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C.A.No. 6341 OF 2002

ITEM No.101

Court No. 1

SECTION XI

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

Civil Appeal No. 6341 of 2002

U.P.S.R.T.C.... Appellant(s)

vs.

State of U.P. & Anr. ... Respondent(s)

(with appln.(s) for directions and directions and impleading party and directions and with office report)

with

C.A. Nos. 6342-6343/2002 (with appln.(s) for directions),
C.A. Nos. 6344-6345/2002 (with office report),
C.A. Nos. 6347-6348/2002 (with prayer for interim relief),
C.A. Nos. 6350-6351/2002 (with prayer for interim relief),
C.A. Nos. 6353-6354/2002 (with prayer for interim relief),
C.A. No. 8575/2002 (with appln.(s) for exemption),
S.L.P.(C) No. 21557/2002 (with appln.(s) for impleading party and with prayer for interim relief),
C.A. No. 4195/2003 (with appln.(s) for impleading party and permission and with office report),
C.A. No. 4196/2003 (with appln.(s) for impleading party and with office report),
C.A. No. 4178/2003 (with appln.(s) for impleading party and with office report),
C.A. No. 5258/2003 (with appln.(s) for impleading party and with office report) and
S.L.P.(C) No. 19034/2003 (with appln.(s) for c/delay in refiling SLP and with office report)

Date: 21/09/2004 This/These matter(s) was/were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G.P. MATHUR

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Appellant (s)/
Petitioner(s)

in CA 6341/02Mr. Ghulam E Vahanvati, Solicitor General

Mr. Pramod Swarup, Adv.
Mr. Praveen Swarup, Adv.
Ms. Pareena Swarup, Adv.
Ms. Lavanya Regunathan Fischer, Adv.
Mr. Devdatt Kamat, Adv.
Mr. Chinmoy Sharma, Adv.

in CA 8575/02Ms. Rachna Gupta, Adv.
Dr. Indra Pratap Singh, Adv.

in CA 4195/03Mr. Mukul Rohtagi, Sr. Adv.
Mr. U U Lalit, Sr. Adv.
Mr. D K Garg, Adv.
Mr. B S Billowria, Adv.
Mr. Rohit Pandey, Adv.

Mr. D K Gupta, Adv.
Mr. N P Midha, Adv.

in CAS 4196 & 4178/03Mr. Sudhir Chandra Agarwal, Sr. Adv.
Mr. M L Varma, Sr. Adv. (in CA 4178)
Mr. D K Garg, Adv.
Mr. B S Billowria, Adv.
Mr. Rohit Pandey, Adv.
Mr. D K Gupta, Adv.
Mr. N P Midha, Adv.

in CA 5258/03Dr. A M Singhvi, Sr. Adv.
Mr. Sunil K Jain, Adv.
Mr. Manish Kumar, Adv.
Mr. S Borthakur, Adv.

in SLP 19034/03Ms. Rachna Gupta, Adv.
Dr. (Mrs.) Vipin Gupta, Adv.

in rest of the mattersMr. K K Venugopal, Sr. Adv.(in CA6342-43/02)
Mr. Harish N Salve, Sr. Adv.(in CA6347-48/02)
Mr. Sudhir Chandra, Sr. Adv.(in CA6344-45/02)
Mr. Ranjit Kumar, Sr. Adv. (in CA6350-51/02)
Ms. Rani Chhabra, Adv.
Mr. Achintya Dvivedi, Adv.
Ms. Sudha Pal, Adv.
Ms. Seema Nair, Adv.

For Respondent (s)

State of UP Mr. Sunil Gupta, Addl. Adv. Genl.
Mr. Pramod Dayal, Adv.
Mr. Arohi Bhalla, Adv.

UPSRTC Mr. Ghulam E Vahanvati, Solicitor General
Mr. Pramod Swarup, Adv.
Mr. Praveen Swarup, Adv.
Ms. Pareena Swarup, Adv.

Mr. Dinesh Dwivedi, Sr. Adv.
Mr. Rajnish Prasad, Adv.
Mr. Kamlendra Mishra, Adv.
Mr. Jeevan Prakash, Adv.

Dr. A M Singhvi, Sr. Adv.
Mr. Sunil K Jain, Adv.
Mr. Manish Kumar, Adv.
Mr. S Borthakur, Adv.

Ms. Rani Chhabra, Adv.
Ms. Sudha Pal, Adv.
Ms. Seema Nair, Adv.

For Applicants(s)

in IASMs. Rachna Gupta, Adv.
Dr. (Mrs.) Vipin Gupta, Adv.

Dr. A M Singhvi, Sr. Adv.
Mr. Sunil K Jain, Adv.
Mr. Manish Kumar, Adv.
Mr. S Borthakur, Adv.

Mr. D K Garg, Adv.
Mr. B S Billowria, Adv.
Mr. Rohit Pandey, Adv.
Mr. D K Gupta, Adv.
Mr. N P Midha, Adv.

