

ITEM NO.21

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
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s).120/2012

MANOHAR LAL SHARMA

Petitioner(s)

VERSUS

THE PRINCIPAL SECRETARY & ORS.

Respondent(s)

WITH

W.P.(C) No. 463/2012 (PIL-W)

W.P.(C) No. 515/2012 (PIL-W)

W.P.(C) No. 283/2013 (PIL-W)

CONMT.PET.(Crl.) No. 2/2015 In W.P.(Crl.) No. 120/2012 (PIL-W)

CONMT.PET.(Crl.) No. 4/2016 In W.P.(Crl.) No. 120/2012 (PIL-W)

CONMT.PET.(Crl.) No. 1/2016 In W.P.(Crl.) No. 120/2012 (PIL-W)

CONMT.PET.(Crl.) No. 2/2016 In W.P.(Crl.) No. 120/2012 (PIL-W)
(WITH IA No.101854/2017-APPROPRIATE ORDERS/DIRECTIONS)

CONMT.PET.(Crl.) No. 10/2016 In W.P.(Crl.) No. 120/2012 (PIL-W)

CONMT.PET.(Crl.) No. 9/2016 In W.P.(Crl.) No. 120/2012 (PIL-W)

Diary No(s). 553/2019 (II-C)

(FOR ADMISSION and I.R. and IA No.5514/2019-CONDONATION OF DELAY IN
FILING and IA No.5515/2019-EXEMPTION FROM FILING O.T.)

Date : 14-08-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

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ED

Mr. Maninder Singh, Senior Advocate (SPP)
Mr. Rajesh Batra, Adv.

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

- 1 The Central Bureau of Investigation¹ has placed on the record a “Note on Administrative Issues” moved by Mr Praveen Sood, Director, CBI.
- 2 The Note indicates that the present status of the investigation and prosecution in the coal block allocation cases is as follows:

“Total No of Coal Block Cases	:	57
Charge-sheet filed	:	44
Closure report filed	:	02
Under Field investigation, awaiting orders	:	02
Awaiting sanction, filing of Final Form and LR	:	09
Trial over	:	15
Trial Pending	:	29
Closure Accepted	:	01
Closure pending	:	01

It may be noted that field investigation is pending only in one case which is also likely to be completed very shortly.”

- 3 In its previous orders, this Court had indicated that no officers who were investigating the coal block allocation cases shall be moved out without its prior permission.
- 4 CBI has submitted that in view of the fact that the stage of investigation has been substantially completed, as reflected in the above extract, it is appropriate that the following senior officers/investigating officers are repatriated to their parent cadres since they have overstayed their tenure of deputation. The names of the officers are set out in paragraph 16 of the Note, which is extracted below:

- 1 “CBI”

- “(i) Shri Vineet Vinayak, IPS (SK:1995), Joint Director, CBI may be dissociated from the list of officers involved in the investigation/supervision of the Coal Block Allocation Cases.
- (ii) Shri Amit Kumar, IPS (Chhattisgarh:1998), Joint Director, CBI may be dissociated from the list of officers involved in the investigation/supervision of the Coal Block Allocation Cases.
- (iii) Shri Keshav Ram Chaurasia, IPS (J&K: 2013), DIG, CBI may be dissociated from the list of officers involved in the investigation/supervision of the Coal Block Allocation Cases.
- (iv) Shri Prem Kumar Gautam, IPS (UP: 2005), DIG, CBI may be dissociated from the list of officers involved in the investigation/supervision of the Coal Block Allocation Cases.
- (v) Shri Jeetendra Sharma, Inspector, EO-I, CBI may be dissociated from the list of officers involved in the investigation of the Coal Block Allocation Cases.
- (vi) Shri J R Katiyar, Inspector, EO-II, CBI may be dissociated from the list of officers involved in the investigation of the Coal Block Allocation Cases.
- (vii) Shri Rajbir Singh, Inspector, EO-III, CBI may be dissociated from the list of officers involved in the investigation of the Coal Block Allocation Cases.”

5 Acceding to the request of CBI, we permit the relieving of the officers so as to facilitate their repatriation to their parent cadres. In order to facilitate CBI in making transitional arrangements and complete administrative formalities for handing over of charge, we direct that they shall be relieved on or before 30 September 2023.

6 On the request of Mr R S Cheema, Special Public Prosecutor appointed by this Court, we clarify that the tenure of the officers up to the date of their relieving shall stand regularized.

7 The replacement panel shall be finalized by the Director, CBI in consultation with Mr R S Cheema, Special Public Prosecutor. A copy of the replacement panel

shall be placed on the record of this Court.

8 List the proceedings on 28 August 2023.

9 IA No 35 of 2015 shall also be listed on the next date of listing.

Special Leave Petition (Civil) Diary No 553 of 2019

10 Delay condoned.

11 In the facts and circumstances of the present case, we are not inclined to exercise the jurisdiction under Article 136 of the Constitution.

12 The Special Leave Petition is dismissed.

13 Pending application, if any, stands disposed of.

IA No 159273 of 2023

14 IA No 159273 of 2023 has been moved by the Enforcement Directorate (ED) by way of abundant caution for clarification of the expression "transfer" in paragraph 2 of the order dated 24 July 2023.

15 The IA is taken on board.

16 The ED seeks a clarification that the expression "transfer" may be read as "relieve" so as to enable the applicant - ED to relieve the officers.

17 The IA is accordingly allowing by issuing a clarification in terms as sought.

**(SANJAY KUMAR-I)
DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR**