2021)

The Supreme Court of India reserved its verdict in *Pradeep Arora v Director, Health Department, SLP(C) No.-016860 - 2021* involving the denial of insurance benefits to health workers that work at a private clinic and died due to the COVID-19 pandemic. The Justices P.S. Narasimha and R. Mahadevan made strong observations during the hearing of the plea saying that society will not forgive the judiciary for the failure to safeguard and support doctors.

The new position of the Court presupposes a strong reproach of the assumption that the work of the private doctors was motivated only by the profits during the pandemic. The bench strongly opposed this story arguing that it was not right to assume that the private practitioners were making money as they fought the virus. This is the step, which concerns the non-coverage of the benefits of government insurance plans to doctors and health workers working in private clinics, dispensaries, and non-recognised hospitals.

This development is an indication that the Court wants to have a binding principle regarding insurance claims. The bench commented that the only pertinent condition ought to be that the health worker is on COVID response and later died of the virus; in this case, the insurance company should pay. The Court is proceeding towards laying down the principle that will be taken to base future claims, where insurance companies will be forced to pass orders according to the imminent judgment. The bench reiterated that the government should make sure that valid claims are paid. To that effect, the Court has requested the Centre to place on record all the pertinent information on other similar or parallel insurance schemes, which are available other than the Pradhan Mantri Garib Kalyan Package (PMGKP).

It was taken to the top court after the Bombay High Court had already ruled that the services of hospital staffers working privately did not qualify them to be fringe beneficiaries of the insurance plan unless they were formally requisitioned by the state or the Centre.

Such an order was made on a request of Kiran Bhaskar Surgade, the woman whose husband, a doctor with a private clinic in Thane, died of COVID-19 in 2020. The insurance company, which offered her a Rs 50 lakh insurance policy under the PMGKP which covered covid warriors, denied her claim citing the fact that her husband was not listed as a COVID-19 hospital in his personal clinic. The Supreme Court's impending judgment now seeks to re-evaluate this narrow interpretation.

CERC's Proposed Amendment to Renewable Energy Certificate Regulations, 2022

The Central Electricity Regulatory Commission (CERC) recently notified the draft First Amendment to the Renewable Energy Certificate (REC) Regulations, 2022. It marks a crucial turning point in the renewable energy governance framework of India. The core issue, which is underscored at the very outset of the explanatory memorandum to the draft amendment is that the pre-existing REC architecture does not align with emerging realities. The earlier framework was designed to support Renewable Purchase Obligations (RCOs) whereas there is need for Renewable Consumption Obligations (RCOs), new business models like cirtual power purchase agreements and diverse technologies with differing grif value.

A crucial clarification which is sought to be issued through this amendment concerns the eligibility of renewable energy plants which have self-consumption. The earlier Principal Regulations were marred with ambiguity for renewable energy generators which consumed some part of their generation yet at the same time did not meet the statutory criteria of captive plants. This is resolved by the amendment by allowing issuance of RECs to non-captive projects with self-consumption, as long as they satisfy all other eligibility criteria. This has implications for distributed generation as well as industrial decarbonisation since it enables compliance with greater flexibility for private-sector buyers.

The proposed amendment also addresses long-standing issues from distribution companies (DISCOMs). Under the 2022 Regulations, DISCOMs were required to submit RPO-excess data within three months of the financial year's end. This was an infeasible demand and led to non-compliance since most Indian states have slower energy accounting practices. The proposed amendment shifts the period from the end of the financial year to three months after certification by the State Commission reflecting better alignment with on-ground practices and providing regulatory relief.

Additionally, the amendment also envisages a revised framework for Certificate Multipliers which determine how many RECs different technologies receive per MWh of generation.

Under the 2022 regulations, multipliers were based mainly on tariff benchmarks but this static formula may now be replaced with a more nuanced, three-factor scoring system which accounts for tariff range, technology maturity and capacity credit. The move is consistent with global trends where renewable support instruments increasingly reflect dispatchability and system value in addition to cost.

Finally, the amendment also proposes to formally integrate Virtual Power Purchase Agreements (VPPAs) into the REC framework. Rule 14A of the draft amendment provides that RECs issued to VPPA-linked generators are automatically transferred to the buyer, extinguished upon use, and barred from secondary trading. This creates a secure pathway for corporations to meet RCOs without physical power delivery—mirroring international markets where VPPAs dominate corporate procurement.