Mr. Y P Dhingra, Adv.(NP)

Ms. Rani Chhabra, Adv.

Ms. Sudha Pal, Adv.

Ms. Seema Nair, Adv.

Mr. Dinesh Dwivedi, Sr. Adv.

Mr. Rajnish Prasad, Adv.

Mr. Jeevan Prakash, Adv.

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

Mr. G E Vahanvati, learned Solicitor General appearing for UPSRTC commenced his arguments at 3 .50 P.M. and was on his legs when the Court rose for the day leaving the matters as part-heard .

(AJAY KR. JAIN)
COURT MASTER

(RADHA R. BHATIA)
COURT MASTER

ITEM NO. 101(P.H.)COURT NO. 1DATE: 22.9.2004

CORAM & APPEARANCE : SAME AS ON 21.9.2004

Mr. Vahanvati, learned Solicitor General resumed his arguments at 10.55 A.M. and concluded at 2.50 P.M. Thereafter, Mr. K K Venugopal, Mr. Harish N Salve, Mr. Sudhir Chandra and Mr. Ranji t Kumar, learned senior counsel made their submissions for 15 minutes each. Thereafter, Ms.

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Rachna Gupta, learned counsel addressed the Court for five minutes. Thereafter, Mr. Mukul Roh tagi, learned senior counsel argued for 15 minutes.

The matters remained part-heard.

(AJAY KR. JAIN)
COURT MASTER

(D.P. WALIA)
COURT MASTER

(RADHA R. BHATIA)
COURT MASTER

ITEM NO. 101(P.H.)COURT NO. 1DATE: 23.9.2004

CORAM & APPEARANCE : SAME AS ON 21.9.2004

Mr. U U Lalit, learned senior counsel appearing for appellants in C.A. No. 4195/2003 argued fo r 20 minutes. The Court dismissed the appeal as withdrawn in terms of the signed order.

Thereafter, Mr. M L Varma, learned senior counsel appearing for the appellants in C.A. No. 417 8/2003 addressed the Court for 20 minutes. The Court dismissed the appeal as withdrawn in ter

ms of the signed order.

(AJAY KR. JAIN)
COURT MASTER

(VIJAY DHAWAN)
COURT MASTER

Thereafter, Mr. Sunil Gupta, learned Additional Advocate General appearing for the State of Uttar Pradesh made his submissions for 20 minutes. The Court passed the following Order:

"We have heard the learned Counsel for different sets of appellants. When the State of U.P., the principal contesting respondent was called upon to answer, we asked learned Counsel for the State of U.P. to make the stand of the State clear inasmuch as the State of U.P. has neither filed a counter affidavit nor any appeal of its own against the impugned Judgment of the High Court. We asked very specifically whether the State of U.P. supports the impugned Judgment in particular the finding recorded therein that the Scheme has elapsed or not. At this point of time, the learned Counsel states that he would like to have specific instructions and that too, in writing.

We direct the Secretary, Transport Department of the State of U.P. to remain personally present in the Court on 28.9.2004 and to file an affidavit clearly stating the stand of the State Government as to whether it supports the judgment of the High Court or not. In particular, we would like to know whether the finding arrived at by the High Court that the Scheme had lapsed is supported by the State Government or this finding is disputed by it.

There is a controversy as to whether any objections were filed within 30 days of the publication of the scheme on 13.2.1986 and if so, by whom. The record of these objections shall be made available to the Court for its perusal on the appointed date. The particulars of the objections filed and necessary documents shall be brought on record duly supported by affidavit and the original record be made available for the perusal of the Court.

A copy of this Order be delivered dasti to the learned Counsel for the State of U.P. for securing compliance."

Thereafter, Dr. A M Singhvi, learned senior counsel commenced his arguments in C.A. Nos. 6342-6343/2002. After hearing the learned senior counsel for some time, the Court passed the following order:

"During the course of hearing, the learned Counsel for the private respondents in C.A.Nos. 6342-6343 of 2002 sought to place reliance on certain documents which are not part of the record. However, it is submitted by him that the documents are very material and need to be looked into by the Court in public interest.

We are not inclined to look into these documents unless they are brought on record duly supported by affidavit. The learned Counsel assures to file these documents with affidavit latest by tomorrow, the 24th September, 2004 and under copy to the learned Counsel for other parties.

Let it be done.

Further hearing adjourned to Tuesday, the 28th September, 2004."

(SUKHBIR PAUL KAUR)
COURT MASTER

(VIJAY DHAWAN)
COURT MASTER

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Thereafter, Dr. Singhvi continued his arguments upto 3.15 P.M. Thereafter, Mr. Dinesh Dwivedi, learned senior counsel made his submissions for half an hour. Thereafter, Mr. Vahanvati, learned Solicitor General made his further submissions for 10 minutes.

The matters remained part-heard.

(D.P. WALIA)
COURT MASTER

(VIJAY DHAWAN)
COURT MASTER

(Signed Order in CA No. 4195/03 and Signed Order
in CA No. 4178/03 are placed on the file)