
COURTS COME TO HELP- QUICK INSIGHTS FROM ALL RELEVANT ORDERS PASSED DURING LOCKDOWN

India has not passed a comprehensive legislation dealing with enforcement of commercial contracts during COVID 19. Naturally, the courts stepped up. While there has been a lot of discussion around force majeure and the reliefs that can be moulded by courts to address difficulties during COVID 19, it can be seen from the below mentioned cases that the courts have been extremely generous in granting reliefs (*whether due to force majeure or otherwise*). There are only a handful of cases which did not pass the muster.

It will be interesting to see which will stand the test of time- new principles laid down by the below mentioned cases for seeking suspension of rights or the old precedents that held the ground before the outbreak of COVID-19.

We hope the below mentioned orders will give you a bird's-eye view of the matters pleaded by the industry and the orders passed therein.

We would be happy to send you a copy of any of the orders mentioned or receive any feedback or comments you may have on this update. You can reach out to priyanka.devgan@verus.net.in.

	Restrain Invocation of Bank guarantee	Restrain invocation of pledge/ encashing of LC	Sought protection of moratorium declared by RBI	Allow time to comply with court/tribunal/department orders/ Prevent action against property	Restrain misuse of Trademark in violation of Franchisee Agreement	Restrain sale of vessel held as security	
<ul style="list-style-type: none"> Property 				Diljit Singh Bindra v/s Life Insurance Corporation of India (SC) <i>(Eviction Order)</i>			
<ul style="list-style-type: none"> Paper Industry 				A-1 Fateh CHSL. & Anr. v/s Municipal Corporation of Greater Mumbai & Ors. (Bom HC) <i>(Demolition/ Eviction/ Auction Order)</i>			
<ul style="list-style-type: none"> Shipping & Technology Solutions 				Shree Bhageshwari Papers Ltd. v/s Lakhani Footcare Pvt. Ltd. (MP HC) <i>(Deposit pursuant to Liquidation Order)</i>		Best Oasis Ltd. v/s M.V. Lily Star (Bom HC)	
<ul style="list-style-type: none"> Education 				M/s BT India Pvt. Ltd. v/s Income Tax Officer (Del HC) <i>(Demand Order/Penalty Proceedings)</i>	Vidya Mandir Classes Ltd. v/s Wefrew Educations Pvt. Ltd. (Del HC)		
<ul style="list-style-type: none"> Banking 		K.L. Enterprises LLP & Ors. v/s Bajaj Finance Limited (Del HC) <i>(Pledge of Additional Shares- Interim arrangement between parties reached)</i>	Anant Raj Limited v/s Yes Bank Limited (Del HC) <i>(Declaration of NPA)</i>	Kailash Mehendiratta v/s Central Bank of India and Ors. (Del HC) <i>(DRT order)</i>			
		Standard Retail Pvt. Ltd. v/s State Bank of India and Standard Retail Pvt. Ltd. v/s G.S. Global Corp & Ors. (Bom HC) <i>(As steel declared as essential service, no effect of temporary lockdown on payment obligations)</i>	JR Toll Road Pvt. Ltd. v/s Yes Bank Limited (Del HC) <i>(Declaration of NPA)</i>	Shakuntala Educational & Welfare Society v/s Punjab & Sind Bank (Del HC) <i>(Declaration of NPA)</i>	Ajay Kumar v/s IIFL Home Finance Limited (Del HC) <i>(DRT order)</i>		
		Rural Fairpirc Whole Ltd. & Anr. v/s IDBI Trusteeship Services Ltd. & Ors. (Bom HC) <i>(No invocation to protect value of pledged shares)</i>	Eastman Auto & Power Ltd. v/s RBI (Del HC) <i>(Servicing of electronic bill discounting under TReDS)</i>	Transcon Ironica Pvt. Ltd. & Ors. v/s ICICI Bank & Ors. (Bom HC) <i>(Declaration of NPA)</i>			
		Ideal Toll & Infrastructure Pvt. Ltd. v/s. ICICI Home Finance Company Ltd. & Anr. and Anuya Jayant Mhaiskar v/s ICICI Home Finance Company Ltd. & Anr. (Bom HC) <i>(No invocation as revised payment schedule agreed)</i>	Indiabulls Housing Finance Ltd. v/s HDFC Bank & Anr. (Del HC) <i>(As Indiabulls had permitted deduction of instalment on rejection of its moratorium request)</i>	Securities & Exchange Board of India v/s Indiabulls Housing Finance Ltd. & Ors. (Del HC) <i>(Set aside order granting permission to Indiabulls to not pay its debenture holders, including mutual funds)</i>	Pradeep Kottary v/s Bharat Co-operative Bank (Mumbai) Ltd.) (Kar HC) <i>(DRT Order)</i>		
					Jindal Indian Thermal Power Limited v/s M/s Siemes Limited (Del HC) <i>(Arbitration)</i>		
<ul style="list-style-type: none"> Coal/ Iron Ore Mining 	Indrajit Power Pvt. Ltd. v/s Union of India (Del HC) <i>(Performance Security- Default had occurred prior to lockdown)</i>			M/s. Mideast Integrated Steels Ltd. v/s The Secretary Deptt. of Steel & Mines, Govt. of Odhisha (SC) <i>(Iron ore Sale)</i>			
<ul style="list-style-type: none"> Oil and Gas 	M/s Halliburton Offshore Services Inc. v/s Vedanta Limited & Anr. (Del HC) <i>(Encashment of 8 Bank guarantee)</i>						
	Ashwini Mehra v/s Indian Oil Corporation Limited & Ors (Del HC) <i>(Encashment of 3 Bank guarantees)</i>						

Force Majeure under contract pleaded

Relief for COVID-19 lockdown pleaded

Prayer Not Granted

Prayer Granted