The proposed amendment reflects CERC's attempt to better meet the requirements of a dynamic REC market in India and is set to bring about several key changes which would drastically improve the current landscape of regulatory compliance in the sector.

India's First Geothermal Energy Policy

The Central Government recently announced its first National Geothermal Energy Policy (2025). This is a crucial development which seeks to mainstream geothermal energy as a viable renewable energy option. The core issue identified in the policy is that while India is accelerating expansion of solar, wind energy and aims to increase storage capacity, it still lacks a temperature-stable clean energy source. The new policy aims to fix this by enabling direct-use heating and cooling, industrial applications, and power generation through enhanced access to geothermal resources and risk mitigation mechanisms.

The policy appears as a strategic diversification tool in a bid to support India's 2070 ner-zero target. It seeks to address a key structural limitation within India's renewable energy landscape which is the over-reliance on weather-dependent sources. On the basis of assessments made by the Geological Survey of India, 381 hot springs and 10 geothermal provinces have been identified with the Himalayan belt exhibiting high-enthalpy thermal zones of nearly 200°C.

A phased implementation roadmap is presented by the policy which includes exploration, drilling, feasibility assessment, permitting and power plant commissioning. Additionally, a single-window clearance mechanism is required by the Ministry of New and Renewable Energy wherein the sites would further be supervised by state governments. Initial exploration rights will be granted for three years, extendable by two more years, with possible additional allowances for high-altitude projects keeping in mind logistical challenges.

Additionally, a substantial fiscal incentive framework is under evaluation—including import duty exemptions, GST relief, tax holidays, viability gap funding, accelerated depreciation, and property tax benefits. This aligns geothermal policy design with India's effective resource-led incentives seen in solar and wind expansion. Special policy focus is expected in the North-Eastern region and geologically favourable states such as Rajasthan, Arunachal Pradesh, and Gujarat.

The policy pays heed to international standards and goals as well. It refers to Global Geothermal Standards, SDG 7, and the Paris Agreement while borrowing from best internal practices from Iceland, Kenya, Indonesia and the United States. Essentially, the policy reflects India's endeavour towards the 2070 net-zero target by addressing structural gaps and giving impetus to innovative solutions which enable resilience.

The Supreme Court holds that the Public Trust Doctrine applies to artifically created waterbodies as well

In *Swacch Association, Nagpur v. State of Maharashtra & Ors.*, the Supreme Court dismissed an appeal challenging recreational and beautification projects at Futala Lake, Nagpur. The appellant argued that the Wetlands (Conservation and Management) Rules, 2017 and the doctrine of public trust were breached by a Musical Fountain built in the lake, a viewer gallery, a Parking Plaza, and a structure of Banyan Tree, amongst others. The appellant maintained that Futala Lake fell within Rule 2(1) (g) of wetlands and was thus subject to the prohibition on permanent constructions in or near wetlands contained in Rule 4(2) (vi), and that the developments breached constitutional requirements in Articles 21, 48-A and 51-A(g) of the Constitution.

The Court examined whether Futala Lake was covered by the statutory definition of wetland or not. The Court also noted that the lake was built in 1799 as an artificial reservoir to be used in irrigation and the consumption of drinking water; the lake therefore was outside the definition in Rule 2(1) (g), which expressly excludes man-made waterbodies built to serve power irrigation. The limitations in Rule 4 were therefore broadly interpreted. The Court held that the artificial Banyan Tree with only a 0.51 percent of the area of the lake and no permanent foundation or bed-affixation was a temporary removable structure and not a permanent construction that was prohibited. The necessary permissions that were required by all the challenged projects were obtained by the competent authorities and the appellant never interfered with them.

Despite this observation, the Court realized that under M.K. Balakrishnan v. Union of India, wetlands listed in the National Wetland Inventory should be conserved under the principles of Rule 4. The Court concurred with the direction of the High Court that in any case, the spirit of Rule 4 (2)(vi) ought to be honored even though the lake did not fit within the statutory definition. Of great importance, the Court applied the expansion of the scope of the public trust doctrine to include man-made waterbodies and artificial natural objects made out of natural resources that aid in the environmental health to ensure that the constitutional environmental rights are realized and sustainable development is implemented. This appeal was dismissed and the balanced nature of the High Court on environmental protection and welfare to the people was affirmed.

