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NEWSLETTER

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THE PLATIC BAN NOTIFICATION

In exercise of the powers conferred by Clause (1) and (2) of Section 4 of the Maharashtra Non-Biodegradable Garbage (Control) Act, 2006 the Government of Maharashtra had notified the **Maharashtra Plastic and Thermocol Products (Manufacture, Usage, Sale, Transport, Handling and Storage) Notification 2018** dated 23rd March 2018 and amended on 11th April 2018, and 30th June 2018.

In order to guide the public at large about the banned and unbanned plastic and thermocol items, a booklet has been issued on 10.07.2018. The following chart is a representation of the contents of the said booklet with regard to the objects/articles which have been allowed and the ones which haven't been allowed:

OBJECTS ALLOWED	OBJECTS DISALLOWED
PET/PETE Bottles having a holding capacity of 200 ml and above (with details of the buyback scheme printed on it)	Plastic Mineral Water Pouch
Manufacture of Plastic and plastic bags for use in SEZ's and export-oriented units.	Plastic Bags (with or without handle)
Plastic - made up of 20% recyclable material and - with thickness of over 50 microns - which is used as wrapping material - at manufacturing stage - or is an integral part of manufacturing.	Single use disposable items (cups, spoons etc.)
Plastic with over 50 microns thickness used for packaging groceries.	Disposable bowls, straw etc. used by Restaurants

Compostable Plastic Bags for handling agricultural and solid waste.	Thermocol used for decoration
Paper based carton packaging using one or more layers of plastic	
Virgin Plastic bag - used for selling milk- not less than 50 microns thick.	
Recyclable multi-layered plastic - Chips/Oil/Shampoo Sachet etc.	
Plastic items for domestic use such as buckets, jars etc.	
Plastic for packaging medicine and medical products	
Thermocol boxes to preserve fish	
Recyclable Plastic stationery	

PENALTIES UNDER THE SAID NOTIFICATION

First Offence	Fine of Rs. 5,000/-
Second Offence	Fine of Rs. 10,000/-
Third Offence	Fine of Rs. 25,000/- + 3 months imprisonment

SINGLE CO-OWNER LANDLORD CANNOT TERMINATE TENANCY

Navin Chander Anand	Court: Delhi High Court
Appellant	Date of Judgement: 17 th July 2018
Union Bank of India and Ors.	
Respondent	Case No.: RFA No 544 OF 2018

The said matter involves a suit filed for the recovery of possession and mense profit with respect to a property under co-ownership. The said property was under the occupation of the tenant. Though one owner himself initiated a suit for the termination of tenancy, the other co-owner did not extend any support and stated that the process of termination was unilateral since his consent was not taken.

The Delhi High Court in the said matter dismissed the Appeal and stated that a suit for the recovery of legal possession was not maintainable at the instance of a co-owner when other co-owners object to such recovery.

**CLAUSES TO PREVENT DISPUTES AND ENSURE SMOOTH
IMPLEMENTATION WILL NOT BE IN ARBITRATION AGREEMENT**

Shyam Sunder Agarwal	Court: The Supreme Court of India
Appellant	Date of Judgement: 23 rd July 2018
P. Naroatham Rao and ORS.	
Respondent	Case No.: Civil Appeal No 6872 OF 2018

In the said matter, the Apex Court held that clauses inserted in the agreements merely to prevent disputes from occurring and to ensure smooth implementation of the agreement will not be considered a part of the arbitration agreement.

**ONLY CENTRAL COUNCIL FOR HOMEOPATHY CAN APPOINT
MEDICAL INSPECTORS TO INSPECT HOMEO COLLEGES.**

The Temple of Hanemann Homeopathic Medical College and Hospital	Court: The Supreme Court of India
Appellant	Date of Order: 17 th July 2018
Union of India	
Respondent	Case No.: Civil Appeal No. 6735-6740 of 2018

The Supreme Court in The Temple of Hanemann Homoeopathic Medical College and Hospital vs. Union of India has held that Central Government has no power to appoint a team of medical inspectors for the purpose of inspection of homeo colleges etc., as power of such appointment is conferred only on Central Council for Homeopathy (CCH) by the Homeopathy Central Council Act, 1973

SC ACCEPTS COMPENSATION SCHEME FOR SURVIVORS OF SEXUAL ASSAULT AND ATTACK

Petitioner: Nipun Saxena & anr	Court: The Supreme Court of India
	Date of Order: 25.07.2018
Respondent: Union of India & Ors	
	Writ Petition no. 568/2012

The scheme was submitted to a Bench comprising Justice Madan B. Lokur and Justice Deepak Gupta by the National Legal Services Authority (NALSA) and a Committee comprising officers of the Ministry of Women and Child Development, Government of India, the Department of Legal Affairs, and the National Commission for Women. Noting that there were no objections against the scheme after it was put up on NALSA's website, the Court directed the Centre as well as the State and the Union Territories to give wide publicity to the scheme and to implement it in letter and spirit.

Prepared By:

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