

ITEM NO.1

COURT NO.1

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 30621/2011

(Arising out of impugned final judgment and order dated 15-07-2011 in CWP No. 13218/2009 passed by the High Court Of Punjab & Haryana At Chandigarh)

JARNAIL SINGH & ORS.

Petitioners

VERSUS

LACHHMI NARAIN GUPTA & ORS.

Respondents

WITH

SLP(C) No. 31735/2011 (IV-B)

SLP(C) No. 35000/2011 (IV-B)

SLP(C) No. 4831/2012 (XV)

(FOR ON IA 5/2016, FOR DIRECTION ON IA No. 9, FOR EXEMPTION FROM FILING O.T. ON IA 42764/2017, FOR ON IA 2/2015 and IA 3/2015 (Application for impleadment and intervention), FOR EXEMPTION FROM FILING O.T. ON IA 4/2015, FOR DIRECTION ON IA 42763/2017)

SLP(C) No. 2839/2012 (IX)

SLP(C) No. 5860/2012 (IX)

SLP(C) No. 5859/2012 (IX)

SLP(C) No. 30841/2012 (IX)

SLP(C) No. 8327/2014 (IV-B)

SLP(C) No. 6915/2014 (IV-B)

SLP(C) No. 16710-16711/2014 (IV-B)

SLP(C) No. 33163/2014 (IV-B)

SLP(C) No. 23344/2014 (IV-B)

SLP(C) No. 23339-23340/2014 (IV-B)

SLP(C) No. 21343/2015 (XIV)

SLP(C) No. 33688/2015 (XI)

CONMT.PET.(C) No. 314/2016 In SLP(C) No. 4831/2012 (XV)

T.P.(C) No. 608-609/2017 (XVI-A)

SLP(C) No. 10638/2017 (XIV)

S.L.P.(C)...CC No. 6821/2017 (IV-A)

SLP(C) No. 17491/2017 (IV-B)

SLP(C) No. 18844/2017 (IV-B)

(FOR ADMISSION and I.R. and IA No.50433/2017-CONDONATION OF DELAY IN FILING)

SLP(C) No. 19422-19423/2017 (IV-B)

(FOR ADMISSION and I.R. and IA No.48144/2017-CONDONATION OF DELAY IN FILING)

SLP(C) No. 24681/2017 (IV-B)

Diary No(s). 28776/2017 (XIV)

(FOR ADMISSION and I.R. and IA No.101068/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.101064/2017-PERMISSION TO

FILE SLP/TP and IA No.112655/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Diary No(s). 29066/2017 (XIV)

Diary No(s). 30189/2017 (IX)

(FOR ADMISSION and I.R. and IA No.108620/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.108623/2017-EXEMPTION FROM FILING O.T. and IA No.108613/2017-PERMISSION TO FILE SLP/TP and IA No.108619/2017-PERMISSION TO FILE LENGTHY LIST OF DATES)

SLP(C) No. 28446-28447/2017 (IX)

(FOR ADMISSION and I.R. and IA No.108765/2017-EXEMPTION FROM FILING O.T. and IA No.108766/2017-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.117968/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.117972/2017-EXEMPTION FROM FILING O.T.)

SLP(C) No. 28306/2017 (IX)

(FOR ADMISSION and I.R. and IA No.108178/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.108183/2017-EXEMPTION FROM FILING O.T. and IA No.108180/2017-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.117758/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.138253/2017-INTERVENTION APPLICATION)

Diary No(s). 33481/2017 (IX)

(FOR ADMISSION and I.R. and IA No.108493/2017-CONDONATION OF DELAY IN FILING and IA No.108495/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.108499/2017-EXEMPTION FROM FILING O.T.)

SLP(C) No. 30942/2017 (IX)

(FOR ADMISSION and I.R. and IA No.119346/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.119344/2017-EXEMPTION FROM FILING O.T.)

Diary No(s). 33488/2017 (IX)

(FOR ADMISSION and I.R. and IA No.109200/2017-EXEMPTION FROM FILING O.T. and IA No.109198/2017-PERMISSION TO FILE SLP/TP)

Diary No(s). 34271/2017 (IX)

Diary No(s). 34520/2017 (IX)

Diary No(s). 35324/2017 (IX)

Diary No(s). 35577/2017 (IX)

Diary No(s). 35818/2017 (XIV)

Diary No(s). 36305/2017 (IX)

(FOR ADMISSION and I.R. and IA No.123509/2017-CONDONATION OF DELAY IN FILING and IA No.123510/2017-EXEMPTION FROM FILING O.T. and IA No.123506/2017-PERMISSION TO FILE SLP/TP)

Diary No(s). 36377/2017 (IX)

(IA No.120283/2017-CONDONATION OF DELAY IN FILING and IA No.120294/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.120281/2017-PERMISSION TO FILE SLP/TP and IA No.120292/2017-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.120298/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

SLP(C) No. 31288/2017 (XIV)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 120779/2017)

Diary No(s). 38895/2017 (IX)

Diary No(s). 619/2018 (IX)

Diary No(s). 969/2018 (IX)

Diary No(s). 971/2018 (IX)

Diary No(s). 1042/2018 (IX)

Diary No(s). 1046/2018 (IX)

Diary No(s). 1584/2018 (IX)

Diary No(s). 2677/2018 (IX)

Diary No(s). 7243/2018 (IX)

SLP(C) No. 16469/2018 (XIV)

(FOR ADMISSION and I.R. and IA No.72147/2018-CONDONATION OF DELAY IN FILING)

Date : 11-07-2018 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioners

Mr. Rajeev Dhavan, Sr. Adv.
Mr. Gurjyot Sethi, Adv.
Ms. Shivangi Khanna, Adv.
Mr. Abhijat P. Medh, AOR
Ms. Priyanshi Jaiswal, Adv.

Mr. Tushar Mehta, ASG
Mr. Nishant Ramakantrao Katneshwarkar, AOR
Mr. Shriram P. Pingle, Adv.
Mr. Pratik Gaurav, Adv.

Mr. M.R. Calla, Sr. Adv.
Mr. Udai Gupta, Adv.
Mr. Gaurav Dave, Adv.
Mr. Mohan Pandey, AOR

Ms. Indira Jaising, Sr. Adv.
Ms. Ajita Sharma, Adv.
Mr. Pradip S. Wathore, Adv.
Mr. Pratik R. Bombarde, AOR

Mr. Colin Gonsalves, Sr. Adv.
Ms. Olivia Bang, Adv.
Mr. Satya Mitra, AOR

Mr. B.H. Marlapalle, Sr. Adv.
Mr. Ashok K. Mahajan, AOR

Mr. M.L. Lahoty, Adv.
Mr. Shobhit Tiwari, Adv.
Mr. Umesh Pratap Singh, Adv.
Mr. Karan Khanna, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Anshit Sripat, Adv.
Ms. Ruchi Kohli, AOR

Mr. Manoj Gorkela, Adv.

Ms. Prakrati Raj, Adv.
Mr. Prakash Sharma, Adv.
Mr. Alok Maheshwari, Adv.
M/s. Gorkela Law Office, AOR

Mr. Sushil Karanjkar, Adv.
Mr. K.N. Rai, AOR

Mr. Dinesh P. Rajbhar, Adv.
Mr. Anzu. K. Varkey, AOR

Mr. Anant Prakash, Adv.
Mr. Shantanu Krishna, AOR

Mr. Prashant R. Dahat, Adv.
Mr. Shreyas G., Adv.
Mr. T.R.B. Sivakumar, AOR

Dr. K.S. Chauhan, Adv.
Mr. M. Vijaya Bhaskar, AOR
Mr. Murari Lal, Adv.
Mr. R.S.M. Kalky, Adv.

Mr. Santi Ranjan Das, Adv.
Mr. Anindo Mukherjee, Adv.