Environmentalists objects to Maharashtra National Law University's EOI for its Greenfield Campus In Goregaon

Maharashtra National Law University, Mumbai has invited expressions of interest to hire a project-management consultant who will design its greenfield campus that will cover around 74.13 acres of land in the Pahadi Goregaon West locality. However, there have been strong complaints by the environmentalists who argue that the proposed site forms a natural wetland hence making any development unacceptable under the provision of the environmental laws.

An official objection has been filed against it by environmental activist Zoru Bhathena, to the Chief Justice of India, BR Gavai, and to the Chief Justice of the Bombay High Court, Shree Chandrashekhar who serve as Chancellor and pro-Chancellor of MNLU respectively. The objection highlights that the plot is designated as a natural wetland on the National and State Wetland Atlas of Mumbai Suburban District, indicated by a red X designation. Bhathena maintains that the entire list of plots on the Wetland Atlas are treated as preserved ecological sites and thus no developmental plans should be put across, and has appealed to MNLU to abandon its proposal and to comply with the ecological laws and safeguard the wetland.

Bhathena has also initiated a PIL in the Bombay High Court against the Brihanmumbai Municipal Corporation alleging that it had granted approval to private developers, on a 191.39 hectares plot in Pahadi, Goregaon. The Maharashtra Coastal Zone Management Authority has since 1991 reportedly recognized this plot as wetland. In April 2025, the High Court sent notices to the BMC, MCZMA and the Konkan Wetland Committee over the alleged illegal approvals to develop the approved wetland. According to locals in Lokhandwala, the work has still not started yet, but already one can note the presence of the approaching roads, as well as the current development of landfills on the territory.

The land in question was historically marked as being a natural area under the Development Plan of Mumbai, and then reclassified as residential under DCPR 2034. In 2023 the state government allocated 74 acres of land to the permanent campus of MNLU, and the stamp-duty concession was approved by the Maharashtra cabinet of Rs 186 crore. Environmentalists argue that the region belongs to the category of CRZ1 such as mudflat and mangrove regions in the original CRZ maps, therefore, barring any form of development, including state development.

Supreme Court halts Pune's Balbharati-Paud Phata link road project pending environmental clearance

In a move prohibiting the initiation of the proposed link road project between Indian Law Society (ILS) hill and Paud Phata in Pune, the Supreme Court of India (SC) has issued an immediate injunction pending an environmental clearance of the project. The suggested alignment, going through the ILS campus and neighbouring Law College Hill is a classic example of the underlying conflict between infrastructural development and environmental protection. Although the road has been included in the pre-approved development agenda of the Pune Municipal Corporation (PMC), environmental interest petitioners argue that the road cuts through ecologically sensitive land which is a virgin forest hill with more than 400 species of trees and an aquifer to recharge ground water to the western part of Pune.

The Bench in its directive ordered that no work on any part of the project shall be commenced until the approval under the Environmental Impact Assessment (EIA) Notification framework is obtained. In addition, the Bench ordered the Ministry of Environment, Forest and Climate Change (MoEFCC) to fasten its consultation on the application. The Court was worried because, based on precedent established by the National Green Tribunal (NGT) that a similar alignment demanded an environmental impact assessment, the argument by the PMC that the project did not need such an assessment seemed incorrect.

The stance of the Solicitor General in the case supports the view of the PMC that the road forms part of the current development blueprint of the city and that the route proposed will bypass the top of the hill, but will go around its lower heights in order to reduce the effects on the ecology. However, the petitioners claimed that the EIA carried out one season only and thus did not cover the biodiversity and hydrological importance of the area as it should have conducted a four-season research instead.

The intervention of the Court highlights its willingness to protect procedural controls within the developmental endeavors, mostly in cases in which speedy planning of infrastructure can endanger the environmental values. The decision clarifies that the support of an urban development law can still be evaded by the need to seek environmental clearance in the event of the identification of ecological sensitivity. In governance terms, the order indicates that the momentum in infrastructure project should be aligned to the performance of ecological integrity and clear procedures of impact-assessment. It will probably influence the future practices of municipalities with regard to road alignments in peri-urban areas and in particular those areas located on ecologically vital land.

Supreme Court pauses Aravalli jungle safari due to its consequences for the environment, pending review.

The Supreme Court has put on hiatus the proposed Aravalli Jungle Safari eco-tourism initiative in Haryana pending further review. This order was granted after an appeal was launched by the retired forest officers and environmentalists who expressed concerns about the future ecological consequences of the project. The plan was proposed by the state government and aimed at setting up one of the biggest safari parks in the world located in the area of about 10 000 acres in the districts of Gurugram and Nuh. The plan contained several themed zones of large felines, herbivores, avifauna, reptiles and aquatic species along with nature trails, botanical gardens and visitor facilities.

Petitioners argued that the venture that was allegedly conducted in the name of eco-tourism would cause large-scale harm to the Aravalli ecosystem. They pointed out that the Aravallis have a significant role in sustaining the ecological balance of the Delhi-NCR area, which they perform as a natural barrier to desertification, as a source of groundwater recharge, as air filtering, microclimate moderately, and as wildlife habitats. The Haryana government retorted by justifying the proposal by stating that, the area in question mainly constitutes degraded land which has been historically affected by mining activities and that it does not contain a significant amount of forest cover.

It described the plan as a conservation based project that was managed by the Forest and Wildlife Department and was focused on ecological restoration and not on commercial exploitation. Another precautionary stance is the fact that the Supreme Court has decided to suspend the project and this can be explained by the fear of ecological damage. It further repeats the judicial involvement in balancing the developmental needs and environmental protection. This example can be used to explain the unresolved conflict between the economic aims that are represented as eco-tourism and the necessity to preserve delicate natural ecosystems.

Although the state has introduced the initiative as an opportunity to create employment and to revive the environment, the critics emphasize the importance of ecological integrity and sustainability in the long-term. The presence of the Court encompasses the principle that the environment clearance and strict scientific scrutiny are the compulsory conditions in the process of changing landscapes of high ecological importance.

Supreme Court seeks the Union government's stance in its order relating to the the conflict between Forest Rights Act & Forest Conservation Act On Allowing Houses For Tribes

The Supreme Court in *Sugra Adiwasi & Ors. v. Pathranand and Ors.* (2025 LiveLaw SC 995) involving the Forest Rights Act, 2006 (FRA) and the Forest (Conservation) Act 1980 (FCA) raised the issue, when it comes to the building of permanent (pakka) houses to accommodate forest dwellers. The Court asked the Union Government to make an affidavit within four weeks explaining how such housing would be compatible with the FRA and at the same time be in line with the regulative framework of the FCA and hence the need to harmonise developmental entitlement of forest dwellers with the overall goal of conserving forests.

According to the Justices P.S. Narasimha and Atul S. Chandurkar the bench saw the matter as one of great importance, which necessitated a trade off between two legislative objectives namely ensuring minimum housing to the marginalised communities who depended on forests and protecting the national forest resources as a subject of a trust and environmental need. The Court reviewed Section 3(2) of the FRA, which provides the government an opportunity to perform some of the public welfare actions in forests despite the limitations of the FCA. It did however believe that exemption under this provision was very limited and restricted to particular facilities listed in the Act of which none contains the construction of permanent residential houses; hence the construction of permanent residential houses is not automatically exempt to the requirement on FCA approval.

The Court noted that the FCA cannot simply be considered as a ban statute but should be seen as a control tool that closely monitors non-forest activities in forest cover areas. It suggested that even small settlements built by forest inhabitants, in case they are allowed to exist, should be run under a system of regulation which would preserve ecological integrity. The court also emphasized the need for convergence between the FRA and the FCA whereby the two laws needed to complement each other in order to serve the communities that depended on forests but ensure that environmental governance was not compromised.

The Court thus directed the Ministries of Environment, Forest and Climate Change and Tribal Affairs to conduct extensive consultations and design an effective structure to have the forest dwellers enabled to dwell within the conservation requirements. This decree strengthens the judicial functions of arbitration between social justice and environmental custodianship.

TENANCY & MIGRATION

Judicial Interpretation of 'Bona Fide Requirement' in Eviction Petitions (Sandeep Kumar vs Nihal Chand on 10 October, 2025)

In Sandeep Kumar vs. Nihal Chand (RC.REV. 292/2017), the Delhi High Court gave made a landmark decision which re-enforced the judicial principles applicable to the eviction petitions under the Delhi Rent Control Act, 1958 (DRC Act). The case concerned a landlord's petition seeking eviction on the grounds of genuine need of the commercial premises in Chandni Chowk.

