

8>IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO.136 OF 2017

VICTORY LOGITRANS PVT. LTD. & ANR. ... PETITIONER(S)

VS.

UNION OF INDIA & ORS. ... RESPONDENT(S)

WITH W.P.(C)Nos. 140, 124 & 128 of 2017

O R D E R

Writ Petition (C)Nos.136 and 140 of 2017 :

1. Learned counsel for the petitioners, in the first instance, invited this Court's attention to the speech delivered by the Hon'ble Prime Minister of India on 8 th November, 2016 (Annexure P-2), with reference to the demonetization scheme. Our pointed attention was invited to paragraphs 9 and 10 thereof, wherein, it was clearly expounded, that such of the persons, who could not deposit their old Rs.500 or Rs.1000 currency notes by 30 th December, 2016, would be permitted to do so, at specified offices of the Reserve Bank of India, by 31 st March, 2017.

2. This Court's attention was also drawn to the notification of the Finance Ministry dated 8.11.2016 (Annexure P-3), which envisaged, that the old currency notes held by individuals (other than a Banking Company), would be permitted to be deposited, subject to specified conditions. Condition No.(ix) in paragraph 2, postulates as under :

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â S (ix) any person is unable to exchange or deposit the specified bank notes in their bank accounts on or before the 30 th

December, 2016, shall be given an opportunity to do so at specified offices of the Reserve Bank or such other facility until a later date as may be specified by it.â \235

3. Based on the aforesaid condition, it was submitted, that the notification dated 8.11.2016 was in consonance with the speech delivered by the Hon'ble Prime Minister of India, on 8.11.2016.

4. The predicament faced by the petitioners emerges from Ordinance No.10 of 2016, issued on 30 th

December, 2016. An extract of paragraph 4 of the aforesaid Ordinance No.10, is reproduced below :

â S Exchange of specified bank notes

4. (1) Notwithstanding anything contained section 3 the following persons holding specified bank notes on or before the 8 th of

November, 2016 shall be entitled to tender within the grace period with such declarations or statements, at such offices of the Reserve Bank or in such other manner as may be specified by it, namely:

(i) a citizen of India who makes a declaration that he was outside India between the 9 th November, 2016 to 30 th

December, 2016 subject to such conditions as may be specified, by notification, by the Central Government; or

(ii) such class of persons and for such reasons as may be specified, by notification, by the Central Government.â \235

5. Reliance has been placed on paragraph 5 of the Ordinance, which is reproduced below :

â S Prohibition on holding, transferring or

receiving specified bank notes -
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5. On and from the appointed day, no person shall, knowingly or voluntarily, hold, transfer or receive any specified bank note:

Provided that nothing contained in this section shall prohibit the holding of specified bank notes.

(a) by any person -

(i) up to the expiry or the grace period; or

(ii) after the expiry of the grace period,

(A) not more than ten notes in total, irrespective of the denomination; or

(B) not more than twenty-five notes for the purposes of study, research or numismatics;

(b) by the Reserve Bank or its agencies, or any other person authorised by the Reserve Bank;

(c) by any person on direction of a court in relation to any case pending in that court.â- \235

6. Based on paragraph 5 (extracted above), it was submitted, that an avenue had been postulated for dealing with deposits, even after expiry of the grace period

(-after 30 th

January, 2017). It was pointed out, that despite the aforesaid postulation in paragraph 5, no individual has been permitted to make deposits of the old currency notes, after 31 st
December, 2016.

7. It was submitted, that the petitioners had genuine reasons for not being in a position to deposit the old currency notes by 31 st

December, 2016, and yet, no attention

was paid to the predicament of the petitioners, even though, the petitioners had brought out their grievance, to the notice of the competent authority.

8. Issue notice returnable on 10 th
March, 2017.

9. Liberty is granted to petitioners to serve the
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Central Agency during the course of the day, with a complete set of papers.

Writ Petition (C)No.124/2017 :

1. Issue notice returnable on 10 th
March, 2017.

2. Liberty is granted to petitioner to serve the Central Agency during the course of the day, with a complete set of papers.

Writ petition (C)No.128/2017 :

1. The issue in hand is pending consideration before this Court. In the above view of the matter, we grant liberty to the petitioner, if the petitioner is so advised, to move an application for intervention, in the pending case(s).

2. The writ petition is disposed of in the above view of the matter.

.....CJI.

[JAGDISH SINGH KHEHAR]

.....J.

[Dr. D.Y. CHANDRACHUD]

.....J.

[SANJAY KISHAN KAUL]

New Delhi;

6 th

March, 2017.

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S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Item No.17 :

Writ Petition (Civil) No(s).124/2017

SUDHA MISHRA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for directions and office report)

WITH W.P.(C)No.128/2017-(With office report)

Item No.32 :

W.P.(C)No.136/2017

(With appln.(s) for directions and office report)

WITH

W.P.(C)No.140/2017

(with appln.(s) for directions and exemption from filing

O.T. and office report)

Date : 06/03/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. S.B. Upadhyay, Sr. Adv.

Mr. Neeraj Shekhar, Adv.

Mr. Ashutosh Thakur, Adv.

Mr. Rana Prashant, Adv.

Mr. Animesh Kumar, Adv.

Mr. P.R. Rajhans, Adv.

Mr. Nitesh Ranjan, Adv.

Mr. Niranjan Singh, Adv.

Mr. Salman Khurshid, Sr. Adv.

Mr. Vivek Narayan Sharma, Adv.

Mr. Ajay Singh, Adv.

Mr. Siddharth Mahajan, Adv.

Mr. Vijay Verma, Adv.

Mr. Rajeev Kr. Jha, Adv.

Ms. Ankita Singh, Adv.

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Mr. Dhruv Mehta, Sr. Adv.

Mr. Kush Chaturvedi, Adv.

Mr. Pranav Sachdeva, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Writ Petition (C)Nos.136, 140 & 124 of 2017 :

Notice has been issued, returnable on 10 th

March,

2017, with liberty granted to petitioners to serve the Central Agency during the course of the day, with a complete set of papers, in terms of the signed order.

Writ Petition (C)No.128/2017 :

The writ petition is disposed of in terms of the signed order.

(Sarita Purohit)

(Renuka Sadana)

Court Master

Assistant Registrar

(Signed order is placed on the file)

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