Dr. Gunratan Sadavarte, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Raj Singh Rana, AOR

Dr. K.S. Chauhan, AOR
Mr. Ajit Kumar Ekka, Adv.
Mr. Ravi Prakash, Adv.
Mr. Murari Lal, Adv.
Mr. R.S.M. Kalky, Adv.

Dr. K.S. Chauhan, Adv.
Mr. P.K. Jayakrishnan, AOR
Mr. Murari Lal, Adv.
Mr. R.S.M. Kalky, Adv.

Ms. Priya Hingorani, Adv.
Mr. Chandra Bhushan Prasad, AOR

Mrs. Anil Katiyar, AOR
Mr. Shreekant N. Terdal, AOR
Mr. Mukesh Kumar Maroria, AOR
Mr. Chandra Bhushan Prasad, AOR
Mr. B. Krishna Prasad, AOR

M/s. S.M. Jadhav And Company, AOR
Mr. Arvind S. Avhad, AOR

**For Respondents/
Applicants**

Mr. K.K. Venugopal, AG
Mr. Tushar Mehta, ASG
Mr. Vikramjit Banerjee, ASG
Mr. K. Radhakrishnan, Sr. Adv.
Mr. A.K. Sanghi, Sr. Adv.
Ms. Niranjana Singh, Adv.
Mr. P.K. Mullick, Adv.
Ms. Sadhana Sandhu, Adv.
Mr. R. Balasubramanian, Adv.
Ms. Aarti Sharma, Adv.
Ms. S. Usha Reddy, Adv.
Mrs. Anil Katiyar, AOR
Mr. Mohd. Hussain, Adv.
Mr. Rajesh Ranjan, Adv.
Mr. Rohit Bhat, Adv.
Mr. G.S. Makker, Adv.
Mr. B.K. Prasad, Adv.
Mr. Raj Bahadur, Adv.

Ms. Soumya Chakraborty, Sr. Adv.
Mr. Pradeep Aggarwal, Adv.
Mr. Lal Pratap Singh, Adv.
Mr. Umesh Pratap Singh, Adv.
Mr. Karan Khanna, Adv.
Ms. N. Annapoorani, AOR

Mr. Soumya Chakraborty, Sr. Adv.
Mr. Lal Pratap Singh, Adv.
Ms. Ruchi Kohli, AOR
Mr. Pankaj Sharma, Adv.

Mr. Shekhar Naphade, Sr. Adv.
Mr. Sanjay Kharde, Adv.
Mr. Samrat Shinde, Adv.
Mr. Sunil Kumar Verma, AOR

Mr. Rajiv Dhavan, Sr. Adv.
Mr. Gurjyot Sethi, Adv.
Ms. Shivangi Khanna, Adv.
Mr. Abhijat P. Medh, AOR

Mr. Rajeev Dhavan, Sr. Adv.
Ms. Kiran Suri, Sr. Adv.
Mr. Kumar Parimal, Adv.
Mr. Smarhar Singh, AOR

Ms. Priya Sharma, Adv.

Mr. Prathvi Raj Chauhan, Adv.
Mr. Anirudha P. Mayee, Adv.
Mr. Samrahar Singh, AOR

Mr. Ravindra Keshavrao Adsure, AOR
Ms. Himansi Gupta, Adv.
Mr. Sagar N. Patil, Adv.

Mr. Prashant R. Dahat, Adv.
Mr. Shreyas G., Adv.
Mr. Venkateswara Rao Anumolu, Adv.

Mr. M. Vijaya Bhaskar, AOR
Mr. Chand Kiran, Adv.

Mr. Arun Bhardwaj, Adv.
Mr. Ashish Pandey, Adv.
Mr. Prateek Rai, Adv.
Ms. Gauraan Bhardwaj, Adv.
Mr. Shrutanjaya Bhardwaj, Adv.
Mr. Vishwa Pal Singh, AOR

Mr. Puneet Jain, Adv.
Mr. Abhinav Gupta, Adv.
Mr. Harsh Jain, Adv.
Mr. Ankita Gupta, Adv.
Ms. Pratibha Jain, Adv.
Ms. Christi Jain, AOR

Dr. K.S. Chauhan, AOR
Mr. Ajit Kumar Ekka, Adv.
Mr. Ravi Prakash, Adv.
Mr. Chand Kiran, Adv.