The landlord, who was a respondent, contended eviction for setting up a new business, claiming his current business was shrinking. The tenant challenged this, basing his application for leave to defend mainly on the fact that the landlord possessed alternative commercial properties thereby rendering the necessity stated by the landlord untrue.

The judge of the Rent Control Tribunal, however, turned down the tenant's petition claiming that no triable issue had been raised. Consequently, the eviction order was issued. The High Court, however, conducted a thorough review and confirmed the ruling of the Rent Controller. The judgment not only echoed but also reaffirmed one of the major legal principles, namely that a landlord knows his requirements best. The Court remarked that simply claiming to have other properties does not justify the defence and the tenant has to prove that the landlord has other available properties that are indeed unsuitable for the new business he is going to establish.

The High Court created a judicial precedent by declaring that it was not the intent of the judiciary to prefer their own judgement or to instruct the landlord what business strategy to pursue. Provided that the landlord's asserted reason is not a mere "sham" or pretext for eviction, the court would accept its bona fides. The tenant’s revision petition dismissal indicates that a tenant's claim of “alternative accommodation” must be very concrete and particular. It should unequivocally establish that the other properties in question are not just available but also suitable for the landlord.

Naseem Ahmed v. Deepak Singh: The Role of Estoppel in Summary Eviction Proceedings

In the recent decision of the Division Bench of the Delhi High Court in Naseem Ahmed v. Deepak Singh (RFA(COMM) 503/2025), significant decision was made in regard to the finality of summary judgments in intra-commercial landlord-tenant disputes, which laid special stress on the doctrine of estoppel. The case was developed as a challenge to an eviction order issued by a Commercial Court which had awarded a "judgment on admissions" to the landlord avoiding a comprehensive trial.

The tenant had challenged this decree on two grounds. Firstly, he challenged the pecuniary jurisdiction of the Commercial Court by stating that the landlord had artificially inflated the valuation of the suit by applying the current market rent rather than the contractual rent that they had been paying. Second, he challenged the legitimacy of the summary judgment on the basis of the title of the landlord, which was grounded on a Will, and claimed that such a case required a trial.

The High Court refused the appeal finding that the arguments of the tenant were legally unsustainable. This ruling of the Court was based on the principle of the so-called Approbation and Reprobation (estoppel). As it turned out, in a different, earlier case, the tenant himself had been able to convince the court that it was the Commercial Court that had the jurisdiction. The High Court believed that the tenant was now "blowing hot and cold" by taking a totally opposite stance.

Moreover, the Court upheld the fact known long enough that since the tenant was inducted into the premises by the landlord, he is legally bound not to raise objections to the title of the landlord. This made the primary defence of the tenant to be non-existent. This decision solidifies the fact that litigants can never be opportunistic in changing legal arguments to fit different venues and reaffirms that the challenges are feeble defence against summary eviction when the facts of the tenancy in its essence are proven.

Punjab and Haryana High Court Directs Chandigarh Administration to Frame Rehab Policy for J&K Migrant Workers

The petitioners in this case were migrant labourers from the former State of Jammu and Kashmir who had been residing for 37 years in residential quarters in Sector 29-B, Chandigarh. These facilities were temporarily made available in the 1980s when the State of Jammu and Kashmir asked the Chandigarh Administration to migrate migrant workers due to extreme weather in winter and lack of livelihood. The petitioners claimed that their long-term occupancy had created a legitimate expectation of no eviction without due process, and that the respondents should work out and adopt a rehabilitation policy on their end before evicting them. They argued that it was unjust and unconstitutional to evict them without rehabilitation, especially since they had been residing there for a number of decades and had no other place to live.

The respondents insisted that the petitioners were mere temporary licensees, who were only accommodated on the bequest of the state of J&K and that nothing was ever transferred as a right, title or interest by continued occupancy. They stressed that the Estate Officer ordered their eviction in 2012, the Appellate Authority affirmed the order, and the High Court rejected the appeal in CWP-14955-2012. The case had thus acquired finality and the petitioners could no longer revisit the case. They also claimed that there was no rehabilitation policy of such occupants and that the representations of the petitioners had already been turned down.

