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HIGHLIGHTS OF FULL JUDGMENTS

Total Pages 216
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- ❖ Matters of coverage under ESI Act to be withdrawn and be dealt with under the Amnesty Scheme, 2025. APHC 1336
- ❖ It is the right of the employer to reduce the age of superannuation of an employee from 60 to 58 years. Bom. HC 1320
- ❖ Only the contractor employing building workers and not the principal employer will be liable to pay cess. Telan HC 1313
- ❖ Union's espousal, in the larger interest of workmen, is legal even if the workman was not a member. Bom. HC 1305
- ❖ Forfeiture of gratuity is proper when the employee showed lack of care, caution and reasonable judgment. Cal. HC 1317
- ❖ No liability of occupier/manager when the accident was due to the negligence of the deceased worker. Chhatt. HC 1325
- ❖ Assaulting teachers and other security staff by the workmen in front of students justifies dismissal. P&HHC 1315
- ❖ It is mandatory for Police and labour authorities to take action when the establishment had to close down because of illegal strike. Gau. HC 1332
- ❖ Gratuity of an employee cannot be forfeited on retirement even if he failed to pay loan amount. Ori. HC 1323

- ❖ Labour Court's order referring to union's arguments and not that of management is liable to be set aside. Del. HC 1300
- ❖ No accident compensation in absence of subsistence of work and employer-employee relationship. Bom. HC 1334
- ❖ Misappropriation of subsidy by a bank employee is a grave misconduct justifying dismissal. All. HC 1309
- ❖ Any demand raised by ESI Authorities after five years is not sustainable. Bom. HC 1329
- ❖ Widowed sister is not a dependent and cannot seek any accident compensation. Supreme Court 1299
- ❖ Only an establishment actually employing building workers is covered under the BOCW Cess Act. Telan. HC 1313
- ❖ No forfeiture of gratuity before quantifying the loss suffered by the employer. Cal. HC 1317
- ❖ Enquiry before termination is mandatory even if criminal prosecution was pending against the workman. Bom. HC 1305
- ❖ Defence that no loss was caused to the employer owing to employee's misconduct is unacceptable. All. HC 1309

EMPLOYEES' PROVIDENT FUNDS ACT & PENSION SCHEME

- ❖ EPF authorities cannot take any coercive action till the disposal of the appeal by the Tribunal. Cal. HC 1350
- ❖ If appeal against levy of damages is allowed, order passed w.r.t. payment of interest will go. Chhatt. HC 1360
- ❖ Court can restore appeal before CGIT subject to payment of costs and other conditions. Del. HC 1338
- ❖ Damages and interest for default not justified when establishment suffered continuous losses. Karn. HC 1344
- ❖ Establishment's defence of not having old record is valid when belated challenge was initiated by EPFO. Mad. HC 1361
- ❖ Complaint for non-submission of return cannot be made after a period of more than 3 years. Cal. HC 1354
- ❖ Employer not liable to produce records without knowing the identity of complainant employees. Karn. HC 1351
- ❖ Merely giving approvals does not make the Director personally liable for non-deposit of PF dues. MP HC 1346
- ❖ An establishment cannot be covered under the EPF Act without reasonable opportunity of hearing. All. HC 1339

- ❖ Actual proof of financial difficulties will have to be produced for reduction of damages. Mad. HC 1348
- ❖ Non-payment of the employer's contribution to EPFO before due date is a continuing offence. Cal. HC 1354
- ❖ Even if damages and interest were levied ex-parte, the order can still be challenged before CGIT. Karn. HC 1344
- ❖ Establishment not falling u/s. 1(3)(a) of the EPF Act can't be covered merely on basis of available record. All. HC 1339
- ❖ Commission paid to employees can be 'basic wages' depending upon facts and circumstances. Karn. HC 1351
- ❖ Two entities, even if treated as separate for assessment, can be clubbed during recovery. Mad. HC 1341
- ❖ Mere procedural lapses by the establishment does not automatically create criminal liability without specific evidence. MP HC 1346
- ❖ Damages will be reduced to 25% when the quantum of the same was more than the liability u/s. 7A. Mad. HC 1353
- ❖ Recovery certificate issued during the pendency of appeal is against the principles of natural justice. Cal. HC 1350

COMPLETE INDEX 2025

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Vol. XLVII

DECEMBER 2025

No. 12

New Arrival SOM&LA



G S F C
UNIVERSITY
EDUCATION RE-ENVISIONED

76TH YEAR-ISSUE NO.12

2025-IV-LLJ

DECEMBER

(09-12-2025)

MONTHLY

PUBLISHED ON SECOND WEEK
OF EVERY MONTH

MODE OF CITATION

2025-IV-LLJ (SC / HC)

2025-IV-LLJ (St.)