Mr. A. Subba Rao, AOR
Mr. K.L.D.S. Vinober, Adv.

Mr. Mukesh Kumar Maroria, AOR
Mr. B. Krishna Prasad, AOR
Mr. K.N. Rai, AOR
Mr. Suhaas Ratna Joshi, AOR
Mr. Gaurav Kejriwal, AOR
Mr. Kuldip Singh, AOR

Respondent-in-person

Ms. Amita Singh Kalkal, AOR
Mr. Smarhar Singh, AOR
Mr. Nikilesh Ramachandran, AOR

Mrs. Suchitra Atul Chitale, AOR

Ms. Chandan Ramamurthi, AOR

Mr. D. Kumanan, Adv.

Mr. Pulkit Tare, Adv.

Mr. Satya Mitra Garg, Adv.

I.A. 5/2016

Mr. Amrendra Sharan, Sr. Adv.

Mr. Amit Anand Tiwari, AOR

Ms. Mary Mitzy, Adv.

Mr. Shashwat Singh, Adv.

IA 80533 & 86780/2018

Mr. Sumit Pachkhande, Adv.

Mr. Nagesh Gajghate, Adv.

Mr. Shashi Kiran, Adv.

I.A. 138253

Mr. Nitin Deorao Meshram, Adv.

Mr. Ranbir Singh Yadav, Adv.

UPON hearing the counsel the Court made the following
O R D E R

I.A. No. 5/2016 in SLP(C) No. 4831/2012 for impleadment is allowed.

This Court in SLP(C) No. 28306/2017 and connected matters, keeping in view the order passed in Civil Appeal Nos. 4562-4564/2017 (*The State of Tripura & Ors. vs. Jayanta Chakraborty & Ors.*) and connected matters, referred the matters to the Constitution Bench. The Court on 15.11.2017 had passed a long order, the relevant part of which reads as follows:-

“Having heard learned counsel for the parties in the present case, we do not intend to get into the arena whether the two-Judge Bench could have directly referred the matter to a larger Bench under Article 145(3) of the Constitution of India, when there is already a decision by the Constitution Bench and, therefore, it is thought appropriate to constitute a Constitution Bench, only to examine the issue whether the decision in M. Nagaraj and others vs. Union of India and others (supra) requires reconsideration or not.

We may hasten to clarify that we have not expressed any opinion on the correctness of the said judgment. We are only passing this order,

as there is an order passed by a two-Judge Bench of this Court to place the matter before a Constitution Bench. Learned counsel for the parties, though cited the authorities, yet very fairly stated that it can be heard by a Constitution Bench to be constituted by the Chief Justice of India.

Regard being had to the nature of the *lis* that has arisen, we think it appropriate to fix the time schedule for arguments. Mr. K.K. Venugopal, learned Attorney General for India accepts that his arguments shall not go beyond two hours. However, on our request, he accepted to finish his arguments within a span of one hour. All other learned counsel, supporting the stand of learned Attorney General, may conclude their arguments in 45 minutes. As far as the other side is concerned, they shall divide their arguments and also conclude the same within two hours. Learned counsel for the parties are requested to file their written submissions on the date the Constitution Bench assembles.

The matters be placed before the learned Chief Justice of India on the administrative side for constitution of a Constitution Bench on an appropriate date."

In view of the aforesaid, let the matters be listed alongwith SLP(C) No. 28306/2017 and batch, at 2.00 p.m. on 3.8.2018.

In the meantime, learned counsel for the parties shall exchange their written notes, focusing on the issues which would be required to be answered by the Constitution Bench, within 10 days hence. The same be filed before the Central Agency, which shall serve on the counsel for the other side. The name of the counsel, shall be mentioned in the written notes.

Let Diary No. 42413/2017 be tagged with the present batch of petitions.

(Deepak Guglani)
Court Master

(H.S. Parasher)
Assistant Registrar