The question to the Court was whether or not the petitioners could oppose eviction and demand mandatory rehabilitation despite a previous judicial ruling supporting the eviction orders. The Court determined the ruling of 2012 was final on the legality of the eviction and could not be re-asserted by the petitioners. Their long tenure did not make their temporary accommodation a legal right, especially where there was no allotment, lease or conveyance to them.

However, given that the petitioners had been living in the quarters for almost 40 years, the Court found it unfair to forcefully evict them. In enforcing the eviction order, the Court allowed the petitioners to continue until 31 March 2026 to vacate. It further ordered the respondents to weigh the development of a proper rehabilitation policy, as the petitioners had lived for many years in the state, and they were in a precarious situation. The writ petitions were thus dismissed with this direction.

The Landlord can file successive petitioners for evictions under the Delhi Rent Control Act, under different grounds at different times

In this case, the tenant-petitioner filed a revision petition challenging an eviction order passed under Section 14(1)(e) with Section 25B of Delhi Rent Control Act. The landlord had requested eviction of one of the shops at Kailash Park, claiming that he had a bona fide need to set up a business of selling electronics to his son, and that no other appropriate premises existed. The landlord mentioned that the tenant was inducted in 1965, and had been paying rent, most recently 200 per month, and had defaulted since June 2016, which led to the issuance of a legal notice. The tenant refused to acknowledge ownership of the landlord and the landlord-tenant relationship arguing that the tenancy was in the form of a partnership firm. He also relied on a case that was dismissed in 1986 on eviction due to lack of evidence of such a relationship. Additionally, he claimed the existence of a number of alternative premises that could be used by the landlord and stated that the son of the landlord was already working hence there was no bona fide requirement.

The learned rent controller (ARC) denied the tenant leave to defend and held that the payment of rents was a concession to the existence of the landlord and tenant relationship, the need of the landlord was bona fide and the tenant had no alternative accommodation. Eviction was thus ordered by the ARC. The tenant tried to bring in new documents and photographs before the High Court to prove that the landlord had taken possession of other properties, but the late applications were denied as unsubstantiated, unexplained and not relevant to the point.

The question that the High Court had to answer was whether there were any triable issues regarding (i) the landlord-tenant relationship, (ii) the genuineness of the landlord's need, or (iii) alternative accommodation that was suitable. The Court believed that the relationship was conclusively proved by the fact that the tenant paid the rent by himself. It also considered the requirement of the landlord to be real and based on the precedents that a landlord can seek to settle a child despite the child being employed at present.

It also believed that the mere existence of other properties was not enough to defeat eviction unless they could be proven to be appropriate and in this case the properties mentioned were either inappropriate for instance in non-conforming areas or had already been occupied by another son. The non-disclosure of these properties was immaterial, without demonstration of suitability. Earlier eviction cases were also not considered as landlords may file different petitions on distinct statutory grounds, at different times.

The Court did not find any error in the ARC order and held that there was no triable issue to be faced on the basis of which leave to defend should be granted. It rejected the revision petition, upheld the eviction order and ordered the tenant to hand over vacant possession within four weeks and to clear all the dues.

LEGISLATIVE SPOTLIGHT

Reform Through Disruption: Market Competition, Federalist Tensions, and Equity Safeguards in the Electricity (Amendment) Bill, 2025

Introduction

The Indian power sector has existed in a state of paradox: it is the engine of the nation's economic growth, yet at the same time it remains financially crippled by its own structural inefficiencies. For decades, the power distribution sector in India has been controlled by state-controlled monopolies which results in problems such as economic losses of DISCOMs crossing over more than ₹6.9 lakh crore and consumer helplessness which leaves consumers with no alternatives despite facing poor service. In October2025, the Ministry of Power tried to resolve these problems by introducing the Electricity (Amendment) Bill, 2025 by amending the existing Electricity Act, 2003. The proposed amendment seeks to shift the sector's attention from "welfare administration" to "competitive markets," which will empower the consumer by giving them the opportunity to choose from various alternatives.