REPORTING JUDGMENTS OF
SUPREME COURT OF INDIA
AND HIGH COURT

P1854

LABOUR LAW JOURNAL



SINCE 1949

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AN LLJ PUBLICATION
CHENNAI

Contents :

Reports : 465 - 672

Index : 1 - 35

76th Year of Publication

N. B. Complaints of non-receipt of parts will not be attended to if not received within ten days after the due date. Change of address should be intimated well in advance.

Annual Subs. 2025 : ₹ 7975/-

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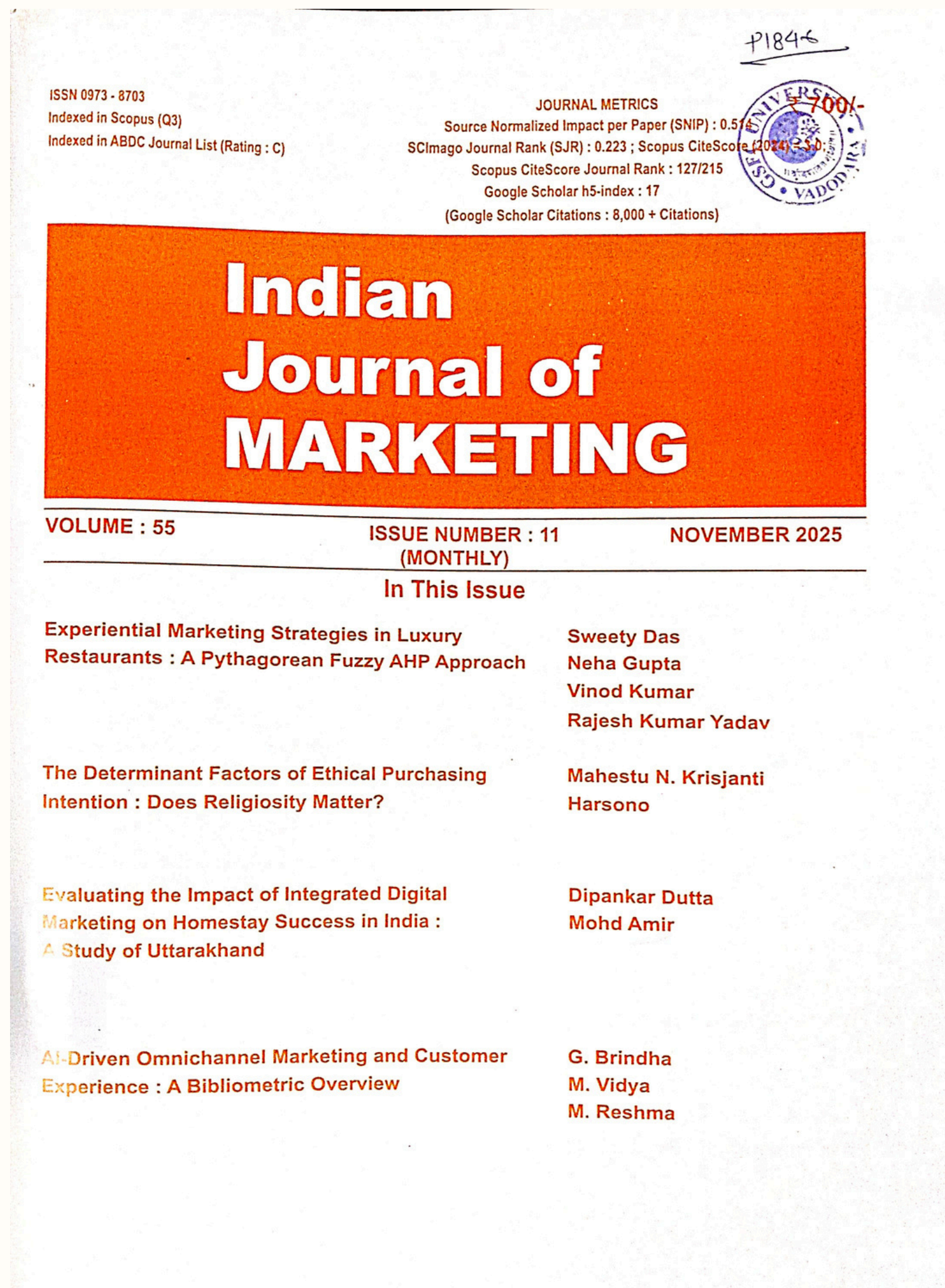
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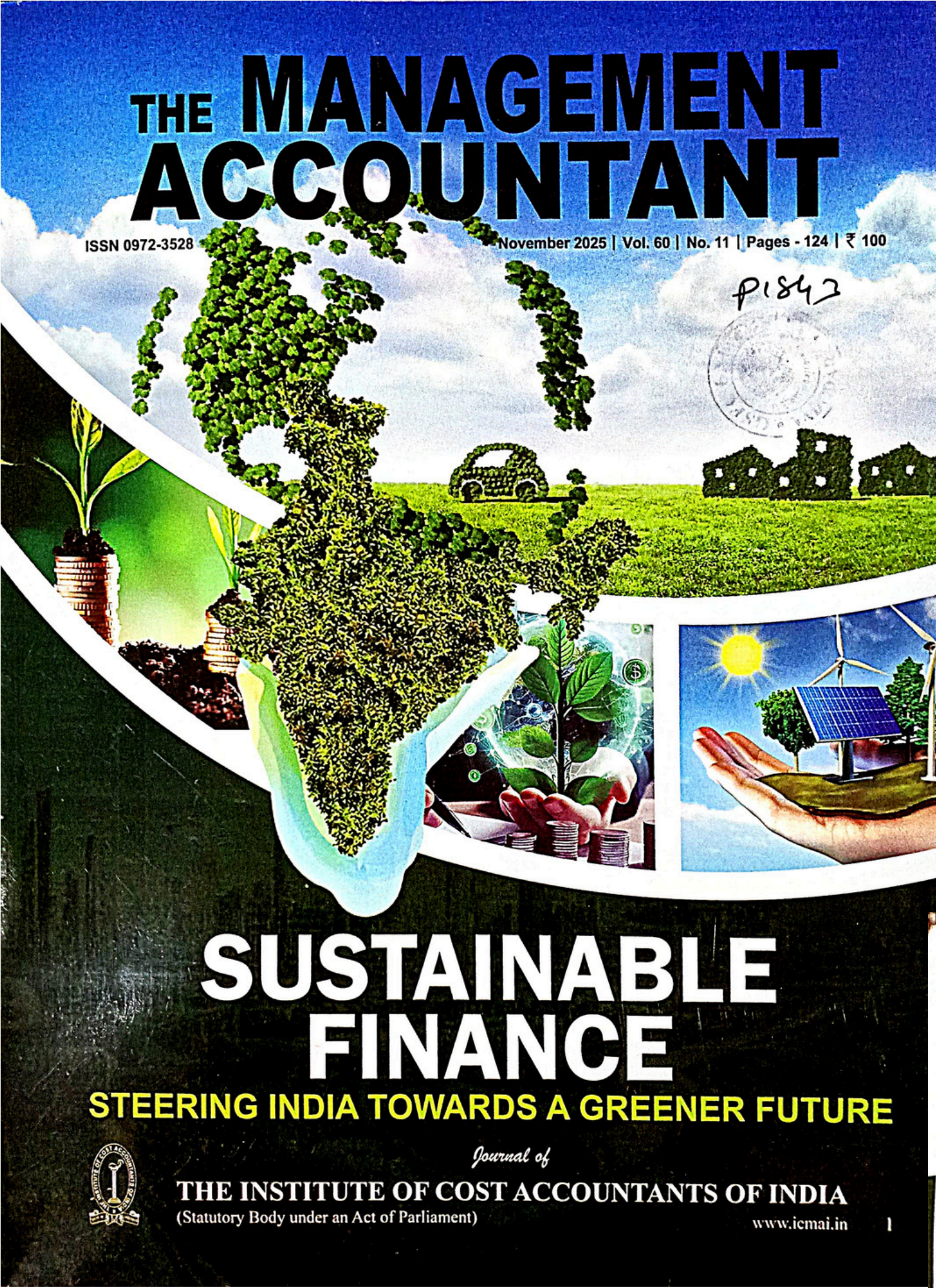


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Inside

November 2025



NOVEMBER VOL 60 NO.11 ₹100

Cover Story

- 19** INDIAN GREEN BOND MARKET: PROGRESS AND CHALLENGES ON THE ROAD TO NET ZERO
- CMA Rajendra Kumar Joshi
- 25** INDIA'S JOURNEY TOWARDS NET ZERO BY 2070
- CMA (Dr.) Amit Kumar Arora & Priyanka Sharma
- 31** SUSTAINABLE FINANCE: STEERING INDIA TOWARDS A GREENER FUTURE
- Binita Pradhan & CMA Bibekananda Pradhan
- 34** SUSTAINABLE FINANCE AND INVESTOR AWARENESS
- CMA IN Murthy
- 40** INDIA'S ENVIRONMENT AUDIT RULES – A STEP IN THE RIGHT DIRECTION
- CMA Nayana Premji Savala & CMA A Sekar
- 46** GREEN FINANCE: CATALYSING THE NET-ZERO TRANSITION – THE IMPERATIVE FOR FINANCE PROFESSIONALS
- CMA Krishna Majethia
- 50** DIGITAL TRANSFORMATION AND SUSTAINABILITY: FROM STEAM TO SMART – HOW DIGITAL TRANSFORMATION POWERS A SUSTAINABLE FUTURE
- CMA (Dr.) Aditi Dasgupta, CMA Arunabha Saha & Dr. Ranjith Krishnan
- 55** INDIA'S GREEN BOND MARKET: A PATHWAY TOWARDS SUSTAINABLE INVESTMENT
- CMA Meet Jogatar
- 58** GREEN BANKING IN INDIA: PATHWAY TO SUSTAINABLE FINANCE
- CMA (Dr.) Ashoke Mondal & Sourav Das
- 62** PRODUCT LEVEL PROFITABILITY – A KEY PLAYER IN FINANCIAL SUSTAINABILITY OF BUSINESS
- CMA Bhushan U Pagere
- 68** INTEGRATING ENVIRONMENTAL ACCOUNTING INTO SUSTAINABLE ECONOMIC DEVELOPMENT: A PATHWAY TO RESPONSIBLE GROWTH
- Deblina Mishra & CMA Kajal Mishra

Contents

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ISSN 0973 - 8711

Indexed in Scopus (Quartile : Q2)
Included in ABDC Journal Quality List (Rating : C)

JOURNAL METRICS

Source Normalized Impact per Paper (SNIP) : 0.566
SCImago Journal Rank (SJR) : 0.213 ; Scopus CiteScore (2024) = 1.9
(CiteScore Journal Rank : 119/260 and 195/333)
Indexed in Google Scholar ; Google Scholar h5 - index : 13

₹ 700/-

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INDIAN JOURNAL OF
FINANCE

VOLUME : 19

ISSUE NUMBER : 11
(MONTHLY)

NOVEMBER 2025

In This Issue

Capacity Building in Public Sector Banks
Through E-Learning

Vineet Kumar Jain
Asit Balwantrai Acharya

Banking Dynamics and Economic Growth in
India : Unveiling the Interplay of Key
Performance Indicators

R. V. Naveenan
T. Viswanathan

Factors Affecting Financial Literacy and
Financial Behavior of Working
Young Adults in India

Ashish A. Linge
Baldeo B. Kakde
Adil Jiwani

Examining the Role of Financial Literacy,
Cognitive Bias, and Emotional Bias in Shaping
Investment Decisions : A Study on the
Indonesian Stock Exchange

Samsul Bahari
Wa Ode Al Zarliani
Suriadi
Hasddin

ISSN 0973 - 8711

Indexed in Scopus (Quartile : Q2)
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Indexed in Google Scholar ; Google Scholar h5 - index : 13

₹ 700/-

P1869

INDIAN JOURNAL OF
FINANCE

VOLUME : 19

ISSUE NUMBER : 12
(MONTHLY)

DECEMBER 2025

In This Issue

Weekend Effect in the Banking and Financial
Services Sector : An Empirical Evidence from India

Arjun Mittal
Hritwiza Das
Anand Mittal
Sonal Thukral

Dynamic Interconnectedness and Risk Transmission
in Green, Clean Energy, and Sustainable Markets

Suhasini Jain
Neha Puri
Mustafa Raza Rabbani

Intent to Invest in Cryptocurrency Amid Uncertainty :
A Theory of Planned Behavior Approach

