



**Court on its own motion vs. Union of India and others**

**CWPIL No. 90 of 2025**

[Item D-19]

**23.04.2026 Present:**

Mr. Deven Khanna, Advocate as Amicus Curiae.

Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajeev Sharma, Advocate, for respondents No. 1 to 4/Union of India.

Mr. Pranay Pratap Singh, Additional Advocate General, for respondents No.5 & 6/State.

Affidavit filed by the Special Secretary, Industries, makes an interesting reading. It is submitted that in compliance of the Courts order dated 17.12.2025, an action taken report was sought from the Director of Industries. The direction of Industries on 27.2.2026 submitted details of the companies alongwith their obligation and actual expenditure (Annexure R-6/II). Based on the same, there is a net variation/shortfall of Rs. 10,017.47 lakhs (Annexure R-6/IV) for the financial year 2025-26. It is admitted that as per Section 135(7) of the Companies Act, 2013, the procedure for penalty etc. falls under the administrative control of the Ministry of Corporate Affairs, Government of India. The Director of Industries, vide letter dated 26.2.2026, has issued instructions in the respective areas for effective contribution of CSR funds as per Schedule VII. The factum of issuing notices to various companies has been noted with respect to non-submission of CSR information appended as Annexure R-6/VI to VIII. The matter has been stated to have been taken up with respondent No. 3, Ministry of Corporate Affairs, on 28.2.2026

(Annexure R-6/IX). The affidavit of the said respondent, earlier filed, would show that it is still in the process of furnishing data to the Ministry and ascertaining compliance of concerned companies with respect to contributing to disaster management activities.

Amicus accordingly pointed out that, keeping in view other State guidelines, it would be incumbent to channel these CSR funds through the Disaster Management Authorities, which is headed by the Chief Secretary in the State. Reliance has been placed upon models in-vogue in Uttarakhand and Odisha, and it is accordingly contended that the list of companies for the last three financial years should be given regarding CSR obligation, actual CSR expenditure, unspent CSR, whether CSR-II statutory filing has been done or not, and the status of initiation of penalty proceedings. Needful be done accordingly.

It is further submitted that the Ministry of Corporate Affairs, Government of India (at page 85), should clarify the status of unspent CSR funds of works undertaken by NTPC Limited and others. The Chief Secretary of the Himachal Pradesh Government will accordingly file an affidavit disclosing uniform written circulars issued in the context of CSR participation for post-disaster rehabilitation whether any district-wise assessment of disaster-related infrastructure has been prepared by the State Disaster Management Authority, and what steps have been taken to ensure structured mobilization of CSR funds in coordination with the

Departments. Similarly, identification of Works such as drinking water schemes, hospitals, schools, and protection of infrastructure which were to be taken up for CSR funding, and disaster coordination and to be placed under the supervision of the said Authority..

It is also pointed out from the letter dated 28.2.2026 (Annexure R-6/IX) that clarification has been sought regarding the mandate of Section 135 and the compliance framework, which reflects a lack of authentic data and indicates disregard of the provisions at various levels at the cost of the citizens of the State, despite the fact that the State has not once but twice been affected by disasters in the years 2023–25. It thus appears that no lessons have been learnt, nor has any further action been undertaken at the highest level. It is also to be noticed that all the above said developments have taken place after the passing of the order dated 17<sup>th</sup> December, 2025.

In such circumstances, let action be initiated against the erring companies before the next date of hearing by following the procedure prescribed, failing which, exemplary costs would be imposed upon both the Union of India and the State, if so warranted.

List on 24<sup>th</sup> June, 2026.

**(G.S. Sandhawalia)**  
Chief Justice

**(Bipin C. Negi)**  
Judge

23<sup>rd</sup> April, 2026