De-licensing Distribution: The End of Monopoly

The most transformative change introduced by the Bill is the amendment to Section 14 of the Act. Earlier, prior to the amendment, a DISCOM held an exclusive license to supply power in a specific area, leaving consumers with only a single provider regardless of the quality of service. The 2025 Bill seeks to dismantle this exclusivity by enabling multiple distribution licensees to operate within the same area of supply.

This amendment introduces a "de-licensing" effect in which electricity consumers will now have the statutory right to choose their supplier just as mobile users can switch networks without changing their handsets. To ensure this is economically viable, the Bill avoids the need for new infrastructure as it mandates that new private players can utilize the existing distribution network (wires and poles) of the incumbent DISCOM by paying a "wheeling charge."

Modernizing the Grid: Storage and Power Exchanges

Going beyond simple distribution, the Bill updates the grid to meet modern needs. The Bill introduces a clear definition of Energy Storage Systems (ESS) under Section 2(26A), recognizing storage as an important grid component rather than just a generation or transmission facility. This provision allows the licensing and operation of battery and pumped hydro systems, which is critical for balancing the grid frequency. Furthermore, the amendment to Section 66 mandates the Appropriate Commission to promote the development of power markets, which aims to deepen the spot market. This move towards market-based dispatch will ensure that electricity prices are discovered through demand-supply dynamics rather than opaque bilateral contracts.

Financial Discipline: The Mandate of Section 61(g)

Beyond competition, the Bill also seeks to enforce strict financial discipline. A primary cause behind the sector's economic distress has been the political suppression of tariffs by keeping the prices artificially low for electoral gains despite the rising costs. The amendment to Section 61(g) is particularly aggressive in this regard as it mandates that tariffs should be "cost-reflective," ensuring that they recover all the prudent costs incurred during the supply of electricity. It also sets a statutory timeline for the elimination of cross-subsidies for specific industrial categories (such as Indian Railways, metros, and manufacturing enterprises) within five years.

The Bill further seeks to address the chronic lethargy in tariff revision. By strengthening Section 64, it empowers the State Electricity Regulatory Commissions (SERCs) to initiate suo motu proceedings if Discoms fail to file tariff petitions on time, which will further remove the discretion that allowed the state governments to delay price hikes, ensuring that the sector's financial health is no longer held hostage to political convenience.

Climate Responsibility[KJ1] : Achieving Net Zero Goals

Simultaneously, the Bill aligns the power sector with India's 2070 Net Zero goals and the "Panchamrit" commitments. Previously, renewable energy targets were largely aspirational in nature; however, the Bill amends Section 142 to transform these aspirations into binding financial liabilities. It introduces mandatory statutory penalties for non-compliance with Renewable Purchase Obligations (RPOs), ranging from ₹0.35 to ₹0.45 per unit. By penalising the failure to procure green energy, the Bill compels DISCOMs and industries to prioritise decarbonisation, thereby generating sustained demand for solar and wind energy that is essential for meeting national climate targets.

Critical Analysis

While the Electricity (Amendment) Bill, 2025 seeks to reform the sector, its "multiple licensee" model risks the privatisation of profits and the nationalisation of losses. Unlike the 2022 Bill, the 2025 Draft omits the Cross-Subsidy Balancing Fund, leaving no institutional mechanism to prevent private players from cherry-picking urban commercial consumers. As a result, State DISCOMs risk becoming "suppliers of last resort" for subsidised rural households, thereby accelerating their financial distress and potentially precipitating the collapse of state-owned utilities.

Furthermore, the Bill strains the delicate fabric of federalism. Although electricity is a subject under the Concurrent List, the Bill concentrates significant power in the hands of the central government, particularly with respect to the appointment and accountability of state regulators. By mandating rigid tariff structures and curtailing state-level discretion, the Centre risks encroaching upon state jurisdiction in a sector traditionally characterised by strong state involvement.

Conclusion

The Electricity (Amendment) Bill, 2025 represents an essential step towards reform, as it seeks to dismantle state-created monopolies by introducing competition in the power sector. By granting consumers the right to choose their electricity supplier and enforcing strict financial discipline, the Bill repositions electricity as an economic service rather than merely a political favour. However, this transition will be challenging, as the government must ensure that the pursuit of efficiency does not undermine reliable access to power for economically weaker consumers. Moreover, the Bill risks unsettling the federal balance by centralising control over state regulators, potentially giving rise to new constitutional and political disputes.

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