Ruchi Priya Khilar
Shikta Singh

Blockchain in Accounting, Reporting, and
Auditing : A Scientometric Review

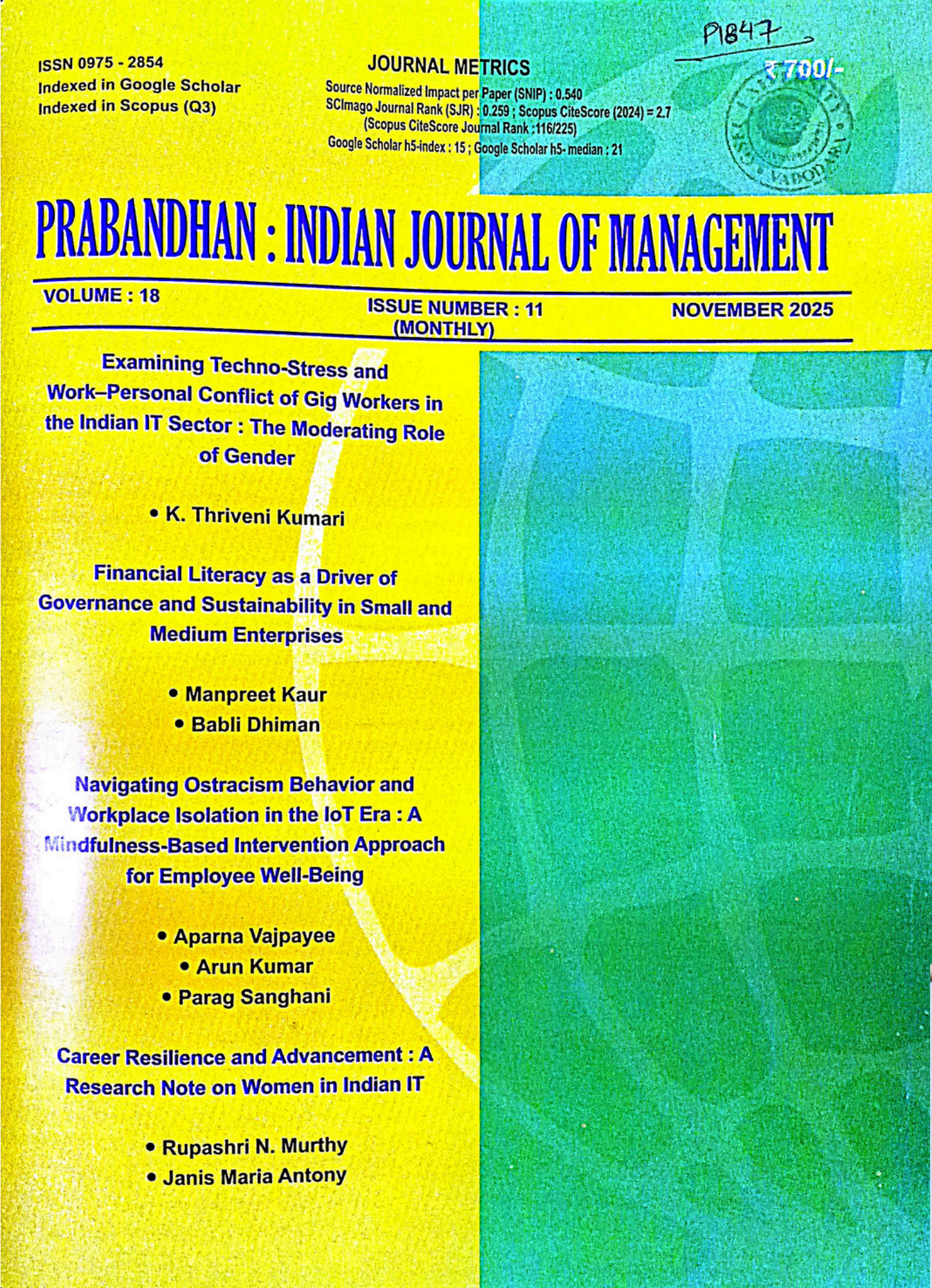
Chandan Kumar Tiwari
Abhinav Pal
Yousuf Al Balushi
Kanishka Gupta

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ISSN 2278 - 1811

₹ 1500/-

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In This Issue

Opportunity to Get Rich Before Getting Old : Analyzing the Demographic Capabilities of Bihar	Ekta Yadav Rachna Mujoo
Trends of GST Revenue and GST Registration of Business Entities and the Number of Industries as Determinants of the GST Collection in India : A Subnational Analysis	Joel Basumatary Samir Ul Hassan
DeMapping Present and Future Occupational Trends Among Informal Female Workers of Assam : Trends and Projection	Jutismita Das Manjit Das
Women's Unpaid Work in the National Income : A Time Use-Data Analysis in India	Sreejith S.
Assessment of the Nexus Between Environmental Degradation, Economic Growth, and Population Growth : A Panel Data Analysis	Swati Sinha Babu