

ITEM NO.501

COURT NO.1

SECTION X

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

Writ Petition (Civil) No.493/2022

SUBHASH DESAI

Petitioner(s)

VERSUS

PRINCIPAL SECRETARY, GOVERNOR OF
MAHARASHTRA & ORS.

Respondent(s)

(With IA No.92215/2022-STAY APPLICATION and IA No.92217/2022-EXEMPTION FROM FILING O.T. and IA No.92216/2022-PERMISSION TO FILE LENGTHY LIST OF DATES, IA No.101777/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No.100297/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No.108739/2022 - EXEMPTION FROM FILING O.T., IA No. 92217/2022 - EXEMPTION FROM FILING O.T., IA No.101776/2022 - INTERVENTION/IMPLEADMENT, IA No.92216/2022 - PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.92215/2022 - STAY APPLICATION)

WITH W.P.(C) No.469/2022 (X)

(With IA No.88601/2022-STAY APPLICATION and IA No.88602/2022-EXEMPTION FROM FILING O.T. and IA No.88964/2022-APPROPRIATE ORDERS/DIRECTIONS, IA No.88964/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 88602/2022 - EXEMPTION FROM FILING O.T., IA No. 89960/2022 - INTERVENTION APPLICATION and IA No. 88601/2022 - STAY APPLICATION)

W.P.(C) No.468/2022 (X)

(With IA No.88604/2022 - EXEMPTION FROM FILING O.T. and IA No.88603/2022 - STAY APPLICATION)

W.P.(C) No.479/2022 (X)

(With IA No.90188/2022 - EX-PARTE STAY and IA No.90189/2022 - EXEMPTION FROM FILING O.T.)

W.P.(C) No.470/2022 (X)

(With IA No.88697/2022 - EX-PARTE STAY)

W.P.(C) No.538/2022 (X)

(With IA No.100285/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No.98578/2022 - EXEMPTION FROM FILING O.T. and IA No.98577/2022 - STAY APPLICATION)

Date : 16-02-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE KRISHNA MURARI
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Devadatt Kamat, Sr. Adv.
Mr. Amit Anand Tiwari, Adv.
Mr. Rohit Sharma, Adv.
Mr. Rajesh Inamdar, Adv.
Mr. Javedur Rahman, Adv.
Mr. Nizam Pasha, Adv.
Mr. Anish R. Shah, AOR
Mr. Harsh Pandey, Adv.
Mr. Revanta Solanki, Adv.
Mr. Amit Bhandari, Adv.
Mr. Sunny Jain, Adv.
Mr. Nishant Patil, Adv.
Ms. Devyani Gupta, Adv.
Ms. Tanvi Anand, Adv.
Ms. Aparajita Jamwal, Adv.

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Mr. Kumar Sumit, Adv.
Mr. Wedo Khalo, Adv.
Ms. Ira Mahajan, Adv.
Mr. Dhruv Sharma, Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Navneet R, Adv.
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Ms. Prachita Kar, Adv.
Mr. Nadeem Afroz, Adv.
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M/s. TAS Law

WPC 468/2022

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Mr. Toshiv Goyal, Adv.
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Ms. Shreya Saxena, Adv.
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Ms. Manmeet Kaur Sareen, Adv.

WPC 479/2022,
WPC 470/2022 &
WPC 538/2022

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Mr. Ashima Chauhan Singh, Adv.
Mr. Mudassir, Adv.

For Respondent(s)

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Ms. Yamini Singh, Adv.
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WPC 469/2022 &
WPC 468/2022

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Ms. Bhavana Duhoon, Adv.
Ms. Ranu Purohit, Adv.

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WPC 469/2022 & WPC 468/2022	Mr. Javedur Rahman, AOR
WPC 469/2022	Mr. Kailash Prashad Pandey, AOR Mr. Mahendra Kawchale, Adv. Mr. Vijay Pal, Adv. Mr. Pramod Kumar Singh, Adv. Mr. Kundal Lal, Adv. Mr. Anil Kumar, Adv. Mr. Umang Tripathi, Adv. Mr. Deepankar, Adv. Mr. Vinay Kumar Aherodiya, Adv. Ms. Kajal Kumari, Adv. Mr. Mahendra Kumar, Adv. Ms. Sundri, Adv. Mr. Om Prakash, Adv.
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WPC 470/2022	Mr. T.R.B. Sivakumar, AOR Mr. Shreyas Gacche, Adv. Mr. Rajsaheb Patil, Adv. Ms. Supriya Wankhede, Adv.
WPC 470/2022	Mr. Raj Singh Rana, AOR Dr. Gunratan Sadavarte, Adv. Mr. Pankaj Kumar Singh, Adv.

Mr. Pawan Kumar Shukla, Adv.
Mr. S.C. Tripathi, Adv.
Mr. Gaurav Belsare, Adv.

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

- 1 We have heard Mr Kapil Sibal, Dr Abhishek Manu Singhvi and Mr Devadatt Kamat, senior counsel on one side and Mr Tushar Mehta, Solicitor General of India, Mr Harish Salve, Mr Neeraj Kishan Kaul, Mr Maninder Singh, Mr Mahesh Jethmalani and Mr Siddharth Bhatnagar, senior counsel for the other side.
- 2 Arguments have been addressed before this Court only on the question as to whether the decision in ***Nabam Rebia and Bamang Felix vs Deputy Speaker, Arunachal Pradesh Legislative Assembly and Others*** [(2016) 8 SCC 1] requires to be considered by a larger Bench.
- 3 Arguments are concluded on the above aspect.
- 4 Orders reserved.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar