

ITEM NO.3&3.1

COURT NO.1

SECTION PIL-W

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

Writ Petition (Crl.) No.120/2012

MANOHAR LAL SHARMA

Petitioner(s)

VERSUS

THE PRINCIPAL SECRETARY

Respondent(s)

WITH

Writ Petition(Civil) No.463/2012

COMMON CAUSE AND ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(Shri Maninder Singh, Senior Advocate and Shri Rajesh Batra, Advocate are Special Public Prosecutors in the matters).

(IA No. 40929/2022 – CLARIFICATION/DIRECTION, IA No. 166001/2021 – CLARIFICATION/DIRECTION & IA No. 165998/2021 – INTERVENTION APPLICATION)

Date : 12-05-2022 These applns. are called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)

Mr. Prashant Bhushan, AOR
Petitioner-in-person

For Respondent(s)

Mr. Maninder Singh, Sr. Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Ajay Sabharwal, Adv.

Ms. Bharti Tyagi, AOR
Mr. E. C. Agrawala, AOR
Mr. Amit Sharma, AOR
Mr. Mishra Saurabh, AOR
Mr. Ramendra Mohan Patnaik, AOR

Mr. B. Balaji, AOR
Ms. Aparna Jha, AOR
M/S. Parekh & Co., AOR
M/S. Khaitan & Co., AOR
Ms. Sharmila Upadhyay, AOR
Mr. Braj Kishore Mishra, AOR
Mr. Kamini Jaiswal, AOR

Mr. Tapesk Kumar Singh, AOR
Mr. Sukant Vikram, Adv.
Mr. Aditya Pratap Singh, Adv.
Mr. Aditya Narayan Das, Adv.

Mr. Amarjit Singh Bedi, AOR

Mr. Amit Anand Tiwari, AOR
Mr. Sanchit Guru, Adv.
Mr. Tarannum Cheema, Adv.

Ms. Binu Tamta, AOR
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Mr. S.D. Reddy, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhleshwar Jha, Adv.
Mr. S. Ashok Reddy, Adv.
Mr. T.N. Rama Rao, Adv.
Mr. D. Mahesh Babu, AOR

Mrs. Shally Bhasin, AOR
Ms. Asha Gopalan Nair, AOR
Mr. Dinesh Kumar Garg, AOR
Mrs. Kirti Renu Mishra, AOR

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Mr. R. Bala, Sr. Adv.
Ms. Vimla Sinha, Adv.
Mr. Rajat Nair, Adv.
Mr. A.K. Sharma, Adv.
Ms. Shagun Thakur, Adv.
Mr. Mukesh Kumar Maroria, AOR

Mr. Kaustubh Shukla, AOR
Mr. G. N. Reddy, AOR
Mrs. Pragya Baghel, AOR
Mr. Prem Prakash, AOR
Mr. Zoheb Hossain, AOR

Mr. Kartik Seth, Adv.

Ms. Shriya Gilhotra, Adv.
Ms. Garima Saxena, Adv.
Mr. Sahil Nagpal, Adv.
For M/s.Chambers Of Kartik Seth, AOR

Mr. Jayant Mohan, AOR
Mr. Pranav Sachdeva, AOR
Mr. D.S. Mahra, AOR

Mr. Ashok Kumar Panda, Sr. Adv.
Mr. Manoranjan Paikaray, Adv.
Mr. Shashwat Panda, Adv.
Mr. Aniruddha Puroshottam, Adv.
Mr. Tejaswi Kr. Pradhan, AOR

Mr. Mahfooz A. Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneed, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. K.V. Girish Chowdary, Adv.
Ms. Rajeswari Mukherjee, Adv.

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

Interlocutory Application No. 40929/2022 in Writ Petition(Civil)
No.463/2012:-

1. Heard learned counsel/learned Senior counsel and learned Additional Solicitor General appearing for the parties.
2. Mr. Prashant Bhushan, learned counsel appearing for the Common Cause submits that though more than 10 years have passed but investigation in the matter is still in-complete. However, learned counsel has no objection for the repatriation of the officers.
3. In view of the above, we direct the Union of India to file an affidavit indicating therein the status of the investigation in respect of different cases well before 15-7-2022.
4. Taking into consideration the averments made in the application filed by the Respondent No.4 - Directorate of Enforcement seeking relieving of (i) 4 Supervisory Officers, mentioned at Para No.12, whose tenure is complete/is close to completion and their continuance is no longer required and (ii) 3 Investigating Officers, whose names are mentioned in Para No.13, as

they have completed their deputation period and have also filed provisional attachment orders as well as prosecution complaints before the Special Court, Prevention of Money Laundering Act, the said application is allowed, provided that the Directorate of Enforcement shall ensure that investigation into the scam will not be affected in any manner and equally competent officers shall replace the repatriated officers.

Interlocutory Application Nos.165998/2021 & 166001/2021 in Writ Petition No.463/2012:-

1. Taking into consideration the averments made in Interlocutory Application No.165998/2021 seeking intervention, the said application is allowed.
2. Taking into consideration the averments made in Interlocutory Application No.166001/2021 filed by the applicant – Dinesh Bhojar, who is a supervisory officer in the Coal Block Scam cases requesting that the Directorate of Enforcement may be directed to relieve him as he has already completed his tenure with the said department, the said application is allowed.
3. List the matter after Summer Vacations.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)