

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).1789/2009

(From the judgement and order dated 12/01/2009 in WP No. 3568/2007 of The
HIGH COURT OF KARNATAKA AT BANGALORE)

NANDI INFRASTR.CORRIDOR ENTERPR.LD.& ORS

Petitioner(s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH SLP(C) NO. 3312 of 2009

(With appln. for exem. from filing c/c of the impugned jt. and prayer for interim
relief and office report)

Date: 09/02/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. D.A.Dave, Sr. Adv.

Mr. Ashok Desai, Sr. Adv.

Mr. R.F.Nariman, sr. Adv.

Mr. H.Beeran, Mr. ramesh Kr,

Ms. Vibha Datta Makhija and Mr

K.T.Antaraman, Adv.

For Respondent(s)

Mr. G.E.Vahanwati, SG.

Mr. Ashok Haranahalli, AAG.

Mr. S.R.Hegde, Adv.

Mr. A.Rohen Singh, Adv.

Mr. Amit Kr. Chawla, Adv.

Mr. Raghavendra S.Srivatsa, Adv.

for the applicant: Mr. Shanthi Bhushan, Sr. Adv.

Mr. Prashant Bhushan, Adv.

Mr. Prashant Kumar, Adv.

Ms. Triveni Poteker, Adv.

Mr. Amarjit Singh Bedi, Adv.

-2-

UPON hearing counsel the Court made the following

ORDER

Before the SLPs could be taken up Mr. Shanti Bhushan, learned senior counsel for caveator Sri H.D.Deva Gauda, stated that an application has been filed for recusal of one of us (Pasayat J.), and that he should not hear these matters. It is unfortunate that such petition has been filed because it has not been shown as to how Pasayat J. has any concern with any of these cases except that some other cases have been dealt with by Benches presided by Pasayat, J. The reasons indicated to say why one of us Pasayat J. should not hear this matter are really baffling, to say the least. In any event, because the application has been filed and is presented by a senior counsel of this Court, therefore, with a heavy heart we are directing that this matter shall be listed before another Bench of which Pasayat J. is not a Member. In view of this, place the matters before some other Bench where Pasayat, J. is not a Member.

It may be pointed out that in the petition it has been stated about some proceedings where mention was made by learned

counsel for a party about listing before Bench presided by Pasayat J. It is not known as to how that can give rise to an apprehension of bias. Be that as it may, for some inexplicable reason this petition has been filed apprehending "bias". The apprehension is unfounded, but to avoid any unfounded issue being raised which is so common these days, we are directing listing before another Bench.

[SUMAN WADHWA]
COURT MASTER

[SHASHI BALA VIJ]
COURT MASTER